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PART I



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

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

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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 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3206 is amended to reflect the following title change from: Office of the Assistant Secretary (Systems Analysis) to Office of the Assistant Secretary (Program Analysis and Evaluation).

Effective on May 3, 1974, § 213.3206 (a)(2) is amended as set out below.

§ 213.3206 **Department of Defense.**

(a) *Office of the Secretary.* * * *

(2) Professional Positions at GS–11 and above involving systems, costs, and economic analysis functions in the Office of the Assistant Secretary (Program Analysis and Evaluation); and in the Operations Analysis Group and in the Office of the Deputy Assistant Secretary (Management Systems Development), both in the Office of the Assistant Secretary (Comptroller).

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

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

[FR Doc.74–10207 Filed 5–2–74;8:45 am]

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that two additional positions of Special Assistant to the Deputy Director, Office of Management and Budget, are excepted under Schedule C.

Effective on May 3, 1974, § 213.3303(a)(2) is amended as set out below.

§ 213.3303 **Executive Office of the President.**

(a) *Office of Management and Budget.* * * *

(2) Three Special Assistants to the Deputy Director.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

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

[FR Doc.74–10209 Filed 5–2–74;8:45 am]

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one position of Secretary to the Deputy General Counsel, Federal Energy Office, is expected under Schedule C.

Effective on May 3, 1974, § 213.3303(k)(2) is added as set out below.

§ 213.3303 **Executive Office of the President.**

* * * * *

(k) *Federal Energy Office.* * * *

(2) One Secretary to the Deputy General Counsel.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

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

[FR Doc.74–10212 Filed 5–2–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Private Secretary to the Inspector General, Foreign Assistance is expected under Schedule C.

Effective on May 3, 1974, § 213.3304(t)(1) is added as set out below.

§ 213.3304 **Department of State.**

* * * * *

(t) *Office of the Inspector General, Foreign Assistance.* (1) One Private Secretary to the Inspector General, Foreign Assistance.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

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

[FR Doc.74–10211 Filed 5–2–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Secretary to the Assistant Secretary for Near Eastern and South Asian Affairs is excepted under Schedule C.

Effective on May 3, 1974, § 213.3304(z) is added as set out below.

§ 213.3304 **Department of State.**

* * * * *

(z) *Office of the Assistant Secretary for Near Eastern and South Asian Affairs.* (1) Secretary to the Assistant Secretary.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

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

[FR Doc.74–10210 Filed 5–2–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the position of Director of Telecommunications and Command and Control Systems, Office of the Secretary, is excepted under Schedule C.

Effective on May 3, 1974, § 213.3306(a)(56) is added as set out below.

§ 213.3306 **Department of Defense.**

(a) *Office of the Secretary.* * * *

(61) Director of Telecommunications and Command and Control Systems.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

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

[FR Doc.74–10208 Filed 5–2–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 71—DESIGNATION OF FEDERAL

[Airspace Docket No. 74–WA–13]

AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate Control 1180 from Kennedy, N.Y., to the western boundary of the New York Oceanic Control Area on a part-time basis to be activated by a notice to Airmen in the event that a threatened strike by Canadian Air Traffic Controllers should occur.

Transatlantic air traffic is normally routed on a northerly great circle route

through the Moncton, Canada, Flight Information Region. A strike by Canadian Air Traffic Controllers may preclude the safe use of this route. Therefore it becomes imperative that an alternate route be immediately available that does not depend on Canadian Controllers to provide the separation service necessary for the safe operation of aircraft. Control 1180 will provide a suitable alternativ routing for such transatlantic flights.

Since a situation exists where safety requires immediate adoption of this amendment, it is found that notice and public procedure thereon are impracticable and for that reason good cause exists for making this amendment effective on less than 30-days notice.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

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

§ 71.163 (39 FR 346) is amended by adding the following:

Control 1180. That airspace extending upward from 6000 feet MSL to and including FL 390 within the established boundaries of Warning Area W-106 and W-506, and that airspace within Warning Area W-105 extending upward from 6000 feet MSL to and including FL 390 within tangent lines drawn from the circumference of a 5-mile-radius circle centered on the Kennedy, N.Y., VOR TAC (Lat. 40°37'57" N., Long. 73°46'22" W.) to the circumference of a 15-mile-radius cirradial at Lat. 39°50'00" N., Long. 70°00'00" radial at Lat. 39°50'00"N., Long. 70°00'00" W. This control area is effective during the specific dates and times established in advance by a Notice to Airmen.

(Sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510 and Executive Order 10854 (24 FR 9565), and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on May 1, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-10333 Filed 5-2-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2498]

PART 13—PROHIBITED TRADE PRACTICES

Carpet Bazaar, Inc., and Allen R. Greenberg

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.155 *Prices;* 13.155–15 Comparative; 13.155–35 Discount savings; 13.155–40 Exaggerated as regular and customary; 13.155–70 Percentage savings; 13.155–75 Product or quantity covered; 13.155–100 Usual as reduced, special, etc. § 13.175 *Quality of product or service;* § 13.180 *Quantity;* 13.180–35 Offered; § 13.285 *Value.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–20 Adequate: Subpart—Misrepresenting oneself and goods—Goods: § 13.1715 *Quality;* § 13.1720 *Quantity;* § 13.1775 *Value.*—Prices: § 13.1785 *Comparative;* § 13.1805 *Exaggerated as regular and customary;* § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45) [Cease and desist order, Carpet Bazaar, Inc. et al., Berwyn, Ill., Docket C-2498, Mar. 20, 1974])

In the Matter of Carpet Bazaar, Inc., a Corporation, and Allen R. Greenberg, Individually and as an Officer of Said Corporation

Consent order requiring a Berwyn, Ill., retailer and installer of home carpeting, among other things to cease misrepresenting the price at which it will carpet a home and the prices of carpet remnants; that its prices are sale or reduced or that savings will be afforded to purchasers; and to cease its failure to maintain adequate records to support savings claims.

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

It is ordered, That Carpet Bazaar, Inc., a corporation, its successors and assigns, and its officers, and Allen R. Greenberg, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, or other device, in connection with the advertising, offering for sale, sale or distribution of carpeting and floor coverings, or any other article of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising or otherwise representing that respondents will carpet an entire home, regardless of the number of rooms, for "$549" or any other stated amount, unless such is the fact.

2. Using the word "Sale," or any other word or words of similar import or meaning not set forth specifically herein unless the price of such merchandise being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise was sold or offered for sale to the public on a regular basis by respondents for a reasonably substantial period of time in the recent, regular course of their business.

3. (a) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' advertised sale price and respondents' former price unless such merchandise has been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(b) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' advertised sale price and a regular price for said merchandise in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise at such regular price.

(c) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' advertised sale price and a regular selling price for comparable merchandise, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the stated regular price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said regular price and it is clearly and conspicuously disclosed that the regular price is applicable to merchandise of like grade and quality.

4. Advertising or otherwise representing a regular price or compare value price for carpet remnants or rugs (a) unless the carpet remnants or rugs being advertised are of the same grade and quality as the carpets with which such advertised prices are compared; and (b) without disclosing in immediate conjunction therewith that the regular selling price or compared value price is based on the wall-to-wall price of carpeting of the same grade and quality.

5. Representing, directly or by implication, orally or in writing, that purchasers of respondents' merchandise will save any stated dollar or percentage amount without fully and conspicuously disclosing in immediate conjunction therewith, the basis for such savings representations.

6. Failing to maintain and produce for inspection or copying for a period of three (3) years, adequate records (a) which disclose the facts upon which any savings claims, sales claims and other similar representations as set forth in Paragraphs One, Two and Four of this order are based, and (b) from which the validity of any savings claims, sale claims and similar representations can be determined.

It is further ordered, That respondents shall maintain for at least a one (1) year period, following the effective date of this order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of carpeting or floor coverings, or utilized in the advertising, promotion or sale of carpeting or floor coverings and other merchandise.

It is further ordered, That respondents, for a period of one (1) year from the effective date of this order, shall provide each advertising agency utilized by respondents and each newspaper publishing company, television or radio station or other advertising media which is utilized by respondents to obtain leads for the sale of carpeting or floor coverings and other merchandise, with a copy of the Commission's News Release setting forth the terms of this order.

It is further ordered, That respondents shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

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

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

Issued: March 20, 1974.

By the Commission.

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

[FR Doc.74-10169 Filed 5-2-74;8:45 am]

[Docket No. C-2497]

PART 13—PROHIBITED TRADE PRACTICES

Dance World, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.155 *Prices;* 13.155–5 Additional charges unmentioned; 13.155–95 Terms and conditions; § 13.205 *Scientific or other relevant facts.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1760 *Terms and conditions;*—Prices: § 131795 *Coverage or extras;* § 13.1778 *Additional costs unmentioned;* § 13.1823 *Terms and conditions.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal; § 13.2080 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45) [Cease and desist order, Dance World, Inc. et al., Dallas and Richardson, Texas, Docket C-2497, Mar. 20, 1974])

In the Matter of Dance World, Inc., a Corporation, Dance World Richardson, Inc., a Corporation, and Ms. Phyllis Francis Klein, Individually and as an Officer of Said Corporations

Consent order requiring sellers of memberships in dance and recreation clubs located in Dallas and Richardson, Texas, among other things to cease misrepresenting the prices and terms and conditions of their memberships.

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

It is ordered, That respondents Dance World, Inc. and Dance World Richardson, Inc., corporations, their successors and assigns, and its officers and Phyllis Francis Klein, individually and as an officer, and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, and sale of dance club or social club memberships or services or any other services or products in commerce as "commerce" is defined in Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication that any memberships may be purchased in respondents' dance clubs without clearly and conspicuously disclosing the period of time to which the membership relates and,

2. Advertising any price without also clearly and conspicuously disclosing the terms and conditions of continuing a membership beyond the initial advertised period of membership.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of her present business or employment and of her affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which she is engaged as well as a description of her duties and responsibilities.

It is further ordered, That in the event that respondent merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation or to any other person, respondent shall require said successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this order; provided that if respondent wishes to present to the Commission any reasons why said order should not apply in its present form to said successor or transferee, it shall submit to the Commission a written statement setting forth said reasons prior to the consummation of said succession or transfer.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each officer of the corporation, member of the board, organization manager, and each employee, now and in the future, involved in the writing or placement of advertising or sales.

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

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

Issued: March 20, 1974.

By the Commission.

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

[FR Doc.74-10168 Filed 5-2-74;8:45 am]

[Docket No. C-2509]

PART 13—PROHIBITED TRADE PRACTICES

Metro Passbook, Inc., and Richard Natow

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.155 *Prices;* 13.155–15 Comparative; 13.155–40 Exaggerated as regular and customary; 13.155–70 Percentage savings; 13.155–100 Usual as reduced, special, etc.; § 13.160 *Promotional sales plans;* § 13.240 *Special or limited offers;* § 13.260 *Terms and conditions.* Subpart—Failing to maintain records; § 13.1051 Failing to maintain records; 13.1051–20 Adequate; Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1760 *Terms and conditions.* —Prices: § 13.1785 *Comparative;* § 13.1805 *Exaggerated as regular and customary;* § 13.1823 *Terms and conditions;* § 13.1825 *Usual as reduced or to be increased.* —Promotional sales plans: § 13.1830 *Promotional sales plans.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1925 *Coupon, certificate, check voucher, etc., deductions in price;* § 13.1955 *Free goods;* § 13.2000 *Limited offers or supply;* § 13.2080 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45 [Cease and desist order, Metro Passbook, Inc., et al., Philadelphia, Pa., Docket C-2509, Mar. 28, 1974]

In the Matter of Metro Passbook, Inc. a Corporation, and Richard Natow, individually and as an Officer of Said Corporation

Consent order requiring a Philadelphia, Pa., seller of promotional coupons, among other things to cease misrepresenting the terms and conditions regarding the use of its coupons; misrepresenting the prices of its coupons as sale prices; failing to maintain adequate records substantiating its claims; and misrepresenting savings afforded to purchasers or that merchandise or services are "free."

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

It is ordered, That respondents Metro Passbook, Inc., a corporation, its successors and assigns, its officers and Richard Natow, individually and as an officer of said corporation and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale or sale of promotional coupons, or any other merchandise or service, in "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that through the use of respondents' promotional coupons the purchase of any item at participating restaurants entitles the buyer to any second item free of charge.

2. Representing, directly or by implication, that through the use of respondents' promotional coupons the purchase of any ticket at participating sport exhibitors entitles the buyer to any second ticket free of charge.

3. Representing, directly or by implication, that respondents' promotional coupons are accepted by participating theaters and other places of entertainment for any and all performances.

4. Representing, directly or by implication, that respondents' promotional coupons may be used at any and all times.

5. Representing, directly or by implication, that the number of restaurants or establishments that honor respondents' promotional coupons is greater than those that do in fact honor respondents' promotional coupons.

6. Using the word "Sale", or any other word or words of similar import or meaning not set forth specifically herein unless the price of such merchandise being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise was sold or offered for sale to the public on a regular basis by respondents for a reasonably substantial period of time in the recent, regular course of their business.

7. (a) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise or services have been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(b) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said merchandise or services in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise or services at the compared price or some higher price.

(c) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise or services, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise or services of like grade and quality.

8. Representing, directly or by implication, orally or in writing, that purchasers of respondents' merchandise will save any stated dollar or percentage amount without fully and conspicuously disclosing in immediate conjunction therewith, the basis for such savings representations.

9. Failing to maintain and produce for inspection or copying for a period of three (3) years, adequate records (a) which disclose the facts upon which any savings claims, sale claims and other similar representations as set forth in Paragraphs Six, Seven, and Eight of this order are based, and (b) from which the validity of any savings claims, sale claims and similar representations can be determined.

10. Representing, directly or indirectly, orally or in writing, that any price amount is respondents' regular price for any article of merchandise or services unless said amount is the price at which such merchandise or services have been sold or offered for sale by respondents for a reasonably substantial period of time in the recent, regular course of their business and not for the purpose of establishing fictitious higher prices upon which a deceptive comparison or a "free" or similar offer might be based.

11. Representing, directly or indirectly, orally or in writing, that a purchaser of respondents' merchandise or services will receive "free" bonuses, passes or values of any other "free" merchandise, services, gifts, prizes or awards unless all conditions, obligations, or other prerequisites to the receipt and retention of such merchandise, services, gifts, prizes or awards are clearly and conspicuously disclosed at the outset in close conjunction with the word "free" wherever it first appears in each advertisement or offer.

12. Representing, directly or indirectly, orally or in writing, that any merchandise or services is furnished "free" or at no cost to the purchaser of advertised merchandise or services, when, in fact, the cost of such merchandise or services is regularly included in the selling price of the advertised merchandise or services.

13. Representing, directly or indirectly, orally or in writing, that a "free" offer is being made in connection with the introduction of new merchandise or services offered for sale at a specified price unless the respondents expect, in good faith, to discontinue the offer after a limited time and commence selling such merchandise or services, separately, at the same price at which it was sold with a "free" offer.

14. Representing, directly or indirectly, orally or in writing, that merchandise or services are being offered "free" with the sale of merchandise or services which are usually sold at a price arrived at through bargaining, rather than at a regular price, or where there may be a regular price, but where other material factors such as quantity, quality, or size are arrived at through bargaining.

15. Representing, directly or indirectly, orally or in writing, that a "free" offer is available in a trade area for more than six (6) months in any twelve (12) month period. At least thirty (30) days shall elapse before another such "free" offer is made in the same trade area. No more than three such "free" offers shall be made in the same area in any twelve (12) month period. In such period, respondents' sale in that area of merchandise or services in the amount, size or quality promoted with the "free" offer shall not exceed 50 percent of the total volume of its sales of merchandise or services, in the same amount, size or quality, in the area.

16. Representing, directly or indirectly, orally or in writing, that merchandise or services are being offered as a "gift", "without charge", "bonus", or by other words or terms which tend to convey the impression to the consuming public that merchandise or services are free, when the use of the term "free" in relation thereto is prohibited by the provisions of this order.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease and desist, and a copy of the Commission's news release setting forth the terms of the order, to each advertising agency and advertising medium, such as newspaper publishing companies, radio stations or television stations, presently utilized in the course of their business, and that respondents shall, immediately upon opening an account, deliver a copy of such order and news release to any such agency or medium with which they subsequently open an account.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease and desist to each of their agents, representatives and employees engaged in the offering for sale or sale of respondents' merchandise or services, or in any aspect of the creation, preparation or placing of respondents' advertisements and that respondents shall deliver a copy of such order to each such person whom they subsequently employ, immediately upon employing each such person and that respondents shall secure from each such person a signed state-

ment acknowledging receipt of said order.

It is further ordered, That respondent corporation shall forthwith deliver a copy of this order to each of its operating divisions.

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

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with any new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

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

Issued: March 28, 1974.

By the Commission.

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

[FR Doc.74-10167 Filed 5-2-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER D—TRADE REGULATION RULES

PART 432—POWER OUTPUT CLAIMS FOR AMPLIFIERS UTILIZED IN HOME ENTERTAINMENT PRODUCTS

The Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has conducted a proceeding for the promulgation of a Trade Regulation Rule concerning power output claims for amplifiers utilized in home entertainment products.

The Commission has now considered all matters of fact, law, policy and discretion, including the data, views and arguments presented on the record by interested parties in response to the notices, as prescribed by law, and has determined that the adoption of the Trade Regulation rule and statement of its basis and purpose set forth herein is in the public interest.

Sec.

432.1 Scope.
432.2 Required disclosures.
432.3 Standard test conditions.
432.4 Optional disclosures.
432.5 Prohibited disclosures.
432.6 Liability for violation.

AUTHORITY: The provisions of this Part 432 issued under 38 Stat. 717, as amended; (15 U.S.C. 41–58).

§ 432.1 Scope.

(a) Except as provided in paragraph (b) of this section, this part shall apply whenever any power output (in watts or otherwise), power band or power frequency response, or distortion capability or characteristic is represented, either expressly or by implication, in connection with the advertising, sale, or offering for sale, in commerce as "commerce" is defined in the Federal Trade Commission Act, of sound power amplification equipment manufactured or sold for home entertainment purposes, such as for example, radios, record and tape players, radio-phonograph and/or tape combinations, component audio amplifiers and the like.

(b) Representations shall be exempt from this part if all representations of performance characteristics referred to in paragraph (a) of this section clearly and conspicuously disclose a manufacturer's rated power output and that rated output does not exceed two (2) watts (per channel or total).

(c) It is an unfair method of competition and an unfair or deceptive act or practice within the meaning of section 5 (a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)) to violate any applicable provision of this part.

§ 432.2 Required disclosures.

Whenever any direct or indirect representation is made of the power output, power band or power frequency response, or distortion characteristics of sound power amplification equipment, the following disclosures shall be made clearly, conspicuously, and more prominently than any other representations or disclosures permitted under this part:

(a) The manufacturer's rated minimum sine wave continuous average power output, in watts, per channel (if the equipment is designed to amplify two or more channels simultaneously)—

(1) For each load impedance required to be disclosed in paragraph (b) of this section, when measured with resistive load or loads equal to such (nominal) load impedance or impedances, and

(2) Measured with all associated channels fully driven to rated per channel power;

(b) The load impedance or impedances, in Ohms, for which the manufacturer designs the equipment to be used by the consumer;

(c) The manufacturer's rated power band or power frequency response, in Hertz (Hz), for each rated power output required to be disclosed in paragraph (a)(1) of this section; and

(d) The manufacturer's rated percentage of maximum total harmonic distortion at any power level from 250 mW to the rated power output, for each such rated power output and its corresponding rated power band or power frequency response.

§ 432.3 Standard test conditions.

For purposes of performing the tests necessary to make the disclosures required under § 432.2:

(a) The power line voltage shall be 120 volts AC (230 volts when the equipment is made for foreign sale or use, unless a different nameplate rating is permanently affixed to the product by the manufacturer in which event the latter figure would control), RMS, using a sinusoidal wave containing less than 2 percent total harmonic content. In the case of equipment designed for battery operation only, tests shall be made with the battery power supply for which the particular equipment is designed and such test voltage must be disclosed under the required disclosures of § 432.2. If capable of both AC and DC battery operation, testing shall be with AC line operation:

(b) The AC power line frequency for domestic equipment shall be 60 Hz and 50 Hz for equipment made for foreign sale or use;

(c) The amplifier shall be preconditioned by simultaneously operating all channels at one-third of rated power output for one hour using a sinusoidal wave at a frequency of 1,000 Hz;

(d) The preconditioning and testing shall be in still air and an ambient temperature of at least 77° F (25° C);

(e) Rated power shall be obtainable at all frequencies within the rated power band without exceeding the rated maximum percentage of total harmonic distortion after input signals at said frequencies have been continuously applied at full rated power for not less than five (5) minutes at the amplifier's auxiliary input, or if not provided, at the phono input.

(f) At all times during warm-up and testing, tone loudness-contour and other controls shall be preset for the flattest response.

§ 432.4 Optional disclosures.

Other operating characteristics and technical specifications not required in § 432.2 may be disclosed: *Provided:*

(a) That any other power output is rated by the manufacturer, is expressed in minimum watts per channel, and such power output representation(s) complies with the provisions of § 432.2; except that if a peak or other instantaneous power rating, such as music power or peak power, is represented under this section, the maximum percentage of total harmonic distortion (see § 432.2(d)) may be disclosed only at such rated output: *And provided further,*

(b) That all disclosures or representations made under this section are less conspicuously, and prominently made than the disclosures required in § 432.2; and

(c) The rating and testing methods or standards used in determining such representations are disclosed, and well known and generally recognized by the industry at the time the representations or disclosures are made, are neither intended nor likely to deceive or confuse

the consumers and are not otherwise likely to frustrate the purpose of this part.

NOTE.—For the purpose of paragraph (b) of this section, optional disclosures will not be considered less prominent if they are either bold faced or are more than two-thirds the height of the disclosures required by § 432.2.

NOTE 2: Use of the asterisk in effecting any of the disclosures required by § 432.2 and permitted by § 432.4 shall not be deemed conspicuous disclosure.

§ 432.5 Prohibited disclosures.

No performance characteristics to which this part applies shall be represented or disclosed if they are not obtainable as represented or disclosed when the equipment is operated by the consumer in the usual and normal manner without the use of extraneous aids.

§ 432.6 Liability for violation.

If the manufacturer or, in the case of foreign made products, the importer or domestic sales representative of a foreign manufacturer, of any product covered by this part furnishes the information required or permitted under this part, then any other seller of the product shall not be deemed to be in violation of § 432.5 due to his reliance upon or transmittal of the written representations of the manufacturer or importer if such seller has been furnished by the manufacturer, importer, or sales representative a written certification attesting to the accuracy of the representations to which this part applies: *And provided further,* That such seller is without actual knowledge of the violation contained in said written certification.

Effective: November 4, 1974.

Promulgated: May 3, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

STATEMENT OF BASIS AND PURPOSE [1]

CHAPTER I.—BACKGROUND

With the advent of stereophonic and/or two-channel sound, manufacturers of sound power equipment began describing the performance capability of their products in terms of power output expressed as "X number of Watts". Watts in this context refers to the output capability of the amplification unit.

The industry, generally speaking, is divided into two parts; the packaged or console systems manufacturers and the component systems manufacturers. Traditionally, manufacturers of packaged systems have rated their products according to the EIA Standard Methods of Measurement [2] while manufacturers of component systems have rated their equipment according to the IHF Standard.[3]

Since the mid-50's the industry has received much criticism by the trade press for failing to agree upon a single industry standard which is meaningful to the consumer. To date no single standard has been agreed upon. It has been asserted that there are no less than seven commonly used methods of determining amplifier wattage ratings,[4] all of which will yield substantially different results.

As a result, with the proliferation of output claims for stereophonic equipment, we find mediocre products advertised as, for example, "500 watts" with no indication as to what standard or method of rating is being followed. Many times, especially in the case of low quality packaged units, output is grossly exaggerated by rating according to the "peak power", an instantaneous power rating made without regard to the level of distortion. Further, such output figure is usually expressed in terms of the total power rather than the per channel power thereby permitting a doubling of the output figure.

In the absence of any specific disclosure as to whether the so-called "RMS power" [5] or the less regorous "music power" [6] is being represented, under either the EIA or IHF standard, generally music power is followed. To arrive at the RMS power rating, it is necessary to deduct 10 to 25 percent of the music power rating and divide by 2 to arrive at the per channel figure for 2-channel stereo systems. Unless the power of an amplifier is rated at a specific level of distortion and such distortion is disclosed, it cannot realistically be compared to any other amplifier rating.[7]

Still other manufacturers have shown a tolerance in rating the output of their products by use of the symbol "±1dB" (plus or minus 1 decibel). In the case of a rating of this sort, the minimum output may be as much as 20 percent below as the nominal power stated or as much as 25 percent above. Thus, a rating of 100 watts (±1dB) would indicate a power output range of from 80 to 125 watts.[8]

It has been asserted that one of the best known and most respected manufacturers of stereo components and consoles produces a stereo component the literature for which states the power output in three rating systems, ±1dB, IHF power and RMS power, all at a total harmonic distortion level of 1 percent. When sold as a console with a different model number and a modified faceplate, this same amplifier is rated at EIA peak power with 5 percent distortion.[9]

The trade press has aptly described this situation as the "Wattage War", noting that the consumer, who normally equates watts with quality, is often deceived because he believes the higher the watts the better the quality.[10]

A technical advisor for Campbell Music Store, Washington, D.C., has submitted for the record the following statement which best illustrates the extent of the problem: "———Armed with a moderate engineering background and all published specifications available, I cannot determine, without bench testing, which of a number of amplifiers on the market is more powerful or of better quality. With the thought of literature containing meaningless values and technical doubletalk, my sympathy goes out to the average consumer who is poorly equipped to deal with this numbers game." [11]

Mr. Julian Hirsch of Stereo Hi-Fi Review states: "The widespread abuse, or disregard, of current measurement standards has resulted in the present chaotic situation, in which advertised power ratings of high fidelity amplifiers may have little relationship to their actual performance.

"As a result, manufacturers who adhere to ethical rating systems are at a competitive disadvantage, and consumers are often misled by exaggerated claims and are unable to make fair comparisons between products." [12]

In all fairness to certain members of the industry, however, there are a few manufacturers of high quality component systems who follow neither EIA nor IHF standards but conservatively rate their amplifiers according to their average continuous power output, per channel. These manufacturers disclose the maximum level of distortion across the entire audio spectrum,[13] the frequency bandwidth at which this power is available and the speaker load or load impedance in ohms at which such power is available.

Under both the EIA and IHF standards,

[1] Footnote references to the transcript of the public hearings are preceded by the prefix "Tr." and references to the written comments in the public record are preceded by the prefix "R.".

[2] EIA refers to the Consumer Electronics Group, Electronic Industries Association, with a membership composed of approximately 65 domestic manufacturers and assemblers and about 175 manufacturers and importers. Retail sales by American manufacturers total some $2.3 billion annually, Tr. 9, 10 and R. 285; See also EIA Standard, RS-234C, R. 286-300.

[3] IHF refers to the Institute of High Fidelity, with a membership composed of some 37 domestic and non-domestic member companies, Tr. 53-53B; see also IHF Standard A-201 (1966), R. 331-341.

[4] R. 183.

[5] RMS, meaning root mean square, is an engineering concept which has been defined as the average continuous power. This designation was objected to as being inaccurate and the designation "RMS" has been changed to "average" in the Final Rule.

[6] Music power, currently referred to as monetary power in the EIA Standard, is an instantaneous power rating at a given level of distortion. EIA permits a distortion level of 5 percent while IHF recommends a level of distortion not to exceed 1 percent.

[7] See article from The Stereo Review entitled, "Hi Fi Questions and Answers", R. 59; see also statement submitted by Walter Goodman, President of IHF, R. 126.

[8] See article from Audio Times Magazine, "What's a Watt?", R. 20; also trade press comments, R. 43a.

[9] R. 609-610.

[10] Home Furnishings Daily, R. 25-26.

[11] R. 609.

[12] Tr. 189-190. See Consumer Reports (June 1969) "What's What With Watts?", R. 30; consumer letters R. 553-555.

[13] EIA and IHF rate their products only at a frequency signal of 1000 cycles per second (1000 hertz) which is a center point in the frequency range or power band.

even what they term "continuous power" is measured at a point on the power curve only 30 seconds after the input signal has been applied.[14] Under such procedure, the power

CHAPTER II.—THE PROPOSED RULE AND ITS EFFECTS

Public Notice of this proceeding was issued by the Commission on January 12, 1971, wherein the following Trade Regulation Rule was proposed:

Section 1. Scope. a. This rule shall apply whenever any power output (in watts or otherwise), power band or power frequency response, or distortion capability or characteristic is represented, either expressly or by implication, in connection with the advertising, sale, or offering for sale, in commerce as "commerce" is defined in the Federal Trade Commission Act, of sound power amplification equipment manufactured or sold for home entertainment purposes, such as for example, radios, record and tape players, radio-phonograph and/or tape combinations, component audio amplifiers and the like.

b. It is an unfair method of competition and an unfair or deceptive act or practice within the meaning of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. § 45(a)(1)) to violate any applicable provision of this rule.

SEC. 2.—*Required disclosures.* Whenever any direct or indirect representation is made of the power output, power band or power frequency response, or distortion characteristics of sound power amplification equipment, the following disclosures shall be made clearly, conspicuously, and more prominently than any other representations or disclosures permitted under this rule:

a. The manufacturer's rated minimum sine wave continuous RMS power output, in watts, per channel (if the equipment is designed to amplify two or more channels simultaneously)—

(i) For each load impedance required to be disclosed in subsection (b) of this section, when measured with resistive load or loads equal to such (nominal) load impedance or impedances, and

(ii) Measured with all associated channels fully driven to rated per channel power;

b. The load impedance or impedances, in Ohms, for which the manufacturer intends the equipment to be used by the consumer;

c. The manufacturer's rated power band or power frequency response, in Hertz (Hz), for each rated power output required to be disclosed in subsection (a)(i) of this section; and

d. The manufacturer's rated percentage of maximum total harmonic distortion at any power level from zero (ϕ) watts to the rated power output, for each such rated power output and its corresponding rated power band or power frequency response.

SEC. 3.—*Optional Disclosures.* Other operating characteristics and technical specifications not required in section 2 of this rule may be disclosed, provided:

a. Any other power output is rated by the manufacturer, is expressed in minimum watts per channel, and such power output representation(s) comply with the provisions of subsections 2(a)(i) through 2(d) of section 2; except that if a peak or other instantaneous power rating, such as music power or peak power, is represented under this section, the maximum percentage of total harmonic distortion (see subsection 2(d)) may be disclosed only at such rated output; and provided further that

b. All disclosures or representations made under this section are less conspicuously and prominently made than the disclosures required in section 2 of this rule; and

c. The rating and testing methods or standards used in determining such representations are disclosed, are well known and generally recognized by the industry at the time the representation or disclosure is made, are neither intended nor likely to deceive or confuse the consumer, and are not otherwise likely to frustrate the purpose of this rule.

NOTE—1. For the purpose of subsection (b) of this section, optional disclosures will not be considered less prominent if they are either bold faced or are more than two-thirds the height of the disclosures required by Section 2.

NOTE—2. Use of the asterisk in effecting any of the disclosures required by Section 2 and permitted by Section 3 of this rule shall not be deemed conspicuous disclosure.

SEC. 4.—*Prohibited Disclosures.* No performance characteristics to which this Rule applies shall be represented or disclosed if they are not obtainable as represented or disclosed when the equipment is operated by the consumer in the usual and normal manner without the use of extraneous aids.

SEC. 5.—*Liability for Violation.* If the manufacturer, or in the case of foreign made products, if the importer or domestic sales representative of a foreign manufacturer of any product covered by this rule furnishes the information required or permitted under this rule, then any other seller of the product shall not be deemed to be in violation of § 4 of this rule due to his reliance upon or transmittal of the written representations of the manufacturer or importer if such seller has been furnished by the manufacturer, importer, or sales representative, a written certification attesting to the accuracy of the representations to which this rule applies, and provided further that such seller is without actual knowledge of the violation contained in said written certification.

Upon issuance of the notice of hearing, consumer interest gained momentum and there was a substantial response to the invitation for comments. Views in support of the proposed rule came from organizations such as the Stanford Research Institute of Menlo Park, California;[15] Audiomation Laboratories of Upper Darby, Pennsylvania;[16] The Commonwealth of Massachusetts Consumers' Council[17] and KLH Research and Development Corp.,[18] both of Cambridge, Massachusetts.

Public hearings were held on April 13 and 14, 1971, on the proposed rule which, in essence, required affirmative disclosure in all advertising, where power output, power band, frequency response or distortion capability is represented, of the manufacturer's rated minimum[19] continuous power output in watts per channel and, in addition, three parameters:

1. the speaker load for which the manufacturer intends the equipment to be used,[20]

2. the manufacturer's rated power band or frequency response,[21] and

3. the percentage of maximum total harmonic distortion at any power level from zero watts to rated power output.

Since these parameters directly affect the output rating of an amplifier, it was believed that the consumer should have the benefit of such information in order to enable him to make an intelligent comparison among the various competing products.[22]

Section 3 of the proposed rule provided for optional disclosures provided they were less prominently disclosed and further, provided the above three parameters were disclosed and were determined in accordance with generally recognized testing methods or standards and such standards were likewise disclosed.

Although there was general agreement that where power output is represented it should be stated in terms of continuous power, differences of opinion were expressed at the hearing as to the following provisions of the proposed rule and as to the methods used to measure the various parameters.

CHAPTER III.—ARGUMENTS ADVANCED BY INDUSTRY REGARDING PROPOSED RULE

A. *Section 1(a)—Scope.* The proposed rule embraced sound power amplification equipment manufactured or sold for home entertainment purposes as, for example, radios, record and tape players, radio-phonographs and tape combinations and component audio amplifiers.

The representative of Electronic Industries Association of Japan (EIA–J) urged that the Final Rule exclude all such named sound power amplification equipment having a power level of two watts or less per channel, suggesting that it is unlikely that any consumer deception might result from any representation on equipment with a power output falling within this range.[23] No one took issue with this point.

This exception, which was included in the notice of revision and amendment hereinafter discussed, would cover a large number of low cost items where power is normally of little consequence to the consumer.

B. *Section 1(b)—Consequences of Violation.* EIA voiced concern that under section 1(b) a violation of the Rule would be automatically a violation of Section 5(a)(1) of the Federal Trade Commission Act. It contended that this represents a change in the Commission's present procedure of filing a formal complaint upon violation of section 5 and granting a respondent a hearing on the applicability of the rule to the particular case as provided in § 1.12(d) of the Commission's rules of practice.[24]

Section 1(b) of the rule does not represent a change in procedure but merely incorporates in the rule the Commission's con-

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[14] See R. 294 (section 3.1.1 EIA Standard) and R. 334 (section 3.1.1 IHF Standard). output for such equipment will register higher because the power curve tends to fall with thermal (heat) build-up.

[15] R. 599.

[16] R. 558.

[17] R. 556–557.

[18] R. 551.

[19] The proposed rule required the minimum power disclosure since there is a drop in the power level at each end of the power curve. The maximum power permitted by the rule then would reflect the minimum power attainable at any point along the frequency bandwidth.

[20] Most speakers on the market are rated at 8 ohms. Some manufacturers have rated their equipment at 4 ohms load which normally results in a slightly higher output figure.

[21] The frequency range or response from the lowest to the highest tones is measured in cycles per second or Hertz (Hz). As pointed out, EIA and IHF permit a maximum power rating at a mid-point in the frequency range (1000 Hz). The proposed rule, on the other hand, required disclosure of the minimum output obtainable at any point along the audio range, from the lowest to the highest rated frequency, taking into account the outer extremes.

[22] See consumer letter, R. 72–73.

[23] Tr. 48.

[24] R. 282–4; Tr. 26–28.

clusion that practices in violation of said rule are violative of Section 5 of the Federal Trade Commission Act; the respondent still would be given the right of a hearing on the applicability of the rule to the particular case as provided in § 1.12(d) of the Commission's rules of practice.

C. *Section 2(a)—Required Disclosures.* EIA, while supporting the RMS disclosure provision of the proposed rule, argues that in requiring disclosure of additional specifications the rule as designed would accommodate a small segment of the industry and their consumers who desire the maximum information about their products; that the great majority of purchasers neither need nor desire these specifications and in fact would tend to be confused by such information.[25]

EIA's argument loses sight of the fact established by the record that the consumer has been conditioned, by the advertising of more and greater power output figures, to equate power output with quality.

The Commission believes that, even assuming that the great majority of purchasers neither need nor desire the information which the proposed rule would require be disclosed, if without disclosure of these additional parameters the purchaser is led to believe that a low-priced amplifier of inferior quality has the performance capability of a high-priced amplifier of superior quality, the purchaser is being unknowingly deceived and induced to purchase inferior equipment.[26] This is true even though a represented quality of the superior product may not lie in the range of human audibility.

(1) *Output in terms of minimum watts.* Both section 2(a) and the optional disclosure section 3(a), provided for disclosure of the per channel power output in terms of "minimum watts" so as to reflect the maximum capability of the amplifier across the entire frequency range.

Both EIA and IHF, who take the position that all measurements of power output, power band, frequency response and distortion should be measured in accordance with their own standards, state that power output should be rated at a single frequency signal of 1000 Hz.[27] They are supported in this position by H. H. Scott, Inc.,[28] Sony Corporation,[29] J. C. Penney Company[30] and Julian Hirsch, editor of Stereo Hi-Fi Review Magazine.[31] Their argument is that engineers understand this measurement technique[32] and no one would be deceived if all companies were required to measure the power output of their amplifiers at this frequency.

It is noteworthy that a representative of EIA conceded at the hearings that under the EIA and IHF method of rating at 1000 Hz, two pieces of equipment with the same rating may have entirely different performance capabilities. Mr. von Recklinghausen, speaking on behalf of H. H. Scott, Inc., stated in this connection, that an amplifier is capable of providing power outside of that band, but at a reduced capability, and, of course, having its maximum in the center.[33]

Opposing the EIA and IHF method of determining output was Dr. Amar Bose of The Bose Corporation[34] and the representative of Marantz Company. The latter stated that in speaking to dealers and consumers regarding this question, he found that the consumers believe that where equipment is rated at a certain power the product will deliver that rated power through its entire audio range.[35]

The Commission recognizes that it is standard engineering practice under both EIA and IHF standards to rate an amplifier at the single frequency signal of 1000 Hz, but believes that such a measurement is inherently deceptive to the consumer who expects that a piece of equipment represented as being capable of a stated power output will deliver that power output across its full audio range. The whole thrust of the rule is to limit the practice of disclosing power output ratings which have no relation to rating across the power bandwidth.

To do anything less would be to sanction a standard tending to favor lower quality equipment on a comparative basis, for the Record clearly establishes that higher quality equipment will perform relatively better outside the 1000 Hz mid-point. Thus it is not accurate to conclude that consumer deception will be eliminated if all sets are measured at the same point on the frequency range, for this would tend to conceal the fact that the better quality equipment will maintain a higher power output as the extremes of the power band are approached.

(2) *Per channel disclosure.* EIA, EIA–J, IHF and Lafayette Radio Electronics Corporation opposed per channel disclosure in favor of total power ratings. Support for per channel disclosure came from The Bose Corporation, Marantz Company and Julian Hirsch. The record also contains views of consumers[36] and independent experts[37] supporting per channel disclosure, as required by the rule.

This provision is amply supported by the record. The Commission has been advised that, from a technical standpoint, a stereo having, for example, 20-watts per channel, both channels driven, will give less total power output than a single channel 40-watt amplifier. So, to speak of the stereo in terms of its total power (40 watts) is, the Commission believes, misleading and deceptive. Additionally, audio speakers are rated in terms of number of watts per channel. Further, 4-channel sound systems have been introduced which, if rated according to their total power output, would, in the Commission's view, have an even greater tendency to deceive the average consumer.[38]

D. *Section 2(b)—Disclosure of Load or Working Impedance.* Some manufacturers have rated their amplifiers at a 4 ohm speaker load impedance but have supplied 8 ohm speakers with their systems. Generally, the lower the load impedance utilized in testing transistorized equipment, the higher the output of the amplifier.

Various views were expressed with respect to this provision.

EIA and IHF urged that ratings should be based on 8 ohms load with disclosure only where a different impedance is used.[39]

Lafayette Radio Electronics Corporation[40] and Marantz Company[41] favored disclosure of both 4 and 8 ohms pointing out that certain amplifiers are designed for more than one set of speakers, e.g., main and remote speakers.

Sony Corporation of America, on the other hand, would rate power output at 8 ohms load and permit optional disclosure of power output ratings at other load impedances.[42]

The Commission believes that it would be to the benefit of the consumer not to require disclosure of power output at any one or more specific load impedances but rather to require the manufacturer to state the power output in terms of the load impedance or impedances for which he designs[43] the equipment to be used by the consumer. Of course, this would not preclude the manufacturer from representing the power output in terms of other load impedances as an optional disclosure under Section 3 of the rule.

Thus, this provision would be maintained in a manner consistent with the rest of the rule in that the Commission is not undertaking to require as a matter of law that any one impedance be used, but is instead requiring the manufacturer to disclose that factor along with the other factors which must also be set forth. This then leaves the consumer, armed with the facts, free to judge for himself whether or not he is impressed with the specifications.

E. *Section 2(c)—Rated Power Band or Frequency Response.* Power bandwidth has been traditionally defined as the response range between the lowest and the highest frequencies at which the amplifier can deliver half its rated power at rated distortion or —3 dB down from the mid-frequency point (1000 Hz).[44]

As aforestated, both EIA and IHF use this method in measuring output. Under such test method, if the amplifier is capable of, for example, 50 watts output at 1000 Hz, it would be rated a "50 watt" amplifier even though the minimum power output across the frequency range or rated power bandwidth would be —3 dB or only 25 watts, i.e., 50 percent down at each extreme from the center point of 1000 Hz.

Neither EIA nor IHF favored disclosure of the power band as provided by Section 2(c) of the proposed rule. EIA contended that such information is unnecessary in advertising and could lead to a meaningless numbers game.[45] It further contended that some may promote their products by advertising a very wide bandwidth which may include sound waves out of the range of human audibility.[46]

In support of the IHF method of measurement, Mr. von Recklinghausen of H. H. Scott, Inc., explained that by using 3 points in the power band, a mid-frequency point and two

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[25] Tr. 10 and 52; R. 269.

[26] See admission by Mr. Owen on behalf of EIA, Tr. 47.

[27] Tr. 25, 55–56; R. 631.

[28] Tr. 91.

[29] R. 597.

[30] Tr. 132.

[31] Tr. 192.

[32] Simply stated, under this method of measurement, power bandwidth is defined as that point where the frequency response is 3 dB down (or 50 percent) from the middle or center point; the center point being 1000 Hz. For example, if an amplifier's output is 50 watts at the center point (1000 Hz) the frequency range (from the lowest to the highest frequency) will be established at that point where the power drops 50 percent at either end of the spectrum. At this point, the minimum watts output would be 25. Since the amplifier is capable of maintaining only 25 watts at the extremes, the rule would require that such rating be in terms of the minimum power or 25 watts.

[33] Tr. 92. Better quality equipment will perform better.

[34] Tr. 115.

[35] Tr. 119–120.

[36] R. 43, 190, 211–212, 218, 221, 228, 231, 234, 242, 248, 548, 559, 597.

[37] R. 163, 239.

[38] See R. 715.

[39] See EIA, R. 275 and 635; IHF, Tr. 55.

[40] Tr. 74.

[41] R. 600.

[42] R. 597.

[43] This term, for the sake of accuracy, has been inserted in the final rule in place of the term "intends" as used in section 2(b) of the proposed rule.

[44] IHF Standard, R. 334; EIA Standard, R. 297. See testimony of Mr. von Recklinghausen Tr. 83, 87.

[45] Tr. 18.

[46] *Ibid.*

at the extremes, "—— you have very closely tied down the capability of that amplifier, meaning that the amplifier is capable of providing power outside of that band, *but at a reduced capability, and, of course, having its maximum in the center*". [emphasis supplied.] [47]

Again, although engineers understand this method of measurement, the Commission is of the opinion that the consuming public itself is unaware of such method of rating and, even if it were, would not understand it. As noted, the record indicates the consumer believes that a set will perform as represented across the audio spectrum when, in truth and in fact, the equipment when rated according to the EIA or IHF rating technique, will perform as represented only at 1000 Hz.[48]

The Commission is of the opinion that power bandwidth is another of the significant parameters which must be disclosed in order to enable the consumer to make a meaningful comparison of quality among competing products. Further, the product must be capable of providing the rated or advertised power output over the represented power band. If this result is achieved the consumer would again have the facts from which he can judge for himself whether or not a particular piece of equipment will satisfy his requirements. Requiring disclosure of the power band should also serve to discourage an artificial narrowing of the bandwidth in order to increase the rated power output. The consumer would then be able to see for himself under what limited circumstances the rated power was achieved and it is only by considering all of these parameters that an intelligent choice can be made.

F. *Section 2(d)—Harmonic Distortion.* Section 2(d) of the proposed rule would require disclosure of the rated percentage of maximum total harmonic distortion at any power level across the power band (not just at rated output) from zero to rated output.

At the hearings, EIA urged that distortion be rated according to its standard, which permits a distortion level of 5 percent at rated output, and that the percentage of total harmonic distortion not be a required disclosure unless it is greater than 5 percent.[49] The argument was made that good sound is reproduced if distortion is not greater than 5 percent and that many consumers can perceive little, if any, difference in sound quality when the distortion is reduced from 5 percent to 1 percent.[50]

IHF urged that measurement of total harmonic distortion be made in accordance with its standard which recommends a distortion level of no greater than 1 percent at rated power level. Unlike EIA, IHF would, in accordance with the Rule, require disclosure of the level of distortion because, as Mr. Goodman of IHF put it "—the THD (total harmonic distortion) selected for any wattage rating affects the meaningfulness of that power rating—." [51]

Mr. Horowitz of IHF added: "I think the response of the human ear to distortion is a controversial subject, and I think it is a feeling of most discriminating persons that there would be a substantial distortion of quality, if you go from one percent to five percent, and we also feel there would be a big gradation in tone quality if you go say from a half percent to five percent. "It is our feeling that unless you accompany the power rating with a total amount of distortion rating, you would be getting misleading information." [52]

Mr. Robert Angus of Audio Times noted that a provision requiring distortion to be specified only if it exceeds 5 percent as proposed by EIA would permit a manufacturer almost as much latitude within the framework of an RMS rating as he now enjoys with no FTC rule at all. He emphasized that an amplifier with an output of 20 watts and total harmonic distortion of 0.5 percent, the normal tolerance for better high fidelity components, might wind up as a 30-watt amplifier if the FTC were to permit a tolerance of up to 5 percent total harmonic distortion.[53]

Dr. Bose of Bose Corporation, who has made several studies in Audio-Accoustics, proposed 2 percent as a standard reference for distortion. He stated that all indications are that a person is not able to detect any form of audible distortion on music or speech signals below the 2 percent level. He would fix distortion at a 2 percent level and have the manufacturer disclose the bandwidth over which he can achieve his stated power with that distortion.[54]

Mr. Ken Rottner of Marantz Company did not favor pegging the distortion but rather he would require disclosure of the highest percentage measurable of harmonic and intermodulation distortion with the full range of frequencies at and below the rated RMS power output.[55] (The word "pegging" refers to the suggestion that the Commission should fix the percentage of distortion at which all equipment should be evaluated.)

Mr. Reff of J. C. Penney Company favored pegging the distortion and thereby eliminating this variable, at a level of 5 percent which he contended is used by the industry and will permit the consumer to shop more wisely.[56]

But Kenneth Nelson of Hi-Fi Trade News was of the opinion that the 5 percent distortion figure is too high; that it represents merchandise which is really sloppily constructed.[57]

Larry Levine, a dealer, argued against the pegging of distortion explaining that it would restrict some manufacturers and would place others at a great advantage. Customers, he stated, realize that a higher rate of distortion means poorer sound. He noted that where a rating is pegged at 5 percent great advantage is given to the manufacturer of packaged systems, while the advantage falls to the component manufacturer under a pegged distortion of 1 percent.[58] Ivan Berger of Saturday Review agreed.[59]

Also agreeing that distortion should not be pegged and that 5 percent is far too high, Julian Hirsch of Stereo Hi-Fi Review expressed the view that as low as 2 percent distortion is relatively high even for moderately priced amplifiers. Mr. Hirsch favored the manufacturer having the option on the setting of distortion, as provided by the proposed rule.[60]

Audibility of distortion. In considering the matter of pegging the distortion at a specific level, there is no general agreement as to that point beyond which distortion becomes inaudible. One reason for this is the fact that the ability to detect distortion varies with the individual's auditory acuity.

At the hearings, Mr. Horowitz (IHF) stated that most discriminating persons would note a substantial distortion of quality if the distortion were increased from 1 to 5 percent and an even larger gradation in tone quality when increased from one-half percent to 5 percent.[61] H. H. Scott's representative agreed that there is a noticeable difference in sound between 1 and 5 percent distortion.[62]

EIA, taking a contrary view, contended that many of their customers can perceive little, if any, difference in sound quality when the distortion is reduced from 5 to 1 percent.[63]

J. C. Penney's representative expressed a similar view asserting that it is the general feeling in the industry that most consumers cannot detect less than 5 percent total harmonic distortion.[64]

Dr. Amar Bose, whose primary interest lies in the psycho-accoustic aspects of sound power equipment, took issue with this contention to a degree when he asserted that there are no audible benefits below 2 percent.[65]

However, Mr. Bose's view was disputed by Mr. Rottner of Marantz who insisted that there are audible benefits to be derived from distortion of 2 percent or less.[66] In Mr. Rottner's opinion, we have not achieved that point beyond which the human ear can no longer detect an improvement.[67]

The Commission believes that Julian Hirsch placed the issue in proper perspective when he registered the following comment: "I have known people who would not complain if they heard ten or twenty percent distortion, but I do not think that that is the normal—I would say a reasonably discerning listener can tell the difference, even if he is not aware of it specifically, he can tell the difference between an amplifier that averages around one and a half percent distortion and one down to one-tenth distortion."[68]

Mr. Hirsch further observed that the listener may not be aware he is hearing less distortion at one-tenth percent but he would be aware of a less satisfactory sound.[69]

In a statement submitted for the record, Mr. Edward Myer of Myer-Emco, Inc., Washington, D.C., comments upon the importance of harmonic distortion: "At these hearings verbal arguments were advanced purporting to show that harmonic distortion in home entertainment amplifiers is not a good measure of amplifier quality because moderate differences in harmonic distortion level have been shown to be undetectable when playing ordinary music through loudspeakers into a normal home environment. While this may or may not be true, it has been shown that listeners using earphones (thereby avoiding the room effects) are able to detect

[47] Tr. 92.
[48] See testimony of Mr. Rottner of Marantz Company, Tr. 120; Mr. Levine, a retailer, Tr. 170. See also R. 365–546 for consumers' and dealers' letters furnished by Mr. Levine, all in support of the rule.
[49] Tr. 19–20 and R. 88, 276–277, 637.
[50] R. 276.
[51] Tr. 55; R. 327.
[52] Tr. 59.
[53] Tr. 100.
[54] Tr. 110–115.
[55] Tr. 119. The Commission sees no reason to require disclosure of intermodulation distortion, because it has been advised that with respect to the latest transistorized equipment, the level of intermodulation distortion runs about the same or sometimes less than the harmonic distortion level.
[56] Tr. 137.
[57] Tr. 163.
[58] Tr. 170, 173.
[59] Tr. 204.
[60] Tr. 194.
[61] Tr. 59.
[62] Tr. 94.
[63] Tr. 19.
[64] Tr. 143.
[65] Tr. 110.
[66] Tr. 118.
[67] Tr. 122.
[68] Tr. 196–197.
[69] *Ibid.*

minute amounts of distortion in sinusoidal waveforms such as are present on single musical instruments and when listening to certain types of electronic music. Sales of earphones at this time are almost equal to the sales of loudspeakers and who can say that modern composers will not make extensive use of pure sine waves in the immediate future. In my opinion the T.H.D. system is the best *simple* measure of amplifier performance." [70]

Considering the entire record, the Commission is of the view that harmonic distortion is the other parameter which must be disclosed in order to enable the consumer to make a meaningful choice among competing products.

The Commission rejects the argument that distortion should be pegged at 5 percent and not be a required disclosure unless it exceeds that amount because 5 percent total harmonic distortion has been shown to be an excessive amount of distortion for good quality sound. A pegging of distortion at 1 percent, on the other hand, might well work to the disadvantage of manufacturers of less expensive equipment with no corresponding benefit to the consumer.

Therefore, the Commission concludes that requiring the manufacturer to disclose the total harmonic distortion and giving him the option of setting the level of harmonic distortion as required by Section 2(d) and permitting optional disclosure in accordance with Section 3(a) of the proposed rule will provide the consumer with sufficient information with which to make an intelligent choice.

G. *Section 3—Optional Disclosures.* This section of the proposed rule provided that other power output or operating specifications may be disclosed provided such power output representations are in terms of minimum watts per channel and comply with the requirements of subsections 2(a)(i) through 2(d), the representations are less conspicuously and prominently made than Section 2 disclosures and the rating and testing methods or standards are disclosed. However, if an instantaneous power rating is represented, such as "peak power", the maximum total harmonic distortion may be disclosed only at such rated output where distortion will register the greatest.

EIA urged that this section be restricted to momentary or music power and measured in accordance with EIA Standard No. 234–C (1971) which provides a standard of measurement only for continuous and momentary power output. [71]

Lafayette Radio Electronics Corporation emphatically opposed optional disclosures on the ground that they will tend to confuse the consumer. [72]

H. H. Scott would restrict optional disclosures to types of power for which standard methods of measurement exist, citing IHF Standard, Section 3.1.2 as the solution. [73]

The Record reveals that some persons feel the Commission should prohibit disclosure of all short-term power, such as music power, peak power, *etc.*, [74] while others feel that only peak power representations should be prohibited. [75]

The Commission believes that the Rule, which requires disclosure of three parameters whenever a power output claim is made, will tend to discourage short-term power representations, especially those in terms of "peak power." Once consumers have been educated to look for the three parameters which this rule requires to be disclosed and to make their purchase decision on that basis alone, they should not be so impressed with subordinated disclosures of other less significant factors and hence there should be less temptation to employ these essentially unmeaningful characteristics in advertising. At the same time, the seller's freedom to make these representations in a nondeceptive manner if he so chooses is preserved, for the intent of this rule is to require adequate product information disclosure and not to establish rigid standards from which no seller may depart.

H. *Asterisk Disclosure.* Note 2 to Section 3 of the proposed rule prohibited asterisk disclosure of information provided by Sections 2 and 3.

The only person to comment on this provision was Mr. Ivan Berger who would permit use of the asterisk for disclosing all parameters except the distortion. [76] In similar cases in the past, the Commission has found that the asterisk is often used to bury the disclosure.

The Commission has been confronted with this kind of problem especially in administering the Trade Regulation Rule relating to TV Picture Sizes (16 CFR 410). The TV Rule was amended to include specifically a provision prohibiting use of the asterisk in effecting disclosure (36 FR 21518, Nov. 10, 1971). The Commission believes it would be remiss, especially in a case involving disclosure of product specifications as here, not to have a specific provision prohibiting the much abused asterisk form of disclosure.

I. *Section 4—Prohibited Disclosures.* This section, as to which no direct issue was taken, was intended to assure that all performance characteristics are based upon conditions of normal use by the consumer, *i.e.*, conditions which are encountered in the home.

CHAPTER IV.—PROCEEDING TO AMEND AND REVISE THE PROPOSED RULE

A. *Section 1(a) and (b).* At the hearing, objection was taken to section 1 as being too broad in scope. It was contended that this Section should exempt equipment having a power output capability of two watts or less on the theory that consumer deception is unlikely to result from representations on such equipment. [77]

B. *Section 2(d).* Also questioned was the accuracy of this section which would have required disclosure of the manufacturer's rated percentage of total harmonic distortion at any power level from zero watts to rated power output. One person pointed out that from a purely technical standpoint, in measuring from "zero power" in this context a meter would read 100 percent distortion. [78] Others expressed a similar view. [79]

Accordingly, on February 1, 1972, a notice to amend and revise issued for comment proposing (1) an amendment to Section 1, paragraphs (a) and (b) exempting representations with respect to equipment not having a rated output in excess of 2 watts per channel or total and (2) a revision of Section 2, paragraph (d), requiring that the maximum total harmonic distortion be measured from a minimum power of 250 milliwatts.

CHAPTER V.—RESPONSE TO NOTICE TO AMEND AND REVISE PROPOSED RULE AND FINDINGS

Unanimous support for the Amendment and Revision came from industry and consumers. [80]

The Commission is of the opinion that little consumer deception will result from claims made for equipment having a power output of 2 watts or less. Further, the section 1 exemption will greatly facilitate enforcement of the rule.

CHAPTER VI.—PROCEEDING TO REVISE TO INCLUDE STANDARD TEST CONDITIONS

The argument was made at the hearings and raised again in response to the notice to amend and revise that the rule should contain specific test conditions. EIA urged the Commission to make the measurements required by the rule in accordance with the EIA Standard stating that variations in test conditions under section 2 could result in different output ratings. [81] EIA–J, [82] Somerset Associates [83] and Audio Showcase, Inc., [84] agreed.

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[70] R. 565.

[71] R. 279; Tr. 21–22.

[72] Tr. 75.

[73] Testimony of Mr. von Recklinghausen, Tr. 84.

[74] Accoustic Research, R. 109, New York Audio Society, R 227 and Audio Magazine, R. 594. Morley Kahn, Director of Marketing, Dynaco, Inc., in announcing support for the rule stated, "There is a problem of measuring short-term power on a meaningful and reproducible basis. The use of a momentary signal makes it extremely difficult to measure distortion; and, in fact, there is no standard way to do so—We feel that a rating system which can exaggerate the performance of an amplifier is a dis-service to the consumer and serves no beneficial purpose." Tr. 64–66; R. 348. See also consumers' views, R. 183, 222, 228, 229, 232, 233, 242, 246, 249, 263, 553, 596, 618.

[75] EIA at Tr. 22 and IHF at R. 126; Also Ivan Berger, Tr. 207 and R. 304.

[76] R. 302.

[77] Electronic Industries Association of Japan, Tr. 48.

[78] H. H. Scott, Inc., Tr. 83.

[79] Klipsch and Associates, Inc., R. 2; EIA, R. 103.

[80] Consumers' letters, R. 648–656, 679, 708, 716–719; EIA, R. 662–663 and IHF, R. 714; German Hi-Fi Center, R. 687; Somerset Associates, R. 689; Texas Consumer Association, R. 715 and Marantz, R. 721.

[81] Tr. 664.

[82] Tr. 677.

[83] In speaking of his disappointment in the Commission's failure to include such conditions, Mr. Greenberg stated: "As far as our comment on the omissions in the proposed regulation we consider them obvious. We refer the Commission to *any* audio engineer for verification and submit that without their inclusion, we will again have another meaningless regulation filled with genuine loopholes for clever manufacturers to exploit." Tr. 689, 690.

[84] Tr. 691.

Accordingly, on October 11, 1973, a notice to revise to include minimum test conditions was issued for comment.[85]

CHAPTER VII.—RESPONSE TO NOTICE TO REVISE AND FINDINGS

A. *Section 3* [86]*—Standard Test Conditions.*

(1) *Power line voltage.* Section 3(a) of the revised proposed rule states: "the power line voltage shall be 117 volts AC (230 volts when the equipment is made for foreign sale or use), RMS, using a sinusoidal wave containing less than 2 percent total harmonic content".

EIA contends that a more reasonable power line voltage would be 120 volts because 117 volts is exceeded in approximately 96 percent of customers' homes; [87] that 120 volts is the voltage usually specified for measuring under standard test conditions.[88] As to foreign equipment, EIA would have the Rule provide that the test voltage be within ± 1 percent of the amplifier rating because such equipment may not be rated at 230 volts.[89]

EIA also suggests that the Commission include a testing specification of the power line voltage for AC/DC or DC operated products and that such specification be the manufacturer's rated DC power supply for the particular product.[90]

Pacific Electronics would have the Commission establish line voltage as 120 volts ± 1 percent as provided in the IHF standard.[91]

With respect to the harmonic content of the sinusoidal wave, National Electronics Service Dealers Assocation, Inc., contends the rule requirement that such wave be of less than 2 percent total harmonic content is far too high to protect the consumer and should be changed to "no more than 1 percent and/or less".[92]

Klipsch and Associates, Inc., an electronic research and development firm, states that since few power lines have as little as 2 percent total harmonic content, the rule is unnecessarily stringent. A 10 percent figure, it is stressed, would provide for an essentially sinusoidal wave form without materially affecting the power supply voltage or current levels of equipment under test.[93]

The power line voltage specification has been changed to 120 volts in the Final Rule since there appears to be general agreement on this figure. Moreover 120 volts corresponds with the average voltage in homes across the U.S.A.

With respect to equipment manufactured for foreign sale or use, as noted earlier, the Commission considers it unwise to permit tolerances such as ±1 percent, etc., since this would not permit duplication of the tests. However, this aspect of the Rule has been changed to require testing at 230 volts unless a different voltage is indicated and is permanently affixed to the equipment by the manufacturer.

Only one industry member would make the total harmonic content of the signal stricter. The Commission is of the view that this is insufficient to change what is essentially accepted by most authorities and testing facilities as the standard test for this particular parameter.

The Commission understands that in the case of AC/DC operated products, the AC converts down to 9 volts or whatever battery voltage is recommended and that testing with the battery in such case will yield a very low distortion because the hum and noise factor from the power line has been eliminated. Therefore, a provision has been inserted in the Final Rule requiring testing at AC on such combination power source equipment. The Rule also provides for equipment operating solely on battery power.

(2) *Power line frequency.* Section 3, paragraph (b), of the revised proposed rule reads, "the power line frequency shall be 60 Hz".

Importer Triad-Ultrad, contends that 230 volts for foreign power line voltages is most generally accompanied by a frequency of 50 Hz, and proposes an amendment to this Section to read: "The power line frequency shall be a minimum of 48 Hz thru a maximum of 61 Hz for domestic appplication and/or favored foreign sale or use." [94]

As noted earlier, we have not permitted the use of tolerances because this would not allow for duplication of the tests. Accordingly, section 3(b) has been amended to include a power line frequency of 50 Hz in the case of equipment intended for foreign sale or use.

(3) *Pre-conditioning.* Section 3, paragraph (c) of the revised proposed rule states: "the amplifier shall be pre-conditioned by simultaneously operating all channels at one-third of rated power output for one hour using a sinusoidal wave at a frequency of 1000 Hz".

Only two industry members take issue with this provision. Both EIA [95] and EIA–J [96] contend that since average power is 1/10 of peak power normally, 1/10 is more representative of the condition under which the amplifier will be operated than is ⅓.

The Commission rejects this argument. Experts in the field have advised that preconditioning at 1/10 of rated power is totally insufficient to reveal any reduction in performance due to thermal build-up.

(4) *Temperature for testing.* Section 3, paragraph (d) of the revised proposed rule states: "the pre-conditioning and testing shall be in still air and an ambient temperature of 77°F."

There is general agreement that the temperature specification should be shown in equivalent degrees centigrade. EIA, noting that ambient temperatures in a testing laboratory are often difficult to control, believes that the temperature specification should be stated as "at least 77°F.", since the performance of amplifiers is not improved by higher temperatures.[97] One person would change the temperature specification to 100.5° F.,[98] a temperature not normally found in the average home.

The above suggestions that the temperature be stated as a minimum specification and the equivalent in degrees centigrade be shown are reasonable and have been incorporated in Section 3(d) of the Final Rule.

(5) *Power rating measurement.* Paragraph (e) of Section 2 of the revised proposed rule states: "rated power shall be obtainable at all frequencies within the rated power band without exceeding the rated maximum percentage of total harmonic distortion after input signals at said frequencies have been continuously applied for not less than five (5) minutes at the amplifier's auxiliary input, or if not provided, at the phono input."

Bruce Harvey, a consumer professing to have extensive experience with audio equipment, takes issue with the requirement that the signal be applied through the auxiliary input because, he maintains, auxiliary inputs are loaded with more impedance to protect the initial high amplification gain stages of the amplifier. The most common mode of operation input, he notes, is the phono input through which the tests should be made.[99] He states further that the test signal should be furnished by a standard FM/MPX test signal generator.[100]

Alan Lefkow, Engineer, Consumers Union, states, "* * * it is not clear whether the level of the input signals to be continuously applied for 5 minutes are supposed to drive the amplifier to its rated power output for that same length of time." [101]

As to the propriety of the amplifier input for application of the signal, the Commission understands that the phono input is a very low level type of input, the signal as to which only the McAdam tester is capable of duplicating; that there is no change in power output regardless of which input is used, the auxiliary or the phono. If the phono input is used, a higher distortion will be generated. Also built in equalization curves tend to foul up the input signal for most signal generators.

The Commission is of the opinion, therefore, that the auxiliary input will give an accurate picture of performance when in tape or tuner mode because they both by-pass the preamplifier. This aspect of paragraph (e) is therefore left unchanged.

However, the Commission is persuaded by Mr. Lefkow that paragraph (e) should be clarified by providing that the input signal shall be applied for 5 minutes at full rated power.[102]

Finally, paragraph (f) has been added which provides for the placement of controls during the period of testing.[103]

Other criticisms, addressed to the basic provisions of the rule as initially proposed, have already been considered and rejected.[104]

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[85] EIA also contended that to be technically correct the term "RMS" should be changed to "average". This change was incorporated in the revised rule.

[86] Section 3 of the proposed rule, designated "Optional Disclosures," was changed to Section 4, et. seq.

[87] A survey, "65,000 Service Voltage Tests Across the USA" (1966), reported by J.W. Anderson, R. 802.

[88] R. 797.

[89] Electronic Industries of Japan (EIA–J) substantially agrees with this view, R. 793.

[90] R. 797.

[91] Radio Shack also argues that the power line voltage should be 120 volts, R. 762. For similar views see Herman Sillbiger, Bell Telephone Laboratories, R. 759, and Superscope, R. 768.

[92] R. 778.

[93] R. 757.

[94] R. 752; in agreement is Professor Ashley, R. 775–776. EIA would include a tolerance of ±2 percent for tests made at other frequencies, R. 798.

[95] R. 798–799.

[96] R. 793.

[97] R. 799. See also Ivan Berger, R. 763; Triad–Ultrad, R. 752. EIA would also include a tolerance, R. 799.

[98] Prof. Ashley, R. 776.

[99] R. 743.

[100] *Ibid.*

[101] R. 786.

[102] Julian Hirsch was the only person to object to the 5 minute requirement, R. 766.

[103] See comment of Bruce Harvey, R. 742.

[104] Zenith Radio Corporation maintains that the proposed rule will generate consumer confusion because it permits disclosure of three variables at the option and whim of the manufacturer. The Commission wishes to stress its belief, to the contrary, that permitting the manufacturer the option of disclosing frequency response, distortion and impedance will provide the consumer with the information needed to choose the product which is most suitable to his or her particular needs. Pegging these variables, on the other hand would result in favoring manufacturers at a particular point in the market spectrum.

CHAPTER VIII.—SUMMARY AND CONCLUSION

On the basis of the foregoing considerations and the entire Record of the Trade Regulation Proceeding, including the proceedings to Amend and Revise, the Commission has concluded that the issuance of a Trade Regulation Rule relating to the Advertising of power output of sound power amplification equipment for home entertainment products is required by that Record and is in the public interest and has, therefore, promulgated the Final Rule, herein.

CHAPTER IX.—EFFECTIVE DATE OF FINAL RULE

EIA has noted that advertisements, specification sheets, line folders, catalogs and other promotional materials have different lead times and must be planned and prepared months before they are actually printed and distributed. New product lines are shown between April and June of each year and new models are displayed in late June at the Consumer Electronics Show. Promotional materials for this annual show must be finalized weeks before the products are shown.

At the hearing, EIA–J [105] and IHF [106] urged that the effective date be set at least one year after promulgation of the Rule. Speaking for a major portion of the industry, EIA now urges that if the Rule is not issued until after January 1, 1974, the effective date should be established as six months from the date of its promulgation.[107] The Commission accepts this suggestion as a reasonable solution and, accordingly, directs that the effective date of this Rule shall be six months after the date of promulgation.

[FR Doc.74–10118 Filed 5–2–74;8:45 am]

Title 29—Labor

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

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Wyoming Plan

1. *Background.* Part 1902 of Title 29 Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) whereby the several States may submit for approval under the requirements of that section, plans for the development and enforcement of State occupational safety and health standards.

On January 30, 1973, the State of Wyoming submitted comprehensive developmental occupational safety and health plan in accordance with these procedures and on February 23, 1973, a notice was published in the FEDERAL REGISTER (38 FR 5018) concerning the submission of the plan to the Assistant Secretary and the fact that the question of approval was in issue before him.

The plan designates the Occupational Health and Safety Commission as the agency to be responsible for administering the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in § 1902.2(c)(1) of this chapter. Wyoming plans to adopt all Federal occupational safety and health standards except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (ship repairing, ship building, ship breaking and longshoring). In addition, the State intends to adopt additional vertical standards relating to oil well drilling and servicing not provided by the Federal program. Thereafter, the Commission shall continue to adopt future Federal standards within six months after their promulgation by the Secretary of Labor.

The plan further includes the Wyoming Occupational Health and Safety Act which became law on March 7, 1969, as well as amendments to this legislation which became effective on January 1, 1974, and which are designed to bring the Wyoming Act into conformity with the requirements of Part 1902.

Interested persons were afforded thirty (30) days from the date of publication to submit written comments concerning the plan. Further, interested persons were given an opportunity to request an informal hearing with respect to the plan or any part thereof, upon the basis of substantial objections to the plan's provisions.

Written comments concerning the plan were submitted on behalf of the United States Steel Corporation. There were no requests for an informal hearing.

2. *Issues.* The public comments and the national office review of the plan raised several significant issues which were addressed by the State in numerous supplementary letters which clarify and modify the plan and which have been incorporated as part of it. These supplements included letters from the Wyoming Occupational Health and Safety Department dated April 23, 1973, May 30, 1973, August 28, 1973, August 30, 1973, September 6, 1973, and December 6, 1973. There are also letters from the Governor of the State which clarify Wyoming's review procedures and which contain proposed amendments to the State's Administrative Procedure Act.

In light of these modifications that have been made to the Wyoming program, it is considered appropriate herein to discuss the significant issues which were raised during the approval process.

a. *Employment discrimination.* The first issue raised was Wyoming's proposed provision for protecting employees from discrimination for exercising their rights under the Wyoming Occupational Health and Safety Act. Under the plan as originally submitted the State failed to provide for the relief provided under the Federal Act in section 11(c) including rehiring or reinstatement of an employee to his former position with back pay. In response to such criticism the State is planning to provide this protection to employees in the following manner: under Wyoming's revised procedures an aggrieved employee may file a complaint with the Administrator who shall then make an appropriate investigation. If the Administrator concludes that a case of discrimination does exist he shall send the employee's case file to the Wyoming Fair Employment Practices Commission for action consistent with the State's Fair Employment Practices Act of 1965. The State has agreed to amend this Act in order to make discrimination under the Wyoming Occupational Health and Safety Act an unfair labor practice. The Wyoming Fair Employment Practices Act does grant employees the same relief as is afforded under the Federal Act. Further, the Wyoming Occupational Health and Safety Commission will represent the aggrieved employee before the Fair Employment Practices Commission.

b. *Review procedures*—(1) *Finality of agency decisions.* A second issue was Wyoming's proposed review procedures. Although the Wyoming Act gives employers the right to administrative review of citations, proposed penalties, and abatement periods and judicial review of such agency action is provided pursuant to, title 9 § 276.321 of Wyoming's General Statutes, the Plan stated that the actual assessment and collection of penalties would be determined by the courts. Such proposed court system for the assessment and collection of administrative penalties raised the following questions: Whether in a contested case, where the Wyoming Review Board and reviewing court upholds the citation, proposed penalty, or abatement period, will the court in a subsequent collection proceeding be free to re-open the case and to re-determine any aspects of the case as well as the agency's proposed penalty; in a case where an employer does not contest a citation, proposed penalty, or abatement period before the Review Board will such employer be given another opportunity to contest the citation, proposed penalty or abatement period when the case is brought to trial for collection. The possibility of a complete court trial on the merits before any penalties were deemed final was viewed as unduly extending the period of time for review of citations, proposed penalties, and abatement requirements, and as unnecessarily duplicating procedures. Moreover, it appeared that any hearing before the Review Board would be rendered superfluous for whether or not an employer contested the citation before the Review Board he would still be given the opportunity for a judicial trial, and, even if an employer wanted to contest the proposed penalty, it would be futile to contest it before the Review Commission, for that body seemingly did not have the authority to assess a final penalty.

In response to such concerns, the State clarified and modified its administrative and court procedures in order to meet Federal requirements. The State has agreed to submit amendments to its Administrative Procedures Act to the 1975 session of its State Legislature which amendments will provide as follows: The failure of any person to contest administrative action within the statutory time permitted for filing contested cases shall preclude the right of further administrative review of such agency action or of judicial review; and further, in a contested case the failure of an individual to appeal an administrative decision within

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[105] R. 677.
[106] R. 328.
[107] R. 800–801.

the statutory period of time allowed for review shall preclude any further judicial review. Moreover, under the Wyoming Administrative Procedure Act the right of judicial review is already subject to the requirement that administrative remedies be exhausted. Thus, under the Wyoming scheme, like that under the Federal Act, in noncontested cases the citation and proposed penalties issued by the Wyoming Department of Labor are deemed final orders of the Wyoming Review Commission not subject to review by any court or agency. Thus, if an employer does not exercise his right to contest a citation, proposed penalty or abatement period before the Review Board within the 15 day statutory period provided in Wyoming's Rules of Procedure, there can be no further agency or court appeal. In those cases where an employer does contest a citation or proposed penalty before the Review Board and the Board's decision is favorable to the Department and no judicial review is sought by an employer pursuant to § 276.321 of the Wyoming Administrative Procedure Act, the Review Board's decision will be considered a final order not subject to any further court review. The same is true upon any further judicial review. Thus, in any subsequent collection proceedings a court will be unable to reopen the case and litigate on the merits, and in cases where an employer defaults in payment of an assessed penalty, court action pursuant to section 27–279(c) of the Wyoming Occupational Health and Safety Act shall be brought to enforce Commission orders.

(2) *Separation of functions.* A third issue involved the structure of Wyoming's Review Board. The administrative review of citations, proposed penalties and abatement periods will not be accomplished by an independent review commission but rather by the Wyoming Occupational Health and Safety Commission which is the agency with the overall responsibility for administration of the program. Three members of such Commission shall comprise the Review Board, but there will be a clear separation of functions and staff between it and the Commission, thereby satisfying the requirements of the process. This procedure has been approved in the past (see the New Jersey decision, January 26, 1973, 38 FR 2426).

(3) *Employee participation.* A fourth issue concerned section 27–277(g)(vi) of the Wyoming Occupational Health and Safety Act which provides that employees have the right to contest abatement periods contained in notices of violations and to have the opportunity to participate in hearings concerning such abatement periods. It was pointed out to the State that employees must be given the right to participate as parties in all hearings before the Wyoming Review Board. In response to such criticism, the State demonstrated that employees do have the right to participate in any hearings before the Review Board. In section 9–276–25 of the Wyoming Administrative Procedure Act, it is explicitly provided that "* * * any interested person may appear before any agency or its responsible officers or employees for the presentation, adjustment or determination of any issue, request, or controversy in any proceeding * * * or in connection with any agency function." Further, the State's Open Meeting Law, section 9–692–2(b) of the State statutes provides that any member of the public may attend and participate in any public meeting and a hearing before the Wyoming Occupational Health and Safety Review Board is considered a public meeting, thereby permitting employees to participate.

(c) *Variances.* A fifth issue concerned Wyoming's proposed procedures for the granting of temporary variances. In the plan as originally submitted, the State's provision made no allowance for granting employees the opportunity for a hearing pursuant to such variance applications. Second, the length of time that a temporary variance could remain in effect was left to the discretion of the Commission and there was no time limit upon the number of times that a temporary variance could be extended or renewed. The Federal Act provides that a temporary variance may not be in effect for longer than one year and may be renewed no more than two times for limited periods. The State has since amended its rules of procedure to satisfy the Federal requirements for limitations on duration and employee input.

(d) *Enforcement*—(1) *Penalties.* A sixth issue concerned a discrepancy in penalties between section 17(a) of the Federal Act and section 27–280(b) of the Wyoming Act.

Section 17(a) provides as follows:

> Any employer who willfully or repeatedly violates the requirements of section 5 of the Act, any standard, rule or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to the Act may be assessed a civil penalty of not more than $10,000 for each violation.

Section 27–280(b) provides as follows:

> Any employer willfully and knowingly violating any of the provisions of this act, any safety and health standards, rules or regulations promulgated under this act or any existing rule or regulation governing the conditions of employment promulgated by the department shall, upon conviction, be punished by a fine of not more than $10,000.

Upon initial examination of the Wyoming provision as contrasted with the corresponding Federal it appeared that Wyoming's statute lacked a penalty for a repeated violation of the Act and that the standard of "willful and knowing" would be more restrictive than the Federal standard of "willful" for such violations. However, the interpretation of such section provided by the State's Attorney General has demonstrated that the Wyoming provision is as effective as the Federal. First, under Wyoming case laws the statutory terms "willful and knowing" are synonymous, therefore not requiring a higher burden of proof than the Federal standard. Further, it has been convincingly demonstrated by the State than an employer who subsequently or repeatedly commits an act after having been penalized does so knowingly and willfully. Based upon the State's interpretation of section 27–280(b), this Wyoming provision is as effective as section 17(a). Further, the State statute provides for a mandatory civil penalty of $10,000 for a willful or repeated violation of the Act while the Federal penalty is discretionary.

(2) *Statute of limitations.* A final area of concern was the plan's provision that notices of violation may not be issued after the expiration of ninety (90) days following the occurrence of any alleged violation unlike the Federal Act which contains a six month time period. The State, however, has shown that the 90-day period will be sufficient time for the issuance of citations and the assessment of penalties. Further, the expiration of the ninety day period does not preclude the assessment of penalties. This provision of the plan will be carefully monitored to ensure the 90 day time period is indeed adequate.

3. *Decision.* After careful consideration of the Wyoming Plan, including the modifications thereof, and comments submitted regarding the plan, the plan is hereby approved under section 18 of the Act and Part 1902.

This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates intentions as to continued Federal enforcement of Federal standards in areas covered by the plan and the State's Developmental Schedule as set out in §§ 1952.342 and 1952.343 below.

Pursuant to § 1902.20(b)(1)(iii) of Title 29, Code of Federal Regulations the exercise of Federal enforcement authority in Wyoming, will not be diminished. Present priorities for Federal enforcement in Wyoming will continue at least until State standards are promulgated, all administrative regulations are adopted and amendments to the State's Administrative Procedure Act and Fair Employment Practices Act are enacted. Evaluations of the State plan, as implemented, will be made on a continuing basis to assess the appropriate level of Federal enforcement activity. Federal enforcement authority will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of Wyoming. Part 1952 is amended by adding a new Subpart BB effective upon signature, reading as follows:

Subpart BB—Wyoming

Sec.

1952.340 Description of the plan.
1952.341 Where the plan may be inspected.
1952.342 Level of Federal enforcement.
1952.343 Development schedule.

Subpart BB—Wyoming

§ 1952.340 Description of the plan.

(a) The plan identifies the Wyoming Occupational Health and Safety Commission as the agency to be responsible for administering the plan throughout the State. The Commission will be re-

sponsible for promulgating and enforcing occupational safety and health standards and deciding contested cases, subject to judicial review.

(b) The State program will protect all employees within the State, including those employed by the State and its political subdivisions. Public employees are to be granted the same protections as are afforded employees in the private sector. The State plan does not cover employees of the Federal government or those employees whose working conditions are regulated by Federal agencies other than the United States Department of Labor.

(c) The Wyoming Occupational Health and Safety Act gives the State agency full authority to administer and to enforce all laws, rules, and orders protecting employee safety and health in all places of employment in the State. The legislation provides employer and employee representatives an opportunity to accompany inspectors before or during the physical inspection of any workplace for the purpose of aiding such inspection; adequate safeguards to protect trade secrets; effective sanctions against employers; protection of employees against discharge or discrimination; procedures for prompt restraint or elimination of imminent danger situations; the right to review by employers and employees of alleged violations, abatement periods and proposed penalties; and prompt notice to employers and employees of alleged violations of standards and abatement requirements.

(d) Administrative regulations include procedures for permanent and temporary variances; notice to employees or their representatives when no compliance action is taken as a result of a complaint, including procedures for informal review; information to employees on hazards, precautions, symptoms and emergency treatment; and training and education programs for employers and employees, including an on-site consultation program consistent with the criteria set out in the Washington Plan decision (38 FR 2421).

(e) The State intends to promulgate Federal standards covering all of the issues contained in Parts 1910 and 1926 of this chapter but will not cover those found in Parts 1915, 1916, 1917, and 1918 of this chapter (ship repairing, ship building, ship breaking, and longshoring). The State also plans to adopt additional vertical standards relating to oil well drilling and servicing not provided by the Federal program. Future Federal standards shall be promulgated by the State within six months after promulgation by the Secretary of Labor. In the case of product standards the State has provided assurances that any State product standards will be required by compelling local conditions and will not unduly burden interstate commerce.

(f) The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 of this chapter. All personnel employed to carry out the plan are to be hired under the Wyoming Personnel Merit System which conforms to standards established by the United States Civil Service Commission. The plan also contains a detailed description of the resources that are to be devoted to it.

§ 1953.341 Where the plan may be inspected.

A copy of the plan may be inspected and copied during normal business hours at the following locations: U.S. Department of Labor, Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 800, 1726 M Street, NW., Washington, D.C. 20210; Assistant Regional Director, Occupational Safety and Health Administration, U.S. Department of Labor, P.O. Box 3588, Federal Building, 1961 Stout Street, Denver, Colorado 80202; and the Occupational Health and Safety Department, 200 East 8th Avenue, P.O. Box 2186, Cheyenne, Wyoming 82001.

§ 1953.342 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) of this chapter, the present level of Federal enforcement in Wyoming will not be diminished. Among other things, the United States Department of Labor will continue to investigate catastrophes and fatalities, investigate valid complaints under section 8(f) of the Occupational Safety and Health Act of 1970, continue its target industry and target health programs and inspect a cross section of all industries on a random basis at least until standards are promulgated, the Wyoming Administrative Procedure Act and the Fair Employment Practices Act are amended and administrative regulations are adopted. Therefore, Federal enforcement activity will continue to the degree necessary to assure occupational safety and health protection to employees in the State of Wyoming, and evaluation of the State plan as implemented, will be made on a continuing basis to assess the appropriate level of Federal enforcement activity.

§ 1952.343 Developmental schedule.

(a) Adoption of Federal standards as State standards by February 1975.

(b) Administrative regulations for recordkeeping and reporting, variances, posting requirements, employee complaint procedures, inspections under the Act, employee exposure to toxic materials, providing information to employees on their exposure to hazards, personal protective equipment, medical examinations, and monitoring, safeguarding trade secrets, administrative review of citations, proposed penalties, and abatement periods, to become effective by June 1, 1974.

(c) Amendments to the Wyoming Administrative Procedure Act to be submitted to the State Legislature January 1975 and to become effective by May 1, 1975.

(d) Management Information System to be completed August 1, 1974.

(e) Merit staffing for administration of the program to be completed by August 15, 1974.

(f) Amendments to the State's Fair Employment Practices Act to be submitted to the State Legislature which convenes January 14, 1975.

Signed at Washington, D.C., this 25th day of April 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-10206 Filed 5-2-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Additions and Miscellaneous Amendments

Correction

In FR Doc. 74-4784 appearing at page 9307 as the Part II of the issue of Friday, March 8, 1974, and corrected on page 13776 in the issue of Wednesday, April 17, 1974, on page 13776, "paragraph c." should read as follows:

c. The formula in paragraph (d) should read as follows:

(d) Particulate emission rate shall be determined by:

$c_{sw} = C_s Q_s$ (Metric or English Units)

where:

c_{sw} = Particulate matter mass emissions, mg/hr (English units: lb/hr).

c_s = Particulate matter concentration, mg/m³ (English units: lb/dscf).

Q_s = Volumetric stack gas flow rate, dscm/hr (English units: dscf/hr).

Q_s and c_s shall be determined using Methods 2 and 5, respectively.

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Asbestos, Beryllium, and Mercury

Pursuant to section 112 of the Clean Air Act, as amended (42 U.S.C. 1857c-7), the Administrator of the Environmental Protection Agency promulgated national emission standards for the hazardous air pollutants asbestos, beryllium, and mercury on April 6, 1973 (38 FR 8820). The subsequent enforcement of these regulations has demonstrated a need for the clarifying revisions which follow. These revisions are necessary to advise the public of how the regulations are being interpreted in Agency enforcement activities. The revisions promulgated herein do not alter the stringency of the regulations.

A change to Subpart A, General Provisions, which applies to all affected sources, is promulgated. The definition of "alternative method" is revised to indicate more clearly that it is not a "reference method" or "equivalent method" and to make the definition consistent with that used in 40 CFR Part 60, Standards of Performance for New Stationary Sources.

The applicability of the asbestos regulation is discussed in the following documents which are available on request from the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin:

1. Preamble to the proposed regulation (36 FR 23239)
2. Background information document for the proposed regulation (APTD–0753)
3. Preamble to the promulgated regulation (38 FR 8820)
4. Background information document for the promulgated regulation (APTD–1503)

Comments from the owners or operators of affected sources and from Agency regional enforcement personnel have indicated, however, that the intent should be specifically expressed in the text of the regulation. Considering this, the Agency determined that the text of the promulgated regulation should be revised and four definitions are added to clarify the applicability of 40 CFR Part 61, Subpart B, National Emission Standard for Asbestos.

The definition of "commercial asbestos" is added to distinguish between asbestos that is produced as a product and asbestos that occurs as a contaminant ingredient in other materials, and to make it clear that materials that contain asbestos as a contaminant only are not covered. Questions were raised concerning the applicability of the standard to manufacturing operations that use talc and vermiculite. As indicated on page 6 of the background information report for the proposed standards (APTD–0753), talc mines were not covered by the proposed standards; this was also intended to indicate that manufacturing operations that use talc or other materials contaminated with asbestos were not covered by the asbestos standard. In addition, the information available to the Agency at the time of promulgation (April 6, 1973) did not demonstrate that the mining and milling of such materials or manufacturing operations using such materials were major sources of asbestos emissions. The Department of the Interior and the Department of Health, Education and Welfare are studying the health effects of asbestos in talc. The revisions promulgated herein merely clarify the regulations promulgated April 6, 1973, and do not involve prejudgments concerning the outcome of investigations now underway.

Asbestos is also a contaminant in taconite ore. EPA at this time believes that asbestos releases from the milling of such ores should be covered by the hazardous air pollutant regulations and intends in the near future to propose for comment regulations which would accomplish this. Because the revisions here being promulgated are only clarifications of the Agency's intentions at the time the initial hazardous air pollutant regulations for asbestos were published and because they are not being proposed for comment, EPA believes that it is not appropriate to include restrictions on releases of asbestos from taconite milling operations in these revisions.

The regulation promulgated on April 6, 1973, did not include a definition for "asbestos mill" or "manufacturing" operation, and questions arose concerning whether certain operations at these facilities are covered by the regulation, and whether the regulation applies to all milling and manufacturing operations that process ore or materials that contain asbestos. The definition of "asbestos mill" is added to clarify that the regulation covers ore crushing and conveying of asbestos tailings to disposal piles but does not cover open storage areas and asbestos tailings disposal piles. This was explained in the preamble to the promulgated regulations (38 FR 8821) and on pages 30 and 31 of the background information report (APTD–1503). The definition excludes the milling of ores that contain asbestos minerals only as a contaminant as previously discussed under the definition of "commercial asbestos." As noted earlier, the Agency intends to propose regulations covering taconite milling operations.

The definition of "manufacturing" is added to clarify that the regulation applies to only those sources within the specified categories of affected manufacturing facilities that process commercial asbestos into a product. Operations which process (cut, shape, assemble, mix, or otherwise alter) a manufactured product that contains commercial asbestos at a separate location are not intended to be covered by the regulation, and are classified as fabricating rather than manufacturing operations. The information available to EPA prior to promulgation was that new construction sites were the only major sources of asbestos emissions from fabrication operations and that these sources were adequately regulated by Occupational Safety and Health Administration standards. This was explained in the preamble to the promulgated regulation (38 FR 8821) and on page 32 of the background information report (APTD–1503).

Some questions have arisen concerning what operations constitute demolition. The definition of "demolition" is added to clarify that demolition occurs only in situations where load-supporting structural members are wrecked or removed. Accordingly, the standard does not apply to remodeling and renovation operations in which load-supporting structural members are not wrecked.

The time allowed owners or operators to notify the Administrator prior to commencement of a demolition operation is changed from 20 days to 10 days, and the time basis for the notification is clarified to be the postmark date of the notice. Experience has shown that 20 days' notice is not necessary to provide sufficient time for effective enforcement of the regulation, and the shorter time will be more convenient to demolition contractors.

Some questions have arisen concerning whether all of the friable asbestos materials on pipes, boilers, or load-supporting structural members had to be wetted and stripped off prior to demolition. The wording in § 61.22(d)(2)(i) of the promulgated regulation states that the friable asbestos material has to be removed, but does not specify the procedure to be used. A statement is added to clarify that it is not necessary for friable asbestos material to be removed or stripped from boilers, pipes, or load-supporting structural members prior to the removal of these items as units or in sections, provided that the asbestos material exposed during removal is wetted. As required in § 61.22(d)(2)(iii), such units or sections must subsequently be carefully lowered or taken to the ground level.

A paragraph is added to clarify that the regulation is not violated when uncombined water is the sole reason a source fails to meet the no-visible-emissions requirement. This makes the no-visible-emissions regulation consistent with other similar Agency regulations.

The Agency is presently studying the extent of asbestos emission from dumps of asbestos tailings and open storage of asbestos ores, disposal of asbestos waste material, and asbestos fabricating operations. Beryllium and mercury emissions resulting from the incineration of sewage sludge are also being studied. These investigations are nearing completion and the Agency will determine whether it is necessary to regulate these sources of hazardous pollutants to provide an ample margin of safety to protect the public health. The revisions to the regulations promulgated herein merely clarify the regulations promulgated April 6, 1973, and do not preclude subsequent revisions to the regulations as indicated by the studies described above.

The Agency finds that good cause exists for not proposing these revisions and for making them effective upon publication since (1) the revisions make certain clarifications, but do not change the substance of the national emission standards for asbestos, beryllium, and mercury; and (2) there is a pressing need to promulgate these revisions so that the asbestos standard can be uniformly interpreted by industry personnel and enforced by the Agency. Therefore, the Administrator has determined that it is unnecessary to publish a notice of proposed rulemaking or delay the effective date of this amendment and for the reasons cited has not done so.

The amendment of these regulations is promulgated pursuant to section 112 of the Clean Air Act, as amended (42 U.S.C. 1857c–7), and is effective upon promulgation.

Dated: April 29, 1974.

JOHN QUARLES,
Acting Administrator.

Part 61, Chapter I, Title 40, Code of Federal Regulations is amended by revising Subparts A and B as follows:

Subpart A—General Provisions

1. Section 61.02 is amended by revising paragraph (c) to read as follows:

§ 61.02 Definitions.

* * * * *

(c) "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference method or an equivalent method but which has been demonstrated to the Administrator's satisfaction to produce, in specific cases, results adequate for his determination of compliance.

* * * * *

Subpart B—National Emission Standard for Asbestos

2. Section 61.21 is amended by adding paragraphs (g), (h), (i), and (j). The added paragraphs read as follows:

§ 61.21 Definitions.

* * * * *

(g) "Asbestos mill" means any facility engaged in the conversion or any intermediate step in the conversion of asbestos ore into commercial asbestos. Outside storage of asbestos materials is not considered a part of such facility.

(h) "Commercial asbestos" means any variety of asbestos which is produced by extracting asbestos from asbestos ore.

(i) "Manufacturing" means the combining of commercial asbestos, or in the case of woven friction products the combining of textiles containing commercial asbestos, with any other material(s), including commercial asbestos, and the processing of this combination into a product as specified in § 61.22(c).

(j) "Demolition" means the wrecking or removal of any load-supporting structural member.

3. Section 61.22 is amended by revising paragraphs (a), (d)(1), (d)(2)(i), and (d)(4), and by adding paragraph (g). The revised and added paragraphs read as follows:

§ 61.22 Emission standard.

(a) Asbestos mills: There shall be no visible emissions to the outside air from any asbestos mill except as provided in paragraph (f) of this section.

* * * * *

(d) * * *

(1) Written notice of intention to demolish shall be provided to the Administrator by the owner or operator of the demolition operation. Such notice shall be postmarked at least 10 days prior to commencement of such demolition, or anytime prior to commencement of demolition subject to paragraph (d)(4) of this section. Such notice shall include the following information:

(i) Name of owner or operator.

(ii) Address of owner or operator.

(iii) Description of the building, structure, facility, or installation to be demolished.

(iv) Address or location of the building, structure, facility or installation.

(v) Scheduled starting and completion dates of demolition.

(vi) Method of demolition to be employed.

(vii) Procedures to be employed to meet the requirements of this paragraph.

(2) * * *

(i) Friable asbestos materials, used to insulate or fireproof any boiler, pipe, or load-supporting structural member, shall be wetted and removed from any building, structure, facility, or installation subject to this paragraph before wrecking of load-supporting structural members is commenced. Boilers, pipe, or load-supporting structural members that are insulated or fireproofed with friable asbestos materials may be removed as units or in sections without stripping or wetting, except that where the boiler, pipe, or load-supporting structural member is cut or disjointed, the exposed friable asbestos materials shall be wetted. Friable asbestos debris shall be wetted adequately to insure that such debris remains wet during all stages of demolition and related handling operations.

* * * * *

(4) Any owner or operator of a demolition operation who intends to demolish a building, structure, facility, or installation to which the provisions of this paragraph would be applicable but which has been declared by proper State or local authority to be structurally unsound and which is in danger of imminent collapse is exempt from the requirements of this paragraph other than the reporting requirements specified by paragraph (d)(1) of this section and the wetting of friable asbestos debris as specified by paragraph (d)(2)(i) of this section.

* * * * *

(g) Where the presence of uncombined water is the sole reason for failure to meet the no-visible-emission requirement of paragraphs (a), (c), or (e) of this section, such failure shall not be a violation of such emission requirements.

[FR Doc.74-10252 Filed 5-2-74;8:45 am]

SUBCHAPTER D—WATER PROGRAMS

PART 108—EMPLOYEE PROTECTION HEARINGS

Establishment of Procedures; Correction

On page 12865 of the FEDERAL REGISTER of Tuesday, April 9, 1974, there appeared a notice adopting, with changes, regulations proposed on November 23, 1973 (38 FR 32268). Only § 108.3 and 108.4 of the proposed regulations were changed; these sections were set forth in the notice of adoption. However, §§ 108.1, 108.2, 108.5, 108.6, and 108.7 should have been reprinted at the same time. This notice corrects the notice of April 9 by reprinting the text of the entire regulation as promulgated.

Dated: April 29, 1974.

JOHN QUARLES,
Acting Administrator.

Sec.
108.1 Applicability.
108.2 Definitions.
108.3 Request for investigation.
108.4 Investigation by Regional Administrator.
108.5 Procedure.
108.6 Recommendations.
108.7 Hearing before Administrator.

AUTHORITY: Sec. 507(e), Pub. L. 92-500, 86 Stat. 816 (33 U.S.C. 1251 et seq.)

§ 108.1 Applicability.

This part shall be applicable to investigations and hearings required by section 507(e) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq. (Pub. L. 92-500).

§ 108.2 Definitions.

As used in this part, the term:

(a) "Act" means the Federal Water Pollution Control Act, as amended;

(b) "Effluent limitation" means any effluent limitation which is established as a condition of a permit issued or proposed to be issued by a State or by the Environmental Protection Agency pursuant to section 402 of the Act; any toxic or pretreatment effluent standard established under section 307 of the Act; any standard of performance established under section 306 of the Act; and any effluent limitation established under section 302, section 316, or section 318 of the Act.

(c) "Order" means any order issued by the Administrator under section 309 of the Act; any order issued by a State to secure compliance with a permit, or condition thereof, issued under a program approved pursuant to section 402 of the Act; or any order issued by a court in an action brought pursuant to section 309 or section 505 of the Act.

(d) "Party" means an employee filing a request under § 108.3, any employee similarly situated, the employer of any such employee, and the Regional Administrator or his designee.

(e) "Administrator" or "Regional Administrator" means the Administrator or a Regional Administrator of the Environmental Protection Agency.

§ 108.3 Request for investigation.

Any employee who is discharged or laid-off, threatened with discharge or lay-off, or otherwise discriminated against by any person because of the alleged results of any effluent limitation or order issued under the Act, or any representative of such employee, may submit a request for an investigation under this part to the Regional Administrator of the region in which such discrimination is alleged to have occurred.

§ 108.4 Investigation by Regional Administrator.

Upon receipt of any request meeting the requirements of § 108.3, the Regional Administrator shall conduct a full investigation of the matter, in order to determine whether the request may be related to an effluent limitation or order under the Act. Following the investigation, the Regional Administrator shall notify the employee requesting the investigation (or the employee's representative) and the employer of such employee, in writing, of his preliminary findings and conclusions. The employee, the representative of such employee, or the employer may within fifteen days following receipt of the preliminary findings and conclusions of the Regional Administrator request a hearing under this part. Upon receipt of such a request, the Regional Administrator, with

the concurrence of the Chief Administrative Law Judge, shall publish notice of a hearing to be held not less than 30 days following the date of such publication where he determines that there are factual issues concerning the existence of the alleged discrimination or its relationship to an effluent limitation or order under the Act. The notice shall specify a date before which any party (or representative of such party) may submit a request to appear.

§ 108.5 **Procedure.**

Any hearing held pursuant to this part shall be of record and shall be conducted according to the requirements of 5 U.S.C. 554. The Administrative Law Judge shall conduct the hearing in an orderly and expeditious manner. By agreement of the parties, he may dismiss the hearing. The Administrative Law Judge, on his own motion, or at the request of any party, shall have the power to hold prehearing conferences, to issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he may administer oaths. The Regional Administrator, and any party submitting a request pursuant to § 108.3 or § 108.4, or counsel or other representative of such party or the Regional Administrator, may appear and offer evidence at the hearing.

§ 108.6 **Recommendations.**

At the conclusion of any hearing under this part, the Administrative Law Judge shall, based on the record, issue tentative findings of fact and recommendations concerning the alleged discrimination, and shall submit such tentative findings and recommendations to the Administrator. The Administrator shall adopt or modify the findings and recommendations of the Administrative Law Judge, and shall make copies of such findings and recommendations available to the complaining employee, the employer, and the public.

§ 108.7 **Hearing before Administrator.**

At his option, the Administrator may exercise any powers of an Administrative Law Judge with respect to hearings under this part.

[FR Doc.10189 Filed 5-2-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14–63—AUDIT

Policies and Procedures

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Part 14–63 of Chapter 14 of Title 41 of the Code of Federal Regulations is hereby amended as follows:

1. The Audit of Modifications clause in § 14–63.104–2 and the first paragraph of § 14–63.104–3 are revised to conform with changes in 41 CFR 1–3.807–3 involving cost and pricing data published in the FEDERAL REGISTER of January 14, 1974 (39 FR 1751–1757).

2. Section 14–63.106 is revised to provide that upon written justification and request of the procuring activity, the Director of Management Services, with the concurrence of the Director of Audit and Investigation, may limit or waive the application of specific contract audit requirements.

3. In §§ 14–63.103(b)(1), and 14–63.103(d), the reference to "§ 1–3.814–2(e)" is changed to "§ 1–3.814–2(c)."

4. Editorial changes have been made to Subpart 14–63.1 to change the name "Office of Survey and Review" to "Office of Audit and Investigation."

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rulemaking process. However, the amendments herein are entirely administrative in nature. Therefore, the public rulemaking process is waived in this instance. Part 14–63 is amended to read as stated below effective on April 15, 1974.

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

APRIL 29, 1974.

§ 14–63.000 **Scope of part.**

This part prescribes policies and procedures pertaining to audit of proposals, contracts, and modifications.

Subpart 14–63.1—Audit of Contractor's Records

§ 14–63.101 **Audit responsibility.**

The Office of Audit and Investigation conducts or arranges audits of contractors' records to the extent that such audits are required by law, regulation, or sound business judgment. Such audits include the conduct of periodic or requested audits of contractors as are warranted by such factors as the amount of the contract, the financial condition, integrity, and reliability of the contractor, prior audit experience, and the adequacy of the contractor's accounting system and other internal controls. The audits also include reviews of cost or pricing data for contractors' proposals for negotiated contracts (see § 1–3.809 of this title). In order that the Government may benefit to the maximum extent from such audits, a coordinated and cooperative effort shall be made by contracting officers, technical specialists, and finance and audit personnel. It is the responsibility of the contracting officer to include appropriate audit clauses in all contracts that are subject to audit and to obtain an audit of proposals and contract modifications (see § 14–63.103).

§ 14–63.102 **Purpose of audit.**

In addition to the provisions of § 1–3.809 of this title, contract audit as a pricing aid, audits are conducted to advise and make recommendations to the contracting officer concerning:

(a) Propriety of amounts paid, or to be paid, to contractors where such amounts are based on a cost (including modifications for all types of contracts) or time determination or on variable features related to the results of contractors' operations;

(b) Adequacy of measures taken by contractors regarding the use and safeguarding of Government assets under their custody or control;

(c) Compliance by contractors with contractual provisions having financial implications, such as progress payments, advance payments, guaranteed loans, cash return provisions, and price adjustments;

(d) Reasonableness of contractors' settlement proposals in termination of contracts;

(e) Compliance with contract provisions; and

(f) Contractors' financial condition and ability to perform or to continue to perform under Government contracts.

§ 14–63.103 **Types of contracts subject to audit.**

(a) A preaward audit as required by § 1–3.809 of this title shall be made for each negotiated proposal, contract, and modification where the cost to the Government exceeds or may exceed $100,000.

(b) The following types of contracts estimated to cost the Federal Government in excess of $25,000, shall include the examination of records clause set forth in § 14–63.104–1:

(1) Cost-reimbursement type contracts (see §§ 1–3.405 and 1–3.814–2(c) of this title);

(2) Advertised or negotiated contracts involving the use or disposition of Government-furnished property;

(3) Where advance payments, progress payments based on costs, or guaranteed loans are to be made;

(4) Contracts for supplies or services containing a price warranty or price reduction clause;

(5) Contracts or leases involving income to the Government where the income is based on operations that are under the control of the contractor or lessee;

(6) Fixed-price contracts with escalation (see §§ 1–2.104–3 and 1–3.404–3 of this title), incentives (see §§ 1–3.404–4 and 1–3.407 of this title), or redetermination (see §§ 1–3.404–5 and 1–3.404–7 of this title);

(7) Requirements and indefinite quantity (call-type) contracts (see §§ 1–2.104–4 and 1–3.409 of this title);

(8) Time and materials and labor-hours contracts (see §§ 1–3.406–1 and 1–3.406–2 of this title); and

(9) Leases where (i) the rental is subject to adjustment (such as for a change in real estate taxes or service costs) or (ii) where the rental is dependent upon actual costs.

(c) In some of the contracts listed in paragraph (b) of this section, it may be appropriate to contractually emphasize the scope or extent of any audit, such as with respect to (1) the use or disposition of Government-furnished property or (2) variable or other special features of the contract, e.g., price escalation and compliance with the price warranty or price reduction clauses. In such cases, the contract clause in § 14–63.104–1 may be appropriately modified with the written concurrence of the Office of Audit and

Investigation and the Office of Management Services.

(d) Inclusion in contracts of the clause in § 14–63.104–1 (whether or not modified) does not affect in any way the requirements for (1) use in negotiated fixed-price contracts exceeding $2,500 of the Examination of Records clause permitting review of contractor books and records by the Comptroller General (see § 1–3.814–2(c) of this title) or (2) the clauses on audit and records pertaining to the verification of cost or pricing data (see § 1–3.814–2 of this title).

(e) Contracts and contract modifications aggregating more than $100,000 shall not be divided into separate transactions to avoid the audit requirements.

(f) A request for audit in accordance with paragraph (a) of this § 14–63.103, accompanied by a copy of the applicable proposal, contract, modification, and other pertinent information, will be submitted to the Office of Audit and Investigation.

(g) A notice for each contract or modification entered into of the types described in paragraph (b) of this § 14–63.103 and § 14–63.104–2 shall be forwarded to the Office of Audit and Investigation within 15 days after the effective date of the contract. The notice shall include the following information:

(1) Contract identifying number

(2) Contractor's name and address

(3) A brief description of the work involved

(4) Effective date of the document

(5) Completion date (estimated) of the work involved

(6) Estimated dollar amount.

In addition, a copy of a notice of termination of contracts of the types described in this § 14–63.103 shall be forwarded to the Office of Audit and Investigation within 15 days after effective date of termination. Such notice shall contain the contract number and the contractor's name and address and the estimated dollar amount of the costs incurred by the contractor as of the effective date of termination.

§ 14–63.104 Contract clauses.

The following contract clauses are prescribed for use as indicated in this § 14–63.104.

§ 14–63.104–1 Examination of records.

The following contract clause is prescribed for use in contracts listed in § 14–63.103(b) and any negotiated contract which exceeds $2,500 whenever the Examination of Records by the Comptroller General clause in § 1–7.103–3 of this title is not required as set forth in § 1–3.814–2(c) of this title:

EXAMINATION OF RECORDS

(a)(1) The Contractor agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of this contract (hereinafter collectively called "records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this contract.

(2) The Contractor agrees to make available at the office of the Contractor at all reasonable times during the period set forth in subparagraph (4) below any of the records for inspection, audit or reproduction by any authorized representative of the Comptroller General, Secretary of the Interior, and the Contracting Officer.

(3) In the event the Comptroller General or any of his duly authorized representatives determine that his audit of the amounts reimbursed under this contract as transportation charges will be made at a place other than the office of the Contractor, the Contractor agrees to deliver, with the reimbursement voucher covering such charges or as may be otherwise specified within two years after reimbursement of charges covered by any such voucher, to such representative as may be designated for that purpose through the Contracting Officer, such documentary evidence in support of transportation costs as may be required by the Comptroller General or any of his duly authorized representatives.

(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the Contractor shall preserve and make available his records (i) until expiration of three years after final payment under this contract or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, and (ii) for such longer period, if any, as is required by applicable statutes, by any other clause of this contract, or by (A) or (B) below:

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of three years from the date of any resulting settlement.

(B) Records which relate to (i) appeals under the Disputes clause of this contract, (ii) litigation or the settlement of claims arising out of the performance of this contract, or (iii) costs and expenses of this contract as to which exception has been taken by the Comptroller General, Secretary of the Interior, or the Contracting Officer, or any of their duly authorized representatives, shall be retained by the Contractor until such appeals, litigation, claims, or exceptions have been disposed of.

(5) Except for documentary evidence delivered pursuant to subparagraph (3) above, and the records described in subparagraph (4)(B) above, the Contractor may in fulfillment of his obligation to retain his records as required by this clause substitute photographs, microphotographs, or other authentic reproductions of such records, after the expiration of two years following the last day of the month of reimbursement to the Contractor of the invoice or voucher to which such records relate, unless a shorter period is authorized by the Contracting Officer with the concurrence of the Comptroller General or his duly authorized representative.

(6) The provisions of this paragraph (a), including this subparagraph (6), shall be applicable to and included in each subcontract hereunder which is on a cost, cost-plus-a-fixed-fee, time-and-material or labor-hours basis.

(b) The Contractor further agrees to include in each of his subcontracts hereunder, other than those set forth in subparagraph (a)(6) above, a provision to the effect that the subcontractor agrees that the Comptroller General, the Secretary of the Interior, and the Contracting Officer, or any of their duly authorized representatives, shall, until the expiration of three years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontractor. The term "subcontract," as used in this paragraph (b) only, excludes (i) purchase orders not exceeding $2,500, and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

§ 14–63.104–2 Audit of contract modifications.

The following clause shall be included in all contracts where the cost to the Government is estimated to exceed $100,000, except those listed in § 14–63.103:

AUDIT OF MODIFICATIONS

The "Examination of Records of Contract Modifications" clause contained in 41 CFR 14–63.104–3 shall be included in every document modifying the price to the Government when the pricing of any modification to a formally advertised or negotiated contract (whether or not cost or pricing data was required under the initial contract) involves aggregate increases and/or decreases, plus applicable profits, in excess of $100,000.

§ 14–63.104–3 Examination of records of contract modifications.

The following clause is prescribed for use in contract modifications involving aggregate increases and/or decreases plus applicable profits in excess og $100,000 in accordance with the "Audit of Modifications" clause in § 14–63.104–2:

EXAMINATION OF RECORDS OF CONTRACT MODIFICATIONS

(a) For the purpose of verifying that the cost or pricing data submitted in conjunction with this contract modification were accurate, complete and current, the Secretary and the Contracting Officer or any of their authorized representatives, shall, until the expiration of 3 years from the date of final payment under the contract of which this modification is a part, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20) whichever expires earlier, have the right to examine those books, records, documents, papers and other supporting data which involve transactions related to this modification or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(b) If the contract of which this modification is a part is completely or partially terminated and the work so terminated is included in this modification the records relating thereto shall be preserved and made available for 3 years from the date of any resulting final settlement.

(c) If the records concerning this modification relate to (1) appeals under the contract "Disputes" clauses, (2) litigation or settlement of claims arising out of the performance of the contract, or (3) costs and expenses of this contract as to which the Contracting Officer or his authorized representative have taken exception, they shall be retained by the Contractor until such appeals, litigation, claims, or exceptions have been disposed of.

§ 14–63.105 Payments under contracts subject to audit.

§ 14–63.105–1 Submission and processing of invoices or vouchers.

(a) Contractors shall be required to submit invoices or vouchers as directed by the contract provisions. The processing of invoices or vouchers prior to payment for work or services rendered shall include a review by the contracting officer, or his designated representative, to determine that the nature of items and amounts claimed are in consonance with the contract terms, represent prudent business transactions, and are within any stipulated contractual limitations. If the contractor has not deducted from his claim amounts which are questionable or which are required to be withheld, the contracting officer shall make the required deduction, except as provided in § 14–63.105–2.

(b) Provisional approval by the contracting officer of any payment, including any specific approval as to the nature or amount of a cost shall be noted on (or attached to) the invoice or voucher (see, for example, § 1–15.107 of this title regarding advance understandings on particular cost items). The invoice or voucher shall be forwarded to the appropriate accounting center and retained therein after certification and scheduling to a disbursing office for payment.

§ 14–63.105–2 Action upon receipt of an audit report.

Audit reports shall be furnished to the contracting officer. Upon receipt of an audit report, the contracting officer shall, pursuant to contract terms, determine the allowability of all costs covered by audit giving full consideration to the auditor's recommendations. Where the contracting officer is in doubt or questions the recommendations of the auditor, deductions need not be made from invoices or vouchers for provisional payments. The contracting officer in such cases, however, shall confer with the auditor and other appropriate Government personnel (such as a price specialist or legal counsel) to determine what further action should be taken regarding the items of cost in question. If the contracting officer disagrees with the audit recommendations, the contracting officer shall prepare a statement for the contract file to support and justify his decision and for informational purposes shall forward a copy of such statement to the Office of Audit and Investigation. The contracting officer shall also furnish a written notice to the Office of Audit and Investigation stating the action taken to recover questioned costs in which the contracting officer concurs with the audit recommendations. Such notices, as well as copies of statements pertaining to non-concurrence with audit recommendations, shall be forwarded to the Office of Audit and Investigation within 60 calendar days following issuance of the corresponding audit reports. (See also § 1–3.811 of this title.)

§ 14–63.105–3 Suspensions and disapprovals of amounts claimed.

The contracting officer shall notify the appropriate certifying officer in writing when amounts claimed for payment are (a) suspended tentatively, (b) disapproved as not being allowable according to contract terms, or (c) not reasonably incident or allowable to performance of the contract. Such notice by the contracting officer shall be the basis for the issuance by the certifying officer of a statement to be attached to each copy of the invoice or voucher from which the deduction has been made, explaining the reasons for the deduction.

§ 14–63.106 Waiver.

Upon written justification and request of the procuring activity, the Director of Management Services, with the concurrence of the Director of Audit and Investigation, may limit or waive the application of specific contract audit requirements in individual cases such as where the possible cost/benefits ratio of the audit do not warrant the assignment of audit resources or where audit resources are unavailable: *Provided*, That the stated urgency of a proposed procurement or other contract action shall not alone be justification for such a waiver: *And provided*, The waiver is made within the terms of the Federal Procurement Regulations. As much time as possible should be allowed by contracting officers for the audit work. Except under unusual circumstances, at least 30 days should be allowed for the review of the contractors' proposals pursuant to § 1–3.809 of this title.

[FR Doc.74–10149 Filed 5–2–74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2nd Rev. S. O. 1174]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of April 1974.

It appearing, that an acute shortage of plain boxcars exists on the Illinois Central Gulf Railroad Company; that shippers located on lines of this carrier are being deprived of such cars required for loading, resulting in a severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by this railroad are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1174 Service Order No. 1174.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in paragraphs (2) or (6) herein, all plain boxcars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R., No. 391, issued by W. J. Trezise, or reissues thereof, as having mechanical designation XM, bearing reporting marks issued to the Illinois Central Gulf Railroad Company (ICG).

(2) Boxcars described in paragraph (1) herein may be loaded only to stations on the lines of the car owner or to any station which is a junction with the car owner. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(3) Plain boxcars described in paragraph (1) include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(4) Junction points with the ICG shall be those listed by the ICG in its specific registration in the Official Railway Equipment Register, I.C.C. R.E.R., No. 391, issued by W. J. Trezise, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(5) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of paragraph (2) or (6) of this section.

(6) *Exception:* To alleviate hardships or inequities, exceptions to this order may be authorized to the carrier by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. Requests for such exceptions may be made only by carriers.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 11:59 p.m., April 30, 1974.

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

(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 order and direction 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 order 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.74-10244 Filed 5-2-74;8:45 am]

[S. O. 1178, Amdt. 1]

PART 1033—CAR SERVICE

Distribution of Covered Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 29th day of April, 1974.

Upon further consideration of Service Order No. 1178 (39 F.R. 10590) and good cause appearing therefor:

It is ordered, That: § *1033.1178 Service Order No. 1178* Distribution of covered hopper cars be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Retention of cars in service and return to owners*—(1) *Retention of cars in service.* Empty covered hoppers sent by the owner to the SCL as required herein shall be returned empty to the SCL via reverse of loaded route for subsequent shipments of fertilizer originating at origins in Florida, until their removal is authorized by this Commission or until this order expires or is vacated. Cars which must be removed from active service because of mechanical defects must be replaced by the car owner in the manner provided in paragraph (c) for delivery of cars to the SCL. The car owner must notify both this Commission and the transportation officer of the SCL the initial and number of the car removed because of mechanical defects and the initial and number of the replacement car, together with the dates of removal and replacement.

(2) *Return of cars to owner.* Waybill instructions on loaded cars no longer required for empty return to the SCL may be endorsed "When empty, return to car owner." When waybills are so endorsed cars shall be returned to owner in the manner provided by Car Service Rules 1 or 2 or moved as otherwise directed by the car owner.

Effective date. This amendment shall become effective at 11:59 p.m., April 30, 1974.

(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. 74-10243 Filed 5-2-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

The following counties were deleted from the list of Modified Certified Brucellosis Areas in 9 CFR 78.13 on the specified dates: Jo Daviess and Stephenson Counties in Illinois on April 26, 1974; and Lubbock County in Texas on April 26, 1974. Since said dates, it has been determined that these counties again come within the definition of § 78.1(i); and therefore, they have been redesignated as Modified Certified Brucellosis Areas.

Accordingly, § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby revised to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

(a) All States of the United States are hereby designated as Modified Certified Brucellosis Areas except Missouri, Oklahoma, and Texas.

(b) The following States are hereby designated as Modified Certified Brucellosis Areas except for the counties named:

(1) Missouri except Sullivan County.

(2) Oklahoma except Muskogee County.

(3) Texas except Kaufman and Washington Counties.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f); 37 FR 28464, 28477, 38 FR 19141, 9 CFR 78.16).

Effective date. The foregoing amendment shall become effective May 3, 1974.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C., it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of April 1974.

PIERRE A. CHALOUX, *Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.*

[FR Doc.74-10239 Filed 5-2-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. SIPA-5A]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Miscellaneous Amendments

On July 25, 1973, in SIPA Release No. 5, which was published in the FEDERAL REGISTER for August 7, 1973 at 38 FR 21250, the Securities and Exchange Commission announced the adoption of the first of its rules and a form under the Securities Investor Protection Act of 1970. It was intended at that time that the rules under the SIPA would constitute Subpart B of Part 240 of Title 17 of the Code of Federal Regulations. Through an oversight the following technical amendment to Part 240 to accomplish this purpose was omitted from the release and is set forth below.

Commission action. Pursuant to the authority cited in Release No. SIPA-5 as published at 38 FR 21250, the Securities and Exchange Commission further amends Part 240 of Title 17 of the Code

of Federal Regulations by inserting prior to the heading reading: "Rules of General Application" which precedes § 240.0–1, the following new caption: "Subpart A—Rules and Regulations under the Securities Exchange Act of 1934"; and also by inserting prior to § 240.206d–1 the following new caption: "Subpart B—Rules and Regulations under the Securities Investor Protection Act of 1970." This change shall be effective immediately, since procedures under 5 U.S.C. 553 are inapplicable.

For the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 1, 1974.

[FR Doc.74–10369 Filed 5–2–74;7:45 am]

Title 7—Agriculture

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

[Lemon Reg. 637]

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 May 5–11, 1974. 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.

§ 910.937 Lemon Regulation 637.

(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 effecuate 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 strong thus far this week, with good weather favorably affecting order business. Average f.o.b. price was $5.73 per carton the week ended April 27, 1974 compared to $5.53 per carton the previous week. Track and rolling supplies at 146 cars were up 11 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 April 30, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period May 5, 1974, through May 11, 1974, is hereby fixed at 255,000 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: May 1, 1974.

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

[FR Doc.74–10400 Filed 5–2–74;11:50 am]

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

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

United States Standards for Grades of Processed Raisins

Correction

In FR Doc. 74-8686 at page 13763 in the issue of Wednesday, April 17, 1974, make the following change.

In Table I., at page 13764, the "Defects" entry "Slightly discolored or damaged by fermentation or any other defect described above" should be "Slightly discolored or damaged by fermentation or any other defect not described above."

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Gypsy Moth and Browntail Moth

EXEMPTED ARTICLES

This document amends the regulations supplemental to the Gypsy Moth and Browntail Moth Quarantine by changing the condition under which stone and quarry products are exempted from certification, permit, or other requirements. Stone and quarry products will now be exempted if an inspector determines that they have not been exposed to infestation. Annual surveys of the premises will be continued and compliance agreements with the establishments maintained. Various other changes were also made.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.45-2 of the Gypsy Moth and Browntail Moth Quarantine regulations (7 CFR 301.45-2, as amended), the supplemental regulations exempting certain articles from specified requirements of the regulations, 7 CFR 301.45-2b, is hereby amended to read as follows:

§ 301.45-2b Exempted articles.[1]

The following regulated articles are exempted from the certification, permit, and other requirements of this subpart if they meet the applicable conditions prescribed in paragraphs (a) through (i) of this section and have not been exposed to infestation after handling as prescribed in said paragraphs:

(a) Trees and shrubs, and parts of such trees and shrubs, if grown in a greenhouse throughout the year and so labeled on the outside of each container.

(b) Cuttings and scions with stems no greater than one-half inch in diameter.

(c) Parts of trees and shrubs that have dried, pressed, waxed, lacquered, varnished, or similarly surface treated.

(d) Christmas trees, if it has been determined by an inspector that they have not been exposed to infestation.

(e) Boughs and Christmas greenery.

(f) Lumber, if dressed or sawed four sides with ends clipped and free of surface bark; or if kiln dried: *Provided,* That such lumber is shipped directly after processing and the waybill or other shipping document is marked to show that the lumber was shipped immediately after processing.

(g) Wood products which have been manufactured, such as shingles, flooring, furniture, handles, etc.

(h) Shavings, sawdust, wood flour, excelsior, and cedar bedding, if not exposed to infestation in storage.

(i) Stone and quarry products, if it has been determined by an inspector that they have not been exposed to infestation.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477; 38 FR 19140; 38 FR 8659, 7 CFR 301.45-2)

Effective date. This amendment will become effective May 3, 1974, when it shall supersede the list of exempted articles, § 301.45-2b, which became effective November 24, 1971.

The Deputy Administrator of the Plant Protection and Quarantine Programs has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided herein.

This amendment relieves certain restrictions heretofore imposed, and should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions that are being relieved. Also, it does not appear that additional information would be made available to the Department by public participation in rulemaking proceedings on the amendment. Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of April 1974.

T. G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.74-10160 Filed 5-2-74;8:45 am]

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

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

[Docket No. AO-361-A3, etc.]

MILK IN CHICAGO REGIONAL AND CERTAIN OTHER MARKETING AREAS

Order Amending Orders

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

The following findings are hereby made with respect to each of the aforesaid orders:

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

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

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

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

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

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the respective

marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

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

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

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in each of the aforesaid marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the aforesaid orders, as amended, and as hereby further amended. The order set forth herein for the St. Louis-Ozarks marketing area includes certain provisions in § 1062.44 (a)(12)(v) that were inadvertently omitted in the tentative order included in the final decision in this proceeding. Such provisions are in the present order and were retained in the tentative order set forth in both the recommended decision and the revised recommended decision in this proceeding.

PART 1030—MILK IN CHICAGO REGIONAL MARKETING AREA

Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1030.1 General provisions.

DEFINITIONS

1030.2 Chicago Regional marketing area.
1030.3 Route disposition.
1030.4 Plant.
1030.5 Distributing plant.
1030.6 Supply plant.
1030.7 Pool plant.
1030.8 Nonpool plant.
1030.9 Handler.
1030.10 Producer-handler.
1030.11 [Reserved]
1030.12 Producer.
1030.13 Producer milk.
1030.14 Other source milk.
1030.15 Fluid milk product.
1030.16 Fluid cream product.
1030.17 Filled milk.
1030.18 Cooperative association.
1030.19 Exempt milk.

HANDLER REPORTS

1030.30 Reports of receipts and utilization.
1030.31 Payroll reports.
1030.32 Other reports.

CLASSIFICATION OF MILK

1030.40 Classes of utilization.
1030.41 Shrinkage.
1030.42 Classification of transfers and diversions.
1030.43 General classification rules.
1030.44 Classification of producer milk.
1030.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1030.50 Class prices.
1030.51 Basic formula price.
1030.52 Plant location adjustments for handlers.
1030.53 Announcement of class prices.
1030.54 Equivalent price.

UNIFORM PRICE

1030.60 Handler's value of milk for computing uniform price.
1030.61 Computation of uniform price.
1030.62 Announcement of uniform price and butterfat differential.

PAYMENTS FOR MILK

1030.70 Producer-settlement fund.
1030.71 Payments to the producer-settlement fund.
1030.72 Payments from the producer-settlement fund.
1030.73 Payments to producers and to cooperative associations.
1030.74 Butterfat differential.
1030.75 Plant location adjustments for producers and on nonpool milk.
1030.76 Payments by handler operating a partially regulated distributing plant.
1030.77 Adjustment of accounts.
1030.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1030.85 Assessment for order administration.
1030.86 Deduction for marketing services.

AUTHORITY: The provisions of this Part 1030 issued under secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).

GENERAL PROVISIONS

§ 1030.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1030.2 Chicago Regional marketing area.

"Chicago Regional marketing area," hereinafter called the "marketing area," means the territory within the boundaries of the following places, including piers, docks, and wharves and territory wholly or partly within such boundaries occupied by government (municipal, State, or Federal) reservations, installations, institutions or other similar establishments:

(a) In the State of Illinois:

(1) The counties of:

Boone.	Kendall.
Carroll.	Lake.
Cook.	Lee.
De Kalb.	McHenry.
Du Page.	Ogle.
Jo Daviess (except the city of East Dubuque).	Stephenson.
Kane.	Will.
	Winnebago.

(2) In Whiteside County:

(i) The townships of:

Caloma.	Jordan.
Hahnaman.	Montmorency.
Hopkins.	Sterling.
Hume.	Tampico.

(b) In the State of Wisconsin:

(1) The counties of:

Adams.	Menominee.
Brown.	Milwaukee.
Calumet.	Monroe.
Columbia.	Oconto.
Crawford.	Oneida.
Dane.	Outagamie.
Dodge.	Ozaukee.
Fond du Lac.	Portage.
Forest.	Racine.
Grant.	Richland.
Green.	Rock.
Green Lake.	Sauk.
Iowa.	Shawano.
Jefferson.	Sheboygan.
Juneau.	Vernon.
Kenosha.	Vilas.
Kewaunee.	Walworth.
La Crosse.	Washington.
Lafayette.	Waukesha.
Langlade.	Waupaca.
Lincoln.	Waushara.
Manitowoc.	Winnebago.
Marquette.	

(2) In Door County the city of Sturgeon Bay;

(3) In Marathon County:

(i) The towns of:

Bergen.	Marathon.
Berlin.	Mosinee.
Bevent.	Norrie.
Easton.	Plover.
Elderon.	Reid.
Franzen.	Rib Mountain.
Guenther.	Ringle.
Harrison.	Stettin.
Hewitt.	Texas.
Knowlton.	Wausau.
Kronenwetter.	Weston.
Maine.	

(ii) The villages of:

Brokaw.	Marathon.
Elderon.	Rothschild.
Hatley.	

(iii) The cities of:

Mosinee.	Wausau.
Schofield.	

(4) In Wood County:

(i) The towns of:

Cranmoor.	Rudolph.
Grand Rapids.	Saratoga.
Port Edwards.	Seneca.

(ii) The villages of:

Biron.	Port Edwards.

(iii) The cities of:

Nekoosa.	Wisconsin Rapids.

§ 1030.3 Route disposition.

"Route disposition" means a delivery (including disposition from a retail plant store) of any fluid milk product classified as Class I milk to a retail or wholesale outlet other than a milk plant. Disposition of a plant through a vendor or through a distribution point shall be considered a route delivery at the location of the wholesale or retail outlet to which delivery is made.

§ 1030.4 Plant.

"Plant" means a building together with its facilities and equipment, whether owned or operated by one or more persons constituting a single operating unit

or establishment: (a) that has facilities adequate for cleansing tank trucks, is approved by an appropriate health authority, and at which milk moved from the farm is transferred and commingled in another tank truck with other milk and is transshipped in such other tank truck to another plant, (b) at which milk is received from dairy farmers, or (c) at which milk is processed and packaged or manufactured. If a portion of the building is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition and is physically separated from the approved portion, such unapproved portion shall not be considered as meeting the terms of this definition.

§ 1030.5 Distributing plant.

"Distributing plant" means a plant from which there is route disposition in the marketing area, either directly or through another plant, of a Grade A fluid milk product that is processed or packaged in such plant during the month.

§ 1030.6 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk product is shipped or transshipped during the month to another plant. Such supply plant shall be equipped with storage capacity sufficient to hold the largest quantity of fluid milk product either received in the plant or shipped from the plant as a single load during the month, except that no storage capacity shall be maintained in a plant described in § 1030.4(a). Any plant located on the premises of a pool distributing plant pursuant to § 1030.7(a) shall not be considered a supply plant unless it is located in a building that is entirely separate from the distributing plant.

§ 1030.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means a plant pursuant to § 1030.4 that is specified in paragraph (a), (b), or (c) of this section. In determining the pool plant qualifications of plants pursuant to this section on milk subject to the conditions specified in § 1030.9(h), the receipts and disposition of the plant operated by the transferor-handler shall exclude the milk described in § 1030.9(h)(3) but shall include the milk described in §1030.9(h)(4).

(a) A distributing plant from which there is disposed of during the month not less than the percentages set forth in paragraph (a)(2) and (3) of this section of the receipts specified in paragraph (a)(1) of this section. Two or more distributing plants of a handler shall be considered a unit for the purpose of paragraph (a)(3) of this section in any month if the handler operating such plants has filed a written request with the market administrator prior to such month requesting that they be considered a unit.

(1) The total Grade A fluid milk products, except filled milk, received during the month at such plant, including producer milk diverted under § 1030.13, and milk received from a handler pursuant to § 1030.9(h), but excluding receipts of fluid milk products in exempt milk, packaged fluid milk products and bulk fluid milk products by agreement for Class II and Class III uses from other pool distributing plants, and receipts from other order plants and unregulated supply plants which are assigned pursuant to § 1030.44 (a)(8)(i)(*a*) and (ii) and the corresponding step of § 1030.44(b).

(2) Not less than 10 percent of such receipts is disposed of from such plant in the marketing area in the form of packaged fluid milk products, except filled milk, either as route disposition or moved to other plants from which it is disposed of in the marketing area as route disposition. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(3) Not less than 45 percent in each of the months of September, October, November, and December and 35 percent in each of the months of January, February, March, and August, and 30 percent in all other months of such receipts is disposed of in the form of packaged fluid milk products, except filled milk, either as route disposition or moved to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(b) A supply plant from which the quantity of fluid milk products (except filled milk) and condensed skim milk shipped or transshipped during the month in accordance with paragraph (b)(1) and (2) of this section is not less than the percentages specified in paragraph (b)(4) of this section subject to paragraph (b)(5), (6), (7), and (8) of this section of the volume of Grade A milk received from dairy farmers and handlers described in § 1030.9(c), including producer milk diverted under § 1030.13. Such receipts shall be reduced by the disposition of packaged fluid milk products described in paragraph (b)(3) of this section.

(1) Shipped or transshipped as fluid milk products to and physically unloaded into:

(i) Pool plants pursuant to paragraph (a) of this section to the extent of the quantity determined pursuant to paragraph (b)(5) of this section;

(ii) Plants of producer-handlers; and

(iii) Partially regulated distributing plants and assigned to Class I milk disposed of in the marketing area from such plants pursuant to § 1030.42(d)(2)(ii) (*a*) and (*c*).

(2) Moved as condensed skim milk to pool plants pursuant to paragraph (a) of this section to the extent it is used in a fluid milk product that is disposed of as a fluid milk product (except filled milk). Such use of condensed skim milk shall be prorated over receipts of condensed skim milk from all supply plants.

(3) The receipts of Grade A milk required to be included pursuant to this paragraph shall be reduced by the amount of packaged fluid milk products (except filled milk) that are disposed of from such plant as route disposition or moved to a nonpool plant from which they are disposed of as route disposition outside the marketing area.

(4) Such percentage shall be not less than 40 for each of the months of September, October, and November, and 30 for all other months, except that a plant that was a pool plant pursuant to this paragraph during each of the months of August through December, the percentage shall be not less than 20 for each of the following months of January, February, and March. A plant meeting such requirements for August through March shall be a pool plant for each of the following months of April through July, unless:

(i) The milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area; or

(ii) Written application is filed with the market administrator by the plant operator on or before the first day of any such month (April–July) requesting the plant be designated a nonpool plant for such month and any subsequent month through July, provided it does not otherwise qualify as a pool plant.

(5) For the purpose of determining the percentages specified in paragraph (b)(4) and (7) of this section, the quantity of fluid milk products moved from a supply plant pursuant to paragraph (b)(1)(i) of this section shall be a net quantity assignable at pool distributing plants computed by subtracting from the quantity of fluid milk products received from a supply plant(s), but not to exceed such quantity, the amounts described in paragraph (b)(5)(i) and (ii) of this section (if fluid milk products are received from more than one supply plant, such net quantity assignable shall be prorated among supply plants in accordance with the total receipts from such plants).

(i) The quantity of fluid milk products in the form of bulk milk and skim milk transferred from the pool distributing plant to pool supply plants plus any such bulk shipments to nonpool plants as Class II or Class III milk, other than:

(*a*) Transfers classified pursuant to § 1030.40(b)(3); and

(*b*) Transfers on any Saturday or on New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving, or Christmas, that no milk is received at the pool distributing plant from a supply plant, in an amount not in excess of 120 percent of the average daily receipts of producer milk pursuant to § 1030.13(a) at the plant during the prior month, less the quantity of producer milk diverted pursuant to § 1030.13(e) on such day. If no producer milk was received in the distributing plant during the prior month, the average daily receipts during the current month shall be used in lieu of the prior month for computing the transfers to be excepted by this subdivision; and

(ii) If milk is diverted from the pool distributing plant on the date of the

receipt from the supply plant, the quantity so diverted, except any diversion of milk (not to exceed 3 days' production of any individual producer) made because of an emergency situation such as a breakdown of trucking equipment or hazardous road conditions shall not be subtracted if such emergency is reported to the market administrator.

(6) The percentages specified in paragraph (b) (4) and/or in paragraph (b) (7) (iii) of this section applicable during the months August-March shall be increased or decreased by up to 10 percentage points by the Director of the Dairy Division if he finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments except that the percentages specified in paragraph (b) (7) (iii) of this section shall not exceed 50 percent of those specified in paragraph (b) (4) of this section. Before making such a finding the Director shall investigate the need for revision either on his own initiative or at the request of interested persons and if his investigation shows that a revision might be appropriate he shall issue a notice stating that revision is being considered and inviting data, views, and arguments with respect to the proposed revision: *Provided*, That if a plant which would not otherwise qualify as a pool plant during the month pursuant to paragraph (b) (4) or (7) (iii) of this section would qualify as a pool plant as a result of this subparagraph, such plant shall be a nonpool plant for such month upon filing by the operator of such plant a written request for nonpool status with the market administrator.

(7) Two or more plants shall be considered a unit for the purpose of this paragraph if the following conditions are met:

(i) The plants included in a unit are owned or fully leased and operated by the handler establishing the unit and such plants shall have been pool plants the month prior to being included in a unit. In the case of plants operated by cooperative associations two or more cooperative associations may establish a unit of designated plants by filing with the market administrator a written contractual agreement obligating each plant of the unit to ship milk as directed by such cooperatives;

(ii) The handler or cooperatives establishing a unit notify the market administrator in writing of the plants to be included therein prior to August 1 of each year and no additional plants shall be added to the unit prior to August 1 of the following year;

(iii) Each plant in a unit ships or transships to plants specified in paragraph (b) (1) of this section the following percentages of its producer milk: 20 in each of the months of September, October, and November; 15 in each of the months of August and December; and 10 in each of the months of January, February, and March. If for any month a plant does not meet the individual plant shipping percentage, that plant shall be excluded from the unit; and

(iv) The notification pursuant to paragraph (b) (7) (ii) of this section shall list the plants in the order in which they shall be excluded from the unit if the minimum shipping requirements are not met, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the minimum requirements.

(8) If a handler notifies the market administrator in writing that a plant is unable to meet the requirements set forth herein because of a work stoppage due to a labor dispute between employer and employees, the market administrator, upon verification of the handler's claim, shall not include the receipts and utilization of skim milk and butterfat at such plant for those days from the date of notification through the last day of the work stoppage in determining the percentage of skim milk and butterfat shipped pursuant to this paragraph. When the work stoppage includes an entire month, the plant shall be considered to have met the minimum percentage shipping requirements in that month for pool plant status pursuant to this paragraph, but such relief shall not be granted for more than 2 consecutive months.

(c) A plant which is operated by a cooperative association and which is not a pool plant pursuant to paragraph (a) or (b) of this section shall be a pool plant if at least 50 percent of the Grade A milk of producers of such cooperative association is received at pool distributing plants of other handlers during the month and written application for pool plant status is filed with the market administrator on or before the first day of such month.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant or exempt distributing plant; or

(2) A plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless it is qualified as a pool plant pursuant to paragraph (a), (b), or (c) of this section and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area as route disposition and to pool plants qualified on the basis of route disposition in this marketing area than is so disposed of in the marketing area regulated pursuant to such other order.

§ 1030.8 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, a producer-handler plant, or an exempt distributing plant and from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is not an other order plant, a producer-handler plant, or an exempt distributing plant from which fluid milk products are shipped during the month to a pool plant.

(e) "Exempt distributing plant" means a distributing plant operated by a governmental agency.

§ 1030.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant of another handler pursuant to § 1030.13 for the account of such cooperative association;

(c) Any cooperative association with respect to milk of its producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) A producer-handler;

(f) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant;

(g) Any person in his capacity as a broker negotiating a purchase or sale of fluid milk products or fluid cream products from or to a person described in paragraph (a) or (d) of this section; or

(h) Any person who is a handler operating a pool distributing plant pursuant to paragraph (a) of this section may be the handler on producer milk delivered to pool distributing plants of other handlers, subject to the following conditions:

(1) Prior to the first month he becomes the handler pursuant to this paragraph such handler shall notify the market administrator in writing of his election to do so and he shall provide the name and address of each transferee-pool plant receiving the milk that is subject to the conditions of this paragraph;

(2) All of the producer milk on which he is the handler pursuant to this paragraph shall be considered a transfer from such handler's pool distributing plant to another pool distributing plant for the purposes of classification pursuant to §§ 1030.40 through 1030.45;

(3) If an entire tank truck load of milk is delivered to the pool plant of an other handler, it shall be considered a receipt by the transferor-handler pursuant to this paragraph for pricing purposes pursuant to §§ 1030.50 through 1030.53 and 1030.60 through 1030.77 at the location of the transferee-plant; and

(4) If less than an entire tank truck load of milk is delivered to the pool plant

of another handler, a portion of the milk on the tank truck load must be physically received at the transferor-handler's pool distributing plant. Such split load shall be considered a receipt of producer milk at the transferor-handler's plant for pricing purposes pursuant to §§ 1030.50 through 1030.53 and 1030.60 through 1030.77.

§ 1030.10 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who has route disposition in the marketing area of only fluid milk products of such person's own production or fluid milk products received from pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and the operation of the processing and packaging business are the personal enterprise and risk of such person.

§ 1030.11 [Reserved]

§ 1030.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is received at a pool plant or diverted pursuant to § 1030.13.

(b) "Producer" shall not include:

(1) A dairy farmer who is a government and has nonproducer status for the month pursuant to § 1030.19;

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

(3) Any person with respect to milk produced by him which 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 or Class III utilization pursuant to § 1030.44(a)(8)(ii) and the corresponding step of § 1030.44(b);

(4) Any person with respect to milk produced by him which is reported as diverted to an other order plan if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order; and

(5) A dairy farmer with respect to milk produced by him that is received at a handler's pool plant during the months of January through July if any milk from the same farm was a receipt of producer milk in any "payback" month during the preceding year under an other order that provided for a seasonal incentive payment plan whereby funds previously withheld in the computation of the uniform price to producers were paid back to producers through the uniform price computation in subsequent months of the year.

§ 1030.13 Producer milk.

"Producer milk" means milk produced by producers which is:

(a) Received at a pool plant directly from producers, by being physically unloaded into processing facilities or a storage tank (including another tank truck in the case of a reload facility), and the shrinkage of skim milk and butterfat in milk received from producers' farms which was not unloaded in a pool plant. Such direct receipts from producers shall include the portion of a tank truck load of milk unloaded in a pool plant in the case where a portion of such load was first unloaded at another pool plant or diverted to a nonpool plant. The quantity of milk so received at each such plant shall be prorated over the total quantity of milk picked up at each producer's farm.

(b) Received by a handler pursuant to § 1030.9(h).

(c) Received at a pool plant from a handler described in § 1030.9(c). The utilization value of such milk at class prices shall be included in computing the receiving handler's value of milk pursuant to § 1030.60.

(d) Received by a handler described in § 1030.9(c) to the extent of the shrinkage of skim milk and butterfat received from producers' farms which was not received in a pool plant under paragraph (c) of this section. In applying §§ 1030.52 and 1030.75 such skim milk and butterfat shall be deemed to be received at the location of the pool plant to which delivery is normally made.

(e) Diverted from a pool plant to a nonpool plant that is not a producer-handler plant, subject to the conditions specified in this paragraph. Milk shall be eligible for diversion as producer milk only if the person producing such milk had delivered milk as producer milk to a pool plant prior to the diversion. Milk picked up at a producer's farm in a tank truck, to the extent it is unloaded at a nonpool plant, shall be subject to the conditions specified in this paragraph; and if the tank truck contains milk from more than one producer, the quantity subject to the conditions specified in this paragraph shall be prorated over the total quantity of milk picked up at each producer's farm. In calculating the percentages specified in § 1030.7, milk so diverted shall be considered as received in the pool plant from which diverted. The location price adjustments pursuant to § 1030.75 shall be based on the zone location of the nonpool plant(s) where such milk is physically received, except that in the case of a distributing plant, diverted milk of a producer shall be priced at the location of such plant if during the month not more than 4 days' production of such producer is diverted, or if the diverted milk is part of a tank truck load of milk that exceeds the milk storage capacity of such distributing plant. Diverted milk shall be limited as follows:

(1) Milk of a producer diverted for the account of the operator of a pool plant or a handler described in § 1030.9(b) that during the months of April through December does not exceed the quantity of such producer's milk received in the pool plant from which diverted, and during the months of January, February and March does not exceed 70 percent of such producer's milk received in or diverted from such pool plant: *Provided*, That during the months of April through July such limits shall not apply for a producer who delivered to a pool plant any time during the prior August-December period and subsequently maintained producer status without interruption of more than 30 consecutive days;

(2) To the extent that milk diverted by a cooperative as a handler during any month would result in the plant failing to qualify as a pool plant under § 1030.7 such diverted milk shall not be producer milk; and

(3) Milk of a producer diverted by a handler who fails to report the information required pursuant to § 1030.32(a)(2) shall not be considered producer milk pursuant to this paragraph.

§ 1030.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1030.40(b)(1) from any source other than producers, handlers described in § 1030.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1030.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1030.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1030.40(b)(1)) for which the handler fails to establish a disposition.

§ 1030.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted; and

(2) Any milk product not specified in paragraph (a)(1) of this section or in § 1030.40 (b) or (c)(1) (i) through (v), if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1030.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1030.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1030.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1030.19 Exempt milk.

"Exempt milk" means milk received at a pool plant in bulk from the dairy farmer who produced it, to the extent of the quantity of any packaged fluid milk products returned to the dairy farmer if:

(a) The dairy farmer is a government which is not engaged in the route disposition of any of the returned products; and

(b) The dairy farmer has, by written notice to the market administrator and the receiving handler, elected nonproducer status for a period of not less than 12 months beginning with the month in which the election was made and continuing for each subsequent month until canceled in writing, and the election is in effect for the current month.

HANDLER REPORTS

§ 1030.30 Reports of receipts and utilization.

On or before the 10th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants (except that if a handler so requests and the request is approved by the market administrator, a single report may be filed), shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1030.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from pool plants of other handlers (or other pool plants, as applicable), including a separate statement of the net receipts from each supply plant computed pursuant to § 1030.7(b)(5), except that during the months of April through July no such separate statement need be made if receipts from supply plants are from only plants that were pool plants during the prior months of August through March;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1030.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1030.9(b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1030.31 Payroll reports.

(a) On or before the 25th day after the end of each month, each handler described in § 1030.9(a), (b), and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1030.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1030.32 Other reports.

(a) Each handler pursuant to § 1030.9(a), (b), (g), and (h) shall report to the market administrator on or before the 10th day after the end of the month in detail and on forms prescribed by the market administrator as follows:

(1) Each handler pursuant to § 1030.9(g) shall report the quantities of skim milk and butterfat in fluid milk products and fluid cream products moved for his account from each pool plant and received at each pool plant or partially regulated distributing plant during the month;

(2) Each handler pursuant to § 1030.9(a) and (b) shall report for each load of milk diverted for his account the quantity of each producer's milk included therein, the date(s) and times of pickup and delivery to the nonpool plant the name and location of that plant, and the plant from which diverted;

(3) Each handler pursuant to § 1030.9(h) shall report for each load of milk transferred for his account the quantity of each producer's milk included therein, the dates and times of pickup and delivery to the transferee-plant, the name and location of that plant and the plant from which transferred. Also, he shall report the quantities of skim milk and butterfat in his receipts of producer milk and delivery of such milk to each pool distributing plant during the month; and

(4) Each handler who, during the month, received milk from a dairy farmer from whom he had not received milk for at least 30 consecutive days, shall report the name and address of the dairy farmer and the plant to which each such person previously delivered milk. Each handler who discontinues receiving milk from a producer during the month shall report each such producer's name, address, and the plant to which such person transferred.

(b) In addition to the reports required pursuant to paragraph (a) of this section and §§ 1030.30 and 1030.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1030.40 Classes of utilization.

Except as provided in § 1030.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1030.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1030.15; and

(6) In shrinkage assigned pursuant to § 1030.41(a) to the receipts specified in § 1030.41(a)(2) and in shrinkage specified in § 1030.41 (b) and (c).

§ 1030.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1030.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant (or at all of the handler's pool plants combined if a single report is filed pursuant to § 1030.30) to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section, excluding that received in the form of a packaged fluid milk product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant and milk received from a handler described in § 1030.9(c));

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1030.9(c), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants (or pool plants of other handlers, if applicable);

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other pool plants (or pool plants of other handlers, if applicable) and to nonpool plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1030.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1030.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant (or to the pool plant of another handler if a single report is filed pursuant to § 1030.30 by the transferor-handler) shall be classified as Class I milk unless the operators of both plants request the same classification in another class. The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1030.44(a)(12) and the corresponding step of § 1030.44(b).

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b)(1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1030.40.

(c) *Transfers to producer-handlers and transfers and diversions to exempt distributing plants.* Skim milk or butterfat in the following forms that is transferred from a pool plant to a producer-handler under this or any other Federal order or transferred or diverted from a pool plant to an exempt distributing plant shall be classified:

(1) As Class I milk, if so moved in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler plant, or an exempt distributing plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1030.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(c) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

§ 1030.43 General classification rules.

In determining the classification of producer milk pursuant to § 1030.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1030.30 and shall compute separately for each pool plant (or for all of a handler's pool plants combined if paragraph (d) of this section applies) and for each cooperative association with respect to milk for which it is the handler pursuant to § 1030.9 (b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1030.40, 1030.41, and 1030.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids;

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1030.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative; and

(d) If a handler operates two or more pool plants, the classification of producer milk shall be determined on the basis of all of his pool plants combined if he files a single report pursuant to § 1030.30 or has received skim milk or butterfat that would be allocated pursuant to § 1030.44 (a) (11) or (12) or the corresponding steps of § 1030.44(b).

§ 1030.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1030.9(a) for each of his pool plants separately (or for all of his pool plants combined if § 1030.43(d) applies) and of each handler described in § 1030.9 (b) and (c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1030.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in:

(i) Receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(ii) Receipts of exempt milk;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a) (7) (vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1030.40(b) (1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1030.40(b) (1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1030.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a) (5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1030.40(b) (1) that was not subtracted pursuant to paragraph (a) (4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from an exempt distributing plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2) (i) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(vii) Receipts of fluid milk products (other than exempt milk) from a government which has elected nonproducer status for the month pursuant to § 1030.19; and

(viii) Receipts of fluid milk products from persons described in § 1030.12(b) (5);

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III, but not in excess of such quantities, the pounds of skim milk in each of the following;

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2) (i) and (7) (v) of this section:

(*a*) For which the handler requests a classification other than Class I; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler) by 1.25 and subtracting the sum of the pounds of skim milk in receipts of producer milk, fluid milk products from other pool plants (or from pool plants of other handlers if § 1030.43(d) applies), and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a) (7) (vi) of this section; and

(ii) Receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7) (vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1030.40(b) (1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a) (5) and (7) (i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a) (1) of this section;

(11) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities in Class I and in Class II and Class III combined (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2) (i), (7) (v), and (8) (i) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received;

(12) Subtract in the order specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7) (vi) and (8) (ii) of this section:

(i) From each class, in series beginning with Class III, the pounds determined by multiplying the pounds of such net receipts by the larger of the percentage of estimated combined Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1030.45(a) or the percentage that the combined Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler); and

(ii) From Class I, the remainder of such receipts;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from other pool plants (or from pool plants of other handlers if § 1030.43(d) applies) according to the classification of such products pursuant to § 1030.42 (a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a) (14) of this section and the corresponding step of paragraph (b) of this section.

§ 1030.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1030.44(a) (12)

and the corresponding step of § 1030.44 (b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1030.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 17th day after the end of each month, report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association for its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month.

CLASS PRICES

§ 1030.50 Class prices.

Subject to the provisions of § 1030.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.*—The Class I price shall be the basic formula price for the second preceding month plus $1.26.

(b) *Class II price.*—The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.*—The Class III price shall be the basic formula price for the month.

§ 1030.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1030.52 Plant location adjustments for handlers.

A location adjustment for each handler shall be computed by the market administrator as follows:

(a) The market administrator shall determine the location adjustment rate for each plant at which milk is to be priced under this part on the following basis:

(1) Zone 1—adjustment rate—none. Zone I shall consist of the territory within 40 miles of the city hall in Chicago.

(2) Zone 2—adjustment rate—minus 2 cents per hundredweight of milk. Zone 2 shall consist of the territory beyond Zone 1 but within 55 miles of the city hall in Chicago.

(3) Zone 3—adjustment rate—minus 4 cents per hundredweight of milk. Zone 3 shall consist of the territory beyond Zone 2 but within 70 miles of the city hall in Chicago.

(4) Zone 4—adjustment rate—minus 6 cents per hundredweight of milk. Zone 4 shall consist of the territory beyond Zone 3 but within 85 miles of the city hall in Chicago, plus Milwaukee County, Wis., and Winnebago County, Ill.

(5) For plants located beyond Zone 4 the adjustment rate shall be an additional 2 cents per hundredweight of milk for each 15 miles or fraction thereof over 85 miles. The territory beyond 85 miles, but not to exceed 100 miles, shall be Zone 5 and each successive 15-mile area shall be an additional zone.

(b) (1) The mileages applicable pursuant to this section and § 1030.75 shall be determined by the market administrator on the basis of the shortest highway distance between the handler's plant and the city hall in Chicago.

(2) The market administrator shall notify each handler of the zone or mileage determination.

(3) Mileage shall be subject to redetermination at all times. In the event a handler requests a redetermination of the mileage pertaining to any plant, the market administrator shall notify the handler of his findings within 30 days after the receipt of such request. Any financial obligations resulting from a change in mileage shall not be retroactive for any period prior to the redetermination announced by the market administrator.

(c) A handler who operates a pool distributing plant (or plants) shall receive a location adjustment computed as follows:

(1) Determine the aggregate quantity of Class I milk at such plant (or all pool plants of such handler for which a single report is filed pursuant to § 1030.30 after eliminating duplication for transfer between such plants);

(2) Subtract the receipts of exempt milk and the quantity of packaged fluid milk products received at the handler's pool plant(s) from the pool plants of other handlers (or other pool plants, if applicable) and from nonpool plants if assigned to Class I milk;

(3) Subtract the quantity of bulk fluid milk products shipped from the handler's pool plant(s) to pool plants of other handlers (or other pool plants, if applicable) and to nonpool plants that are classified as Class I;

(4) Subtract the Class I milk packaged by pool supply plants and disposed of as route disposition or to other plants;

(5) Subtract the quantity of bulk fluid milk products received at the handler's pool plant(s) from other order plants and unregulated supply plants that are assigned to Class I pursuant to § 1030.44;

(6) Assign the remaining quantity pro rata to receipts during the month from each source as specified in paragraph (c) (6) (i) and (ii) of this section:

(i) Receipts at the handler's pool distributing plant(s) of producer milk, except that if the quantity prorated to any distributing plant exceeds the Class I disposition from such plant, such quantity shall be reduced to the amount of such Class I disposition and the quantity of milk represented in such reduction shall be prorated to receipts of producer milk at other distributing plants of the handler (limited in each instance to the amount of Class I disposition at each such plant) and receipts of bulk fluid milk products at such distributing plants from other pool plants; and

(ii) Receipts of bulk fluid milk products at such distributing plants from each other pool plant according to the quantity of such receipts from each such source;

(7) If receipts during the month at such distributing plants of producer milk and bulk fluid milk products from other pool plants are less than the quantity to be assigned pursuant to paragraph (c) (6) of this section, prorate the amount of such excess in the same manner over such receipts in the next prior month in which there were receipts in excess of those assigned in that month pursuant to this subparagraph;

(8) Multiply by the location adjustment rates applicable at the transferor plants, the quantity assigned to receipts of producer milk at such distributing plants pursuant to paragraph (c) (6) (i) and (7) of this section;

(9) Multiply by the location adjustment rates applicable at the transferor plants, the lesser of:

(i) 110 percent of the quantities assigned to receipts from each other pool plant pursuant to paragraph (c) (6) (ii) of this section; or

(ii) Receipts specified in paragraph (c) (6) (ii) of this section;

(10) Multiply by the location adjustment rates applicable at the transferor plants, the quantities assigned pursuant to paragraph (c) (7) of this section to receipts from other pool plants in prior months;

(11) Multiply the quantity of bulk fluid milk products shipped from the handler's pool plant(s) to nonpool plants and classified as Class I by the location adjustment rates applicable at the shipping plant;

(12) Multiply the quantity of Class I milk packaged by pool supply plants and disposed of as route disposition or to

other plants by the location adjustment rates applicable at the pool supply plants from which disposition is made; and

(13) Add together the minus amounts obtained pursuant to paragraph (c)(8), (9), (10), (11), and (12) of this section.

(d) A handler (other than one described in paragraph (c) of this section) who operates a pool supply plant shall receive a location adjustment credit on producer milk at such plant classified as Class I that is not shipped as a bulk fluid milk product to a pool distributing plant.

(e) The Class I price applicable to other source milk shall be reduced at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1030.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1030.54 Equivalent price.

If for any reason a price quotation or other pricing factor required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price quotation or price factor determined by the Secretary to be equivalent to that required.

UNIFORM PRICE

§ 1030.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler described in § 1030.9 (a), (b), (c), and (h) as follows:

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1030.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1030.44(a)(14) and the corresponding step of § 1030.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1030.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1030.44 (a)(9) and the corresponding step of § 1030.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1030.44(a)(7) (i) through (iv), (vii), and (viii) and the corresponding step of § 1030.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1030.44(a)(7) (v) and (vi) and the corresponding step of § 1030.44 (b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1030.44(a)(11) and the corresponding step of § 1030.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) Subtract an amount equal to the minus location adjustment computed pursuant to § 1030.52(c)(13) or (d).

§ 1030.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content at plants in Zone I pursuant to paragraphs (a) through (e) of this section. If the unreserved cash balance in the producer-settlement fund to be included in the computation is less than 2 cents per hundredweight of producer milk on all reports, the report of any handler who has not made the payments required pursuant to § 1030.71 for the preceding month shall not be included in the computation of the uniform price. The report of such handler shall not be included in the computation for succeeding months until he has made full payment of outstanding monthly obligations. Subject to the aforementioned conditions, the market administrator shall compute the uniform price in the following manner:

(a) Combine into one total the values computed pursuant to § 1030.60 for all handlers;

(b) Add an amount equal to the total value of the minus location adjustments computed pursuant to § 1030.75(a);

(c) Add an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1030.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

§ 1030.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 14th day after the end of each month the uniform price for such month.

PAYMENTS FOR MILK

§ 1030.70 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement" fund into which he shall deposit all payments received pursuant to paragraph (a) of this section and out of which he shall make all payments required pursuant to paragraph (b) of this section.

(a) Payments made by handlers pursuant to §§ 1030.71, 1030.76, 1030.77 and 1030.78.

(b) Payments due handlers pursuant to §§ 1030.72 and 1030.77: *Provided*, That payments due any handler shall be offset by payments due from such handler pursuant to §§ 1030.71, 1030.76, 1030.77, 1030.78, 1030.85 and 1030.86.

§ 1030.71 Payments to the producer-settlement fund.

(a) On or before the 16th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1030.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1030.75, of such handler's receipts of producer milk; and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1030.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the

location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1030.72 Payments from the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1030.71(a)(2) exceeds the amount computed pursuant to § 1030.71 (a)(1): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1030.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay each producer for producer milk received from such producer and for which payment is not made to a cooperative association pursuant to paragraph (b) or (c) of this section as follows:

(1) On or before the 3rd day after the end of each month, to each producer who has not discontinued shipping milk to such handler before the end of the month, for producer milk received during the first 15 days of the month at a rate per hundredweight not less than the lowest class price under the order for milk of 3.5 percent butterfat for the preceding month, less proper deductions authorized in writing by such producer; and

(2) On or before the 18th day after the end of each month, for producer milk received during such month, at a rate per hundredweight of not less than the uniform price as adjusted pursuant to §§ 1030.74, 1030.75 and 1030.86, less any payment made pursuant to paragraph (a)(1) of this section, and any proper deduction authorized in writing by such producer and plus or minus adjustments for errors in previous payments made to such producer. If by such date the handler has not received full payment from the market administrator pursuant to § 1030.72 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following receipt of the balance due from the market administrator.

(b) Payments required in paragraph (a) of this section shall be made by a handler to a cooperative association qualified under § 1030.18, or its duly authorized agent, for producer milk if the cooperative association is authorized to collect such payments for such producers and has presented the handler with a written request for such payments. Payments to the cooperative association pursuant to this paragraph shall be subject to the condition that the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by the handler because of any improper claim on the part of the cooperative association. The amount of payment shall be equal to the sum of the individual payments otherwise payable for such producer milk and shall be paid by the handler as follows:

(1) On or before the 1st day after the end of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 16th day after the end of each month for milk received during such month.

(c) Each handler shall pay a cooperative association for milk received by the handler from the cooperative association as follows:

(1) In the case of milk received from a pool plant(s) operated by a cooperative association:

(i) For milk received during the first 15 days of the month, the handler shall pay the cooperative association on or before the 1st day after the end of the month during which the milk was received at a rate per hundredweight not less than the lowest class price under the order for milk of 3.5 percent butterfat for the preceding month; and

(ii) For milk received during the month the handler shall pay the cooperative association on or before the 16th day after the end of the month during which the milk was received at a rate per hundredweight not less than the minimum class prices pursuant to § 1030.50, as adjusted by the butterfat differential specified in § 1030.74, and less any payment made pursuant to paragraph (c)(1)(i) of this section; and

(2) In the case of milk received from a cooperative association acting as a handler described under § 1030.9(c);

(i) For milk received during the first 15 days of the month, the handler shall pay a cooperative association on or before the 1st day after the end of the month during which the milk was received at a rate per hundredweight not less than the lowest class price under the order for milk of 3.5 percent butterfat for the preceding month; and

(ii) For milk received during the month, the handler shall pay the cooperative association on or before the 16th day after the end of the month during which the milk was received at a rate per hundredweight of not less than the uniform price computed as described under § 1030.61, as adjusted pursuant to §§ 1030.74 and 1030.75 and less any payment made pursuant to paragraph (c)(2)(i) of this section.

(d) In making payments for producer milk pursuant to paragraphs (a)(2) or (b)(2) of this section, each handler shall furnish each producer or cooperative association to whom such payment is made a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds for each producer (and the average butterfat content for the entire month only);

(3) The minimum rate or rates at which payment to the producer is required pursuant to this order;

(4) The rate that is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount, or the rate per hundredweight, and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1030.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1030.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price pursuant to § 1030.61 for producer milk received at a plant shall be adjusted according to the location of the plant at the rates set forth in § 1030.52(a).

(b) The uniform price applicable to other source milk shall be reduced at the rates set forth in § 1030.52(a), except that the adjusted uniform price shall not be less than the Class III price.

§ 1030.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1030.30(b) and 1030.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1030.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1030.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1030.60 for such handler shall include, in lieu of the value of other source milk specified in § 1030.60(f) less the value of such other source milk specified in § 1030.71(a)(2)(ii), a value of milk determined pursuant to § 1030.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1030.7(b), subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1030.30(b) and 1030.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The value of milk determined pursuant to § 1030.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1030.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1030.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1030.77 Adjustment of accounts.

When verification by the market administrator of reports or payment of any handler discloses errors resulting in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1030.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1030.71, 1030.76, 1030.77, 1030.85 or 1030.86, shall be increased three-fourths of one percent on the 7th day after the due date each month.

(a) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid interest charges previously computed pursuant to this section;

(b) For the purpose of this section, any unpaid obligation that is determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator shall be considered to have been due when it would have been due if such report had been submitted at the proper time; and

(c) Payment of any interest obligation computed pursuant to this section in an amount less than $10 shall be delayed until the accumulated interest obligation of such handler equals or exceeds $10.

Administrative Assessment and Marketing Service Deduction

§ 1030.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 18th day after the end of each month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own farm production and including for a handler described in § 1030.9(c) producer milk described in § 1030.13(d));

(b) Other source milk allocated to Class I pursuant to § 1030.44(a)(7) and (11) and the corresponding steps of § 1030.44(b), except such other source milk that is excluded from the computations pursuant to § 1030.60(d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1030.76(a)(2).

§ 1030.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1030.73 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 18th day after the end of the month. Such monies shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of member producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions as are authorized by such producers and, on or before the 18th day

after the end of each month, pay over such deductions to the association rendering such services.

PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

Subpart—Order Regulation Handling

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ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

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AUTHORITY: The provisions of this Part 1032 issued under secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).

GENERAL PROVISIONS

§ 1032.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1032.2 Southern Illinois marketing area.

"Southern Illinois marketing area", hereinafter called the "marketing area", means all the territory within the following counties, all of which are in the State of Illinois, together with all municipal corporations therein and all institutions owned or operated by the Federal, State, county, or municipal governments located wholly or partially within such counties:

BASE ZONE

Bond.
Calhoun.
Christian.
Clark.
Clay.
Clinton.
Coles.
Crawford.
Cumberland.
Edwards.
Effingham.
Fayette.
Greene.
Jasper.
Jefferson.
Jersey.
Lawrence.
Macoupin.
Madison.
Marion.
Monroe.
Montgomery.
Richland.
St. Clair (except Scott Military Reservation, East St. Louis, Centreville, Canteen, and Stites Townships and the city of Belleville).
Shelby.
Wabash.
Washington.
Wayne.

NORTHERN ZONE

Champaign.
De Witt.
Douglas.
Edgar.
Logan.
Macon.
McLean.
Menard.
Morgan.
Moultrie.
Piatt.
Sangamon.
Vermilion.

SOUTHERN ZONE

Franklin.
Hamilton.
Jackson.
Perry.
Randolph.
Saline.
White.
Williamson.

§ 1032.3 Route disposition.

"Route disposition" means a delivery (including disposition from a plant store or from a distributing point and distribution by a vendor or vending machine) to a retail or wholesale outlet, other than a plant, of any fluid milk product classified as Class I milk.

§ 1032.4 [Reserved]

§ 1032.5 Distributing plant.

"Distributing plant" means any plant at which fluid milk products are processed and packaged and from which there is route disposition of Grade A fluid milk products in the marketing area during the month.

§ 1032.6 Supply plant.

"Supply plant" means any plant at which Grade A milk is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 1032.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means a plant specified in paragraph (a), (b), or (c) of this section. For purposes of determining pool plant status pursuant to this section, Grade A receipts from dairy farmers shall include all quantities of milk diverted pursuant to § 1032.13(b) (1), (2), and (3) by an operator of a pool plant.

(a) A distributing plant from which during the month there is:

(1) Route disposition, except filled milk, in the marketing area equal to 10 percent or more of its Grade A receipts from dairy farmers and handlers described in § 1032.9(c), or an average of not less than 7,000 pounds per day of route disposition, except filled milk, in the marketing area; and

(2) Total route disposition, except filled milk, equal to 50 percent or more of its Grade A receipts from dairy farmers and handlers described in § 1032.9(c) during the months of August through February and 40 percent during all other months.

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and handlers described in § 1032.9(c) is moved to and received at a pool plant(s) described in paragraph (a) of this section which have at least 50 percent Class I use (not including filled milk) of the total of such supply plant milk and producer milk receipts in the months of August through February and 40 percent in other months.

(c) Any supply plant which qualified pursuant to paragraph (b) of this section in each of the immediately preceding months of September through January shall be a pool plant for the months of February through August unless the operator of such plant notifies the market administrator in writing before the first day of any such month of his intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant until it again meets the shipping requirements set forth in paragraph (b) of this section.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A distributing plant qualified pursuant to paragraph (a) of this section which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which during the month there is a greater quantity of route disposition, except filled milk, in the marketing area regulated by the other order than in the Southern Illinois marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month

in which a greater proportion of such route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this subparagraph;

(3) A distributing plant qualified pursuant to paragraph (a) of this section which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which during the month there is a greater quantity of route disposition, except filled milk, in the Southern Illinois marketing area than in the other marketing area, and such other order which fully regulates the plant does not contain provisions to exempt the plant from regulation even though such plant has greater such route disposition in the marketing area of the Southern Illinois order; and

(4) Any plant qualified pursuant to paragraph (c) of this section for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1032.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

§ 1032.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to milk of its members diverted for its account pursuant to § 1032.13;

(c) Any cooperative association with respect to the milk of its members which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to such cooperative association. The cooperative association, prior to the first day of the month of delivery, shall notify in writing the market administrator and the handler to whose plant the milk is delivered, that it will be the handler for the milk. For purposes of location adjustments to producers, milk so delivered shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant to which it is delivered;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) A producer-handler;

(f) Any person who operates an other order plant described in § 1032.7(d); and

(g) Any person in his capacity as the operator of an unregulated supply plant.

§ 1032.10 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a distributing plant and processes milk from his own farm production and who disposes of all or a portion of such milk as route disposition in the marketing area but who receives no milk from other dairy farmers or fluid milk products from nonpool plants: *Provided,* That the skim milk and butterfat disposed of in the form of fluid milk products designated as Class I milk pursuant to § 1032.40(a) does not exceed the skim milk and butterfat, respectively, in the form of milk from his own farm production, and in the form of fluid milk products from pool plants of other handlers, allowing for inventory derived from such sources; and

(b) Assumes as his personal enterprise and risk the processing and distribution of fluid milk products and the maintenance, care, and management of dairy animals and other resources necessary to produce his own farm milk production.

§ 1032.11 [Reserved]

§ 1032.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is received at a pool plant or diverted as producer milk pursuant to § 1032.13.

(b) "Producer" shall not include:

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

(2) Any person with respect to milk produced by him which 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 or Class III utilization pursuant to § 1032.44(a)(8)(iii) and the corresponding step of § 1032.44(b); and

(3) Any person with respect to milk produced by him which is reported as diverted to an other plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1032.13 Producer milk.

"Producer milk" means all skim milk and butterfat produced by producers which is:

(a) Received during the month:

(1) At a pool plant from producers or from a handler described in § 1032.9(c); and

(2) By a handler described in § 1032.9(c) but which is not delivered to a pool plant of another handler and constitutes shrinkage pursuant to § 1032.41(c) or Class I shrinkage; or

(b) Diverted by a handler who is the operator of a pool plant or by a cooperative association pursuant to the following conditions:

(1) Milk of a producer diverted from a pool plant for the account of the plant operator to another pool plant(s) for not more days of production of such producer's milk than is physically received at a pool plant(s) from which diverted;

(2) Milk of a producer diverted from a pool plant to a nonpool plant that is not a producer-handler plant or an other order plant, on any day during the months of May, June, and July, during the months of August and December for not more than 12 days of production of producer milk by such producer, and in any other month for not more than 8 days of production of producer milk by such producer;

(3) Milk of a producer diverted during the month from a pool plant to a nonpool plant that is an other order plant, for not more days of production of producer milk, by such producer than is received at a pool plant(s) pursuant to paragraph (a) of this section;

(4) For pricing purposes, milk diverted pursuant to paragraph (b)(2) and (3) of this section shall be deemed to be received by the diverting handler at the location of the plant to which diverted: *Provided,* That milk diverted pursuant to paragraph (b)(2) of this section to a plant located less than 50 miles (by the shortest highway distance as determined by the market administrator) from the pool plant from which diverted, shall be deemed to be received by the diverting handler at the location of the plant from which diverted; and

(5) For pricing purposes, milk diverted pursuant to paragraph (b)(1) of this section shall be deemed to be received by the diverting handler at the location of the plant to which diverted.

§ 1032.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1032.40(b)(1) from any source other than producers, handlers described in § 1032.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1032.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1032.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1032.40(b)(1)) for which the handler fails to establish a disposition.

§ 1032.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted; and

(2) Any milk product not specified in paragraph (a)(1) of this section or in § 1032.40(b) or (c)(1) (i) through (v) if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1032.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1032.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1032.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 1032.19 Reload point.

"Reload point" means a location at which facilities approved by a duly constituted health authority, only for the transfer of milk from one tank truck to another and for the washing of tank trucks and at which milk moved from the farm in a tank truck is commingled in a tank truck with milk from other tank trucks before entering a milk plant: *Provided*, That reloading facilities on the premises of a plant having equipment for the receiving, cooling, storing, and processing of milk, which equipment is in current use during the month, shall be considered a supply plant rather than a reload point.

HANDLER REPORTS

§ 1032.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1032.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1032.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1032.9(b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1032.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1032.9 (a), (b), and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1032.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1032.32 Other reports.

In addition to the reports required pursuant to §§ 1032.30 and 1032.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1032.40 Classes of utilization.

Except as provided in § 1032.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1032.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1032.15; and

(6) In shrinkage assigned pursuant to § 1032.41(a) to the receipts specified in § 1032.41(a)(2) and in shrinkage specified in § 1032.41(b) and (c).

§ 1032.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1032.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b)(1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b)(1) through (6) of this section which was received in bulk fluid form;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant and milk received from a handler described in § 1032.9(c));

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1032.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraphs (b)(1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1032.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1032.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1032.44(a)(12) and the corresponding step of § 1032.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1032.44(a)(7) or the corresponding step of § 1032.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1032.44(a)(11) or (12) or the corresponding steps of § 1032.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b)(1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing

classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1032.40.

(c) *Transfers to producer-handlers.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1032.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plans shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

§ 1032.43 General classification rules.

In determining the classification of producer milk pursuant to § 1032.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1032.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1032.9 (b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1032.40, 1032.41, and 1032.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1032.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1032.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1032.9(a) for each of his pool plants separately and of each handler described in § 1032.9 (b) and (c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1032.41 (b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1032.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1032.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1032.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1032.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1032.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11)(i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provision of paragraph (a)(12)(ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1032.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1032.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1032.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1032.44(a)(12) and the corresponding step of § 1032.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1032.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the class utilization of producer milk received by each handler from a cooperative association or from members of the association. For the purpose of this report, the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class.

Class Prices

§ 1032.50 Class prices.

Subject to the provisions of § 1032.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the Class I price pursuant to Part 1062 of this chapter (St. Louis-Ozarks) minus 7 cents.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1032.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1032.52 Plant location adjustments for handlers.

(a) For producer milk received at a pool plant which is classified as Class I milk, the price specified in § 1032.50(a) shall be adjusted for the location of such plant by the following amount:

(1) At a plant in the southern zone, plus 7 cents;

(2) At a plant in the northern zone, minus 7 cents;

(3) At a plant outside the marketing area, minus 15 cents if such plant is 100 or more miles from the city or village limits of Alton, Robinson, or Vandalia, Ill., whichever is nearest, and minus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles: *Provided*, That the adjustment at a plant outside the marketing area and in the State of Illinois south of the northernmost boundaries of the Illinois counties of Adams and Schuyler and at a plant in the Indiana counties of Fountain, Parke, Vermillion, and Warren shall be the same as for a pool plant located in the northern zone; and

(4) In determining location adjustments, mileage shall be based on the shortest hard-surfaced highway distance as determined by the market administrator.

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee-plant only to the extent that 105 percent of Class I disposition at the transferee-plant exceeds the sum of receipts at such plant from producers and handlers described in § 1032.9(c), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor-plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1032.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1032.54 Equivalent price.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

UNIFORM PRICE

§ 1032.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1032.9 (b) and (c) as follows:

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1032.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1032.44(a)(14) and the corresponding step of § 1032.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1032.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1032.44 (a)(9) and the corresponding step of § 1032.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1032.44(a)(7) (i) through (iv) and the corresponding step of § 1032.44 (b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1032.44(a)(7) (v) and (vi) and the corresponding step of § 1032.44 (b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1032.44(a)(11) and the corresponding step of § 1032.44 (b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) For the first month that this paragraph is effective, subtract the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class II price, both for the preceding month, by the hundredweight of skim milk and butterfat in any fluid milk product or product specified in § 1032.40 (b) that was in the plant's inventory at the end of the preceding month and classified as Class I milk.

§ 1032.61 Computation of uniform price (including weighted average price).

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content which is received from producers at plants located in the "base zone" as follows:

(a) Combine into one total the values computed pursuant to § 1032.60 for all handlers who filed the reports prescribed by § 1032.30 for the month and who made the payments pursuant to §§ 1032.71 and 1032.73 for the preceding month;

(b) Add an amount equal to the value of the net location and zone adjustments (reductions minus increases) applicable to the uniform price pursuant to § 1032.75;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1032.60(f);

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price," and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(f) For the months specified in paragraphs (g) and (h) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (c) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (d)(2) of this section by the weighted average price;

(g) Subtract in the case of milk delivered during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of producer milk specified in paragraph (d)(1) of this section;

(h) Add in the case of milk delivered during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (g) of this section;

(i) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(j) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1032.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 12th day after the end of each month the uniform price for such month.

PAYMENTS FOR MILK

§ 1032.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1032.71, 1032.76, and 1032.77 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1032.72 and 1032.77: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler; and

(b) All amounts subtracted pursuant to § 1032.61(g) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1032.73 in accordance with the requirements of § 1032.61(h).

§ 1032.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month, each handler shall pay to the market administrator the

amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1032.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1032.75, of such handler's receipts of producer milk; and

(ii) The value at the weighted average price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1032.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1032.72 Payments from the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1032.71(a)(2) exceeds the amount computed pursuant to § 1032.71(a)(1). The market administrator shall offset any payment due any handler against any payments due from such handler.

§ 1032.73 Payments to producers and to cooperative associations.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, each handler shall make payment for milk received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month an amount equal to not less than the Class III price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph;

(2) On or before the 20th day of the following month to each producer, an amount equal to not less than the uniform price, as adjusted pursuant to §§ 1032.74 and 1032.75, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to paragraph (a)(1) of this section;

(ii) Less deductions for marketing services made pursuant to § 1032.86;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized in writing by such producer: *Provided*, That, if by such date, such handler has not received full payment from the market administrator pursuant to § 1032.72 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) Payments required in paragraph (a) of this section shall be made to a cooperative association, qualified under § 1032.18 or its duly authorized agent, which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing. Such handler shall, on or before the 18th day of the following month pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount equal to not less than the amount due such producer-members as determined pursuant to paragraph (a) of this section, less any deductions authorized in writing by such association: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) On or before the 18th day after the end of each month, each handler shall pay to each cooperative association for milk the handler receives at his pool plant from a pool plant(s) operated by such association, not less than the minimum prices for milk in each class, as adjusted by the butterfat differential specified in § 1032.74, that are applicable at the location of the handler's pool plant;

(d) On or before the 18th day of the following month, each handler, in his capacity as the operator of a pool plant, who receives milk for which a cooperative association is the handler pursuant to § 1032.9(c) shall pay such cooperative price as adjusted pursuant to §§ 1032.74 and 1032.75;

association for such milk at the uniform

(e) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its producers in accordance with such provision of the Act, and

(f) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month; and

(2) On or before the 7th day after the end of the month, the total pounds of milk received from each producer, together with the butterfat content of such milk, and the amount or rate and nature of any deductions authorized by the cooperative association.

§ 1032.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1032.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be adjusted according to the location of the pool plant at the rates set forth in § 1032.52(a); and

(b) The weighted average price applicable to other source milk shall be subject to the same adjustments applicable to the uniform price under paragraph (a) of this section, except that the adjusted weighted average price shall not be less than the Class III price.

§ 1032.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1032.30(b) and 1032.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the weighted average price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1032.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1032.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1032.60 for such handler shall include, in lieu of the value of other source milk specified in § 1032.60(f) less the value of such other source milk specified in § 1032.71(a)(2)(ii), a value of milk determined pursuant to § 1032.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1032.7 (b) and (c), subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1032.30(b) and 1032.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The value of milk determined pursuant to § 1032.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1032.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1032.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1032.77 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator, from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1032.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1032.71, 1032.85, or 1032.86 shall be increased one-half of 1 percent for each month or portion thereof that such payment is overdue.

Administrative Assessment and Marketing Service Deduction

§ 1032.85 Assessment for order administration.

As his pro rata share of the expense of administering the order, each handler (excluding a handler described in § 1032.9 (c) with respect to milk delivered to pool plants) shall pay to the market administrator on or before the 20th day after the end of the month 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) His producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1032.44(a)(7) and (11) and the corresponding steps of § 1032.44(b), except such other source milk that is excluded from the computations pursuant to § 1032.60 (d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1032.76(a)(2).

§ 1032.86 Deduction for marketing services.

(a) *Deduction for marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to § 1032.73, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers (excluding such handler's own production) during the month, and shall pay such deductions to the market administrator on or before the 20th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide them with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers cooperative association.* In the case of producers for whom a cooperative association is actually performing as determined by the Secretary, the services set forth in paragraph (a) of this section each handler, in lieu of the deduction specified in paragraph (a) of this section, shall make such marketing service deductions as are authorized by producer-members, and pay the money so deducted to the cooperative association on or before the 20th day after the end of the month.

PART 1046—MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Subpart—Order Regulating Handling

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Authority: The provisions of this Part 1046. issued under secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674).

General Provisions

§ 1046.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

Definitions

§ 1046.2 Louisville-Lexington-Evansville marketing area.

The "Louisville-Lexington-Evansville marketing area", hereinafter called the "marketing area", means all the territory geographically within the counties listed below and all territory wholly or partly therein occupied by municipal corporations and institutions owned or operated by Federal, State or local governments:

Indiana Counties

Clark.
Crawford.
Daviess.
Dubois.
Floyd.
Gibson.
Harrison.
Knox.
Martin.
Orange.
Perry.
Pike.
Posey.
Spencer.
Vanderburgh.
Warrick.
Washington.

Kentucky Counties

Adair.
Anderson.
Bourbon.
Boyle.
Breckinridge.
Bullit.
Butler.
Casey.
Clark.
Clinton.
Cumberland.
Daviess.
Edmonson.
Fayette.
Franklin.
Garrard.
Grayson.
Green.
Hancock.
Hardin.
Hart.
Henderson.
Henry.
Hopkins.
Jefferson.
Jessamine.
Larue.
Lincoln.
Logan.
Madison.
Marion.
McLean.
Meade.
Mercer.
Muhlenberg.
Nelson.
Ohio.
Oldham.
Pulaski.
Russell.
Scott.
Shelby.
Spencer.
Taylor.
Union.
Washington.
Wayne.
Webster.
Woodford.

§ 1046.3 Route disposition.

"Route disposition" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor) of a fluid milk product(s) classified as Class I milk to a wholesale or retail outlet(s) other than to a milk or filled milk plant(s). A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets without intermediate movement to another milk or filled milk plant.

§ 1046.4 [Reserved]

§ 1046.5 City plant.

"City plant" means a plant where milk is processed or packaged and from which there is route disposition in the marketing area of fluid milk products permitted to be labeled as "Grade A" by a duly constituted health authority.

§ 1046.6 Country plant.

"Country plant" means a milk plant other than a city plant, which is approved by a duly constituted health authority to supply milk or skim milk to a city plant(s) for disposition as "Grade A" milk and at which milk is received during the month from persons described in § 1046.12(a)(1) or from a handler described in § 1046.9(c).

§ 1046.7 Pool plant.

Except as provided in paragraph (e) of this section, "pool plant" means:

(a) A city plant which meets the following requirements:

(1) For each of the months of May through October not less than 30 percent and for each of the months of November through April not less than 50 percent of the fluid milk products, except filled milk, received during the 2 months immediately preceding from persons described in § 1046.12(a)(1), from a handler described in § 1046.9(c), from country plants and from pool plants in containers not larger than a gallon is disposed of as Class I milk, except filled milk, from such plant during such 2-month period to all outlets except such disposition to pool plants in containers larger than a gallon: *Provided*, That, if such utilization percentage for the 2 preceding months cannot be ascertained by the market administrator, the respective percentages shall apply to receipts and sales during the current month; and

(2) There is an amount of route disposition in the marketing area, except filled milk, equal to not less than an average of 13,500 pounds per day or not less than 10 percent of the fluid milk products, except filled milk, received during the current month from persons described in § 1046.12(a)(1), from a handler described in § 1046.9(c), and from country plants.

(b) A country plant during any of the months of October through March from which not less than 50 percent, and during other months not less than 40 percent, of the receipts of milk at such plant from persons described in § 1046.12(a)(1) and from a handler described in § 1046.9(c) is moved to and received at a city plant in the form of milk or skim milk.

(c) A country plant during the months of April through September from which not less than 50 percent of the combined receipts of milk from persons described in § 1046.12(a)(1) and from a handler described in § 1046.9(c) during the preceding period of October through March was moved to and received at a city plant(s) in the form of milk or skim milk, unless the operator of such plant notifies the market administrator in writing on or before March 15 of withdrawal of the plant from the pool for the months of April through September next following.

(d) A country plant which is operated by a cooperative association if (1) two-thirds or more of the milk from persons

described in § 1046.12(a)(1) who are members of such association is delivered during the month from farms to the pool plant(s) of other handlers or transferred by such association from its plant to the pool plant(s) of other handlers or (2) such plant qualified as a pool plant pursuant to paragraph (d)(1) of this section during each of the immediately preceding consecutive months of October through February.

(e) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant; and

(2) Unless determined otherwise by the Secretary, a milk plant during any month in which the milk at such plant would be subject to the pricing and pooling provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to paragraph (a), (b), (c) or (d) of this section and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in the Louisville-Lexington-Evansville marketing area to other pool plants and to retail or wholesale outlets than in the marketing area regulated pursuant to such other order during the current month.

§ 1046.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of an other order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products are shipped to a pool plant.

§ 1046.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 1046.13;

(c) Any cooperative association with respect to the milk of its producer members which is delivered for the account of the cooperative association from the farm to the pool plant(s) of another handler in a tank truck owned by, operated by, or under contract to such cooperative association if the cooperative association has notified in writing prior to delivery both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler; and

(f) Any person who operates an other order plant described in § 1046.7(e).

§ 1046.10 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, distributes any portion of such milk as route disposition in the marketing area and receives no fluid milk products from other dairy farmers or nonpool plants and no milk products other than fluid milk products for reconstitution into fluid milk products: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the care and management of all of the dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

§ 1046.11 [Reserved]

§ 1046.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person:

(1) Who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition (this definition shall include approval of milk by the authority to administer the regulations governing the quality of milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases located in the marketing area during any month in which such milk is disposed of to such institutions or bases); and

(2) Whose milk so produced pursuant to paragraph (a)(1) of this section is received at a pool plant or by a handler described in § 1046.9(c) or diverted in accordance with the conditions set forth in § 1046.13.

(b) "Producer" shall not include:

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

(2) Any person with respect to milk produced by him which 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 or Class III utilization pursuant to § 1046.44(a)(8)(iii) and the corresponding step of § 1046.44(b); and

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1046.13 Producer milk.

"Producer milk" means that skim milk and butterfat contained in milk of a producer which is:

(a) Received from producers at a pool plant for the account of the person operating such plant. When milk is withdrawn at more than one pool plant from the same load delivered by a farm tank pickup truck, the entire load shall be deemed to have been received at the first pool plant at which any of such milk was withdrawn unless:

(1) There is an agreement among the operators of the pool plants receiving such milk providing for other receiving handler(s) to report and pay for all or a portion of such milk; or

(2) The milk involved is that which is delivered to pool plants for the account of a handler described in § 1046.9(c).

(b) Diverted by a handler from a pool plant to another pool plant for any number of days of the month. Milk so diverted shall be deemed to have been received by the diverting handler at the location of the pool plant from which it is diverted.

(c) Diverted from a pool plant to a nonpool plant that is not a producer-handler plant, for the account of the operator of the pool plant or a cooperative association, subject to the following conditions:

(1) Milk so diverted shall be deemed to have been received at the pool plant from which it is diverted; and

(2) Producer milk pursuant to this paragraph shall not include the milk of any person during any of the months of October, November, January and February on days on which it is diverted by a handler to a nonpool plant in excess of 22 days (11 days in the case of every-other-day delivery) during the month.

(d) Received by a handler described in § 1046.9(c).

§ 1046.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1046.40(b)(1) from any source other than producers, handlers described in § 1046.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1046.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1046.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1046.40(b)(1)) for which the handler fails to establish a disposition.

§ 1046.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted; and

(2) Any milk product not specified in paragraph (a)(1) of this section or in § 1046.40 (b) or (c)(1) (i) through (v) if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1046.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1046.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1046.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

HANDLER REPORTS

§ 1046.30 Reports of receipts and utilization.

On or before the 8th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1046.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1046.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1046.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1046.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described § 1046.9(a), (b), and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1046.76 (b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1046.32 Other reports.

(a) Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received.

(b) On or before the 10th day after the request of the market administrator, each handler shall submit a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant. Changes in such schedule of rates and the effective dates thereof shall be reported to the market administrator within 10 days.

(c) In addition to the reports required pursuant to paragraphs (a) and (b) of this section and §§ 1046.30 and 1046.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1046.40 Classes of utilization.

Except as provided in § 1046.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1046.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are

packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1046.15; and

(6) In shrinkage assigned pursuant to § 1046.41(a) to the receipts specified in § 1046.41(a)(2) and in shrinkage specified in § 1046.41 (b) and (c).

§ 1046.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1046.30, the market administrator shall determine the following:

(a) The total shrinkage of skim milk and butterfat, respectively, at each pool plant, which shall be assigned pro rata to:

(1) The quantity of skim milk and butterfat, respectively, that is equal to 50 times the maximum amount that may be computed pursuant to paragraph (b) of this section; and

(2) The quantity of skim milk and butterfat, respectively, in other source milk received in bulk form as fluid milk products or bulk fluid cream products, excluding any such receipts used in the computations pursuant to paragraph (b)(5) and (6) of this section;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1046.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1046.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1046.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant or by a handler described in § 1046.9(c) to another handler's pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1046.44(a)(12) and the corresponding step of § 1046.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1046.44(a)(7) or the corresponding step of § 1046.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk;

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1046.44(a) (11) or (12) or the corresponding steps of § 1046.44(b), the skim milk or butterfat, so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant; and

(4) If a specified classification is not claimed by both handlers in the case of transfers or diversions by such a cooperative association, such skim milk and butterfat shall be classified pro rata to the respective amounts remaining in each class at the pool plant of the transferee- or divertee-handler after making the assignments pursuant to § 1046.44(a)(12) and the corresponding step of § 1046.44(b), and after the assignment of milk for which a specified classification has been claimed pursuant to this paragraph.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the

extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1046.40.

(c) *Transfers to producer-handlers.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2)(ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1046.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

§ 1046.43 General classification rules.

In determining the classification of producer milk pursuant to § 1046.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1046.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1046.9 (b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1046.40, 1046.41, and 1046.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1046.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1046.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1046.9(a) for each of his pool plants separately and of each handler described in § 1046.9 (b) and (c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1046.41 (b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other

order plant, except that to be subtracted pursuant to paragraph (a) (7) (vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1046.40(b) (1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1046.40(b) (1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1046.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a) (5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1046.40(b) (1) that was not subtracted pursuant to paragraph (a) (4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2), and (7) (v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2), (7) (v), and (8) (i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a) (8) (ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1046.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a) (7) (vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7) (vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1046.40(b) (1) in inventory at the beginning of the month that were not subtracted pursuant to paragraphs (a) (5) and (7) (i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a) (1) of this section;

(11) Subject to the provisions of paragraph (a) (11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2), (7) (v), and (8) (i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class II combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7) (vi) and (8) (iii) of this section:

(i) Subject to the provisions of paragraph (a)(12)(ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(a) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1046.45(a); or

(b) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant or a handler described in § 1046.9(c) according to the classification of such products pursuant to § 1046.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any suant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1046.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1046.44(a)(12) and the corresponding step of § 1046.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month, of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1046.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 15th day after the end of each month, report to each cooperative association, which so requests, with respect to milk delivered by such association or by its members to each handler during the month: (1) The percentage of such receipts classified in each class; and (2) the percentage relationship of such receipts to the total pounds of Class I milk available to assign to such receipts exclusive of the Class I milk disposed of by such handler to the pool plant(s) of other handlers and to nonpool plants. For the purpose of these reports, the milk received from such association shall be treated on a pro rata basis of the total producer milk received by such handler during the month.

CLASS PRICES

§ 1046.50 Class prices.

Subject to the provisions of § 1046.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.49.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1046.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1046.52 Plant location adjustments for handlers.

(a) For that milk received from producers or from a handler described in § 1046.9(c) at a pool plant located at any point which is 85 miles or more from the City Hall in Evansville, Indiana, or Louisville, Lexington, Danville, Elizabethtown, or Madisonville, Kentucky, whichever is nearer, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk subject to the limitations pursuant to paragraph (b) of this section, the price specified in § 1046.50(a) shall be reduced at the rate set forth in the following schedule according to the location of the plant where such milk is received:

	Rate per hundredweight (cents)
Distance from City Hall:	
85 miles but less than 95 miles	15.0
For each additional 10 miles or fraction thereof an additional	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to that Class I

disposition at the transferee-plant which is in excess of the sum of receipts at such plant from producers and handlers described in § 1046.9(c), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor-plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1046.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1046.54 Equivalent price.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

UNIFORM PRICE

§ 1046.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1046.9 (b) and (c) as follows:

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1046.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1046.44(a)(14) and the corresponding step of § 1046.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1046.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1046.44(a)(9) and the corresponding step of § 1046.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1046.44(a)(7)(i) through (iv) and the corresponding step of § 1046.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1046.44(a)(7)(v) and (vi) and the corresponding step of § 1046.44(b); and

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1046.44(a)(11) and the corresponding step of § 1046.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

§ 1046.61 Computation of uniform price (including weighted average price).

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content which is received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1046.60 for all handlers who filed the reports prescribed by § 1046.30 for the month and who are not in default of payments pursuant to § 1046.71 for the preceding month;

(b) Add an amount equal to the total value of the location adjustments computed pursuant to § 1046.75;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1046.60(f);

(e) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(f) For the months specified in paragraphs (g) and (h) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (c) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (d)(2) of this section by the weighted average price;

(g) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computations by a rate that is equal to 10 percent of the average basic formula price (computed to the nearest cent) for the preceding calendar year but that is not more than 40 cents;

(h) Add during each of the months of September, October, November and December one-fourth of the total amount subtracted pursuant to paragraph (g) of this section;

(i) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(j) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" per hundredweight for milk of 3.5 percent butterfat received from producers.

§ 1046.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 12th day after the end of each month the uniform price for such month.

§ 1046.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1046.71, 1046.76, and 1046.77 subject to the provisions of § 1046.78, and from which he shall make all payments pursuant to §§ 1046.72 and 1046.77: *Provided*, That payments due any handler shall be offset by payments due from such handler.

§ 1046.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1046.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1046.75, of such handler's receipts of producer milk; and

(ii) The value at the weighted average price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1046.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class

I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1046.72 Payments from the producer-settlement fund.

On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1046.71(a)(2) exceeds the amount computed pursuant to § 1046.71(a)(1): *Provided,* That the market administrator shall offset any payment due any handler against payments due from such handler, and if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1046.73 Payments to producers and to cooperative associations.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, an amount computed at not less than the Class III price for the preceding month without deduction for hauling.

(b) On or before the 17th day after the end of each month for milk received from such producer during such month, an amount computed at not less than the uniform price per hundredweight for the month, as adjusted pursuant to §§ 1046.74 and 1046.75, and plus or minus adjustments for errors made in previous payments to such producer and less (1) the payment made pursuant to paragraph (a) of this section, (2) deductions for marketing services pursuant to § 1046.86, and (3) proper deductions authorized by such producer which, in the case of a deduction for hauling, shall be in writing and signed by such producer or, in the case of members of a cooperative association which is marketing the producer's milk, by such association.

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association in lieu of payments pursuant to paragraphs (a) and (b) of this section, each handler shall pay to the cooperative association on or before the second day prior to the dates specified in paragraphs (a) and (b), respectively, of this section, an amount equal to the sum of the individual payments otherwise payable to such producers without the deductions provided by paragraphs (b)(2) and (3) of this section: *Provided,* That deductions for supplies authorized by such producer may be made. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraph (b) of this section, each handler shall furnish each producer a supporting statement which shall show for each month the following:

(1) The identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) In making payments to a cooperative association pursuant to paragraph (c) of this section, each handler shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(1) On or before the 20th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month, the total pounds of milk received each month, together with the butterfat content of such milk and the amount of deductions claimed by such handler.

(f) Each handler shall pay to the cooperative association on or before the 10th day of the following month for milk received from it as a handler described in § 1046.9(c) an amount computed at not less than the value of such milk at the minimum prices for milk in each class, as adjusted by the butterfat differential specified in § 1046.74, that are applicable at the location of the receiving handler's pool plant.

§ 1046.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1046.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1046.52; and

(b) For purposes of computations pursuant to §§ 1046.71 and 1046.72 the weighted average price shall be reduced at the rates set forth in § 1046.52 applicable at the location of the nonpool plant(s) from which the milk was received, except that the adjusted weighted average price shall not be less than the Class III price.

§ 1046.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1046.30(b) and 1046.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated

under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the weighted average price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1046.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1046.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1046.60 for such handler shall include, in lieu of the value of other source milk specified in § 1046.60(f) less the value of such other source milk specified in § 1046.71(a)(2)(ii), a value of milk determined pursuant to § 1046.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1046.7 (b) and (c), subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1046.30 (b) and 1046.31(b) similar reports for each such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1046.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1046.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1046.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1046.77 Adjustment of accounts.

Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever such verification discloses that payment is due from the market administrator to any handler, pursuant to § 1046.72, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by § 1046.73, the handler shall pay any amount so due not later than the time of making payment to producers next following such disclosure.

§ 1046.78 Charges on overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1046.71, 1046.72, 1046.73, 1046.76, 1046.77, 1046.85, or 1046.86 shall be increased one-half of one percent on the first of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

Administrative Assessment and Marketing Service Deduction

§ 1046.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler, excluding a handler described in § 1046.9(c), shall pay to the market administrator on or before the 15th day after the end of the month three cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production) and milk received from a handler described in § 1046.9(c);

(b) Other source milk allocated to Class I pursuant to § 1046.44(a) (7) and (11) and the corresponding steps of § 1046.44(b), except such other source milk that is excluded from the computations pursuant to § 1046.60 (d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1046.76(a)(2).

§ 1046.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 1046.73(b), shall deduct 5 cents per hundredweight, or such amount not in excess thereof as the Secretary may prescribe, with respect to all milk received by such handler from producers (other than such handler's own farm production) during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) Each cooperative association which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer

members for milk delivered to such handler. Such claim shall contain a list of the producers for whom such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer. In making payments to producers for milk received during the month, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, deductions in accordance with the association's claim and shall pay the amount deducted to the association within 15 days after the end of the month.

PART 1049—MILK IN INDIANA MARKETING AREA

Subpart—Order Regulating Handling

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AUTHORITY.—The provisions of this Part 1049 issued under secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674).

GENERAL PROVISIONS

§ 1049.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1049.2 Indiana marketing area.

"Indiana marketing area" (hereinafter referred to as the "marketing area") means all the territory within the boundaries of each of the Indiana counties listed below, including territory wholly or partly within such boundaries occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments:

Adams.
Allen.
Bartholomew.
Blackford.
Boone.
Brown.
Cass.
Clay.
Clinton.
Decatur.
De Kalb.
Delaware.
Elkhart.
Fayette.
Fountain.
Franklin.
Fulton.
Grant.
Hamilton.
Hancock.
Hendricks.
Henry.
Howard.
Huntington.
Jackson.
Jay.
Johnson.
Kosciusko.
Lagrange.
Lake.
La Porte.
Lawrence.
Madison.
Marion.
Marshall.
Miami.
Monroe.
Montgomery.
Morgan.
Noble.
Owen.
Parke.
Porter.
Putnam.
Randolph.
Rush.
Shelby.
Steuben.
St. Joseph.
Starke.
Tippecanoe.
Tipton.
Union.
Vermillion.
Vigo.
Wabash.
Warren.
Wayne.
Wells.
Whitley.

§ 1049.3 Route disposition.

"Route disposition" means a delivery (including that custom-packaged for another person, disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I milk other than a delivery in bulk form to any milk or filled milk processing plant.

§ 1049.4 [Reserved]

§ 1049.5 Distributing plant.

"Distributing plant" means a plant approved by any duly constituted health authority for the processing or packaging of milk for fluid consumption in the marketing area and from which there is route disposition during the month in the marketing area.

§ 1049.6 Supply plant.

"Supply plant" means a plant in which some milk approved by any duly constituted health authority for fluid consumption in the marketing area is assembled and shipped in bulk as milk or skim milk to a distributing plant during the month.

§ 1049.7 Pool plant.

Except as provided in paragraph (c) of this section, "pool plant" means:

(a) A distributing plant with:

(1) Total route disposition, exclusive of packaged fluid milk products received from other plants and filled milk, in an amount not less than 50 percent of Grade A milk received at such plant during the month from dairy farmers (excluding receipts of producer milk by diversion pursuant to § 1049.13) and supply plants, except that a plant meeting such percentage requirement for the preceding month may remain qualified under this subparagraph in the current month; and

(2) Route disposition within the marketing area during the month of at least 10 percent of such receipts, such route disposition to be exclusive of packaged fluid milk products received from other plants and filled milk: *Provided,* That any plant meeting the requirements of this paragraph in each of the months of September through May, inclusive, shall continue to have pool plant status in the months of June, July, and August, immediately following if there is route disposition, except filled milk, from the plant in the marketing area during such month.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped to plants qualifying for the month pursuant to paragraph (a) of this section. A plant qualified pursuant to this paragraph in each of the immediately preceding months of September through February shall remain so qualified for the months of April through August unless written application is filed with the market administrator on or before the first day of any such month to designate such plant as a nonpool plant for such month and for each subsequent month through

August during which it would otherwise not qualify under this paragraph.

(c) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A distributing plant from which the Secretary determines there is a greater proportion of route disposition (except filled milk) in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to regulation of such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which it has a greater proportion of its route disposition (except filled milk) in such other marketing area, unless, notwithstanding the provisions of this subparagraph, it is regulated by such other order;

(3) A distributing plant which meets the requirements of paragraph (a) of this section which also meets the requirements of another order on the basis of its route disposition in such other marketing area and from which the Secretary determines there is a greater quantity of route disposition (except filled milk) during the month in this marketing area than in such other marketing area but which plant is nevertheless fully regulated under such other order;

(4) A supply plant which during the month is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to paragraph (b) of this section and a greater volume of fluid milk products (except filled milk) is moved to pool distributing plants qualified on the basis of route disposition in this marketing area; and

(5) That portion of a plant that is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition.

§ 1049.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool supply plant that is not an other order plant or a producer-handler plant, from which fluid milk products are shipped during the month to a pool plant.

§ 1049.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to producer milk diverted for the account of such association pursuant to § 1049.13;

(c) [Reserved]

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler; or

(f) Any person who operates an other order plant described in § 1049.7(c).

§ 1049.10 Producer-handler.

"Producer-handler" means a person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants, and no milk products other than fluid milk products for reconstitution into fluid milk products: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources used in his own farm production and the operation of the processing and distributing business are at the personal enterprise and risk of such person.

§ 1049.11 [Reserved]

§ 1049.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who in compliance with Grade A inspection requirements of a duly constituted health authority, produces milk for distribution as fluid milk products within the marketing area or produces milk acceptable for fluid consumption at Federal, State, or municipal institutions, which milk is received at a pool plant or diverted pursuant to § 1049.13.

(b) "Producer" shall not include:

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

(2) Any person with respect to milk produced by him which 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 or Class III utilization pursuant to § 1049.44(a)(8)(iii) and the corresponding step of § 1049.44(b); and

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1049.13 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk of any producer which is:

(a) Received at one or more pool plants during the month (milk may be diverted during the month by a handler from a pool distributing plant to another pool plant(s) for not more days of production of producer milk than is physically received at the diverting pool plant).

(b) Received at a pool plant at least one day during the month and then diverted by the operator of a pool plant or by a cooperative association to a nonpool plant that is not a producer-handler plant during the month under any of the following conditions:

(1) During April through August the operator of a pool plant or a cooperative association may divert the milk production of a producer from a pool plant to a nonpool plant on any number of days during the month.

(2) During September through March the milk of a producer diverted by the operator of a pool plant or a cooperative association to a nonpool plant shall be limited to the amounts specified in paragraph (b)(2)(i) and (ii) of this section:

(i) The operator of a pool plant may divert the milk of producers (except producer members of a cooperative association which is diverting milk under the percentage limit of paragraph (b)(2)(ii) of this section) for not more days of production of producer milk than is physically received at the diverting pool plant or he may divert an aggregate quantity not exceeding 40 percent of the milk of all such producers.

(ii) A cooperative association may divert the milk of its individual member producers for not more days of production of producer milk than is physically received at a pool plant or it may divert an aggregate quantity of the milk of member producers not exceeding 40 percent of all such milk either caused to be delivered to pool plants or diverted to nonpool plants by the cooperative association.

(3) When milk is diverted in excess of the limit by a handler who elects to divert on the basis of days-of-production, only that milk of the individual producer which was received at a pool plant or which was diverted to a nonpool plant for not more days of production than is physically received at a pool plant shall be considered producer milk.

(4) When milk is diverted in excess of the percentage limit by a handler who elects to divert on a percentage basis, eligibility as producer milk shall be forfeited on a quantity of milk equal to such excess. In such instances the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk. If the handler fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to nonpool plants by such handler.

(c) Diverted milk shall be deemed to be received by the handler at the pool plant or nonpool plant to which the milk is diverted, unless diverted to a plant located in any part of the marketing area or to a plant at which no location adjustment would apply pursuant to § 1049.52, in which case such diverted

milk shall be deemed to be received at the pool plant from which diverted.

§ 1049.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1049.40(b)(1) from any source other than producers, or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1049.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1049.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1049.40(b)(1)) for which the handler fails to establish a disposition.

§ 1049.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted; and

(2) Any milk product not specified in paragraph (a)(1) of this section or in § 1049.40 (b) or (c)(1) (i) through (v) if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1049.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1049.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1049.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members; and

(c) To have all of its activities under the control of its members.

HANDLER REPORTS

§ 1049.30 Reports of receipts and utilization.

On or before the 8th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) [Reserved]

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1049.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1049.9(b) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1049.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1049.9 (a) and (b) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1049.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1049.32 Other reports.

(a) On or before the day prior to diverting milk pursuant to § 1049.13, each handler shall notify the market administrator of his intention to divert such milk, the date or dates of such diversion, and the plant to which such milk is to be diverted.

(b) In addition to the reports required pursuant to paragraph (a) of this section and §§ 1049.30 and 1049.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1049.40 Classes of utilization.

Except as provided in § 1049.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1049.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1049.15; and

(6) In shrinkage assigned pursuant to § 1049.41(a) to the receipts specified in § 1049.41(a)(2) and in shrinkage specified in § 1049.41 (b) and (c).

§ 1049.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1049.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in bulk fluid form;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk diverted to such plant from another pool plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5) and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1049.9(b) but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1049.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1049.44(a)(12) and the corresponding step of § 1049.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1049.44(a)(7) or the corresponding step of § 1049.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1049.44(a) (11) or (12) or the corresponding steps of § 1049.44 (b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for

such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1049.40.

(c) *Transfers to producer-handlers.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product; unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1049.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

§ 1049.43 General classification rules.

In determining the classification of producer milk pursuant to § 1049.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1049.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1049.9(b) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1049.40, 1049.41, and 1049.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1049.9(b) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1049.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1049.9(a) for each of his pool plants separately and of each handler described in § 1049.9(b) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1049.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds

of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1049.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1049.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1049.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1049.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1049.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11)(i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1049.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1049.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1049.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1049.44(a)(12) and the corresponding step of § 1049.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1049.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 14th day after the end of each month, report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association or its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month.

Class Prices

§ 1049.50 Class prices.

Subject to the provisions of § 1049.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.47.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The class III price shall be the basic formula price for the month.

§ 1049.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1049.52 Plant location adjustments for handlers.

(a) For producer milk which is received at a pool plant located outside the area for which zero location adjustment is specified in paragraph (a)(1)(i) of this section, which milk is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the price computed pursuant to § 1049.50(a) shall be reduced on the basis of the applicable amount or rate for the location of such plant pursuant to paragraph (a) (1) or (2) of this section, respectively. For the purpose of this section and § 1049.75, the distances to be computed shall be on the basis of the shortest hard-surfaced highway distances as determined by the market administrator:

(1) At any plant located within:

	Rate of adjustment per hundredweight (Cents)
(i) The State of Ohio or any Indiana county not specifically named in subdivisions (ii) through (iv) of this subparagraph	0
(ii) Any of the Indiana counties of: Adams, Allen, Blackford, Cass, Carroll, De Kalb, Huntington, Jay, La Grange, Miami, Noble, Steuben, Wabash, Wells, White, Whitley	4

	Rate of adjustment per hundredweight (Cents)
(iii) Any of the Indiana counties of: Benton, Elkhart, Fulton, Jasper, Kosciusko, Marshall, Newton, Pulaski, St. Joseph, and Berrien and Cass Counties, Mich	8
(iv) Any of the Indiana counties of: Lake, La Porte, Porter, Starke	12

(2) For any plant at a location outside the territory specified in the preceding paragraph (a)(1) of this section, the applicable adjustment rate per hundredweight shall be based on the shortest highway distance between the plant and the nearest of the Monument Circle, Indianapolis, Ind., or the main post offices of Fort Wayne, South Bend, or Valparaiso, Ind., and shall be 1.5 cents for each 10 miles or fraction thereof from such point plus the amount of the location adjustment pursuant to paragraph (a)(1) of this section applicable at the respective point.

(b) For the purpose of calculating adjustments pursuant to this section, transfers between pool plants shall be assigned Class I disposition at the transferee-plant, in excess of the receipts at such plant from producers and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor-plants at which no location adjustment is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1049.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1049.54 Equivalent price.

If for any reason a price quotation or factor required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price or factor determined by the Secretary to be equivalent to the price or factor which is required.

UNIFORM PRICE

§ 1049.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in §1049.9(b) as follows:

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1049.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1049.44(a)(14) and the corresponding step of § 1049.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1049.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1049.44 (a)(9) and the corresponding step of § 1049.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1049.44(a)(7) (i) through (iv) and the corresponding step of § 1049.44 (b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1049.44(a)(7) (v) and (vi) and the corresponding step of § 1049.44 (b); and

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1049.44(a)(11) and the corresponding step of § 1049.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

§ 1049.61 Computation of uniform price (including weighted average price).

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1049.60 for all handlers who filed the reports prescribed by § 1049.30 for the month and who made the payments pursuant to § 1049.71 for the preceding month;

(b) Add an amount equal to the total value of the location adjustments computed pursuant to § 1049.75;

(c) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1049.60(f);

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computations by 20 cents. The amount so subtracted, and the interest subsequently earned thereon (less any money not available for crediting under this paragraph because of insufficient payment by a handler to the producer-settlement fund) shall be credited to the producer settlement fund and remain as an obligated amount until disbursed pursuant to paragraph (i) of this section;

(i) Add for the month of September one-fourth of the total money that has been credited to the producer-settlement fund pursuant to paragraph (h) of this section as of the eighth day of the following month. Similarly, for the months of October and November, add one-third and one-half, respectively, of the remainder that has been so credited. For the month of December, add the remainder of the money credited to the producer-settlement fund pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1049.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 14th day after the end of each month the uniform price for such month.

PAYMENTS FOR MILK

§ 1049.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known

as the "producer-settlement fund" which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1049.71, 1049.76, 1049.77, and 1049.78 shall be deposited in such fund and from which shall be made all payments pursuant to §§ 1049.72, 1049.77, and 1049.78, except that any payments due to any handler shall be offset by any payments due from such handler; and

(b) All amounts subtracted pursuant to § 1049.61(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1049.73 in accordance with the requirements of § 1049.61(i).

§ 1049.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1049.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1049.75, of such handler's receipts of producer milk; and

(ii) The value at the weighted average price applicable at the location of the plant from which received plus 5 cents of other source milk for which a value is computed pursuant to § 1049.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1049.72 Payments from the producer-settlement fund.

On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1049.71(a)(2) exceeds the amount computed pursuant to § 1049.71(a)(1). If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1049.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month at not less than the Class III price for the preceding month; and

(2) On or before the 18th day after the end of each month, for each hundredweight of producer milk received during such month, an amount computed at not less than the uniform price as adjusted pursuant to §§ 1049.74, 1049.75 and 1049.86, less any payment made pursuant to paragraph (a)(1) of this section. If by such date the handler has not received full payment from the market administrator pursuant to § 1049.72 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following receipt of the balance due from the market administrator.

(b) Each handler shall make payment to the cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 16th day after the end of each month for milk received during such month.

(c) Each handler shall pay to each cooperative association, on or before the 10th day of the following month, for milk the handler receives during the month from a pool plant operated by such association, not less than the minimum prices for milk in each class, as adjusted by the butterfat differential specified in § 1049.74, that are applicable at the location of the handler's pool plant.

(d) In making payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to this order;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount, or the rate per hundredweight, and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1049.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1049.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received or which is deemed to have been received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1049.52(a); and

(b) For purposes of computations pursuant to §§ 1049.71 and 1049.72 the weighted average price shall be adjusted at the rates set forth in § 1049.52 applicable at the location of the nonpool plant from which the milk was received, except that the adjusted weighted average price plus 5 cents shall not be less than the Class III price.

§ 1049.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1049.30(b) and 1049.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and

priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the weighted average price plus 5 cents, both prices to be applicable at the location of the partially regulated distributing plant (except that the Class I price and the weighted average price plus 5 cents shall not be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1049.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to subparagraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1049.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order) except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1049.60 for such handler shall include, in lieu of the value of other source milk specified in § 1049.60(f) less the value of such other source milk specified in § 1049.71(a)(2)(ii), a value of milk determined pursuant to § 1049.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1049.7(b), subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1049.30(b) and 1049.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The value of milk determined pursuant to § 1049.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1049.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1049.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1049.77 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1049.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to § 1049.71, 1049.76, 1049.77(a), 1049.78, 1049.85, or 1049.86(a) shall be increased three-fourths of 1 percent on the sixth day following the date such obligation is due and on the same day of each succeeding month until such obligation is paid.

Administrative Assessment and Marketing Service Deduction

§ 1049.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk, including such handler's own farm production;

(b) Other source milk allocated to Class I pursuant to § 1049.44(a)(7) and (11) and the corresponding steps of § 1049.44(b), except such other source milk that is excluded from the computations pursuant to § 1049.60(d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1049.76(a)(2).

§ 1049.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1049.73 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

Advertising and Promotion Program

§ 1049.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1049.121(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and

development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1049.111 Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided for under § 1049.113(b) with 3 percent or more of the total participating producers (producers who have not requested refunds for the most recent quarter) is authorized one Agency representative plus one additional Agency representative for each additional full 10 percent of the participating member producers it represents. Cooperative associations with less than 3 percent of the total participating producers that have elected not to combine pursuant to § 1049.113(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency representative for the first full 3 percent plus one additional Agency representative for each additional full 10 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

§ 1049.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1049.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more respresentatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 3 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1049.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 3 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1049.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting, unless the Agency determines that more than a simple majority shall be required.

§ 1049.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1049.110.

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1049.110 and 1049.117.

§ 1049.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1049.110 and 1049.117;

(c) Keep minutes, books, and records, and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1049.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1049.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1049.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1049.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct,

gross negligence, or those which are criminal in nature.

§ 1049.120 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section, may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

§ 1049.121 Duties of the market administrator.

Except as specified in § 1049.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1049.113(c);

(b) Set aside the amounts subtracted under § 1049.61(c) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to paragraph (b) (2) and (3) of this section, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1049.61(c).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1049.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1049.61(c) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to paragraph (b)(2) of this section.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1049.110 through 1049.122).

(d) Audit the Agency's records of receipts and disbursements.

§ 1049.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1049.70.

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

Subpart—Order Regulating Handling

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AUTHORITY: The provisions of this Part 1050 issued under secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).

GENERAL PROVISIONS

§ 1050.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1050.2 Central Illinois marketing area.

The "Central Illinois marketing area", hereinafter called the "marketing area", means all the territory within the following counties, all of which are in the State of Illinois, together with all municipal corporations therein and all institutions owned or operated by the Federal, State, county, or municipal governments located wholly or partially within such counties:

ZONE I

Cass.
Ford.
Fulton.
Knox.
Livingston.
Marshall.
Mason.
McDonough.
Peoria.
Stark.
Tazewell.
Warren.
Woodford.

ZONE II

Bureau.
Grundy.
Iroquois.
Kankakee.
La Salle.
Putnam.

§ 1050.3 Route disposition.

"Route disposition" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I milk to a retail or wholesale outlet other than a pool plant or a nonpool plant.

§ 1050.4 [Reserved]

§ 1050.5 Distributing plant.

"Distributing plant" means any plant at which fluid milk products are processed and packaged and from which there is route disposition of Grade A fluid milk products in the marketing area during the month.

§ 1050.6 Supply plant.

"Supply plant" means any plant at which Grade A milk is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 1050.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means a plant specified in paragraph (a), (b), or (c) of this section. For purposes of determining pool plant status pursuant to this section, Grade A receipts from dairy farmers shall include all quantities of milk diverted pursuant to § 1050.13 (b) and (c) by an operator of a pool plant.

(a) A distributing plant from which during the month there is:

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

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

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and handlers described in § 1050.9(c) is moved to and received at a pool plant(s) described in paragraph (a) of this section which have at least 50 percent Class use (not including filled milk) of the total of such supply plant milk and producer milk receipts in the months of August through February and 40 percent in other months.

(c) Any supply plant which qualified pursuant to paragraph (b) of this section in each of the immediately preceding months of September through January shall be a pool plant for the months of February through August unless the operator of such plant notifies the market administrator in writing before the first day of any such month of his intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant until it again meets the shipping requirements set forth in paragraph (b) of this section.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A distributing plant qualified pursuant to paragraph (a) of this section which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which during the month there is a greater quantity of route disposition, except filled milk, in the marketing area regulated by the other order than in the Central Illinois marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this subparagraph;

(3) A distributing plant qualified pursuant to paragraph (a) of this section which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which during the month there is a greater quantity of route disposition, except filled milk, in the Central Illinois marketing area than in the other marketing area, and such other order which fully regulates the plant does not contain provisions to exempt the plant from regulation even though such plant has greater route disposition in the marketing area of the Central Illinois order; and

(4) Any plant qualified pursuant to paragraph (c) of this section for any portion of the period of Februry through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1050.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

§ 1050.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to milk of producers diverted for its account pursuant to § 1050.13;

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

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) A producer-handler;

(f) Any person who operates an other order plant described in § 1050.7(d); and

(g) Any person in his capacity as the operator of an unregulated supply plant.

§ 1050.10 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a distributing plant and processes milk from his own farm production and who disposes of all or a portion of such milk as route disposition in the marketing area but who receives no milk from other dairy farmers or fluid milk products from nonpool plants: *Provided*, That the skim milk and butterfat disposed of in the form of fluid milk products designated as Class I milk pursuant to § 1050.40(a) does not exceed the skim milk and butterfat, respectively, in the form of milk from his own farm production, and in the form of fluid milk products from pool plants of other handlers, allowing for inventory derived from such sources; and

(b) Assumes as his personal enterprise and risk the processing and distributing of fluid milk products and the maintenance, care and management of dairy animals and other resources necessary to produce his own farm milk production.

§ 1050.11 [Reserved]

§ 1050.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (1) received at a pool plant, (2) diverted pursuant to § 1050.13, or (3) accounted for by a cooperative association pursuant to § 1050.13(b).

(b) "Producer" shall not include:

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

(2) Any person with respect to milk produced by him which 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 or Class III utilization pursuant to § 1050.44(a)(8)(iii) and the corresponding step of § 1050.44(b); and

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any

portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1050.13 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk from producers that is:

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

(b) Represented by the difference between the quantity of milk received by a handler described in § 1050.9(c) at producers' farms and the quantity of such milk delivered to pool plants. For the purposes of §§ 1050.52 and 1050.75, such milk shall be deemed to have been received by such handler at the pool plant to which all other producer milk in the same tank truck was delivered;

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

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

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

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

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

(4) In the case where a cooperative association has notified the market administrator and the handler in writing prior to the first day of the month that milk of specified member producers will not be diverted by the cooperative and is not to be included in computing the cooperative association's diversion percentage for the month, milk of such producers shall be deducted from the cooperative's total receipts of member milk for the purposes specified in paragraph (c)(3) of this section and added to the total milk receipts included in computing the diversions of the pool plant handler who receives their milk for the purposes specified in paragraph (c)(2) of this section; and

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

§ 1050.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1050.40(b)(1) from any source other than producers, handlers described in § 1050.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1050.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1050.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1050.40(b)(1)) for which the handler fails to establish a disposition.

§ 1050.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted; and

(2) Any milk product not specified in paragraph (a)(1) of this section or in § 1050.40 (b) or (c)(1) (i) through (v) if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1050.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1050.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1050.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 1050.19 Reload point.

"Reload point" means a location at which facilities approved by a duly constituted health authority, only for the transfer of milk from one tank truck to another and for the washing of tank trucks and at which milk moved from the farm in a tank truck is commingled in a tank truck with milk from other tank trucks before entering a milk plant: *Provided,* That reloading facilities on the premises of a plant having equipment for the receiving, cooling, storing and processing of milk, which equipment is in current use during the month, shall be considered a supply plant rather than a reload point.

HANDLER REPORTS

§ 1050.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1050.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1050.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1050.9(b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1050.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1050.9 (a), (b), and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1050.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1050.32 Other reports.

(a) Not later than the 7th day after the end of the month, each handler operating a pool plant shall report to the market administrator, for each of his pool plants separately, the name and address of each producer from whom milk was received during the month with statements showing dates on which such producer started shipping and the date on which milk shipments stopped.

(b) In addition to the reports required pursuant to §§ 1050.30 and 1050.31 and paragraph (a) of this section, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1050.40 Classes of utilization.

Except as provided in § 1050.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1050.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1050.15; and

(6) In shrinkage assigned pursuant to § 1050.41(a) to the receipts specified in § 1050.41(a)(2) and in shrinkage specified in § 1050.41 (b) and (c).

§ 1050.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1050.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in bulk fluid form;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a) (1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant and milk received from a handler described in § 1050.9(c));

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk re-

ceived from a handler described in § 1050.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1050.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1050.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1050.44(a)(12) and the corresponding step of § 1050.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1050.44(a)(7) or the corresponding step of § 1050.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1050.44(a) (11) or (12) or the corresponding steps of § 1050.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1050.40.

(c) *Transfers to producer-handlers.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1050.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

§ 1050.43 General classification rules.

In determining the classification of producer milk pursuant to § 1050.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1050.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1050.9 (b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1050.40, 1050.41, and 1050.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1050.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1050.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1050.9(a) for each of his pool plants separately and of each handler described in § 1050.9 (b) and (c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1050.41 (b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a) (7) (vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1050.40(b) (1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1050.40(b) (1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1050.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a) (5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1050.40(b) (1) that was not subtracted pursuant to paragraph (a) (4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2) and (7) (v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2), (7) (v), and (8) (i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a) (8) (ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In

such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(a) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(b) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(c) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1050.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8) (i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(a) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1050.45(a); or

(b) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1050.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1050.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1050.44(a)(12) and the corresponding step of

§ 1050.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1050.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the class utilization of producer milk received by each handler from a cooperative association or from members of the association. For the purpose of this report, the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class.

CLASS PRICES

§ 1050.50 Class prices.

Subject to the provisions of § 1050.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.39.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1050.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1050.52 Plant location adjustments for handlers.

(a) The Class I price for producer milk at a plant that is outside Zone I shall be adjusted as follows:

(1) At a plant in Zone II or in the Illinois counties of Henry and Mercer, the Class I price shall be decreased 5 cents; and

(2) At a plant located outside the State of Illinois, or in the State of Illinois but north of the northernmost boundaries of the counties of Mercer, Henry, Bureau, La Salle, Grundy, and Kankakee the Class I price shall be reduced 7.5 cents if such plant is 50 or more miles by the shortest highway distance, as determined by the market administrator from the City Hall in Peoria, Ill., plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles.

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee-plant only to the extent that 105 percent of Class I disposition at the transferee-plant exceeds the sum of receipts at such plant from producers and handlers described in § 1050.9 (c), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor-plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1050.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1050.54 Equivalent price.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

UNIFORM PRICE

§ 1050.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1050.9 (b) and (c) as follows:

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1050.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1050.44(a)(14) and the corresponding step of § 1050.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1050.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1050.44(a)(9) and the corresponding step of § 1050.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1050.44(a)(7) (i) through (iv) and the corresponding step of § 1050.44 (b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1050.44(a)(7) (v) and (vi) and the corresponding step of § 1050.44(b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1050.44(a)(11) and the corresponding step of § 1050.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) For the first month that this paragraph is effective, subtract the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class II price, both for the preceding month, by the hundredweight of skim milk and butterfat in any fluid milk product or product specified in § 1050.40 (b) that was in the plant's inventory at the end of the preceding month and classified as Class I milk.

§ 1050.61 Computation of uniform price (including weighted average price).

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content which is received from producers at plants at which no location adjustment pursuant to § 1050.52 is applicable as follows:

(a) Combine into one total the values computed pursuant to § 1050.60 for all handlers who filed the reports prescribed by § 1050.30 for the month and who made

the payments pursuant to § 1050.71 for the preceding month;

(b) Add an amount equal to the sum of the location and zone adjustments computed pursuant to § 1050.75;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1050.60(f);

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price," and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(f) For the months specified in paragraphs (g) and (h) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (c) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (d)(2) of this section by the weighted averaged price;

(g) Subtract in the case of milk delivered during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of producer milk specified in paragraph (d)(1) of this section;

(h) Add in the case of milk delivered during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (g) of this section;

(i) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(j) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1050.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 12th day after the end of each month the uniform price for such month.

Payments for Milk

§ 1050.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1050.71, 1050.76, and 1050.77 shall be deposited in such fund and from which shall be made all payments pursuant to §§ 1050.72 and 1050.77: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler; and

(b) All amounts subtracted pursuant to § 1050.61(g) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1050.73 in accordance with the requirements of § 1050.61(h).

§ 1050.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1050.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1050.75, of such handler's receipts of producer milk; and

(ii) The value at the weighted average price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1050.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1050.72 Payments from the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1050.71(a)(2) exceeds the amount computed pursuant to § 1050.71(a)(1). The market administrator shall offset any payment due any handler against payments due from such handler.

§ 1050.73 Payments to producers and to cooperative associations.

(a) On or before the 20th day of the following month, each handler shall make payment to each producer for milk received from such producer during such month:

(1) An amount equal to not less than the uniform price, as adjusted pursuant to §§ 1050.74 and 1050.75, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less deductions for marketing services made pursuant to § 1050.86;

(ii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iii) Less proper deductions authorized in writing by such producer: *Provided,* That, if by such date, such handler has not received full payment from the market administrator pursuant to § 1050.72 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) Payments required in paragraph (a) of this section for milk caused to be delivered to such handler by a cooperative association qualified under § 1050.18 shall be made to such association, or its duly authorized agent, which the market administrator determines is authorized by such producers to collect payment for their milk and which has so requested the handler in writing. Such handler shall, on or before the 18th day of the following month, pay the cooperative association for milk received during the month from producers at the direction of such association as determined by the market administrator an amount equal to not less than the amounts due such producers as determined pursuant to paragraph (a) of this section, less any deductions authorized in writing by such association: *Provided,* That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) On or before the 18th day after the end of each month, each handler shall pay to each cooperative association for milk the handler received at his pool plant from a pool plant(s) operated by such association, not less than the minimum prices for milk in each class, as adjusted by the butterfat differential specified in § 1050.74, that are applicable at the location of the handler's pool plant;

(d) On or before the 18th day of the following month, each handler, in his capacity as operator of a pool plant, who receives milk for which a cooperative association is the handler pursuant to § 1050.9(c), including the milk of producers who are not members of such association, and who the market administrator determines have authorized such cooperative association to collect payments for their milk, shall pay such cooperative association for such milk at the uniform price as adjusted pursuant to §§ 1050.74 and 1050.75; and

(e) Each handler who received milk during the month from producers for which payment is to be made to a cooperative association pursuant to para-

graph (b) of this section shall report on or before the 7th day after the end of the month to such cooperative association for each such producer on forms approved by the market administrator:

(1) The total pounds of milk received from each producer together with the butterfat content of such milk; and

(2) The amount or rate and nature of any deductions authorized by a cooperative association.

§ 1050.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1050.75 Plant location adjustments for producers and on nonpool milk.

(a) In making payments pursuant to § 1050.73, the uniform price per hundredweight for producer milk received at a plant outside Zone I shall be adjusted according to the location of the plant at the rates set forth in § 1050.52.

(b) For purposes of computation pursuant to §§ 1050.71 and 1050.72, the weighted average price shall be adjusted in the same manner as the uniform price is adjusted pursuant to paragraph (a) of this section for the location of the nonpool plant from which the milk was received, except that the adjusted weighted average price shall not be less than the Class III price.

§ 1050.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1050.30(b) and 1050.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the weighted average price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1050.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1050.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1050.60 for such handler shall include, in lieu of the value of other source milk specified in § 1050.60(f) less the value of such other source milk specified in § 1050.71(a)(2)(ii), a value of milk determined pursuant to § 1050.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1050.7 (b) and (c), subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1050.30 (b) and 1050.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The value of milk determined pursuant to § 1050.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1050.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1050.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1050.77 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1050.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1050.71, 1050.85, or 1050.86 shall be increased one-half of 1 percent for each month or portion thereof that such payment is overdue.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1050.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler (excluding a handler described in § 1050.9(c) with respect to milk delivered to pool plants) shall pay to the market administrator on or before the 20th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1050.44(a) (7) and (11) and the corresponding steps of § 1050.44(b), except such other source milk that is excluded from the computations pursuant to § 1050.60 (d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1050.76(a)(2).

§ 1050.86 Deduction for marketing services.

(a) *Deduction for marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers, pursuant to § 1050.73, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers (excluding such handler's own production) during the month, and shall pay such deductions to the market administrator on or before the 20th day after the end of such month. Such monies shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide them with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section each handler, in lieu of the deduction specified in paragraph (a) of this section, shall make such marketing service deductions as are authorized by producer-members, and pay the money so deducted to the cooperative association on or before the 20th day after the end of the month.

PART 1062—MILK IN ST. LOUIS-OZARKS MARKETING AREA

Subpart—Order Regulating Handling

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AUTHORITY.—The provisions of this Part 1062 issued under secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674).

GENERAL PROVISIONS

§ 1062.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1062.2 St. Louis-Ozarks marketing area.

"St. Louis-Ozarks marketing area", hereinafter called the marketing area, means all the territory within the designated military reservations, the corporate limits of the cities and the counties enumerated below:

ZONE I

(MISSOURI COUNTIES)

Barry.	Ozark.
Christian.	St. Charles.
Crawford.	St. Louis.
Douglas.	Stone.
Franklin.	Taney.
Greene.	Warren.
Howell.	Webster.
Jefferson.	Washington.
Laclede.	Wright.
Lawrence.	

and the city of St. Louis, Mo., Fort Leonard Wood Military Reservation in Missouri, and the territory within Scott Military Reservation. East St. Louis, Centerville, Canteen, and Stites Townships, and the city of Belleville, all in St. Clair County, Ill.

ZONE II

(MISSOURI COUNTIES)

Cape Girardeau.	Perry.
Bollinger.	Ste. Genevieve.
St. Francois.	

ZONE III

(ARKANSAS COUNTIES)

Benton.	Marion.
Boone.	Washington.

§ 1062.3 Route disposition.

"Route disposition" means any delivery of a fluid milk product classified as Class I milk to a retail or wholesale outlet (including any delivery through a vendor, or a sale in packaged form from a plant or plant store) except a delivery to another plant.

§ 1062.4 [Reserved]

§ 1062.5 Distributing plant.

"Distributing plant" means a plant which is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which during the month route disposition is made in the marketing area.

§ 1062.6 Supply plant.

"Supply plant" means a plant which qualifies as a pool plant pursuant to § 1062.7(c) or from which fluid milk products, acceptable to a duly constituted health authority for distribution under a Grade A label, are shipped during the month to and physically received at a distributing plant.

§ 1062.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) Any distributing plant which:

(1) Has during the month route disposition and disposition of packaged fluid milk products to pool distributing plants, excluding in either case filled milk, which, after subtraction of the quantity of packaged fluid milk products, except filled milk, received from other pool

plants, is equal to at least 50 percent of such plant's total receipts of Grade A fluid milk products from dairy farmers (including milk diverted by the plant operator), supply plants and handlers described in § 1062.9(c), exclusive of packaged fluid milk products, except filled milk, received from other pool plants, and has route disposition in the marketing area in an amount equal to 10 percent or more of such receipts or an average of not less than 7,000 pounds per day, whichever is less; or

(2) Qualified as a pool plant in the immediately preceding month on the basis of the performance standards described in paragraph (a)(1) of this section.

(b) Any supply plant from which during the month 50 percent or more of the Grade A milk received from dairy farmers and handlers described in § 1062.9(c) is shipped to a plant(s) described in paragraph (a) of this section. Any supply plant which has shipped to a plant(s) described in paragraph (a) of this section the required percentages of its receipts during each of the months of September through February shall be designated a pool plant in each of the following months of March through August unless the plant operator requests the market administrator in writing that such plant not be a pool plant. Such nonpool plant status shall be effective the first month following such notice and thereafter until the plant again qualifies as a pool plant on the basis of shipments.

(c) Any plant which is operated by or under contract to a cooperative association, or a federation of cooperatives, if:

(1) The operator of such plant(s) requests pool status, and 50 percent or more of all the Grade A milk from farms of the member producers of such cooperative or federation including milk delivered by it as a handler described in § 1062.9(c) has been shipped to and physically received at pool distributing plants during the current month or the previous 12-month period ending with the current month, either directly from producer member farms or by transfer from such association plant(s);

(2) Such a plant does not qualify during the month as a "pool plant" under another market pool order issued pursuant to the Act by making shipments of milk to plants which qualify as "pool plants" under such other order; or

(3) Such plant meets the requirements of paragraph (c)(2) of this section and met the requirements of paragraph (c)(1) of this section in the preceding month.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant or governmental agency plant;

(2) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition, except filled milk, during the month in such other Federal order marketing area is greater than in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such route disposition is made in such other marketing area unless, notwithstanding the provisions of this subparagraph, it is regulated under such other order;

(3) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition, except filled milk, during the month in this marketing area is greater than in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order; and

(4) A supply plant meeting the requirements of paragraph (b) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of March through August if such plant retains automatic pooling status under this part.

§ 1062.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant, a producer-handler plant, nor a governmental agency plant, which has route disposition of fluid milk products in consumer-type packages or dispenser units in the marketing area during the month;

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant, a producer-handler plant, nor a governmental agency plant, from which fluid milk products are shipped to a pool plant; and

(e) "Governmental agency plant" means a plant operated by a government agency.

§ 1062.9 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any cooperative association with respect to milk of its member producers which is diverted from a pool plant of another handler pursuant to § 1062.13 for the account of such association;

(c) Any cooperative association with respect to producer milk transferred from the producer's farm tank to a tank truck owned and operated by or under contract to such association for delivery to a pool plant if prior to delivery the operator of the pool plant gives notice in writing to both the market administrator and the association of his intention to purchase such milk on a basis of weights and butterfat tests other than as determined from farm tank measurements and farm tank samples;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler; and

(f) Any person who operates an other order plant described in § 1062.7(d).

§ 1062.10 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and the operator of a distributing plant, and who meets the qualifications specified in paragraphs (a) and (b) of this section:

(a) Receipts of fluid milk products at his plant are solely milk of his own production, fluid milk products from pool plants of other handlers, packaged fluid milk products from other order plants, and receipts of nonfluid milk products are used only to fortify fluid milk products; and

(b) The maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 1062.11 [Reserved]

§ 1062.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is:

(1) Received at a pool plant; or

(2) Diverted as producer milk pursuant to § 1062.13.

(b) "Producer" shall not include:

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

(2) Any person with respect to milk produced by him which 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 or Class III utilization pursuant to § 1062.44(a)(8)(iii) and the corresponding step of § 1062.44(b); and

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1062.13 Producer milk.

"Producer milk" means milk produced by producers which is received and accounted for as follows:

(a) By the operator of a pool plant (including a cooperative association) with respect to milk:

(1) Received at the pool plant from producers or from a handler described in § 1062.9(c); and

(2) Diverted by the operator of the pool plant, subject to the conditions of paragraph (c) of this section;

(b) By a cooperative association with respect to milk:

(1) Which it received from producers as a handler described in § 1062.9(b), subject to the conditions of paragraph (c) of this section; and

(2) Which it received from producers as a handler described in § 1062.9(c) and which:

(i) Is delivered to a pool plant of another handler; or

(ii) Is not so delivered and constitutes shrinkage pursuant to § 1062.41(c) or Class I shrinkage; and

(c) Milk may be diverted by the operator of a pool plant or by a cooperative association pursuant to the following conditions with respect to each producer:

(1) By the operator of a pool plant to another pool plant(s) for not more days of production of producer milk than is physically received at the pool plant from which diverted.

(2) By the operator of a pool plant or by a handler described in § 1062.9(b) to a nonpool plant that is not a producer-handler plant on any day during each of the months of March through August and for not more days of production of producer milk than is physically received at pool plants during each of the months of September through February.

(3) For pricing purposes, milk diverted pursuant to paragraph (c)(2) of this section to a plant located more than 120 miles from the city hall in St. Louis or the city hall in Springfield, Mo., whichever is nearer (by the shortest highway distance as determined by the market administrator using the most current issue of the Household Carriers Guide) or milk diverted pursuant to paragraph (c)(1) of this section, shall be deemed to be received by the diverting handler at the location of the plant to which diverted.

(4) For pricing purposes, milk diverted pursuant to paragraph (c)(2) or (3) of this section to a plant located 120 miles or less from the city hall in St. Louis or the city hall in Springfield, Mo., whichever is nearer (by the shortest highway distance as determined by the market administrator using the most current issue of the Household Carriers Guide), shall be deemed to be received at the location of the plant from which diverted.

§ 1062.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1062.40(b)(1) from any source other than producers, handlers described in § 1062.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1062.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1062.40 (b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1062.40(b)(1)) for which the handler fails to establish a disposition.

§ 1062.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted; and

(2) Any milk product not specified in paragraph (a)(1) of this section or in § 1062.40 (b) or (c)(1) (i) through (v) if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas, especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1062.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1062.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1062.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales, or marketing milk or its products for its members.

Handler Reports

§ 1062.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1062.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1062.40 (b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1062.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1062.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1062.9 (a), (b), and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1062.76 (b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1062.32 Other reports.

In addition to the reports required pursuant to §§ 1062.30 and 1062.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

Classification of Milk

§ 1062.40 Classes of utilization.

Except as provided in § 1062.42, all skim milk and butterfat required to be

reported by a handler pursuant to § 1062.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b) (1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c) (1) (iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b) (1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b) (1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b) (1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1062.15; and

(6) In shrinkage assigned pursuant to § 1062.41(a) to the receipts specified in § 1062.41(a) (2) and in shrinkage specified in § 1062.41 (b) and (c).

§ 1062.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1062.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a) (1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant and milk received from a handler described in § 1062.9(c));

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1062.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1062.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1062.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1062.44(a) (12) and the corresponding step of § 1062.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1062.44(a) (7) or the corresponding step of § 1062.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1062.44(a) (11) or (12) or the corresponding steps of § 1062.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream

product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1062.40.

(c) *Transfers to producer-handlers and transfers and diversions to governmental agency plants.* Skim milk or butterfat in the following forms that is transferred from a pool plant to a producer-handler under this or any other Federal order or transferred or diverted from a pool plant to a governmental agency plant shall be classified:

(1) As Class I milk, if so moved in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler plant, or a governmental agency plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1062.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

§ 1062.43 General classification rules.

In determining the classification of producer milk pursuant to § 1062.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1062.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1062.9 (b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1062.40, 1062.41, and 1062.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1062.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1062.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1062.9(a) for each of his pool plants separately and of each handler described in § 1062.9 (b) and (c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1062.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1062.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1062.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1062.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1062.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1062.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8) (i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be ad-

justed in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12)(ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1062.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount;

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available; and

(v) The quantity of skim milk subtracted from each class pursuant to this subparagraph shall be assigned pro rata to the receipts from other order plants under market pool orders and under handler pool orders;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1062.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1062.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1062.44(a)(12) and the corresponding step of § 1062.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1062.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report. In the case of milk received from an other order market pool plant the classification of such milk shall be the quantities assigned to Class I milk, Class II milk, and Class III milk pursuant to § 1062.44. In the case of milk received from an other order handler pool plant, the market administrator shall report the allocation of skim milk and butterfat in the same percentage as the market-wide estimate for all handlers pursuant to paragraph (a) of this section.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 10th day of each month report to each cooperative association, which so requests, the percentage utilization of milk received from producers or from handlers described in § 1062.9(c) in each class by each handler who in the previous month received milk from members of such cooperative association.

CLASS PRICES

§ 1062.50 Class prices.

Subject to the provisions of § 1062.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.60.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1062.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1062.52 Plant location adjustments for handlers.

For milk received from producers or a handler described in § 1062.9(c) at a pool plant and which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (f) of this section, the price at such pool plant located:

(a) In Zone I of the marketing area, shall be the price computed pursuant to § 1062.50(a) except as provided in paragraph (d) of this section.

(b) In Zone II of the marketing area, shall be the Zone I price plus a location adjustment of 7 cents.

(c) In Zone III of the marketing area, shall be the Zone I price plus a location adjustment of 17 cents.

(d) In Zone A (the Missouri counties of Barry, Christian, Douglas, Green, Howell, Laclede, Lawrence, Ozark, Stone,

Taney, Webster, Wright, and Texas), for any plant which does not dispose of fluid milk products in consumer-type packages and which is qualified as a pool plant pursuant to § 1062.7 (b) or (c) shall be the price pursuant to § 1062.50(a) less 27 cents.

(e) Outside the marketing area and Texas County, Mo., and more than 30 miles from the City Hall, St. Louis, Mo., or the city hall in Springfield, Mo., whichever is nearer, shall be the Class I price applicable in Zone I, less a location adjustment of 1.5 cents for each 10 miles or fraction thereof that such plant is located from the City Hall, St. Louis, Mo., or the city hall in Springfield, Mo., whichever is nearer (the distance to be by shortest hard-surfaced highway as determined by the market administrator).

(f) In the case of transfers between plants, location adjustment shall apply at the transferor-plant with respect to a quantity of the transfer calculated as follows: From total Class I milk utilization at the transferee-plant subtract Class I milk assigned to receipts from other order plants and unregulated supply plants, and 95 percent of the receipts from producers and handlers described in § 1062.9(c), and assign the remaining Class I milk to receipts from other pool plants with plus location adjustment, then to receipts from plants with no location adjustment, and then in sequence to receipts from plants at which the smallest minus adjustments apply.

(g) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraphs (a) through (e) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1062.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1062.54 Equivalent price.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

UNIFORM PRICE

§ 1062.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1062.9(b) and (c) as follows:

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1062.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1062.44(a)(14) and the corresponding step of § 1062.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1062.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1062.44 (a)(9) and the corresponding step of § 1062.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1062.44(a)(7) (i) through (iv) and the corresponding step of § 1062.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1062.44(a)(7) (v) and (vi) and the corresponding step of § 1062.44 (b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1062.44(a)(11) and the corresponding step of § 1062.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) Add the amounts obtained from multiplying the pounds of skim milk and butterfat in each class that were prorated to receipts of fluid milk products from handler pool other order plants pursuant to § 1062.44(a)(12)(v) and the corresponding step of § 1062.44(b) by the respective class prices specified in § 1062.50 that are applicable at the location of the plant from which received.

§ 1062.61 Computation of uniform price (including weighted average price).

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1062.60 for all handlers who filed the reports prescribed by § 1062.30 for the month and who made the payments pursuant to §§ 1062.71 and 1062.73 for the preceding month;

(b) Deduct the amount of the plus adjustments and add the amount of the minus adjustments, which are applicable pursuant to § 1062.75;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1062.60 (f) and (g);

(f) Subtract not less than four cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) From the remainder subtract during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of the total amount of producer milk included in these computations. This amount shall be retained in the producer-settlement fund and disbursed according to the provisions of paragraph (i) of this section;

(i) Add during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1062.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 10th day after the end of each month the uniform price for such month.

PAYMENTS FOR MILK

§ 1062.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1062.71, 1062.76, and 1062.77 subject to the provisions of § 1062.78 and from which he shall make all payments to handlers pursuant to §§ 1062.72 and 1062.77. The market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1062.71 Payments to the producer-settlement fund.

(a) On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a) (1) of this section exceeds the amount specified in paragraph (a) (2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1032.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1062.75, of such handler's receipts of producer milk, excluding in the case of a handler described in § 1062.9(c) milk it delivered to a pool plant; and

(ii) The value at the weighted average price applicable at the location of the plant from which received plus 5 cents of other source milk for which a value is computed pursuant to § 1062.60 (f) and (g) plus in the case of milk received from a handler pool market the amount of the location adjustment at the location of the plant from which received applied to the quantity of Class II and Class III milk reported pursuant to § 1062.45(b) which is in excess of the Class II and Class III milk pursuant to as adjusted pursuant to §§ 1062.74 and § 1062.60(g), except that for milk received from a handler pool market the value applicable pursuant to this subdivision shall not exceed the value for such quantity calculated pursuant to § 1062.60(g).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b) (1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1062.72 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1062.71(a) (2) exceeds the amount computed pursuant to § 1062.71(a) (1). The market administrator shall offset any payment due any handler against payments due from such handler pursuant to §§ 1062.71, 1062.77, 1062.85, and 1062.86. If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1062.73 Payments to producers and to cooperative associations.

Each handler shall make payment as follows:

(a) On or before the 17th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price computed pursuant to § 1062.61 for such producer's deliveries of milk, as adjusted pursuant to §§ 1062.74 and 1062.75, and less the amount of the payment made pursuant to paragraph (b) of this section. If by such date such handler has not received full payment pursuant to § 1062.72, he may reduce his total payments uniformly to all producers by not more than the amount of the reduction in payment by the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator:

(b) On or before the last day of each month, to each producer to whom payment is not made pursuant to paragraph (c) of this section and who is still delivering Grade A milk to such handler, a partial payment with respect to milk received from him during the first 15 days of such month computed at not less than the Class III price for the preceding month, without deduction for hauling;

(c) On or before the 14th day after the end of each month and on or before the 25th day of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, for milk which is received from members, and for which such association is determined by the market administrator to be authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers;

(d) Each handler who receives milk for which a cooperative association is the handler described in § 1062.9(c), shall, on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at not less than the amount prescribed in paragraph (b) of this section; and

(2) In making final settlement, the value of such milk at the uniform price 1062.75, less payment made pursuant to paragraph (d) (1) of this section;

(e) On or before the 14th day after the end of each month, each handler shall pay to each cooperative association for milk the handler receives from a pool plant(s) operated by such association, not less than the minimum prices for milk in each class, as adjusted by the butterfat differential specified in § 1062.74, that are applicable at the location of the handler's pool plant; and

(f) Each handler who receives milk from producers, payment for which is to be made to a cooperativve association pursuant to paragraph (c) of this section, shall report to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(1) On or before the 25th of the month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the seventh day after the end of the month:

(i) The total pounds of milk and the average butterfat test of milk received from such producer during the month;

(ii) The amount or rate and nature of any deductions; and

(iii) The amount of any payments due such producer pursuant to § 1062.77(c) and (d).

§ 1062.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1062.75 Plant location adjustments for producers and on nonpool milk.

(a) For producer milk received at pool plants located outside Zone I and more than 30 miles from the St. Louis city hall or the city hall in Springfield, Mo., whichever is nearer, there shall be added or deducted, as the case may be, an adjustment for each such plant for all milk at the rates specified in § 1062.52 (b), (c), and (e); and

(b) For purposes of computations pursuant to §§ 1062.71(a) (2) (ii) and 1062.72, the "weighted averaged price" shall be adjusted at the rates set forth in § 1062.52 (b), (c), and (e) applicable at the location of the nonpool plant(s) from which the milk was received, except that the adjusted weighted average price plus 5 cents shall not be less than the Class III price.

§ 1062.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1062.30(b) and 1062.31(b) the information necessary for making the computations, such handler

may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the weighted average price plus 5 cents, both prices to be applicable at the location of the partially regulated distributing plant (except that the Class I price and the weighted average price plus 5 cents shall not be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1062.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1062.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1062.60 for such handler shall include, in lieu of the value of other source milk specified in § 1062.60(f) less the value of such other source milk specified in § 1062.71(a)(2)(ii), a value of milk determined pursuant to § 1062.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1062.7(b), subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1062.30(b) and 1062.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The value of milk determined pursuant to § 1062.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1062.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1062.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1062.77 Adjustment of accounts.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses error in payments to the producer-settlement fund made pursuant to § 1062.71, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall within 30 days of the date of such billing, make payment to the market administrator of the amount so billed;

(b) Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 1062.72, the market administrator shall promptly make payment to such handler;

(c) Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this part, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure; and

(d) Whenever verification by the market administrator of the payment by a handler to any producer discloses that solely through error in computation, payment to such producer was in an amount more than was required to be paid pursuant to § 1062.73, no handler shall be deemed to be in violation of § 1062.73 if he reduces his next payment to such producer following discovery of such error by not more than such overpayment.

§ 1062.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1062.71, 1062.77(a), 1062.85, or 1062.86(a) shall be increased one-half of one percent on the first day of the month following after the date such obligation is due and on the first day of each succeeding month until such obligation is paid. Any remittance received by the market administrator postmarked prior to the first of the month shall be considered to have been received when postmarked.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1062.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 2.5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including that received from a handler described in § 1062.9(c)) and the handler's own production;

(b) Other source milk allocated to Class I pursuant to § 1062.44(a)(7) and (11) and the corresponding steps of § 1062.44(b), except such other source milk that is excluded from the computations pursuant to § 1062.60 (d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distrib-

uting plant that exceeds the skim milk and butterfat subtracted pursuant to § 1062.76(a)(2).

§ 1062.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 1062.73(a) with respect to all milk of such producer received by such handler during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such money shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services; and

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made directly to producers pursuant to § 1062.73(a) as are authorized by such producers, and on or before the 15th day after the end of each month, pay over such deductions to the association of which such producers are members. When requested by the cooperative association a statement shall be supplied the cooperative association showing for each producer for whom such deduction is made the amount of such deduction, the total delivery of milk, and, unless otherwise previously provided, the butterfat test.

ADVERTISING AND PROMOTION PROGRAM

§ 1062.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1062.121(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1062.111 Composition of Agency.

Subject to the conditions of paragraph (a) of this section, each cooperative association or combination of cooperative associations, as provided for under § 1062.113(b), is authorized one agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers that have elected not to combine pursuant to § 1062.113(b), and participating producers who are not members of cooperatives are authorized to select from such group of participating producers, in total, pursuant to § 1062.113(c), one Agency representative for each full 5 percent that such producers constitute of the total participating producers. If such group of producers in total constitutes less than 5 percent but not less than 1 percent of the total participating producers it shall nevertheless be authorized to select from such group in total one agency representative. For the purpose of the agency's initial organization, all persons defined as producers shall be considered as participating producers.

(a) If any cooperative association or combination of cooperative associations, as provided for under § 1062.113(b), has a majority of the participating producers, representation from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number of representatives necessary to constitute a majority of the agency representatives, but not less than five.

§ 1062.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1062.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administratior a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1062.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more producers as Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual participating producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1062.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum. Any action of the Agency shall require a majority of concurring votes of those present and voting, unless the Agency determines that more than a simple majority shall be required.

§ 1062.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions of the program within the scope of Agency authority pursuant to § 1062.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91–670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1062.110 and 1062.117.

§ 1062.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1062.110 and 1062.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected

amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1062.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1062.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1062.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1062.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1062.120 Procedure for requesting refunds.

Any producer may apply for refund subject to the applicable conditions set forth in this section.

(a) Refund shall be accomplished only through application filed with, and in the manner prescribed by, the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such calendar quarter pursuant to § 1062.61(d): *Provided:* That, such eligibility for refund shall not apply to a dairy farmer who during the first 15 days of such December, March, June, or September, respectively, was a producer under an order where the same refund notification period applied and such dairy farmer did not appropriately submit refund application during such period. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A dairy farmer who, with respect to any calendar quarter, has appropriately filed request for refund of program assessments on his marketings of milk under another order that provides for an advertising and promotion program will be eligible (on the basis of his request filed under the other order) for refund with respect to his producer milk marketed under this order during such quarter for which deductions were made pursuant to § 1062.61(d).

§ 1062.121 Duties of the market administrator.

Except as specified in § 1062.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1062.113(c);

(b) Set aside the amounts subtracted under § 1062.61(d) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to paragraph (b)(2) and (3) of this section, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1062.61(d).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1062.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1062.61(d) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to paragraph (b)(2) of this section.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1062.110 through 1062.122).

(d) Make necessary audits to establish that all agency funds are used only for authorized purposes.

§ 1062.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1062.70.

PART 1099—MILK IN PADUCAH, KENTUCKY, MARKETING AREA

Subpart—Order Regulating Handling

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AUTHORITY.—The provisions of this Part 1099 issued under secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).

GENERAL PROVISIONS

§ 1099.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1099.2 Paducah, Kentucky, marketing area.

The "Paducah, Ky., marketing area," hereinafter called the "marketing area," means all the territory within the counties listed below (except that portion of any of these counties contained in the Fort Campbell military reservation):

KENTUCKY COUNTIES

Ballard.	Hickman.
Caldwell.	Livingston.
Calloway.	Lyon.
Carlisle.	Marshall.
Christian.	McCracken.
Fulton.	Todd.
Graves.	Trigg.

MISSOURI COUNTIES

Mississippi.	Pemiscot.
New Madrid.	Scott.

§ 1099.3 Route disposition.

"Route disposition" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I milk to a retail or wholesale outlet other than a milk or filled milk plant. A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets.

§ 1099.4 [Reserved]

§ 1099.5 Distributing plant.

"Distributing plant" means a plant in which milk is processed and packaged and from which there is route disposition during the month in the marketing area.

§ 1099.6 Supply plant.

"Supply plant" means a plant (except a distributing plant) which is qualified as a pool plant pursuant to the proviso in § 1099.7(b) or a plant from which milk or skim milk which may be distributed in the marketing area under a Grade A label is supplied during the month to a plant qualified pursuant to § 1099.7(a).

§ 1099.7 Pool plant.

Except as provided in paragraph (c) of this section, "pool plant" means:

(a) A distributing plant from which there is total route disposition, except filled milk, in an amount equal to 45 percent or more of its receipts of milk from dairy farmers producing milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority (including milk of such dairy farmer diverted by the plant operator), from handlers described in § 1099.9(c), and fluid milk products, except filled milk, from other plants during the month and from which there is route disposition, except filled milk, in the marketing area in an amount equal to a daily average of 3,000 pounds or more per day, or 10 percent or more of such receipts, whichever is less: *Provided,* That a plant which qualifies as a pool plant by complying with the foregoing requirements during any month shall be a pool plant during the following month.

(b) A distributing plant or supply plant from which the volume of milk and skim milk shipped to pool plants qualified pursuant to paragraph (a) of this section, or disposed of as route disposition (excluding filled milk) is equal to not less than 50 percent of the receipts of milk from dairy farmers producing milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority (including milk of such dairy farmers diverted by the plant operator), from handlers described in § 1099.9(c), and fluid milk products, except filled milk, received from other plants: *Provided,* That if a supply plant ships to pool plants qualified pursuant to paragraph (a) of this section milk and skim milk equal to at least 75 percent of its receipts of milk from such dairy farmers and handlers described in § 1099.9(c) in October and November and 35 percent of such milk in three additional months during the period from August through January, such plant shall, upon written application to the market administrator on or before the end of such period, be designated as a pool plant until the end of any month during the succeeding August through January period in which the milk of such plant is disposed of in such a way that it becomes impossible for the plant to reestablish its qualification under the term of this proviso, *And provided further,* That in the case of a supply plant operated by a cooperative association which supplies to other pool plants at least two-thirds of the producer milk of its producer members (including both the milk delivered directly from the farms of member producers and that delivered from the plant of the association) delivered to all plants during the current month or during the immediately preceding 12-month period, the milk which such association causes to be delivered to the pool plants of other handlers in its capacity as a handler described in § 1099.9(c), shall be considered as having been received first at the plant of such cooperative association for the purpose of qualifying such plant as a pool plant pursuant to this paragraph.

(c) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A distributing plant qualified pursuant to paragraph (a) or (b) of this section which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as route disposition in the marketing area regulated by the other order than in the Paducah, Ky., marketing area: *Provided,* That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this subparagraph: *And provided further,* on the basis of a written application made either by the plant operator or by the cooperative association supplying milk to such operator's plant, at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the route dispositions in the respective marketing areas to be used for purposes of this subparagraph shall exclude (for a specified period of time) route disposition made under limited-term contracts to governmental bases and institutions;

(3) A distributing plant qualified pursuant to paragraph (a) or (b) of this section which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk, except filled milk, is disposed of during the month as route disposition in the Paducah marketing area than in the other marketing area, and such other order which fully regulates the plant does not contain provisions to exempt the plant from regulation even though such plant has greater route disposition

in the marketing area of the Paducah, Ky., order; and

(4) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to the proviso of paragraph (b) of this section during the preceding August through January period.

§ 1099.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant (other than a producer-handler plant or an other order plant) from which fluid milk products are shipped to a pool plant.

§ 1099.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) A cooperative association qualified pursuant to § 1099.18 with respect to milk of producers diverted pursuant to § 1099.13 for the account of such association;

(c) A cooperative association which chooses to report as a handler with respect to milk which is delivered from the farm to a pool plant(s) of another handler in a tank truck owned or operated by, or under contract to, such cooperative association for the account of such cooperative association. The milk so delivered shall be considered to have been received by such cooperative association at a pool plant at the location of the pool plant to which it is delivered;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler; or

(f) Any person who operates an other order plant described in § 1099.7(c).

§ 1099.10 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant, from which there is route disposition within the marketing area but which receives no other source milk or milk from other dairy farmers.

§ 1099.11 [Reserved]

§ 1099.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority, which milk is received at a pool plant or by a handler described in § 1099.9(c).

(b) "Producer" shall not include:

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

(2) Any person with respect to milk produced by him which 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 or Class III utilization pursuant to § 1099.44(a)(8)(iii) and the corresponding step of § 1099.44(b); and

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1099.13 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk produced by a producer which is:

(a) Received during the month at a pool plant from producers or from a handler described in § 1099.9(c);

(b) Received by a handler described in § 1099.9(c) but which is not delivered to a pool plant of another handler and constitutes shrinkage pursuant to § 1099.41(c) or Class I shrinkage; or

(c) Diverted by the operator of a pool plant or by a handler described in § 1099.9(b) to a nonpool plant that is not a producer-handler plant, subject to the following conditions:

(1) Not less than 5 days' production of any producer whose milk is diverted is physically received at a pool plant;

(2) If diverted by a cooperative association for its account as milk of its members to nonpool plants which does not exceed 25 percent of the milk physically received from member producers of such cooperative association at pool plants during the month in any of the months of April through August and 15 percent in other months, except that if milk of members is diverted by the cooperative association in excess of the specified percentages, no milk diverted by the cooperative association during the month shall be producer milk unless the cooperative association designates the dairy farmers whose milk is not producer milk;

(3) If diverted by a handler in his capacity as the operator of a pool plant, as milk of a producer who is not a member of a cooperative association diverting milk pursuant to paragraph (c)(2) of this section, which does not exceed 25 percent of the aggregate quantity of milk received at such plant from such nonmember producers during the month in any of the months of April through August and 15 percent in other months, except that if milk of nonmember producers is diverted by the handler in excess of the specified percentages, no milk diverted by the handler during the month shall be producer milk unless the handler designates the dairy farmers whose milk is not producer milk; and

(4) Milk diverted for the account of a handler in his capacity as an operator of a pool plant shall be deemed to have been received at the pool plant from which diverted and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at a pool plant at a location identical with that of the pool plant from which diverted.

§ 1099.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1099.40(b)(1) from any source other than producers, handlers described in § 1099.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1099.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1099.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1099.40(b)(1)) for which the handler fails to establish a disposition.

§ 1099.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted; and

(2) Any milk product not specified in paragraph (a)(1) of this section or in § 1099.40 (b) or (c)(1) (i) through (v) if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1099.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1099.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1099.18 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

HANDLER REPORTS

§ 1099.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1099.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1099.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1099.9(b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1099.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1099.9 (a), (b), and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1099.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1099.32 Other reports.

(a) On or before the 6th day after the end of each month, each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) The name and address of each producer from whom milk was not received during the previous months and the date on which milk was first received from such producer; and

(2) The name and address of each producer who discontinues deliveries of milk and the date on which milk was last received from such producer.

(b) In addition to the reports required pursuant to paragraph (a) of this section and §§ 1099.30 and 1099.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1099.40 Classes of utilization.

Except as provided in § 1099.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1099.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1099.15; and

(6) In shrinkage assigned pursuant to § 1099.41(a) to the receipts specified in § 1099.41(a)(2) and in shrinkage specified in § 1099.41 (b) and (c).

§ 1099.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1099.30, the mar-

ket administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant and milk received from a handler described in § 1099.9(c));

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1099.9(c), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1099.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1099.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1099.44(a)(12) and the corresponding step of § 1099.44(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1099.44(a)(7) or the corresponding step of § 1099.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1099.44(a) (11) or (12) or the corresponding steps of § 1099.44(b), the skim milk or butterfat so transferred, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1099.40.

(c) *Transfers to producer-handlers.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1099.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat

received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

§ 1099.43 General classification rules.

In determining the classification of producer milk pursuant to § 1099.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1099.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1099.9 (b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1099.40, 1099.41, and 1099.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1099.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1099.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1099.9(a) for each of his pool plants separately and of each handler described in § 1099.9 (b) and (c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1099.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from another order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1099.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1099.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1099.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1099.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)

(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in Class III the pounds of skim skim milk in fluid milk products and products specified in § 1099.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11)(i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from another order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12)(ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1099.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and

the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a) (12) (ii) of this section, should the computations pursuant to paragraph (a) (12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1099.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a) (14) of this section and the corresponding step of paragraph (b) of this section.

§ 1099.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1099.44(a) (12) and the corresponding step of § 1099.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1099.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) Upon request, report, on or before the 25th day after the end of each month, to each cooperative association described in § 1099.86(b) the percentage of milk which was caused to be delivered by such association or by its members and which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class.

CLASS PRICES

§ 1099.50 Class prices.

Subject to the provisions of § 1099.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1099.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1099.52 Plant location adjustments for handlers.

(a) For milk received from producers at a pool plant located more than 40 miles by shortest highway distance as measured by the market administrator, from the nearest County Courthouse in any of the counties included in the marketing area and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the price computed pursuant to § 1099.50(a) shall be reduced by 7.5 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 50 miles.

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee-plant, in excess of the sum of 95 percent of the receipts at such plant from producers and handlers described in § 1099.9(c), and the volume assigned as Class I to receipts from other order plants (and unregulated supply plants) such assignment to be made first to transferor-plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1099.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

UNIFORM PRICE

§ 1099.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1099.9 (b) and (c) as follows:

(a) Multiply the pounds of producer milk in each class as determined pur-

suant to § 1099.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1099.44(a)(14) and the corresponding step of § 1099.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1099.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1099.44(a)(9) and the corresponding step of § 1099.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1099.44(a)(7) (i) through (iv) and the corresponding step of § 1099.44(b), excluding receipts of bulk fluid cream products from another order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1099.44(a)(7) (v) and (vi) and the corresponding step of § 1099.44(b); and

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1099.44(a)(11) and the corresponding step of § 1099.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

§ 1099.61 Computation of uniform price (including weighted average price).

For each month, the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content, f.o.b. market, received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1099.60 for all handlers who filed the reports prescribed by § 1099.30 for the month and who made the payments pursuant to §§ 1099.71 and 1099.73 for the preceding month;

(b) Add an amount equivalent to the sum of the net deductions (reductions less increases) for location adjustments to be made from producer payments pursuant to § 1099.75;

(c) Add an amount equivalent to one-half the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1099.60(f);

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the "weighted average price," and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(f) For the months specified in paragraphs (g) and (h) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (c) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (d)(2) of this section by the weighted average price;

(g) For each of the months of April, May, June, and July, subtract an amount equal to 50 cents per hundredweight on the total amount of producer milk in these computations, which amount is to be retained in the producer-settlement fund and disbursed according to the provisions of paragraph (h) of this section;

(h) For each of the months of October, November, December, and January add one-fourth of the total amount subtracted pursuant to paragraph (g) of this section;

(i) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(j) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1099.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 10th day after the end of each month the uniform price for such month.

PAYMENTS FOR MILK

§ 1099.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers, pursuant to §§ 1099.71, 1099.76, and 1099.77 shall be deposited in this fund, and all payments made pursuant to §§ 1099.72 and 1099.77 shall be made from this fund: *Provided*, That payments due to any handler shall be offset by payments due from such handler; and

(b) All amounts subtracted pursuant to § 1099.61(g) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1099.73 in accordance with the requirements of § 1099.61(h).

§ 1099.71 Payments to the producer-settlement fund.

(a) On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1099.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1099.75, of such handler's receipts of producer milk; and

(ii) The value at the weighted average price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1099.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the mar-

keting area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1099.72 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1099.71(a)(2) exceeds the amount computed pursuant to § 1099.71(a)(1). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1099.73 Payments to producers and to cooperative associations.

(a) Except as provided in paragraph (b) of this section, each handler operating a pool plant shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each such producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class III price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph;

(2) On or before the 17th day of the following month, an amount equal to not less than the uniform price, as adjusted pursuant to §§ 1099.74 and 1099.75, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to paragraph (a)(1) of this section, (ii) less deductions for marketing services made pursuant to § 1099.86, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment pursuant to § 1099.72 from the market administrator for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association qualified pursuant to § 1099.18 which has so requested any handler in writing, such handler shall on or before the third day prior to the date on which payments are due individual producers pursuant to paragraph (a) of this section pay the cooperative association for milk received during the month from the producer members of such association an amount equal to not less than the amount due such producer members pursuant to paragraph (a) of this section: *Provided,* That the proper deductions referred to in paragraphs (a)(1) and (2)(iv) of this section shall be valid in the case of cooperative members only if authorized in writing by such cooperative;

(c) Each handler shall also make payment to a cooperative association delivering milk to such handler pursuant to § 1099.9(c) for milk so delivered as follows:

(1) On or before the 28th day of the month an amount equal to not less than the Class III price for the preceding month multiplied by the hundredweight of milk so received from such cooperative association during the first 15 days of the month, less proper deductions authorized in writing by the cooperative association;

(2) On or before the 14th day of the following month not less than the uniform price, as adjusted pursuant to §§ 1099.74 and 1099.75, multiplied by the hundredweight of milk so received from the cooperative association during the month, subject to the following adjustments: (i) less payments made to such cooperative association pursuant to paragraph (c)(1) of this section and (ii) less proper deductions authorized in writing by such cooperative association: *Provided,* That if by such date the handler has not received full payment pursuant to § 1099.72 from the market administrator for such month, he may reduce pro rata his payments on such milk as in the case of payments to producers pursuant to paragraph (a) of this section, and payments hereunder shall be completed not later than the date for making payments pursuant to this subparagraph next following the receipt of the balance due from the market administrator;

(d) On or before the 14th day of the following month each handler shall pay to a cooperative association, with respect to such milk as was received from the association in its capacity as a handler operating a pool plant during the month not less than the value of such milk at the class prices, as adjusted by the butterfat differential specified in § 1099.74, that are applicable at the location of the handler's pool plant; and

(e) Each handler who receives producer milk for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association with respect to each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month; and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month together with the butterfat content of such milk, (ii) the amount or rate and nature of any deductions, and (iii) the amount and nature of payments due pursuant to § 1099.77.

§ 1099.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1099.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be re-

duced according to the location of the pool plant, and the uniform price for producer milk diverted to a nonpool plant shall be reduced according to the location of the pool plant from which it is diverted at the rates set forth in § 1099.52.

(b) For purposes of computations pursuant to §§ 1099.71 and 1099.72 the weighted average price shall be adjusted at the rates set forth in § 1099.52 applicable at the location of the nonpool plant from which the milk was received, except that the adjusted weighted average price shall not be less than the Class III price.

§ 1099.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1099.30(b) and 1099.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the weighted average price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1099.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1099.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1099.60 for such handler shall include, in lieu of the value of other source milk specified in § 1099.60(f) less the value of such other source milk specified in § 1099.71(a)(2)(ii), a value of milk determined pursuant to § 1099.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1099.7(b), subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1099.30(b) and 1099.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The value of milk determined pursuant to § 1099.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1099.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1099.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1099.77 Adjustment of accounts.

Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1099.73, the handler shall make up the difference of such payment not later than the next time for making payments as set forth in the provisions relating to payments which were in error.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1099.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month five cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production) and milk received from a handler described in § 1099.9(c);

(b) Other source milk allocated to Class I pursuant to § 1099.44(a) (7) and (11) and the corresponding steps of § 1099.44(b), except such other source milk that is excluded from the computations pursuant to § 1099.60 (d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1099.76(a)(2).

§ 1099.86 Deduction for marketing services.

(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to § 1099.73 with respect to milk received from producers (excluding such handler's own farm production), shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe; and, on or before the 20th day after the end of the month, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers who are members of a cooperative association, which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section and which is not receiving payment for its producer members, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers pursuant to § 1099.73(b) as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 20th day after the end of each month, pay over such deductions to the association rendering such services.

(Secs. 1–9, 48 Stat. 31, as amended; (7 U.S.C. 601–674)

Effective date: August 1, 1974.

Signed at Washington, D.C., on: April 29, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

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Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 189—VETERANS' COST-OF-INSTRUCTION PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION

A proposal was published in the FEDERAL REGISTER on April 16, 1973 (Vol. 38, No. 72, p. 9472) to add a new Part 189 to Chapter I of Title 45 of the Code of Federal Regulations in accordance with the authority contained in section 420 of the Higher Education Act of 1965 (20 U.S.C. 1070e-1), "Veterans' cost-of-instruction payments to institutions of higher education." These proposed regulations were promulgated as final regulations upon publication in the FEDERAL REGISTER on October 9, 1973 (Vol. 38, No. 194, p. 27825). The regulations established the procedures by which, and the conditions under which, institutions of higher education could apply for payments on the basis of undergraduate veteran enrollment, to be used for the support of improved and expanded services to veterans and to defray instructional expenses in academically related programs.

The continuation of the program necessitates several revisions in the regulations. Among these are the following:

1. Provision has been made for renewal applications.

2. Dates for counting undergraduate veteran students have been designated as April 16 (the eligibility determination date, identical with last year's eligibility determination date for the convenience of applicants), October 16, and February 16.

3. An institution's required office of veterans' affairs must be staffed by at least one person employed for such purpose on a full-time basis.

4. An additional general criterion for evaluating the adequacy of an institution's veterans' programs will be the coordination of veterans' services with other campus services available to veterans.

5. There will be required assurances that (a) an institution will initiate required veterans' services not later than 90 days after the date of award notification and (b) the required services will be reasonably accessible to all undergraduate veteran students on behalf of whom funds are received by the institution under the program.

6. Several changes have been made in light of certain parts of the Office of Education's General Provisions regulations and the Department's Grant Administration regulations.

After consideration of the relatively minor nature of the amendments and the need to receive and process applications in the near future, it has been determined purusant to 5 U.S.C. 553 that the solicitation of comment as to the regulatory amendments hereby made would be impracticable, unnecessary, and contrary to the public interest.

In light of the foregoing, the regulations are hereby amended as set forth below.

Effective date. These regulatory amendments are effective 30 days after the date of publication in the FEDERAL REGISTER.

Dated: March 26, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

DONALD E. JOHNSON,
Administrator of Veterans' Affairs.

Approved: April 29, 1974.

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

APRIL 5, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.540, Higher Education—Cost for Veterans' Instruction (VCIP))

Subpart A—General Provisions

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AUTHORITY.—Section 420, Higher Education Act of 1965, as added by section 1001(a) of Public Law 92-318, 86 Stat. 378 (20 U.S.C. 1070e-1), unless otherwise noted.

Subpart A—General Provisions

§ 189.1 Definitions.

As used in this part:

"Academic year" means a period beginning on July 1 and ending on the following June 30.

"Cost-of-instruction payment," or "payment," means an amount calculated with respect to an institution of higher education for an academic year on the basis of undergraduate veteran student enrollment.

"Institution of higher education," or "institution," means an educational institution in any State which: (a) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (b) is legally authorized within such State to provide a program of education beyond secondary education, (c) provides an educational program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree, (d) is a public or other nonprofit institution, and (e) is accredited by a nationally recognized accrediting agency or association as determined by the Commissioner or, if not so accredited, (1) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (2) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of clauses (a), (b), (d), and (e) of this definition.

"Instructional expenses in academically related programs" means the expenditures of instructional departments of an institution of higher education for salaries, office expenses, equipment, and research.

"School or department of divinity" means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (a) to prepare them to become ministers of religion or to enter upon some other religious vocation (or to provide continuing training for any such vocation), or (b) to prepare them to teach theological subjects.

"State" includes the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"Student" means a person in attendance as at least a half-time student at an institution of higher education. The term is further defined as follows:

(a) "Full-time student" means a student who (1) is enrolled for the equivalent of at least 14 semester hours or (2) is enrolled for the equivalent of not less than 12 semester hours and is being charged on the basis of the institution's normal full-time fee schedule.

(b) "Three-quarter time student" means a student who (1) is enrolled for the equivalent of 10 through 13 semester hours or (2) is enrolled for the equivalent of not less than 9 semester hours and is being charged at least three-quarters of the institution's normal full-time fees.

(c) "Half-time student" means a student who (1) is enrolled for the equivalent of 7 through 9 semester hours or (2) is enrolled for the equivalent of not less

than 6 semester hours and is being charged at least one-half of the institution's normal full-time fees.

"Undergraduate" refers to a student who (a) has not earned his first bachelor's degree, (b) is not enrolled in a program of study leading to (1) a degree beyond the bachelor's degree or (2) a first professional degree when at least 3 years of study at the college level are required for entrance into a program leading to such degree, and (c) (1) is fully matriculated and pursuing a program of studies leading to a certificate or diploma or (2) is receiving or has received educational assistance under subchapter V or subchapter VI of chapter 34 of title 38, United States Code.

"Veteran" means a person receiving benefits under chapter 31 or chapter 34 of title 38, United States Code, or who, if enrolled in an institution of higher education, would be eligible for such benefits.

(20 U.S.C. 1070e, 1070e–1, 1088, 1141.)

§ 189.2 Institutional eligibility.

(a) To apply for assistance under this part, an applicant must be an institution of higher education, and must meet the requirements specified in paragraph (b) or (c) of this section.

(b) In order for an institution of higher education to apply for assistance under this part during an academic year following one during which it was not eligible for or did not apply for such assistance, it must have in attendance on April 16 of such academic year (or, where such date falls between academic terms of the institution, the end of the previous academic term), a number of undergraduate veteran students receiving benefits under chapter 31 or chapter 34 of title 38, United States Code (or who have received benefits under subchapter V or subchapter VI of such chapter 33 while attending such institution during that academic year) equal to at least 110 percent of the number of undergraduate veteran students who were in attendance on the first counting date adopted under this part for the preceding academic year and were at that time receiving benefits under chapter 31 or chapter 34 of title 38, United States Code (or had received benefits under subchapter V or subchapter VI of such chapter 34 while attending such institution during that academic year).

(c) In order for an institution of higher education to apply for assistance under this part during an academic year following one during which it has received such assistance, it must have in attendance on April 16 of such academic year (or, where such date falls between academic terms of the institution, the end of the previous academic term), a number of undergraduate veteran students receiving benefits under chapter 31 or chapter 34 of title 38, United States Code (or who have received benefits under subchapter V or subchapter VI of such subchapter 34 while attending such institution during that academic year) equal to at least the number of undergraduate veteran students who were in attendance on the first counting date adopted under this part for the preceding academic year and were at that time receiving benefits under chapter 31 or chapter 34 of title 38, United States Code (or had received benefits under subchapter V or subchapter VI of such chapter 34 while attending such institution during that academic year).

(d) Schools or departments of divinity and proprietary institutions (i.e., organized for profit) are not eligible to apply for assistance under this part.

(20 U.S.C. 1070e–1.)

§ 189.3 Calculation of cost-of-instruction payment.

(a) To compute an institution's cost-of-instruction payment under this part the Commissioner of Education shall determine on the basis of data provided by the institution:

(1) The number of undergraduate veteran students in attendance on the applicable dates specified in paragraph (b) of this section who are at those times recipients of vocational rehabilitation subsistence under chapter 31 of title 38, United States Code, or of educational assistance under chapter 34 of title 38, United States Code, and to whom the services required by §§ 189.12 and 189.13 will be reasonably accessible, and

(2) The number of undergraduate veteran students in attendance on the applicable dates specified in paragraph (b) of this section who have ever received educational assistance under subchapter V or subchapter VI of chapter 34 of title 38, United States Code, and to whom the services required by §§ 189.12 and 189.13 will be reasonably accessible.

(b) A cost-of-instruction payment for a given academic year shall, subject to the availability of funds, be computed on the basis of the number of students in attendance on April 16 of the preceding academic yea rand October 16 and February 16 of the given year or, where such dates fall between academic terms of the institution, the end of the previous academic term), and at the following annual rate:

(1) For students described in paragraph (a) (1) of this section:

(i) $300 per full-time student;

(ii) $225 per three-quarter time student:

(iii) $150 per half-time student; and

(iv) No payment for students not enrolled as at least half-time students.

(2) For students described in paragraph (a) (2) of this section:

(i) $150 per full-time student;

(ii) $112.50 per three quarter time student;

(iii) $75 per half-time student; and

(iv) No payment for students not enrolled as at least half-time students.

(c) One third of the program funds available for a given academic year shall be used for payment to institutions based on enrollment data for April 16 of the preceding academic year, one third of the funds shall be used for payment based on enrollment data for October 16 of the given year, and one third of the funds shall be used for payments based on enrollment data for February 16 of the given year.

(d) Notwithstanding any other provision of this section, the amount of the second or third payment to an institution for any academic year may not exceed the amount of the first payment to such institution for such year.

(20 U.S.C. 1070e–1, 31 U.S.C. 701)

§ 189.4 Applicability of civil rights provisions.

(a) Federal financial assistance under this part is subject to the regulations in part 80 of this title, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of title VI of the Civil Rights Act of 1964 (Public Law 88–352).

(42 U.S.C. 2000d.)

(b) Federal financial assistance under this part is also subject to the provisions of title IX of the Education Amendments of 1972 (prohibition of sex discrimination) and any regulations issued thereunder.

(20 U.S.C. 1681–86; Public Law 92–318, section 906.)

Subpart B—Required Services and Use of Funds

§ 189.11 Special definitions.

For purposes of this subpart:

(a) "Full-time," with respect to an office of veterans' affairs, means that the office of veterans' affairs (1) is staffed by at least one person who is employed by an institution on a full-time basis and whose sole institutional responsibility is that of coordinating the activities of the office and (2) provides services at times and places convenient to the veterans being served.

(b) "Outreach" means an extensive, coordinated, communitywide program of reaching veterans within the institution's normal service area, determining their needs, and making appropriate referral and follow-up arrangements with relevant service agencies.

(c) "Recruitment" means a concerted effort to interest veterans in taking advantage of opportunities for a wide variety of postsecondary training experiences at the institution.

(d) "Special education programs" means specially designed remedial, tutorial, and motivational programs designed to promote success in the postsecondary experience.

(e) "Counseling" means professional assistance available to veterans for consultation on personal, family, educational, and career problems.

(20 U.S.C. 1070e–1.)

§ 189.12 Office of veterans' affairs.

Except as provided in § 189.14, an application for assistance under this part shall be approved only if the Commissioner is satisfied that the applicant will maintain, during the period for which the award is made, a full-time office of veterans' affairs with adequate services,

in light of the criteria set forth in § 189.16, in the areas of outreach, recruitment, special education programs, and counseling.

(20 U.S.C. 1070e–1.)

§ 189.13 Related veterans' services.

Except as provided in § 189.14, an application for assistance under this part shall be approved only if the Commissioner is satisfied that the applicant will, during the period for which the award is made, make an adequate effort, in the criteria set forth in § 189.16 and with funds received under this part, to carry out:

(a) Programs designed to prepare educationally disadvantaged veterans for postsecondary education (1) under subchapter V of chapter 34 of title 38, United States Code, and (2) in the case of any institution located near a military installation, under subchapter VI of such chapter 34;

(b) Active outreach, recruiting, and counseling activities through the use of other funds such as those available under federally assisted work-study programs; and

(c) An active tutorial assistance program (including dissemination of information regarding such program) in order to make maximum use of the benefits available under section 1692 of such title 38.

(20 U.S.C. 1070e–1.)

§ 189.14 Institutions with small numbers of students and veterans.

An institution with less than 2,500 students and no more than 70 undergraduate veteran students in attendance on April 16 (or, where such date falls between academic terms of the institution, the end of the previous academic term) of an academic year during which assistance under this part is sought need provide the services described in § 189.12 only to the extent of maintaining a full-time office of veterans' affairs with adequate services in the areas of recruitment and counseling, and need not provide the services described in § 189.13.

(20 U.S.C. 1070e–1.)

§ 189.15 Consortium agreements.

In the case of an institution with less than 2,500 students in attendance on April 16 (or, where such date falls between academic terms of the institution, the end of the previous academic term) of an academic year during which assistance under this part is sought, the Commissioner may permit one or more of the functions set forth in §§ 189.12 and 189.13 to be carried out under a consortium agreement between that institution and one or more other such institutions located within a reasonable commuting distance therefrom if he finds that (a) such institution cannot feasibly itself carry out such functions, and (b) the benefits of such functions will be readily accessible to veterans attending, and to veterans in the community served by, each of the institutions which are parties to the agreement.

(20 U.S.C. 1070e–1.)

§ 189.16 Criteria for assessing adequacy of veterans' programs.

An applicant institution's assurance pursuant to § 189.21(b)(6), with respect to the requirements of §§ 189.12 and 189.13 and to the extent that such requirements are not waived pursuant to § 189.14, shall be made in light of the following criteria, which criteria shall also be used by the Commissioner in evaluating the adequacy of the institution's veterans' programs:

(a) *In general.*—(1) Appropriate consideration of the magnitude of the veteran population in the institution's normal service area;

(2) Appropriate consideration of the number of veterans enrolled at the institution;

(3) The establishment of an appropriate advisory mechanism, to assist in the institution's decisionmaking process with respect to veterans' services as appropriate, through which the institution may become aware of the views of the institution's administrative and academic staff, its veteran student population, and relevant community organizations;

(4) The use of qualified Vietnam-era veterans in staffing the institution's office of veterans' affairs and in providing related services;

(5) The employment of a sufficient number of qualified staff members in order to adequately support required veterans' activities and services;

(6) The provision of adequate, visible and accessible housing for the institution's office of veterans' affairs, in light of the institution's veteran student enrollment and physical environment; and

(7) The coordination of veterans' services with other campus services available to veterans, such as admissions, student financial aid, counseling, and job placement.

(b) With respect to outreach, the establishment and maintenance of—

(1) Contact with veterans in the institution's normal service area;

(2) A procedure for assessing veterans' needs, problems, and interests; and

(3) A coordinated and extensive referral service involving agencies providing assistance in areas such as housing, employment, health, recreation, vocational and technical training, and financial assistance;

(c) With respect to recruitment, the establishment and maintenance of a process of bringing the maximum number of veterans into purposeful systematic programs of postsecondary education most suited to their educational and career aspirations, including such techniques as publications, use of mass media, and personal contacts;

(d) With respect to special education programs, the establishment and maintenance of:

(1) Support from appropriate departments of the institution for launching special education programs for the veteran student of a remedial, motivational, and tutorial nature;

(2) Support throughout the institution for appropriate changes in rules, policies, and procedures that will accommodate the special needs and problems of the veteran student; and

(3) Adequate guidance for individual veteran students that will insure the highest possible rate of their retention in educational programs; and

(e) With respect to counseling, the establishment and maintenance of—

(1) Ease of access of veteran students to professional assistance for consultation on personal, family, educational, and career problems as appropriate and necessary; and

(2) Frequent and scheduled liaison of the office of veterans' affairs with the institution's academic departments, counseling service, and central administration.

(20 U.S.C. 1070e–1)

§ 189.17 Expenditure requirements.

(a) Not less than (1) 50 percent of funds awarded on account of undergraduate veteran student enrollment at an institution under this part or (2) the amount of funds needed to implement the requirements of §§ 189.12 and 189.13, whichever is greater, shall be used to implement such requirements. Any remaining awarded funds may be used solely to defray instructional expenses in academically related programs of such institution.

(b) All assistance received under this part must be expended or obligated for the foregoing purposes not later than the end of the period for which the award is made. Obligations will be considered to have been incurred by a recipient on the basis of documentary evidence of binding commitments for the acquisition of goods or property or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities, shall be considered to have been obligated as of the time such services were rendered, such travel was performed, and such rented facilities were used, respectively.

(20 U.S.C. 1070e, 1070–1, 1232c(b)(2); 31 U.S.C. 200)

Subpart C—Application Process

§ 189.21 Submission of application by individual institutions.

(a) Assistance under this part will be provided only on the basis of an application submitted by an institution which sets forth all information necessary to determine the institution's eligibility and payment amount.

(b) Each application must be submitted on a form to be provided by the Commissioner and contain the following:

(1) Information necessary to show that the institution is eligible for assistance under this part;

(2) Information necessary to determine the amount of the institution's payment, in accordance with § 189.3;

(3) An assurance that any funds received by the institution under this part

will not be used for a school or department of divinity or for any religious worship or sectarian activity;

(4) An assurance that any funds received by the institution under this part which are not required pursuant to § 189.17 to be used to implement the requirements of §§ 189.12 and 189.13 will be used solely to defray instructional expenses in academically related programs of the institution;

(5) An assurance that the institution will expend during the period for which the award is made, for all academically related programs of the institution, an amount equal in terms of either total or per student expenditure to at least the average amount so expended during the 3 academic years preceding such period, together with such supporting data as the Commissioner may require;

(6) An assurance that the institution will carry out the requirements set forth in §§ 189.12 and 189.13;

(7) An assurance that the institution will initiate the services required by §§ 189.12 and 189.13 not later than 90 days after the date of award notification;

(8) An assurance that the services required by § § 189.12 and 189.13 will be reasonably accessible to all undergraduate veteran students on behalf of whom funds are received by the institution under this part; and

(9) If the institution is seeking a waiver of any of the required activities specified in §§ 189.12 and 189.13 pursuant to § 189.14, information necessary to show that it has less than 2,500 students and not more than 70 undergraduate veteran students in attendance on April 16 (or, where such date falls between academic terms of the institution, the end of the previous academic term) of the academic year during which assistance under this part is sought.

(20 U.S.C. 1070e-1.)

§ 189.22 Submission of applications by parties to consortium agreements.

Institutions proposing to carry out the activities required under this part through a consortium agreement, pursuant to § 189.15, must submit their applications on a form to be provided by the Commissioner, and each such institution must provide all information and assurances required pursuant to § 189.21 as well as information and assurances necessary to a finding by the Commissioner that the conditions for a consortium agreement set forth in § 189.15 have been met.

(20 U.S.C. 1070e-1.)

Subpart D—Fiscal and Reporting Requirements

§ 189.31 Maintenance of records.

(a) *Records.* Each institution and consortium of institutions shall keep intact and accessible records relating to the receipt and expenditure of Federal funds in accordance with section 434(a) of the General Education Provisions Act, including all accounting records and related original and supporting documents that substantiate direct costs charged to the award. Records must be maintained so as to reflect (1) expenditures made for veterans' services provided for under this part, and (2) expenditures made for instructional costs in academicaly related programs.

(b) *Period of retention.* (1) Except as provided in paragraph (b)(2) of this section and paragraph (a) of § 189.32, the records specified in paragraph (a) of this section shall be retained for 3 years after the date of the submission of the fiscal operations report, pursuant to § 189.33, to which they pertain.

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.* Institutions may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(20 U.S.C. 1232c(a).)

§ 189.32 Audits.

(a) *Audit questions.* The records involved in any claim or expenditure which has been questioned by Federal audit shal be further retained until resolution of any such audit questions.

(b) *Audit and examination.* The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the institution or consortium of institutions. The Commissioner may, at any time before or after making a payment under this part, review the data supplied by an institution with respect to such payment and take appropriate action as a result thereof, including that of requiring the institution to return funds received on the basis of inaccurate data submitted by the institution.

(20 U.S.C. 1232c(a), (b)(2).)

§ 189.33 Fiscal operations reports.

(a) In addition to such other accounting as the Commissioner may require, an institution or consortium shall render annually, with respect to the assistance awarded under this part, a full account of funds expended, obligated, and remaining.

(b) A report of such accounting shall be submitted to the Commissioner within 90 days of the expiration of the academic year for which such assistance was awarded, and the institution or consortium shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. Such period may, upon written request, be extended at the discretion of the Commissioner.

(20 U.S.C. 1232c(b)(3); 31 U.S.C. 628)

§ 189.34 Limitations on costs.

(a) The maximum amount of a payment under this part shall be set forth in the award document. The total payment from the Federal Government will not exceed the amount so set forth.

(b) Institutions will be governed by the cost principles set forth in Part II of Appendix D of 45 CFR Part 74 (Part II of Appendix C of 45 CFR Subchapter A).

(31 U.S.C. 200; 20 U.S.C. 1070e-1.)

§ 189.35 Reporting requirements.

(a) Institutions of higher education, and consortiums thereof, receiving assistance under this part must submit to the Commissioner no more than 30 days after the close of each academic year, a report describing the manner in which the required veterans' services were provided during such academic year. Such a report shall be in a format approved by the Commissioner and shall make specific reference to the extent to which the criteria set forth in § 189.16 of this part have been met.

(b) Interim reports describing the progress being made in providing the veterans' services required pursuant to §§ 189.12 and 189.13 of this part shall be submitted if, and at such times as, the Commissioner deems such reports necessary.

(20 U.S.C. 1070e-1.)

[FR Doc.74-10156 Filed 5-2-74;8:45 am]

CHAPTER XIV—NATIONAL INSTITUTE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—PROGRAM REGULATIONS FOR NATIONAL INSTITUTE OF EDUCATION

PART 1450—RESEARCH GRANTS PROGRAM

Notice of proposed rulemaking was published in the FEDERAL REGISTER on November 30, 1973 (38 FR 33102) setting forth certain policies, procedures, and requirements for the award of Federal funds under the Research Grants Program.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed rule. Comments were received only with respect to (1) the use of prospectuses for initial review (§ 1450.5(a)) and (2) the requirements for the prospectus format (§ 1450.5(b)).

After review and consideration of these comments from the public and consistent with prior policy resolutions adopted by the National Council on Educational Research on December 3, 1973, decisions either to change the regulation or to retain the original language have been reached as follows:

A. *Summary of comments; changes in the regulations.* Comments submitted to the National Institute of Education in response to the proposed regulations are discussed below. After the summary of each comment, a response is set forth stating changes which have been made or discussing the reasons why no change has been deemed necessary.

1. Section 1450.5(a) *Applications, General.—Comment.* One commenter objected to the use of the prospectus as "the primary document upon which judgments of quality, feasibility, and

funding are made," contending, in paraphase, that the prospectus system would place an inordinate concentration of control over educational research among a small group of administrative officials, create confusion among applicants summarizing their projects for reviewers of unknown expertise, and provide an inadequate basis for reviewer feedback to applicants.

Response. The commenter's objections appear in large part to be based upon a misunderstanding of the working of the proposed prospectus review system. The decision to use the system derived principally from recommendations of the general research community and of the review panels for the fiscal year 1973 Field Initiated Studies funding competition, where time and resources expended in preparation and review of full proposals from all applicants were greatly excessive in view of the number of projects ultimately founded. The use of prospectuses, tested in a portion of the fiscal year 1973 competition, is intended to reduce these excessive burdens upon the applicant community and the reviewing agency and should not preclude the operation of a peer review process. The review of prospectuses will be conducted not by administrative officials but by NIE's professional researchers and educational staff. Although complete proposals do allow for fuller descriptions of the intended research, carefully prepared prospectuses should allow for the identification of significant ideas and for equitable and reasoned judgments according to the criteria of § 1450.6 (b) and (c). The Institute will retain the prospectus system as proposed.

2. Section 1450.5(b) *Prospectus Format—Comment.* Two commenters proposed modifying the requirements for the prospectus format. One of them suggested that inclusion of the budget, resumes, and description of facilities within the scope of the three- to five-page document left inadequate space to treat the substance of the research activity. This commenter also questioned whether § 1450.5(b)(1)(v) required presentation of the actual estimated budget or only of the estimated total budget amount. Both commenters recommended that NIE require institutional endorsement of the estimated budget.

Response. (a) The proposed regulations did not require the resumes and budget to be prepared as part of the three- to five-page project statement; this summary was required to address only "Description and rationale, Procedures, and Facilities" (§ 1450.5(b)(2)). However, inasmuch as the Institute intends that the substance and procedures of the research activity per se be addressed by the project summary and for other information of an administrative nature to be addressed separately, § 1450.5(b)(2)(iii) is redesignated § 1450.5(b)(3), to remove "Facilities" from the scope of the summary statement. Subsequent subparagraphs are renumbered accordingly; (b) § 1450.5(b)(1)(v) is in fact intended to refer to the estimated total budget amount and the wording has been changed accordingly; (c) NIE is appreciative of the concerns expressed by commenters recommending a requirement for institutional endorsement of prospectuses. Section 1403.4 of the NIE proposed general provisions does in fact provide that applications "shall be executed by the applicant or an official or representative of the applicant duly authorized to make such application." While this requirement is not specifically applicable to submission of prospectuses, NIE has assumed that a prospectus would represent a submission by the applicant or duly authorized official of the applicant. In fact, instructions for the presentation of full proposals will specifically provide for institutional approval where the application is being made on behalf of an institution. However, inasmuch as estimated budgets will not be viewed as final or as expressions of commitment on the part of principal investigators, institutions, or NIE, and in recognition of the added time and effort often required to obtain additional institutional endorsement, NIE does not feel that such endorsement of prospectuses ought to be made mandatory. This is of course an NIE policy alone and should in no way be understood to modify individual institutional sign-off policies. The Institute will give further consideration to the need for revising the provisions of this section as experience under this program provides a basis for further judgment.

B. *Other changes.* 1. In § 1450.6, a new paragraph (b) Selected issues is added, and the proposed paragraph (b) Criteria for evaluation is redesignated (c). The new paragraph provides for the periodic identification of selected issues of particular significance for American education. Research which lies within the scope of at least one of such issues as are identified will receive priority consideration for funding under this part.

This addition is based upon a resolution adopted by the National Council on Educational Research on December 3, 1973, establishing five priority areas as the focus of new NIE activities and directing the initiation of a research grants program emphasizing the contributions of research to those areas. The identification of selected priority areas for research support reflects NIE's determination that it can best pursue the purposes of its Act by focusing its resources upon research which shows the greatest promise of solving the problems of American education. Attention is invited to the "Notice of Awards Competition and Prospectus Closing Date" which appeared in the Federal Register on January 4, 1974. (39 FR 1085) This notice specified research areas, which, in addition to criteria and requirements set forth in this part, will govern fiscal year 1974 funding decisions under this part, and a closing date for submission of prospectuses of January 28, 1974.

2. In § 1450.6(c) (paragraph (b) in the proposed rule) subparagraph (6) is deleted. The Institute feels that the criteria contained in this subparagraph will be adequately reflected in such issues as the Institute may select under new paragraph (b) of this section and that the deletion will preclude confusion between selected issues and criteria for evaluation in the review of applications.

Effective date. Because of the number of proposals anticipated for this program, the complexities of the proposal review process, the necessity for obligating funds by June 30, 1974, and the Director's desire to give each proposal full consideration, the Institute has determined that there is good cause for these regulations to take immediate effect. These regulations shall therefore be effective on May 3, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.575, Educational Research and Development)

Dated: April 5, 1974.

THOMAS K. GLENNAN, Jr.,
Director of National Institute of Education.

Approved: April 29, 1974.

CASPAR W. WIENBERGER,
Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended by adding to Chapter XIV a new Subchapter B, Part 1450 reading as follows:

Sec.
1450.1 Scope.
1450.2 Purpose.
1450.3 Eligible research projects.
1450.4 Applicant eligibility.
1450.5 Applications.
1450.6 Review of applications.
1450.7 Inexperienced investigators.
1450.8 Project duration.

AUTHORITY: Sec. 405 of the General Education Provisions Act, as added by section 301(a)(2) of Pub. L. 92-318, 86 Stat. 328 (20 U.S.C. 1221e).

§ 1450.1 Scope.

(a) This part establishes procedural and substantive requirements and criteria governing the submission and review of applications for funds under the Research Grants Program.

(b) Project awards funded pursuant to this part shall be administered in accordance with the General Provisions regulation of the National Institute of Education (Subchapter A of this chapter).

§ 1450.2 Purpose.

The Research Grants Program will make awards in support of original research projects with relevance to American education proposed by eligible persons and organizations in any discipline or field of study. Research supported pursuant to this part must show promise of contributing toward one or more of the following goals:

(a) Making educational programs more effective in meeting the needs of persons from low-income families and from minority communities;

(b) Increasing the effectiveness of use of educational resources so that individuals and society can better afford high quality education; and

(c) Improving the quality of education generally.

§ 1450.3 Eligible research projects.

(a) As used in this part "research" includes activities designed to:

(1) increase or synthesize basic knowledge of processes and conditions relevant to human learning and education; or

(2) provide answers, of sufficient generality to be widely applicable, to important questions concerning actual or possible conduct of education in this country.

(b) The following types of activities will not be considered for research support under this part:

(1) Operational support for education programs; or

(2) Projects in which the primary emphasis is on course development, training, dissemination, improving an educational program (e.g., in a school or postsecondary institution or in a State), demonstration or development of prototype programs, or instructional media or instruments, as distinguished from the production of new knowledge.

§ 1450.4 Applicant eligibility.

Colleges, universities, State departments of education, local educational agencies, and other public or private agencies, organizations, groups, or individuals are eligible for grants. Applications from any corporation, institution, or agency whose net earnings inure, or may lawfully inure, to the benefit of any private shareholder or individual will be considered as unsolicited proposals and will be evaluated in accordance with criteria specified in this part and in HEW Procurement Regulations, Subpart 3–4.52 (41 CFR Part 3–4).

§ 1450.5 Applications.

(a) *General.* The application submission and review procedures will consist of two stages:

(1) *Prospectus.* (i) The applicant shall submit a prospectus for initial review. Only prospectuses, prepared according to the format described in paragraphs (b) or (c) of this section, will be accepted at this initial stage; other submissions will be returned to the applicant.

(ii) No more than one prospectus per individual will be accepted. Although institutional applicants may submit more than one prospectus, no more than one prospectus per each principal investigator will be considered. In the event that more than one prospectus per individual/principal investigator is received, the prospectus received earlier in time will be accepted, and subsequent prospectuses will be returned to the applicant.

(2) *Full proposals.* Applicants submitting the most highly rated prospectuses will be invited to submit full proposals for evaluation. Only invited proposals will be accepted at this second stage; proposals not invited by the National Institute of Education will be returned to the applicants.

(b) *Prospectus format.* With respect to applicants other than State and local governments, the prospectus shall include:

(1) A cover sheet executed by the principal investigator indicating (i) that the prospectus is submitted to the Research Grants Program of the National Institute of Education; (ii) the title of the study; (iii) the category of the study under which the applicant believes his project should be reviewed as described in § 1450.6(a); (iv) the name(s), Department, Institution, address, and telephone number of the principal investigator(s); (v) the estimated budget amount; and (vi) the proposed duration and starting date of the project.

(2) A statement of from three to five double-spaced, typewritten pages summarizing the proposed project, including:

(i) *Description and rationale.* A description of the proposed research, its relation to what is already known and to the problems of American education, and the importance of the expected addition to knowledge.

(ii) *Procedures.* Description of the procedures to be followed in carrying out the research, including, where appropriate, such concerns as sampling, data acquisition, instrumentation, and data analysis.

(3) A description of facilities and arrangements available to the investigator for conducting the research.

(4) Resume(s) of principal investigator(s), including education, applicable experience, and a list of major publications.

(5) An estimated budget covering direct costs (salaries and benefits, travel, supplies and materials, communication, services, equipment) and indirect costs proposed to be charged against the grant.

(c) *State and local government prospectuses.* Prospectuses from State and local governments, as defined in paragraph (e) of this section, shall be made in accordance with the preapplication provisions of § 74.122 of this title with such supplementation as may be required by the Director of the National Institute of Education with the approval of the Office of Management and Budget. Information concerning such application and supplementation requirements may be obtained from the Director of the National Institute of Education upon request.

(d) *Full proposals.* Notification of procedures and forms for the development and submission of full proposals will be given to applicants invited to submit full proposals.

(e) *Definition of State and local governments.* As used in this section, the term "State and local governments" shall be determined according to the following definitions:

(1) "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of State institutions of higher education and hospitals.

(2) "Local government" means a local unit of government including specifically a county, municipality, city, town, township, school district, local public authority, special district, intrastate district, council of governments, sponsor group representative organization, and other regional or interstate government entity, or any agency or instrumentality of a local government exclusive of institutions of higher education and hospitals.

§ 1450.6 Review of applications.

(a) *Review categories.* For purposes of facilitating, and improving the quality of, review of applications by the National Institute of Education, each prospectus and invited full proposal received will be assigned to one of the following categories and will be reviewed together with other applications within the same category: (1) Learning and instruction; (2) Human development; (3) Objectives, measurement, evaluation and research methodology; (4) Social thought and processes; (5) Organization and administration; (6) Anthropology; (7) Economics; (8) Political science; and (9) Legal research.

(b) *Selected issues.* The Institute may periodically identify selected issues of particular significance for American education which will serve as conditions of eligibility or with respect to which priority funding consideration will be given.

(c) *Criteria for evaluation.* Evaluation of prospectuses and full proposals will be based upon the following criteria:

(1) Significance of the proposed research for American education, including:

(i) Importance of the problem area from the standpoint of basic knowledge or of problems of American education;

(ii) Likely magnitude of the addition that will be made to knowledge if the project is successful, including the generalizability of the results.

(2) Quality of the proposed research project, including such considerations as:

(i) Adequacy of design, methodology, and instrumentation where appropriate;

(ii) Likelihood of success of the project;

(iii) Extent to which the application exhibits thorough knowledge of pertinent previous work and relates the proposed work to it.

(3) Qualifications of the principal investigator and other professional personnel as evidenced by:

(i) Experience and previous research productivity (except in the case of inexperienced investigators); and

(ii) Quality of the discussion and analysis in the application.

(4) Adequacy of the facilities and arrangements available to the investigator to conduct the proposed study.

(5) Reasonableness of the budget for the work to be done and the anticipated results.

§ 1450.7 Inexperienced investigators.

(a) Applications for small grants from inexperienced investigators are encouraged and will be reviewed with other applications, with allowances being made for the investigator's lack of a previous research record. To be reviewed as inexperienced investigators, applicants may

not have been either: (1) director or principal investigator of a research project supported by funds from a Federal, State, college, university, or other public or private agency or foundation; or (2) author or coauthor of more than two articles or chapters in professional journals or books reporting results of his or her research.

(b) Persons applying as inexperienced investigators must include in the prospectus a statement describing their eligibility under the criteria in paragraph (a) of this section.

(c) While there is no specific upper limit on the size of grants to inexperienced investigators, the average grant awarded will in general be in the neighborhood of $10,000.

§ 1450.8 Project duration.

Project duration will normally be for a maximum of three years (18 months for awards to inexperienced investigators). The initial award for a project may provide funds for less than the full project period, with further support contingent upon availability of funds and progress of the research.

[FR Doc.74-10235 Filed 5-2-74;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 915]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

Proposed Approval of Expenses and Fixing of Rate of Assessment for 1974–75 Fiscal Year and Carryover of Unexpended Funds

This notice invites written comment relative to the proposed expenses of $38,250, a rate of assessment of $0.05 per bushel of avocados, and the carryover as a reserve of unexpended funds to support the activities of the Avocado Administrative Committee for the 1974–75 fiscal year under Marketing Order No. 915.

Consideration is being given to the following proposal submitted by the Avocado Administrative Committee established under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof.

(1) That the expenses which are reasonable and likely to be incurred by the Avocado Administrative Committee, during the period from April 1, 1974, through March 31, 1975, will amount to $38,250;

(2) That the rate of assessment for such period, payable by each handler in accordance with § 915.41 be fixed at $0.05 per bushel of avocados; and

(3) Unexpended Assessment funds in the amount of approximately $19,306, which are in excess of expenses incurred during the fiscal year ended March 31, 1974, shall be carried over as a reserve in accordance with §§ 915.42 and 915.205 of said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than May 21, 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)).

Dated: April 29, 1974.

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

[FR Doc.74–10158 Filed 5–2–74;8:45 am]

[7 CFR Parts 1001, 1002, 1004, 1015, 1033, 1036, 1040, 1049]

[Docket Nos. AO–14–A53, etc.]

MILK IN THE BOSTON REGIONAL AND CERTAIN OTHER MARKETING AREAS

Notice of Extension of Time for Filing Briefs

7 CFR part	Marketing area	Docket No.
1001	Boston Regional	AO 14–A53.
1002	New York-New Jersey	AO 71–A68.
1004	Middle Atlantic	AO 160–A51.
1015	Connecticut	AO 305–A31.
1033	Ohio Valley	AO 166–A44.
1036	Eastern Ohio-Western Pennsylvania.	AO 179–A39.
1040	Southern Michigan	AO 225–A28.
1049	Indiana	AO 319–A22.

Notice is hereby given that the time for filing briefs, proposed findings and conclusions on the record of the public hearing held February 20–28, 1974, at Washington, D.C., with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid specified marketing areas pursuant to notice issued on February 14, 1974 (39 FR 5642) is hereby extended to May 15, 1974, for the limited purpose of the appropriate longer-term basis of pricing reserve milk under the eight orders beginning August 1, 1974.

This notice 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).

Signed at Washington, D.C., on April 30, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74–10238 Filed 5–2–74;8:45 am]

COST OF LIVING COUNCIL

[6 CFR Part 150]

PHASE IV PRICE REGULATIONS

Appendix A—Phase IV Price Forms; Phase IV Health Care Forms

The Cost of Living Council is considering the issuance of a CLC form to be used by acute care hospitals and long term care institutions for requesting approval of capital expenditures under the Phase IV health care regulations (6 CFR Part 150, Subpart R) published at 39 FR 2670 (January 23, 1974), as amended on March 27, 1974, at 39 FR 11376.

On March 6, 1974, the Council issued a notice of proposed rulemaking, 39 FR 9768 (March 13, 1974), setting out proposed Forms CLC–61, CLC–71, and CLC–81 to be filed as annual reports or used for monitoring purposes under the Phase IV health care regulations. On March 30, 1974, the Council issued a notice of proposed rulemaking, 39 FR 12540 (April 5, 1974), setting out proposed Forms CLC–62, CLC–72, and CLC–82 to be used for requesting exceptions from the Phase IV health care regulations. The Council indicated on both occasions that the form relating to capital expenditure adjustments would be issued at a later date.

The purpose of publishing the capital expenditures form with accompanying schedule and instructions in proposed form is to provide the public an opportunity to make suggestions for improvements regarding the format and computations.

The proposed form and instructions will not be adopted until they are approved by the Office of Management and Budget. At that time the Council will amend its regulations to incorporate the form and instructions, and make any necessary adjustments in the governing regulations resulting from the rulemaking.

In issuing this notice of proposed rulemaking, the Council recognizes the uncertain future of the Economic Stabilization Program. However, the concepts and specifics embodied in the proposed Form CLC–103 may well have meaning with respect to the National Health Insurance Program during the forthcoming congressional hearings and debates on the pending enabling legislation.

In addition, the Council expects that the proposed Form CLC–103 may be helpful to any hospital or other institu-

tion in its planning for a capital expenditure. The proposed form may also be useful to other agencies and organizations, both public and private, involved with the planning and review process. In particular, comprehensive health planning agencies and others designated under § 1122 of the Social Security Act, as added by § 221(a) of the Social Security Amendments of 1972 (Pub. L. 92–603, 86 Stat. 1386–89 (42 U.S.C. 1320a–1)), may find the proposed capital expenditures form useful in their determinations of community need and economic feasibility.

Interested persons are invited to participate in the rulemaking by submitting written data, views, or arguments with respect to the proposed CLC form set forth in this notice, to the Executive Secretariat, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508. Comments should be identified with the designation "Phase IV Capital Expenditures Form Docket." At least 10 copies should be submitted. All communications received on or before May 30, 1974 will be considered by the Council before the Council takes final action on the proposed form. The proposed form contained in this notice may be changed in the light of comments received. All comments received in response to this notice will be available for examination and copying by interested persons at the Cost of Living Council, 2000 M Street, NW., Washington, D.C., during the hours of 9 a.m. to 5 p.m., Monday through Friday. Submissions will be available both before and after the closing date for comments.

Form CLC–103 is intended for use by acute care hospitals and long term care institutions requesting approval of a capital expenditure in accordance with the provisions of 6 CFR 150.713, 150.714(c), 150.781, and 150.782(c). The form is designed to provide the data needed by the approving agency in determining the level of revenues necessary for the operation of the capital expenditure and the related increases in charges and expenses.

Part II of Form CLC–103 identifies the capital expenditure and its net cost. The net capital expenditure cost determines whether or not an institution files a request for approval and the parts of Form CLC–103 which must be completed.

Part III provides information on the annual operating expense related to the capital expenditure while Part IV computes the unit cost per admission or patient day or outpatient service.

Part V of Form CLC–103 itemizes the costs associated with the capital expenditure and the sources of funds available to finance it. Part VI is a statement of projected patient statistics, revenues, and expenses for the last fiscal year and the first fiscal year in which the capital expenditure is operational and any subsequent year in which the operating status of the institution will be changed by the capital expenditure.

Part VII of Form CLC–103 identifies the sources of financing with details on each loan. Part VII also sets forth a depreciation schedule for the various items included in the capital expenditure.

Part I, "Identifying Data" and Part VIII, "Certification and Signature," are self-explanatory.

Schedule J, "Schedule of Service Area Data for Acute Care Hospitals and Long Term Care Institutions," is annexed to Form CLC–103 depending on the type and cost of the capital expenditure for which approval is being requested. For all capital expenditures involving a change in bed capacity or substantially changing the clinical services offered, hospitals and other institutions must submit Schedule J along with Form CLC–103. Small hospitals with net capital expenditure costs of $100,000 or more must file Schedule J. Large hospitals must submit Schedule J whenever the net capital expenditure costs reach $200,000. Long term care institutions submit Schedule J along with a fully completed Form CLC–103 for capital expenditures with a net cost of $25,000 or more. In any instance, however, that the hospital or other institution can submit an independently prepared feasibility study related to the capital expenditure, it need not complete Schedule J.

Schedule J provides the tools necessary to evaluate service area demands and focuses on several factors relevant thereto, including primary service area population and employment, the expected characteristics of the patient population and the volume of inpatient admissions. This information is set forth in Part II of Schedule J to Form CLC–103.

Part III of Schedule J is completed by acute care hospitals only. It provides a statement of inpatient operating statistics for the hospitals, including the petitioner, serving the primary service area. It also includes a checklist for facilities and services provided in each of the area hospitals.

Part I, "Identifying Data," is self-explanatory.

In consideration of the foregoing, it is proposed to amend 6 CFR Part 150 in the Appendix (Phase IV Price Forms) by the addition of Form CLC–103, with accompanying Schedule and instructions, to read as set forth below:

(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 Number 14, 38 FR 1489)

Issued in Washington, D.C., April 29, 1974.

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

Form CLC-103 (Proposed April 1974)	Economic Stabilization Program Capital Expenditure Form for Acute Care Hospitals and Long Term Care Institutions 6 CFR 150.713 and 150.714(c) 6 CFR 150.781 and 150.782(c)	Agency Use Only Date of Filing Docket Number

Part I - Identifying Data (Please complete requested items and check applicable boxes below).

1. (a) Name of Institution Address (number and street) City or Town, State and Zip Code	2. (a) Name of Parent Firm (if applicable) Address (number and street) City or Town, State and Zip Code
(b) Institution is ☐ Profit ☐ Nonprofit	(b) Parent Firm is ☐ Acute Care ☐ Long Term Care
(c) Institution is ☐ Acute Care ☐ Long Term Care	(c) Federal Identification Number
(d) Federal Identification Number	

3. (a) Inclusive dates of reported fiscal year (RFY) from ___ ___ ___ to ___ ___ ___ (Mo. Day Yr. to Mo. Day Yr.)

(b) Inclusive dates of last fiscal year (LFY) from ___ ___ ___ to ___ ___ ___ (Mo. Day Yr. to Mo. Day Yr.)

Part II - Capital Expenditure Identification

4. Date when services resulting from capital expenditure commence operations ___ ___ (Mo. Yr.)

5. Type of Capital Expenditure ☐ Equipment ☐ Construction ☐ Both

6. (a) Capital expenditure is for ☐Replacement ☐New Service ☐New Facility ☐Change in Bed Capacity

(b) Percentage of capital expenditure operating expense allocated for inpatient services

_____ %

(c) Percentage of capital expenditure operating expense allocated for outpatient services

_____ %

7. (a) Existing Number of Beds ☐

(b) Change in Bed Capacity Resulting from Capital Expenditure
1st year ☐ 2nd year ☐

8. (a) LFY Admissions or Patient Days

(b) Change in Number of Admissions or Patient Days Resulting from Capital Expenditure
1st year ☐ 2nd year ☐

9. Itemization of Capital Expenditure Cost

(a) Site acquisition	$
(b) Construction	
(c) Equipment cost	
(d) Installation cost	
(e) Total	
(f) Less: Net book value of any trade-in	
(g) Net capital expenditure cost	

Part III - Annual Operating Expense Related to Capital Expenditure

Expense	A Base Year Expense	B Projected Year Expense	C Incremental Change
Fixed			
10. Interest	$	$	$
11. Depreciation (Straight Line)			
12. Total			
Variable			
13. Wages, Salaries and Fringe Benefits			
14. Materials and Supplies			
15. Other (Attach Itemization)			
16. Total			
17.(a) Total Expense			
(b) Total Inpatient Expense (item 6(b) x item 17(a))			
(c) Total Outpatient Expense (item 6(c) x item 17(a))			

Part IV - Computation of Unit Cost (See Instructions)

18. LFY Total Inpatient Operating Expense	$
19. LFY Total Inpatient Operating Expense per Admission or Patient Day (item 18 ÷ item 8(a))	
20. LFY Total Inpatient Operating Expense Plus Incremental Change (item 18 plus item 17(b), column C)	
21.(a) Projected Full year Total Inpatient Operating Expense per Admission or Patient Day (see instructions)	
(b) Percentage Increase in Expense per Admission or Patient Day (item 21(a) ÷ item 19)	%

22.(a). Computation of LFY Outpatient Cost Per Unit of Service

A Description of Service or Property	B LFY Total Units of Service	C LFY Total Cost of Service	D LFY Cost per unit of Service (col. C ÷ col. B)
Total			

22.(b) Computation of Outpatient Cost per Unit of Service

A Description of Service or Property	B Additional Units from Capital Expenditure	C Additional Costs from Capital Expenditure	D Adjusted Units of Service (See Instructions)	E Adjusted Cost of Service (See Instructions)	F Adjusted Cost per unit of Service (col. E ÷ col. D)
Total					

PART V: PROJECT COST AND SOURCES OF FUNDS (See instructions)	
A. Capital Expenditure Costs	
23. Site acquisition	$
24. Construction contracts	
25. Unanticipated costs of construction	
26. Architect's fee	
27. Consultant's fee	
28. Movable equipment	
29. Installation costs	
30. Interest to be paid on construction loans	
31. Debt Service reserve fund	
32. Financing costs	
33. Other (attach itemization)	
34. Total capital cost (Sum of items 23 through 33)	$
B. Sources of Funds	
35. Expenditures previously expended from available funds	$
36. Unrestricted hospital funds available	
37. Restricted hospital funds available	
38. Interest to be earned on construction fund	
39. Additional funds from campaign pledges	
40. Contingency funds available	
41. Bond issue	
42. Other financing	
43. Total funds available (Sum of items 35 through 42)	$

Part VI Statement of Projected Patient Statistics, Revenue and Expense (See Instructions)

	LFY_	Projected Year	Projected Year	Projected Year	Projected Year
Patient Statistics					
44. Admissions					
45. Patient Days					
46. Average Beds Available					
47. Average Occupancy					
Revenue and Expenses					
48. Inpatient Revenue from Routine Services					
49. Inpatient Revenue from Ancillary Services					
50. Revenue from Emergency and Outpatient Services					
51. Other Operating Revenues					
52. Total Operating Revenues (Sum of Items 48 through 51)					
53. Allowances					
54. Total Revenue from Operations (Item 52 minus Item 53)					
55. Salaries, Wages and Fringe Benefits					
56. Professional Fees					
57. Supplies					
58. Other					
59. Total Operating Expenses before Depreciation, Amortization and Interest (Sum of Items 55 through 58)					
60. Net Operating Income before Depreciation, Amortization and Interest (Item 54 minus Item 59)					
61. Other Income					
62. Total Income before Depreciation, Amortization and Interest (Sum of Items 60 and 61)					

	LFY	Projected Year	Projected Year	Projected Year	Projected Year
63. Interest Expenses					
64. Amortization of Financing Expense					
65. Total Interest and Amortization Expense (Sum of Items 63 and 64)					
66. Income before Depreciation Expense (Item 62 minus Item 65)					
67. Depreciation Expense					
68. Net Income (Item 66 minus item 67)					
Adjustments for Cash Flow					
69. Enter Income before Depreciation (Item 66)					
70. Principal Payments on Long Term Debt					
71. Routine Capital Replacements					
72. Other (Attach Itemization)					
73. Total Cash Required (Sum of Items 70 through 72)					
74. Net Cash Flow (Item 69 minus 73)					

Part VII - Sources of Financing and Depreciation Schedules

75. Sources of Financing

A Lending Institution	B Amount of Loan	C Interest Rate	D Due Date	E Secured Asset

76. Depreciation Schedule (see instructions)

A Cost	B Depreciable Life

Part VIII - Certification and Signature

I have examined this form and the attached exhibits, schedules and explanations, and certify that to the best of my information, knowledge and belief the information set forth therein is factually correct, complete and in accordance with the Economic Stabilization Regulations of Title 6, Code of Federal Regulations.

Type name and exact title of chief executive officer, administrator, or chief financial officer of the acute care hospital or long-term care institution and date signed.

Name	Date	Signature
Title		

INSTRUCTIONS FOR FORM CLC-103 CAPITAL EXPENDITURE FORM FOR ACUTE CARE HOSPITALS AND LONG-TERM CARE INSTITUTIONS

GENERAL INSTRUCTIONS

A. Purpose. Form CLC-103 is designed to provide the data necessary to evaluate a request for approval of a capital expenditure as provided for in 6 CFR 150.713, 150.714(c), 150.781, and 150.782(c). Specifically, the form will enable the approving agency to determine the level of revenues necessary for the operation of the capital expenditure and the related increases in charges and expenses.

B. Who Should File CLC-103. 1. Any acute care hospital as defined in 6 CFR 150.703, that desires approval for a capital expenditure under 6 CFR 150.713 or 150.714(c) must complete Form CLC-103.

2. Any long-term care institution as defined in 6 CFR 150.771 that desires approval for a capital expenditure under 6 CFR 150.781 or 150.782(c) must complete Form CLC-103.

C. What to File. Completion of this form and any additional information required is dependent upon the size and type of the institution as well as the amount and nature of the capital expenditure. For a capital expenditure that changes the bed capacity of the facility or substantially changes the services of the facility, an acute care hospital or long-term care institution must complete Parts I through VIII of this form and the attachments. For other capital expenditures a chart has been set forth below categorizing the necessary parts of the form to be completed. The chart classifies acute care hospitals as either small or large. A small acute care hospital is defined as one having less than $2,500,000 total inpatient operating charges or fewer than 4,000 admissions in its preceding fiscal year and a large acute care hospital is defined as one having $2,500,000 or more total inpatient operating charges or 4,000 or more admissions in its preceding fiscal year. Long-term care institutions are not categorized according to size.

For purposes of this form, acute care hospitals and long-term care institutions requesting approval for a capital expenditure must complete some or all of the several parts of Form CLC–103. The following chart classifies the capital expenditures according to net capital cost (see item 9 of the form for determination of net capital cost) and illustrates the respective parts of the form that are required to be completed. Where the chart does not indicate any part of the form to be completed, the acute care hospital or long-term care institution is not eligible for approval of the capital expenditure.

Net Capital Expenditure

	0 to $9,999	$10,000 to $24,999	$25,000 to $49,999	$50,000 to $99,999	$100,000 to $199,999	$200,000 and over
Small hospital				[1] Parts I–IV, VIII plus attachments.	Parts I–VIII plus attachments.	Parts I–VIII plus attachments.
Large hospital					[1] Parts I–IV, VIII plus attachments.	Parts I–VIII plus attachments.
Long-term care institution		[1] Parts I–IV, VIII plus attachments.	Parts I–VIII plus attachments.	Parts I–VIII plus attachments.	Parts I–VIII plus attachments.	Parts I–VIII plus attachments.

[1] NOTE: If item 21(b) of Part IV to this form is 102 percent or greater, all parts of the form and all attachments must be completed.

For those acute care hospitals and long-term care institutions which are required to complete Parts I through IV and Part VIII of this form, the following attachments must be submitted:

1. A document signed by the chief executive officer giving a general description of the capital expenditure and the nature of its use and including an explanation of:

a. The operational or medical need within the facility for the capital expenditure;

b. "Need" determination when compared to other facilities in the primary service area; and

c. Historical (if applicable) and projected usage.

2. A document signed by the chief executive officer indicating the approval of the capital expenditure by the Board of Trustees. This attachment should indicate that the board has considered the following:

a. "Need" for the capital expenditure when considering internal and community demands;

b. Effect on other services within the facility;

c. Effect on other facilities within the Primary Service Area;

d. Impact of the capital expenditure on availability of qualified technicians to the facility;

e. Changes in medical staffing that will affect the number of admissions and/or quality of medical services should the capital expenditure be approved; and

f. Possible alternate capital expenditures.

3. Certified financial statements for the two years preceding the reported fiscal year (RFY). If an independent audit was not performed for any year, then unaudited statements will be accepted. Such statements normally include the following information:

a. Balance Sheets

b. Statement of Revenues and Expenses

c. Statement of Changes in Fund Balance

d. Statement of Changes in Financial Position

For those acute care hospitals and long-term care institutions which are required to complete all parts of this form (Parts I through VIII), the following attachments must be submitted:

1. All documents, schedules and statements listed in numbers 1 through 3, above.

2. Schedule J, except in those cases where an independent feasibility study can be provided.

D. Where to File.

1. Filings must be sent to the approved planning agency (as specified in 6 CFR 150.713(c) or 150.781(c)) designated pursuant to section 1122 of the Social Security Act (P.L. 92–603, 86 Stat. 1386–89, 42 U.S.C. 1320 a–1); or

2. If a State is not participating in the program under section 1122, then filings must be sent to the approved State agency (as specified in 6 CFR 150.713(c) or 150.781(c)) administering a certificate of need program; or

3. If a State is not participating in a program under section 1122 and has no State agency administering a certificate of need program, then the filings must be sent to an approved agency (as specified in 6 CFR 150.713(c) or 150.781(c)) designated under section 314(b) of the Public Health Service Act (P.L. 92–585, 86 Stat. 1292, 42 U.S.C. 243(b)); otherwise, filings must be sent to the approved State agency (as specified in 6 CFR 150.713(c) or 150.781(c)) designated pursuant to section 314(a) of the Public Health Service Act (P.L. 92–585, 86 Stat. 1292, 42 U.S.C. 245(a)); or

4. If none of the above agencies is available to an institution or have not agreed in writing with the Cost of Living Council for the State agency to approve capital expenditures, the institution may send their filings to the: Cost of Living Council, Office of Health, 2000 M Street, N.W., Washington, D.C. 20508.

E. Definitions.

As defined in 42 CFR 100.103(a), a "capital expenditure" is an expenditure, including a forced account expenditure (i.e., an expenditure for a construction project undertaken by a facility as its own contractor), which, under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance and which (i) exceeds $100,000, or (ii) changes the bed capacity of the facility with respect to which such expenditure is made, or (iii) substantially changes the services of the facility with respect to which such expenditure is made.

F. Suggestions for Improvement.

The Cost of Living Council welcomes suggestions for improving this and other forms, and seeks ways of obtaining the information it needs to exercise its responsibilities under the Economic Stabilization Program with the minimum amount of public burden. Suggestions should be submitted to: Cost of Living Council, Office of the Executive Secretariat, 2000 M Street, N.W., Washington, D.C. 20508.

SPECIFIC INSTRUCTIONS

Part I—Identifying Data.

Items 1, 2 and 3. Self-explanatory.

Part II—Capital Expenditure Identification.

Item 4. Indicate the date when the proposed capital expenditure will become operational or will begin to perform its planned function within the institution.

Item 5. Indicate by checking the appropriate box the type of capital expenditure for which approval is being requested. For purposes of this form, equipment is defined as movable equipment only. Construction is considered to be fixed equipment as well as any brick, mortar or wood additions or changes to structure.

Item 6.

(a) Indicate by checking the appropriate box(es) if the approval request is for a capital expenditure that is replacing equipment, will result in a new clinically related service being offered by the institution, is a new facility as defined in 150.703(c), or will result in an increase or decrease in bed capacity.

(b) Enter the percentage of additional operating expense for inpatient services attributable to the capital expenditure. The method of computing this percentage should be consistent with generally accepted accounting principles.

Item 7.

(a) Enter the number of beds which the institution maintained on the last day of the last fiscal year.

(b) Enter in the box labeled "1st year," the number of beds by which total bed capacity will increase or decrease in the first year in which the capital expenditure is operational. Enter in the box labeled "2nd year, the number of beds by which total bed capacity will increase or decrease in the 2nd year in which the capital expenditure is operational. The 2nd year should include a full year's operation of the capital expenditure. If a full year is not included, attach an explanation for the partial year inclusion. If there is no change in bed capacity, enter zero.

Note: Pursuant to 6 CFR 150.713(d), for a capital expenditure involving a change in bed capacity, the State approving agency is authorized to approve a modification of the adjustment for changes in volume of admissions, where appropriate, to reflect anticipated changes in volume of admissions resulting from the capital expenditure.

Item 8.

(a) Enter the total number of admissions for acute care hospitals or number of patient days for long-term care institutions in the last fiscal year. "Admissions" means the number of patients (including free care patients) accepted for inpatient service in beds licensed for care or, in States where licensing is not required, staffed for care. For purposes of this definition, births or transfers between departments may be treated as admissions, if the institution by consistent administrative practice has treated transfers or births as admissions.

(b) Enter in the box labeled "1st year" the total number of additional admissions or patient days to result from the capital expenditure in the 1st year in which the capital expenditure is operational. Similarly, enter in the box labeled "2nd year," the total number of additional admissions in the 2nd year in which the capital expenditure is operational. The 2nd year shquld include a full year's operation of the capital expenditure. If a full year is not included, attach an explanation for the partial year inclusion and include figures for the first full year of operations.

Item 9.

(a) Enter the cost of any land purchases including the cost of surveys and commission and settlement fees.

(b) Enter any costs associated with structural additions or changes. Besides brick, mortar and wood, these costs should include fixed equipment.

(c) Enter all costs associated with movable equipment.

(d) Enter any costs resulting from installing movable equipment that is not considered part of its purchase price and is not included in (b) of this item.

(e) Self-explanatory.

(f) Subtract the net depreciated value of any equipment or fixed asset being replaced as a result of the capital expenditure.

(g) The figure entered as the "Net Capital Expenditure cost" is the qualifying figure in determining if this form should be submitted, and if so, what further parts of this form must be completed. Reference should be made to the illustration in paragraph C of the General Instructions as to the amount of net capital expenditure cost and the required parts of this form to be completed. (Note: For a capital expenditure that will substantially change the clinical services or change the bed capacity the acute care hospital or long-term care institution must complete all parts and attachments of this form.)

Part III—Annual Operating Expense Related to Capital Expenditure.

For purposes of this chart, Base Year Expense (column A) is that operating expense from the most recently completed fiscal year which is directly attributable to the piece of equipment or facility which is being replaced. If the capital expenditure is for a new clinically related service this column need not be completed.

Projected Year Expense (column B) is that operating expense calculated to reflect a full year's operation of the capital expenditure.

Incremental change (column C) is the difference between column B and column A. If the capital expenditure is a new service or facility then column C will equal column B. Attach documentation explaining all changes listed in this column.

Items 10 through 15.

Enter in the appropriate boxes those expenses directly attributable to the capital expenditure.

Items 16 and 17. Self-explanatory.

Part IV—Computation of Unit Cost.

If no inpatient expenses are affected by the capital expenditure, items 18 through 21 need not be completed. Similarly if no outpatient expenses are affected by the capital expenditure, item 22 need not be completed.

Item 18. Enter actual total inpatient operating expenses from the LFY.

Items 19 and 20. Self-explanatory.

Item 21.

(a) Divide the figure entered in item 20 by the sum of LFY admissions or patient days (item 8(a)) and the incremental change in admissions or patient days resulting from the first year of admissions (item 8(b)).

(b) If the percentage entered in this item is 102% or greater, all remaining parts of this form and Schedule J must be completed. However, if an independent feasibility study can be provided, Schedule J is not required to be submitted.

Item 22(a). Column A: The petitioning acute care hospital or long-term care institution may choose not to identify every service affected by the capital expenditure but rather identify groups of services or properties. In such cases, the institution must attach documentation defining the groups of services identified. Enter a brief description of each out-patient service or property related to the capital expenditure. In those cases where the capital expenditure results in a new clinically related service, then that service need not be entered in item 22(a) but should be included in item 22(b).

Column B: For the purposes of this form, units of service are defined as the institution's normal billing unit per service. Enter the total number of units actually provided for each service or property in the LFY.

Column C: Enter the total expense attributable to each service or property in the LFY.

Column D: Self-explanatory.

Attach an additional sheet if more space is needed.

Item 22(b). All figures in this item should represent a full year's operation of the capital expenditure. Attach an additional sheet if more space is needed.

Column A: Enter the same services or properties listed in item 22(a), column A.

Column B: For each service or property, enter those additional units directly attributable to the capital expenditure only.

Column C: For each service or property, enter the additional expense directly attributable to the capital expenditure.

Column D: For each service or property, add each figure in item 22(a), Column B to the figure in column B of this item.

Column E: For each service or property add each figure in item 22(a), column C to the figure in Column C of this item.

Column F: Self-explanatory.

Attach an additional sheet if more space is needed.

Part V—Project Cost and Sources of Funds.

Refer to the General Instructions to this form to determine if this part is to be completed.

Item 23. Enter the cost of any land purchases including the cost of surveys and commission and settlement fees.

Item 24. Enter all costs covered under construction contracts including costs related to brick and mortar and fixed equipment.

Item 25. Enter the total amounts set aside for the purposes of meeting any unanticipated costs of construction. These additional costs may include construction loan interest expense related to the capital expenditure as well as construction costs and fees.

Items 26 and 27. Self-explanatory.

Item 28. Enter the cost for any equipment that is not permanently attached as a fixture to the structure of the institution or is not included in item 24.

Item 29. Enter any installation costs for movable equipment not considered part of the purchase price and not included in items 24 or 28 above.

Item 30. Self-explanatory.

Item 31. Enter any funds to be set aside in escrow or other special accounts as specified in the relevant bond indenture agreement.

Item 32. Enter such financing costs as bond discounts, legal fees, printing costs, and other expenses related to the bond issue.

Item 33. Enter any other costs related to the capital expenditure and not included above. Attach an itemization of the cost entered.

Item 34. Enter the sum of items 23 and 33.

Item 35. Enter those costs related to the capital expenditure which have already been paid for.

Item 36. Enter all unrestricted funds designated by the Board of Trustees to be applied toward the proposed capital expenditure.

Item 37. Enter all restricted funds available for the proposed capital expenditure.

Item 38. Enter the interest income earned from funds not spent because long-term financing has been received prior to payment in full for the capital expenditure.

Item 39. Enter any funds not included in the unrestricted or restricted fund balances above but are anticipated to be received prior to payment in full for the capital expenditure.

Item 40. Enter any funds that have been set aside for the purposes of meeting any contingency expenses associated with the capital expenditure.

Item 41. Enter the face value of all bonds to be issued for the capital expenditure. Do not include bond discounts in this item (they should be included in item 32).

Item 42. Enter other forms of financing not included above such as mortgages, short-term debt, or types of long-term debt not included in item 41 above.

Item 43. Enter the sum of items 35 through 42.

Part VI—Statement of Projected Patient Statistics, Revenue and Expense.

Refer to the General Instructions to determine if this part is required to be completed.

Starting in the first column with the most recently completed fiscal year (LFY), enter the appropriate year in the boxes across the top of the chart. The first Projected Year listed should be the first fiscal year in which the capital expenditure is operational. For that year and each subsequent year listed, enter budgeted figures for all items. Attach documentation listing the assumptions used in the projections, including such items as changes in patient mix, length of stay, admissions, bed complement, inflation factors, and Economic Stabilization Program regulations. Changes in projected expenses between the base year and the projected year which are attributable to the capital expenditure must be fully explained. For purposes of this form, depreciation for the capital expenditure is to be calculated on a straight line basis only. All financial data listed in this part should be prepared in accordance with the AICPA Hospital Audit Guide or by a system of accounting principles approved for use by Blue Cross, Medicare, or a State Uniform Hospital Accounting System.

Item 44. Acute care hospitals only need complete this item. Enter the total number of admissions in the respective columns. Admissions means the number of patients (including free care patients) accepted for inpatient service in beds licensed for hospital care or, in States where licensing is not required, staffed for hospital care.

Item 45. Long-term care institutions only need complete this item.

Item 46. Enter the average number of beds available for each year.

Item 47. Based on the average number of beds listed in item 46, enter the average occupancy rate for each year.

Items 48 through 50. Self-explanatory.

Item 51. Enter revenues received from those revenue producing activities involved with day-to-day hospital operations, but not included in total inpatient operating charges or outpatient charges, such as revenue from cafeteria sales, gift shops, parking lots, vending machines, etc.

Item 52. Self-explanatory.

Item 53. Enter total allowances including contractual, bad debt, courtesy, and employee. Free care as defined in 6 CFR 150.703 should be excluded.

Item 54. Self-explanatory.

Item 55. Enter total wage and salary expense including amounts paid to hospital-based personnel who function on a contractual basis but are paid as employees of the hospital. Also include fringe benefits such as pensions, insurance plans and FICA.

Item 56. Enter all amounts paid to personnel who function as independent contractors and who are not considered to be employees of the hospital.

Item 57. Self-explanatory.

Item 58. Enter any other expenses attributable to operations not covered above that conform to generally acceptable accounting principles.

Items 59 and 60. Self-explanatory.

Item 61. Enter all nonoperating income such as unrestricted endowments, gifts and contributions.

Items 62 and 63. Self-explanatory.

Item 64. Enter all expenses associated with the incurrence of debt obligations such as

bond discounts, legal, accounting, and consulting fees. These expenses are amortized over the life of their respective debt.

Items 65 and 66. Self-explanatory.

Item 67. Enter all depreciation expense. Depreciation for the proposed capital expenditure should be calculated on a straight line basis only. Do not claim depreciation on a rental facility in your capacity as a tenant.

Items 68 and 69. Self-explanatory.

Item 70. Enter the principal payments on long-term debt due within each respective year.

Item 71. Enter all expenses related to capital replacement items which under generally accepted accounting principles are properly chargeable as expenses of operation and maintenance.

Item 72. Enter all other nonoperating cash requirements and attach itemization of same.

Items 73 and 74. Self-explanatory.

Part VII—Sources of Financing and Depreciation Schedules.

Item 75.

Column A. List each institution from which funds to finance the capital expenditure have been borrowed.

Column B. Enter the face value of each loan.

Column C. Enter the yearly interest rate for each loan.

Column D. Enter the date when the total amount of each loan plus interest is due.

Column E. Enter for each loan the asset(s) which was listed in the loan agreement as collateral or as mortgaged.

Item 76.

Column A. List the total cost for those items in the capital expenditure having the same depreciable lives.

Column B. For each dollar amount entered in column A, enter the number of years in which the items of the capital expenditure with the same depreciable lives are depreciated.

Part VIII—Certification and Signature.

Self-explanatory.

Schedule J Form CLC-103 (Proposed April 1974)	ECONOMIC STABILIZATION PROGRAM SCHEDULE OF SERVICE AREA DATA FOR ACUTE CARE HOSPITALS AND LONG TERM CARE INSTITUTIONS	Agency Use Only Docket Number

Part I - Identifying Data

1. (a) Name of Institution

Address

(b) Federal Identification Number

Part II - Service Area Data

2. Define Primary and Secondary Service Areas

3. Primary Service Area Population and Employment Statistics

	A	B	C	D	E	G	H
Service Area	1970	LFY 19___	Proj. Year 19___	Proj. Year 19___	Proj. Year 19___	Proj. Year 19___	Proj. Year 19___
Population							
Annual Avg. Employ.							
Unemployment Rate							
Number of Births							

4. Primary Service Area Population by Age Group per 1970 Census

Age Group	Population
Infant - 14	
15 - 24	
25 - 39	
40 - 64	
65 - over	

5. (a) List the Major Employers of the Primary Service Area Population

Employer	Number of Employees

(b) Do you anticipate any significant changes in the employers of the Primary Service Area population? If yes, explain.

6. (a) Share of Primary Service Area Admissions

A	B	C	D	E	F
	Primary Service Area		Outside Service Area		Total Admissions
Hospital	Number of Admissions	% of Total Admissions	Number of Admissions	% of Total Admissions	(Col. B. plus Col. D)
Petitioning Hospital					

(b) Computation of hospital's share of total admissions in service area

$$\frac{\text{Petitioning hospital's total number of admissions from Primary Service Area (Line 1 Column B)}}{\text{Total number of admissions in Primary Service Area (total, Column B)}} = \_\_\_\_\_\ \%$$

(Line 1, Column B) = (total, Column B)

7. Bed Needs as Computed Using the Hill-Burton Formula (see instructions)

Year	A Primary Service Area Population	B Hospital's % Share of Admissions	C Population Served (Column A x Column B)	D Population Served Outside Service Area	E Total Service Area Population Served (Column C + Column D)	F Bed Need Per Hill-Burton Formula

8. Historic and Projected Average Yearly Census by Patient Allocation System

Classification	LFY 19		Projected Year 19		Projected Year 19		Projected Year 19		Projected Year 19		Projected Year 19	
	Number of Beds	% of Total Beds Available	Number of Beds	% of Total Beds Available	Number of Beds	% of Total Beds Available	Number of Beds	% of Total Beds Available	Number of Beds	% of Total Beds Available	Number of Beds	% of Total Beds Available

PART III-Statement of Inpatient Data and Services Available (see instructions)

	A	B	C	D	E	F	G	H
Operating statistics:								
Beds available								
Admissions								
Average daily census								
Occupancy								

Facility or service: (check if service is provided)

Postoperative room								
Intensive care unit								
Pharmacy with registered pharmacist								
X-ray therapy								
Cobalt therapy								
Radium therapy								
Radioisotope facility								
Histopathology lab								
Blood bank								
Electroencephalography								
Inhalation therapy dept.								
Premature nursery								
Self-care unit								
Extended care unit								
Renal dialysis								
Physical therapy dept.								
Rehabilitation unit								
Psychiatric inpatient unit								
Psychiatric outpatient unit								
Psychiatric emergency services								
Social work department								
Home care department								
Hospital auxiliary								
Organized outpatient dept.								
Emergency dept.								
Provisional emergency dept.								
Other								

INSTRUCTIONS FOR SCHEDULE J TO FORM CLC–103

SCHEDULE OF SERVICE AREA DATA

GENERAL INSTRUCTIONS

Purpose. The compilation of service area data for the development of demand projections is the most critical and important aspect in planning a capital expenditure. This schedule provides the tools necessary to evaluate service area demand and focuses on several factors relevant to service demand including: primary service area population and employment, the expected characteristics of the patient population, and the volume of inpatient admissions.

Who Must File. This schedule must be prepared by those acute care hospitals and long-term care institutions specified in Section C of the General Instructions to Form CLC–103. However, any acute care hospital or long-term care institution that can submit an independently prepared feasibility study related to the capital expenditure need not complete this schedule.

SPECIFIC INSTRUCTIONS

Part I—Identifying Data.

Item 1. Self-explanatory.

Part II—Service Area Data.

Item 2. Define the principal areas providing the major portion of the institution's patients. The Primary Service Area is that geographical area from which at least 50 percent of the institution's total patient admissions originate. Generally, the Primary Service Area is within the immediate vicinity of the institution. The Secondary Service Area is the area from which the majority of total patient admissions not in the Primary Service Area originate. The normal source of this information is the admitting or medical records of the institution.

Item 3. Beginning with column A, 1970, the year of a federal census, and continuing through column G, enter the pertinent population and employment statistics. Enter in column B (LFY), figures from the most recently completed fiscal year and in column C (projected year) figures from the first year in which the capital expenditure is operational. The remaining projected year columns should include estimated figures for at least two years of full operation of the capital expenditure. Suggested sources for this information are the Federal Census Bureau, the State Planning and Development Agency, the State Department of Labor and Industry, the State Department of Health, and the local Chamber of Commerce.

Item 4. Based on the 1970 federal census, enter the population for each age grouping. The primary source for this information is the 1970 federal census publications which normally can be obtained from the organizations listed in the instructions to item 3.

Item 5.

(a) List the major employers of the Primary Service Area population and their respective number of employees. The primary source of this information would be the local Chamber of Commerce.

(b) Explain any expected changes in the employers servicing the Primary Service Area population.

Item 6. This item needs to be completed only by acute care hospitals and only if the proposed capital expenditure will result in a change in bed complement or a change in the mix of available beds.

(a) List in column A the hospitals serving the Primary Service Area starting with the petitioning hospital. In column B, enter the LFY's number of total admissions from the Primary Service Area for each hospital. In column C, enter the LFY's percentage of total admissions from the Primary Service Area for each hospital. Enter the same data in columns D and E for admissions originating from outside the Primary Service Area. Column F is self-explanatory.

(b) Self-explanatory.

Item 7. This item needs to be completed only by acute care hospitals and only if the proposed capital expenditure will result in a change in bed complement or a change in the mix of available beds. In the column titled "Year," enter the same years listed in Part VI of Form CLC–103. For each year listed, provide the following data:

Column A. Enter the populations listed in item 3 of this schedule for the years requested.

Column B. Enter the petitioning hospital's share of total admissions from the Primary Service Area as calculated in column C of item 6(a) to this schedule. Assume the same share of admissions for each year listed unless there has been a significant change in the petitioning hospital's share. If such a change has occurred, enter the changed percentage for the appropriate year(s) and attach an explanation for the changes.

Column C. Self-explanatory.

Column D. Assume that all admissions from outside the Primary Service Area will have the same admission rate as that in the Primary Service Area. Use the following formula to determine the Primary Service Area admission rate for every thousand people:

Formula 1. Primary Service Area Rate per 1000 population =

$$\frac{1000 \times \text{Total Number of Admissions from Primary Service Area (Total of col. B, item 6(a))}}{\text{Total Population of Primary Service Area (column A, item 7)}}$$

To determine the population served in the area outside the Primary Service Area, use the following formula:

Formula 2.

$$\frac{1000 \times \text{Number of Admissions from Outside Primary Service Area (Line 1, col. D, item 6(b))}}{\text{Primary Service Area Rate per 1000 population}}$$

Enter the result from Formula 2 in the first line (LFY) of column D. For each successive year, adjust the figure entered in column D, line 1, by the assumed population growth factors as used to determine the population in item 3 of this schedule.

Column E. Self-explanatory.

Column F. Use the following formula to determine bed need according to Hill-Burton stipulations:

Formula 3. Bed Need =

$$\frac{\text{Column E} \times 4.5}{1000}$$

Enter the result from Formula 3 in the appropriate lines of column F. The resulting figures for each year indicate the total number of beds needed by the petitioning hospital in order to provide the appropriate number of beds according to Hill-Burton.

Item 8. Enter in the appropriate boxes the same years identified in item B to this schedule. In the first column, enter the basic patient categories from the patient allocation system chosen. For acute care hospitals, the systems from which to choose are defined in 6 CFR 150.712. Long-term care institutions should use the system that has historically been used in classifying the levels of care provided. For the "Number of Beds" column under each year listed, enter the average number of beds available or projected to be available for each patient classification. The projections made should take into account such variables as: 1) average length of stay; 2) population growth in primary and secondary service areas; 3) addition of services; 4) changes in staffing; and 5) growth rate of admissions.

Part III—Statement of Inpatient Data and Services Available.

This part needs to be completed by acute care hospitals only.

Starting with column A, LFY data will be provided according to the institutions listed in item 6(a), column A, to this schedule. Column A will be the petitioning hospital and each successive column should correspond to the perspective hospitals listed in item 6(a).

Complete the Operating Statistics section with the appropriate figures from the LFY for each hospital. Complete the Facility or Service section by checking the facility or service found in each hospital. Source data for this part is available from the *American Health Association Guide to the Health Care Field*.

[FR Doc.74-10109 Filed 4-29-74;4:07 pm]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 120]

NAVIGABLE WATERS OF STATE OF OHIO

Proposed Water Quality Standards

The purpose of this notice is to propose regulations setting forth standards of water quality to be applicable to the State of Ohio, pursuant to section 303(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1313(b);

86 Stat. 816 et seq.; Pub. L. 92-500), "the Act". A notice announcing the intention of the Environmental Protection Agency to review all interstate and intrastate water quality standards pursuant to the Act was published in the FEDERAL REGISTER on December 29, 1972, 37 FR 28775-28780.

Under section 303(a) of the Act, the Administrator of the U.S. Environmental Protection Agency is required to review water quality standards for interstate and intrastate waters adopted and submitted by the States. When he determines that changes in such standards are necessary to meet the requirements of the Act as in effect prior to October 18, 1972 (the date of enactment of the 1972 Amendments to the Act), he must notify the State. If the State does not meet the requirements of the Act, the Administrator may publish proposed revised water quality standards in accordance with such requirements.

The State of Ohio, prior to October 17, 1972, adopted water quality standards for both interstate and intrastate waters. After the enactment of the 1972 Amendments, U.S. EPA reviewed both the interstate and intrastate standards pursuant to section 303(a) of the Act. On January 16, 1973, the Regional Administrator notified Ohio that certain revisions to its interstate water quality standards were necessary to make the standards consistent with the applicable requirements of the Act. On March 14, 1973, a similar notification was made for intrastate water quality standards.

The State of Ohio adopted revised interstate and intrastate water quality standards, in response to U.S. EPA's request, on July 27, 1973. The revised water quality standards, contained in the document entitled "EP-1, Water Quality Standards, Ohio Environmental Protection Agency, July 27, 1973", have been found by the U.S. EPA to be consistent with the requirements of the Law, except as otherwise noted below, and are the water quality standards applicable to the navigable waters of Ohio. The standards document is available for inspection and copying at the Ohio Environmental Protection Agency, Seneca Towers, Columbus, Ohio 43216, and the U.S. EPA Regional Office, One North Wacker Drive, Chicago, Illinois 60606. U.S. EPA's information regulation 40 CFR Part 2, provides that a fee may be charged for making copies.

The requested revisions include the application of standards to certain waters not previously covered, upgrading of use designations where possible, and the addition of specific regulations for mixing zones, temperature, phosphorus and toxic substances. In addition, appropriate criteria consistent with the objectives of the Agreement Between the United States of America and Canada on Great Lakes Water Quality were to be adopted for the protection of Lake Erie.

On July 27, 1973, the State of Ohio adopted revised water quality standards. The revisions are not completely consistent with the applicable requirements of section 303(a)(1) and (2) of the Act in that the State failed to adopt adequate regulations for the control of toxic substances and phosphorus and appropriate criteria for copper, phenolics and zinc. Furthermore, the standards adopted in 1967 for Lake Erie were retained without modification even though portions of these standards were previously excepted from Federal Standards as being inadequate to protect the specified uses. Accordingly, pursuant to section 303(b)(1), U.S. EPA is now proposing regulations setting forth standards required to comply with the Act as in effect prior to October 18, 1972.

Section 303(b)(2) of the Act requires the Administrator to promulgate standards no later than 190 days after the date of publication of this notice, unless by such time the State shall have adopted water quality standards which the Administrator determines to be in accordance with the requirements of section 303(a) of the Act.

However, the Administrator is not required to await State action for the entire 190 day period prior to promulgation. Thus, these standards may be promulgated by the Administrator at any time following the expiration of time for public comment.

Except as provided in the attached proposed regulations, the interstate and intrastate standards previously adopted by the State of Ohio, as referenced above, are the effective water quality standards under Section 303 of the Act for interstate and intrastate navigable waters within that State. Where the proposed regulations set forth below are inconsistent with the referenced standards, these regulations, if promulgated, will supersede such standards to extent of the inconsistency.

Interested persons may submit written data, views, or arguments, in triplicate, in regard to the proposed regulations to the Regional Administrator, One North Wacker Drive, Chicago, Illinois 60606. All relevant material received on or before July 2, 1974, will be considered. The Regional Administrator will also schedule a public hearing on the proposed regulations at a time to be determined in the future, if such a hearing appears warranted by the comments received from interested persons.

The approved water quality standards revisions of Ohio are available for inspection at the EPA Headquarters Office, 401 M St. SW., Rm. 811, East Tower, Washington, D.C. 20460, as well as the EPA Regional Office and the Ohio Environmental Protection Agency, Box 1049, 450 East Town Street, Columbus, Ohio 34216.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 120 be amended by deleting from § 120.10 the paragraph entitled Ohio and adding a new § 120.20 to read as set forth below.

The proposed new part would be effective immediately upon republication.

(Sec. 303(b), Pub. L. 92-500, 86 Stat. 816 (33 U.S.C. 1313(b)).

Dated: April 29, 1974.

JOHN QUARLES,
Acting Administrator.

PART 120—WATER QUALITY STANDARDS

§ 120.20 Ohio Water Quality Standards.

Water Quality Standards established by Ohio on July 27, 1973, and approved by U.S. EPA on December 18, 1973, contained in the document entitled "EP-1, Ohio Water Quality Standards, Ohio Environmental Protection Agency, July 27, 1973", hereinafter will be the water quality standards for the State of Ohio except for the following:

(a) The following shall be added to subsection (B) of section EP-1-01, "Classification of Waters of the State:"

(3) In certain specific waters to be identified by the State of Ohio excepted classification may be granted by the EPA Administrator upon submission of proposed water quality standards for such specified waters and upon submission of an analysis based upon presently available information and sufficient data to support the identification, that because of naturally occurring water quality conditions or technological limitations, improvement of water quality in such specific areas to the degree necessary to protect recreational use and the preservation and propagation of desirable or indigenous species of aquatic biota by the terminal date as set forth in P.L. 92-500 for the purpose of meeting water quality standards (1977) and as required by the general standards is impossible.

(b) The following shall be added to subsection (A) of Section EP-1-02, "General Standards:"

(7) Manganese (dissolved) (stores number 01054) shall not exceed 50 ug/l.

(c) All specifications for copper and zinc in subsection (J) of section EP-1-02, "General standards" shall be deleted. The specified criteria for these constituents are inadequate to protect fish, and other aquatic life. Because the toxicity of copper and zinc varies with water hardness and since the waters of Ohio vary greatly in hardness content, no single criterion for each of these constituents is appropriate. Copper and zinc shall be limited by the application of section EP-1-02 (K). Furthermore, the specified criteria in subsection (J) of section EP-1-02 shall be revised as follows:

Storet No.	Constituent	Concentration
32730	Phenolics	10 μg/l

(d) Subsection (K) of section EP-1-02, "General Standards" shall be revised to read as follows:

Pollutants or combinations of any pollutants shall not exceed at any time one-tenth of the 96 hour median tolerance limit for any indigenous aquatic species, except that other more stringent application factors shall be imposed where necessary to meet the minimum requirements of the National Technical Advisory Committee, "Water Quality Criteria".

(e) The following subsection shall be added to regulation EP-1-02, "General Standards."

(m) Total Phosphorus as P (storet number 00665):

Phosphorus shall be limited to the extent necessary to prevent nuisance growths of algae, weeds, and slimes. In areas where nuisance growths exist, phosphorus discharges from point sources determined sig-

nificant by the Agency shall not exceed a daily average of one milligram per liter as total P.

(f) Section EP–1–05, Lake Erie—The water quality standards for Lake Erie shall be revised as follows:

In addition to the appropriate standards contained in EP–1, namely EP–1–01, EP–1–02, EP–1–07, EP–1–08, EP–1–09, the following criteria shall be applicable to Lake Erie:

(A) *Total dissolved solids.* Not to exceed 200 mg/l.

(B) *Taste and odor.* Objectionable taste and odor producing substances shall be virtually absent. Phenolic compounds shall not exceed 0.001 mg/l.

(C) *Filterable iron.* Not to exceed 0.3 mg/l.

(D) *Phosphorus.* Municipal waste treatment plants discharging in excess of one million gallons per day into Lake Erie or the Lake Erie Basin shall be limited to no more than a daily average effluent concentration of 1.0 mg/l as total phosphorus (P).

(E) *Dissolved oxygen.* Not less than 6 mg/l at any time nor less than 7 mg/l in the spawning areas of cold water fish.

(F) *Hydrogen ion concentration (pH).* Shall not be outside the range 6.7–8.5.

(G) *Temperature.* The maximum temperature rise at any time outside the mixing zone shall not exceed 3° F. above natural temperature. In addition, the water temperature shall not exceed the maximum limits indicated in the following table:

January	45	July	80
February	45	August	85
March	45	September	80
April	60	October	70
May	70	November	60
June	75	December	50

(H) *Mixing zones.* In applying water quality standards, areas may be allowed for the admixture of waste effluents with the receiving waters. Water quality standards must be met at every point outside of these areas. Characteristics inside the mixing zone shall not be deleterious to populations of important aquatic species. Pollutants or combinations of pollutants should not exceed the 96 hour median tolerance limit for indigenous aquatic species. Water temperature should be limited so as to assure that lethal conditions for important fish species are not created as determined by a time-exposure relationship. Location and design of mixing zones shall be determined on a case by case basis in such a manner that the protection and propagation of fish, shellfish, and wildlife together with any other legitimate use are not adversely affected in accordance with the following conditions:

(1) The size of mixing zones shall be minimized.

(2) Mixing zones shall not include important fish spawning and nursery areas.

(3) Mixing zones shall not block fish migratory routes.

(4) Mixing zones shall not include the hypolimnion.

(5) Mixing zones shall not include any drinking water supply intakes.

(6) Mixing zones shall not include any shore line bathing areas.

(g) The following section shall be added to Regulation EP–1:

EP–1–08 Chemical Applications. The application of chemicals for water resource management projects in accordance with and subject to state statutory provisions is not subject to the standards prescribed by these rules; however, all projects shall be reviewed and approved by the Agency prior to application of chemicals.

EP–1–09 Analytical Testing. All methods of sample collection, preservation, and analysis used in applying any of the rules and regulations in this chapter shall be in accord with those prescribed in the FEDERAL REGISTER, Title 40, Chapter I, Sub-Chapter D, Part 136 "Guidelines Establishing Test Procedures for Analysis of Pollutants".

[FR Doc.74–10251 Filed 5–2–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 89, 91, 93]

[Docket No. 20042; FCC 74–438]

SPECIAL INDUSTRIAL RADIO SERVICE IN PUERTO RICO AND VIRGIN ISLANDS

Proposed Shared Use of Certain Frequencies and Notice of Inquiry

In the matter of amendment of Parts 2, 89, 91 and 93 of the Commission's rules and regulations to provide for the shared use of certain frequencies by the Special Industrial Radio Service in Puerto Rico and the Virgin Islands, Docket No. 20042, RM–2139.

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

2. The Special Industrial Radio Service Association (SIRSA) has filed a petition to amend Parts 89, 91, and 93 of the Commission's rules to permit persons located in Puerto Rico and the Virgin Islands, and eligible in the Special Industrial Radio Service to share frequencies presently available to the Forestry-Conservation and Railroad Radio Services. Specifically, SIRSA proposes that 15 vacant frequencies which are allocated to the Forestry-Conservation Radio Service and 15 vacant frequencies which are allocated to the Railroad Radio Service should be made available for shared use by Special Industrial Radio Service users on Puerto Rico and the Virgin Islands. As proposed, fifteen 160 MHz Railroad Radio Service frequencies [1] and fifteen 159 MHz Forestry-Conservation Radio Service frequencies [2] would be assigned for shared use with the Special Industrial Radio Service. Since these two groups of fifteen frequencies are separated by approximately 1 MHz, they would meet the minimum pairing requirements needed for mobile relay operations.

3. In support of its request SIRSA notes that of the seventeen 159 MHz band frequencies presently allocated to the Forestry-Conservation Radio Service, none are in current use in Puerto Rico and the Virgin Islands. Similarly, in the Railroad Radio Service, of the forty-three VHF channels available to eligibles on these islands, only three are assigned in Puerto Rico and one in the Virgin Islands.

4. This proposal has resulted from the peculiar topographical, economic, and social conditions which exist in Puerto Rico [3] and which have resulted in the severe crowding of nearly all of the assignable Special Industrial 150 MHz frequencies. The problem is further compounded by the absence of standard frequency pairing arrangements in the Special Industrial Radio Service which makes mobile relay operations and frequency sharing extremely difficult.

5. While the newly authorized tertiary frequencies in the 150 MHz band are available to Special Industrial licensees, the geographical separation requirements [4] governing their use, and the limited dimensions of the island (105 miles long by 35 miles wide) combine to render them practically unusable.

6. The Commission recognizes the problem which exists in Puerto Rico, and to a lesser extent in the Virgin Islands, and agrees with the petitioner's argument that unused frequencies should not be permitted to continue lying fallow when licensees in other services have demonstrated a need for such frequencies. In this context, we would note, historically, that in Docket No. 14990,[5] released July 7, 1964, the Commission provided that certain land mobile service frequencies above 152 MHz should be made available to the Special Industrial Radio Service for use in Hawaii, Alaska, Puerto Rico and the Virgin Islands. The rationale at that time was that in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, mobile frequencies above 152 MHz which were normally available on a three-way, co-equal priority sharing basis in the Petroleum, Forest Products, and Manufacturers Radio Services were not extensively used in these areas by licensees in these services, and therefore should be utilized by a service which has a pressing need for them. The same reasoning now motivates us to propose providing for additional shared use of certain other under-utilized frequencies.

7. However, the Commission notes that we have also recognized a similar need for additional frequencies in the Business Radio Service,[6] and that there may be other radio services which feel they have a similar need. Consequently, while we are tentatively proposing to

[1] 160.410, 160.425, 160.440, 160.455, 160.470, 160.485, 160.500, 160.515, 160.530, 160.545, 160.560, 160.575, 160.590, 160.605, 160.620, MHz.

[2] 159.225, 159.240, 159.255, 159.270, 159.285, 159.300, 159.315, 159.330, 159.345, 159.360, 159.375, 159.390, 159.405, 159.420, 159.435, MHz.

[3] Because of the proximity of the Virgin Islands to Puerto Rico, and the effect on the Virgin Islands of assignments made in Puerto Rico, the relief sought herein is proposed jointly for Puerto Rico and the Virgin Islands.

[4] The required separation is ten miles from the closest station operating on a 15 MHz adjacent channel. In Puerto Rico a significant geographic factor is the existence of two mountain ranges which cover half of the island. Because line of sight is a key to mobile relay operations, the few available mountain peaks which occupy advantageous positions have been covered by antenna supporting towers for mobile relay systems operating on almost all of the usable 150 MHz frequencies available to Special Industrial applicants.

[5] 42 FCC 1188.

[6] Docket 15534 amended Parts 2, 89, 91, and 93 of the Commission's Rules to provide additional frequencies for the Business Radio Service in Puerto Rico and the Virgin Islands.

make the frequencies in question available for shared use with the Special Industrial Radio Service, we are requesting information as to the following matters:

(a) Whether other radio services have a similar need in Puerto Rico and the Virgin Islands to share these Forestry-Conservation and Railroad frequencies; and

(b) What, if any, difficulties would be entailed by interservice sharing of these frequencies.

8. The proposed rules are shown in the Appendix and are issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before May 31, 1974, and reply comments on or before June 11, 1974. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice. In accordance with the provisions of § 1.51 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Washington, D.C. headquarters.

Adopted: April 17, 1974.

Released: April 30, 1974.

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

Parts 2, 89, 91, and 93 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

A. Section 2.106, the Table of Frequency Allocations, is amended in columns 7 through 11 for the bands 158.715–159.48 MHz and 159.48–161.575 MHz by adding footnote designator NG70 and will read as follows:

FEDERAL COMMUNICATIONS COMMISSION

Band (MHz)	Service	Class of Station	Frequency (MHz)	Nature {OF SERVICES / of stations
7	8	9	10	11
* * *	* * *	* * *	* * *	* * *
158.715–159.48	LAND MOBILE.	Base. Land Mobile.		PUBLIC SAFETY. (NG70)
159.48–161.575	LAND MOBILE.	Base. Land Mobile.		LAND TRANSPORTATION. (NG6) (NG26) (NG28) (NG70)
* * *	* * *	* * *	* * *	* * *

NG70 In Puerto Rico and the Virgin Islands only, the bands 159.225–159.435 and 160.410–160.620 MHz are also available for assignment to base stations and mobile stations in the Special Industrial Radio Service.

PART 89—PUBLIC SAFETY RADIO SERVICES

B. Section 89.459(d) is amended by adding new limitation (17) to read as follows:

§ 89.459 Frequencies available to the Forestry-Conservation Radio Service.

* * * * *

(d)

Frequency or band	Class of Station(s)	Limitations
* * *	* * *	* * *
159.225	do	17
159.240	do	17
159.255	do	17
159.270	do	17
159.285	do	17
159.300	do	17
159.315	do	17
159.330	do	17
159.345	do	17
159.360	do	17
159.375	do	17
159.390	do	17
159.405	do	17
159.420	do	17
159.435	do	17

* * * * *

(17) This frequency is shared with the Special Industrial Radio Service in Puerto Rico and the Virgin Islands. All applications for the assignment of a new frequency or to change existing facilities in such a manner as to require frequency coordination, as specified in § 89.15 hereof, for stations in Puerto Rico or the Virgin Islands, shall be accompanied by evidence of interservice frequency coordination.

* * * * *

PART 91—INDUSTRIAL RADIO SERVICES

C. Section 91.504 is amended by modifying the language of paragraph (a) and adding new paragraph (d) to read as follows:

§ 91.504 Frequencies available.

(a) The frequencies or bands of frequencies available for assignment to stations in this service are enumerated in the following table, together with the class of station(s) to which they are normally assigned, a general reference terminology, and the specific assignment limitations which are developed in paragraph (b) of this section. Special provisions relating to the availability and the assignment of certain frequencies above 152 MHz in Hawaii, Puerto Rico, and the Virgin Islands are contained in paragraphs (c) and (d) of this section.

* * * * *

(d) The following frequencies are available only in Puerto Rico and the Virgin Islands for shared use by base and mobile stations licensed in the Forestry-Conservation, Railroad and Special Industrial Radio Services.

Base and Mobile	*Mobile Only*
159.225	160.410
159.240	160.425
159.255	160.440
159.270	160.455
159.285	160.470
159.300	160.485
159.315	160.500
159.330	160.515
159.345	160.530
159.360	160.545
159.375	160.560
159.390	160.575
159.405	160.590
159.420	160.605
159.435	160.620

(1) A mobile station may be assigned the frequency of an associated base station. Such operation may, however, subject the single frequency system to interference that would not occur to a two-frequency system.

(2) The foregoing "Mobile Only" frequency may be assigned to a control station associated with a mobile relay system if it is also assigned to the associated mobile station.

(3) The foregoing "Base and Mobile" and "Mobile Only" frequencies are available on a shared basis in the Forestry-Conservation and Railroad Radio Services, respectively. All applications for the assignment of a new frequency, or to change existing facilities in such a manner as to require frequency coordination, as specified in § 91.8(a) hereof, shall be accompanied by evidence of frequency coordination with the sharing service.

PART 93—LAND TRANSPORTATION RADIO SERVICES

D. Section 93.352 is amended by adding new limitation 4 to read as follows:

§ 93.352 Frequencies below 952 MHz available for base and mobile stations.

* * * * *

4	160.410	4	160.530
4	160.425	4	160.545
4	160.440	4	160.560
4	160.455	4	160.575
4	160.470	4	160.590
4	160.485	4	160.605
4	160.500	4	160.620
4	160.515		

* * * * *

(4) This frequency is shared with the Special Industrial Radio Service in Puerto Rico and the Virgin Islands. All applications for the assignment of a new frequency or to change existing facilities in such a manner as to require frequency coordination, as specified in § 93.9 hereof, for stations in Puerto Rico or the Virgin Islands, shall be accompanied by evi-

dence of interservice frequency coordination.

[FR Doc.74-10190 Filed 5-2-74;8:45 am]

[47 CFR Part 73]

[Docket No. 18110]

STANDARD FM AND TELEVISION BROADCASTING STATIONS

Multiple Ownership; Order Extending Time for Filing Comments

In the matter of amendment of §§ 73.35, 73.240, 73.636 of the Commission's rules Relating to Multiple Ownership of Standard, FM and Television Broadcast Stations.

1. On February 28, 1974, the Commission adopted a Memorandum Opinion and Order in which it requested supplemental written comments, both for updating and elaboration, in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on March 12, 1974, 39 FR 9551. In this Memorandum Opinion and Order the Commission specified May 1, 1974, as the deadline for the filing of supplemental comments and also set the dates of June 18, 19 and, if necessary, June 20, 1974, for Oral Argument.

2. On April 19, 1974, counsel for WBEN, Inc. and Chronicle Broadcasting Company requested that the time for filing comments be extended at least two weeks and preferably 30 days. Counsel states that it would seem more realistic to take into consideration the fact that the three vacancies on the Commission have not been filled and there is no guarantee that any of them will be by the June 18-20 dates and it would seem in the best interests of all, the new Commissioners as well as the cross-ownership stations involved, that the argument date be either put over into the fall, or be cancelled and rescheduled when the comments have been analyzed. Counsel points out that his clients are aware of no public interest in an expeditious determination of this rule making and also states The Pultizer Publishing Company and KSD KSD-TV, Inc., support this extension request.

3. The request of counsel for the petitioners sets forth carefully considered reasons why an extension would be advantageous to them and helpful to the Commission. However, in its Memorandum Opinion and Order released March 7, 1974, wherein the Commission specified May 1, 1974 as the deadline for submission of supplemental written filings, the point was made that this provided about 60 days for such submissions and allowed the Commission a short time in which to examine them before the oral argument. May 1, 1974 was also established as the deadline for requesting an opportunity to participate in the oral argument.

4. The March 7, 1974 Memorandum Opinion and Order stated that "no one must file," which meant that the Commission could have proceeded on the basis of previous submissions. However, the Commission did feel that interested parties should be given opportunity to update their pleadings or to submit pleadings for the first time.

5. We believe it unwise at this time to affect a rescheduling of the oral argument. Further, in view of the compression of time available to the staff for digesting the new submissions we cannot look favorably upon a thirty day extension of time for the filing of comments. We will, however, grant a two week extension through May 15, 1974, for all interested parties to make their submissions in accordance with suggestions in the above mentioned Memorandum Opinion and Order. Further, the deadline for requesting an opportunity to participate in oral argument will be extended through May 15, 1974.

6. *Accordingly, it is ordered*, That the joint request of WBEN, Inc. and Chronicle Broadcasting Company is granted in part, and the time for filing supplemental comments is extended to and including May 15, 1974; and the joint petition of WBEN, Inc. and Chronicle Broadcasting Company is denied in all other respects. *It is further ordered*, That the date for requesting an opportunity to participate in oral argument is extended to and including May 15, 1974.

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

Adopted: April 26, 1974.

Released: April 29, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-10191 Filed 5-2-74;8:45 am]

[47 CFR Part 91]

[FCC 74-393; Docket No. 20032; RM-1917]

PETROLEUM GEOPHYSICAL OPERATIONS

Use of Certain Frequencies

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

2. The Central Committee on Communications Facilities of the American Petroleum Institute (API) has filed a petition requesting an amendment of Part 91 of the Commission's rules to incorporate into the rules governing the Petroleum Radio Service, procedures for the assignment and use of certain frequencies in connection with petroleum geophysical operations. The rule changes sought by API would codify practices and procedures that have been adhered to by both the Commission and the petroleum industry for more than 22 years.

3. In 1949, the National Petroleum Radio Frequency Coordinating Association (NPRFCA) initiated a plan to provide for the special communication requirements of petroleum licensees engaged in geophysical operations. According to the existing informal plan, the frequencies 1614, 1628, 1676, 1700 kHz, 25.02, 25.06, 25.10, 25.14 and 25.18 MHz are used in the Petroleum Radio Service exclusively for geophysical operations.[1] Certain other petroleum frequencies are made available to geophysical operations on a secondary basis subject to causing no interference to conventional base and mobile voice systems.[2] Also in the plan is the practice of issuing multiple frequency assignments to geophysical applicants so they could select the specific frequency which would result in the least amount of interference to base and mobile operations in any given area. However, even though the licensee may be assigned any number of frequencies, any given geophysical exploration party is limited to the use of only two frequencies at a time, using a simplex mode of operation. In addition, a power limitation of 100 watts input is imposed and A9 and F9 emissions are permitted on frequencies below 25 MHz.

4. API contends that these practices and procedures have worked well over the years and should be formally incorporated into the Commission's rules.

5. The frequencies concerned are allocated to the Petroleum Radio Service both exclusively and on a shared basis with other radio services. Any change in availability, however, will only affect licensees in the Petroleum Radio Service and then only on the ten channels proposed for exclusive allocation.[3] In addition, the geophysical procedures governing the frequencies have been used for twenty or more years without any problems to other land mobile licensees. For the foregoing reasons it appears that other land mobile licensees will not be affected by adopting the proposals. The Commission believes the public interest can be served by adopting provisions for petroleum geophysical operations. Accordingly, we propose to amend Part 91, of our Rules to include provisions for petroleum geophysical operations.

6. In following the NPRFCA plan, the Commission permitted geophysical operations the use of tone and impulse signalling on frequencies below 10 MHz. The rules presently limit tone signalling in the Petroleum Radio Service to frequencies above 25 MHz. For the same reasons as noted in paragraph 5, we are proposing to formally include in the Commission's rules provisions for geophysical tone signalling on frequencies below 10 MHz. However, due to bandwidth limitations in this part of the spectrum, we are limiting all operations below 10 MHz to an amplitude modulation mode of operation. Therefore, API's request for F9 emission on frequencies below 25 MHz is denied.

[1] The frequencies 1628, 1652, and 1676 kHz are shared with other services.

[2] 2292, 2398, 4637.5 kHz; 25.22, 25.26, 25.30, 30.66, 30.70, 30.74, 30.78, 30.82, 153.05, 153.11, 153.17, 153.23, 153.29, 153.35, 158.31, 158.37, 158.43, 451.6, 451.7, 451.65, 451.75 MHz.

[3] These frequencies are almost entirely used by licensees engaged in geophysical operations.

7. Authority for the proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 31, 1974, and reply comments on or before June 11, 1974. Relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

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

Adopted: April 16, 1974.

Released: April 25, 1974.

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

APPENDIX

Part 91 of the Commission's Rules and Regulations is amended as follows:

1. In § 91.302, paragraph (e) is added to read as follows:

§ 91.302 Availability and use of service.

* * * * *

(e) Geophysical operations may use tone or impulse signalling for purposes other than indicating failure of equipment or abnormal conditions on those frequencies designated for such transmissions in § 91.304. Authorizations for multiple frequency operations will be granted upon request notwithstanding the provisions of § 91.8(c). Each geophysical exploration party, however, may only use a maximum of two frequencies at any given time. All such tone or impulse signalling shall be on a secondary basis subject to the following limitations.

(1) That harmful interference is not caused to the primary operations of any other licensee on that particular frequency.

(2) Maximum duration of a non-voice transmission, including automatic repeats, may not exceed two seconds.

(3) The bandwidth utilized for secondary tone or impulse signalling shall not exceed that authorized to the licensee for voice emission on the frequency concerned.

(4) Frequency loading resulting from the use of secondary tone or impulse signalling will not be considered in whole or in part, as a justification for authorizing additional frequencies in the licensees mobile service system.

(a) * * *

(5) The maximum power output of the transmitter shall not exceed 50 watts.

* * * * *

2. In § 91.304(a) the table and par. (b) are amended to read as follows:

§ 91.304 Frequencies available.

(a) * * *

Petroleum radio services frequency table

Frequency or band	Class of stations(s)	Limitations
kHz		
1614	Base or mobile	8,41
1628	do	8,41
1652	do	8,41
1676	do	8,41
1700	do	8,41
2202	do	8,43
2398	do	8,43
4637.5	do	8,43
MHz		
25.02	do	42
25.04	do	—
25.06	do	42
25.08	do	16
25.10	do	16, 42
25.12	do	
25.14	do	42
25.16	do	
25.18	do	42
25.20	do	
25.22	do	44
25.24	do	
25.26	do	44
25.28	do	
25.30	do	44
25.32	do	
*	* * *	*
30.66	Base or mobile	12, 44
30.70	do	44
30.74	do	12, 44
30.78	do	44
30.82	do	12, 44
*	* * *	*
153.05	Base or mobile	11, 44
153.08	do	11, 44
153.11	do	11, 44
153.14	do	11, 44
153.17	do	11, 44
153.20	do	11, 44
153.23	do	11, 44
153.26	do	11, 44
153.29	do	11, 44
153.32	do	11, 44
153.35	do	11, 44
*	* * *	
158.31	Base or mobile	11, 44
*	* * *	*
158.37	Base or mobile	11, 44
*	* * *	*
158.43	Base or mobile	11, 44
*	* * *	*
451.550	Base or mobile	10, 32, 44
*	* * *	*
451.600	Base or mobile	10, 32, 44
*	* * *	*
451.650	Base or mobile	10, 32, 44
*	* * *	*
451.700	Base or mobile	10, 32, 44
451.750	do	10, 32, 44
*	* * *	*

* * * * *

(b) * * *

* * * * *

(41) This frequency is available for assignment only to stations utilized for the transmission of geophysical data. Use on this frequency is limited to an amplitude modulation mode of operation.

(42) This frequency is available for assignment only to stations utilized for the transmission of geophysical data.

(43) This frequency is available for assignment to geophysical stations on a secondary, non-interference basis to other Petroleum licensees. Geophysical stations must cease operations on this frequency immediately upon receiving notice that interference is being caused to mobile service stations. Use on this frequency is limited to an amplitude modulation mode of operation.

(44) This frequency is available for assignment to geophysical stations on a secondary, non-interference basis to other Petroleum licensees. Geophysical stations must cease operations on this frequency immediately upon receiving notice that interference is being caused to mobile service stations.

[FR Doc.74-10055 Filed 5-2-74;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 340]

PUBLIC ISSUANCE OF BANK SECURITIES

Offering Circular Requirements; Extension of Comment Period

Notice is hereby given by the Board of Directors of the Federal Deposit Insurance Corporation of an extension to July 31, 1974 of the allowed period for submission of written comments on the Corporation's proposed regulation establishing minimum offering circular requirements for certain public distributions of securities issued by insured banks that are not members of the Federal Reserve System.

The proposed regulation was published for comment in the FEDERAL REGISTER on February 26, 1974 (39 FR 7434) and various specific comments have been received. In addition, several interested persons have requested an extension of time to prepare and submit comments. Because of the comprehensive and technical nature of the proposed regulation and the importance of receiving the comments of all interested persons, the Corporation has determined to extend the period for submission of written comments on the proposed regulation to July 31, 1974.

By order of the Board of Directors, April 29, 1974.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

APRIL 30, 1974.

[FR Doc.74-10248 Filed 5-2-74;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 35]

[Docket No. RM74-20]

FILING OF RATE DESIGN INFORMATION

Notice of Proposed Rulemaking

APRIL 26, 1974.

Pursuant to 5 U.S.C. 553 and sections 205, 206, 304, and 309 of the Federal Power Act (49 Stat. 851, 852, 855, 856, 858, 859; 16 U.S.C. 824d, 824e, 825c, 825h), the Commission hereby gives notice that it proposes to amend its regulations under the Federal Power Act to require the submission of rate design information by public utilities as a part of their filings of initial rate schedules under § 35.12 of the regulations and their filings of rate schedule changes under § 35.13. The proposed revisions would become effective 30 days following their

promulgation. Specifically, the Commission propose to require submission of the following information:

1. For all rate schedule submittals, the filing utility shall submit a narrative statement describing the objectives of the design of the proffered rate, and the extent to which the rate design reflects costs, fosters conservation goals, or achieves other objectives.

2. Where the individual components such as the demand, energy and customer charges do not correspond to the comparable cost classifications supporting such charges, a detailed explanation shall be submitted stating the reasons for such departure.

3. Where the rates being charged contain more than one block, a detailed explanation shall be submitted indicating the rationale for the blocking and the cost, conservation or other considerations upon which such blocking is based.

4. Where the billing determinants (quantities of demand, energy, delivery points, etc.) are on different bases than the allocation determinants supporting such charges, an explanation shall be submitted explaining the reasons for such departure from a cost, conservation or other viewpoint.

In light of the rapid changes in recent years in the patterns of electric utility costs, and the Commission's expressed concern with respect to conservation of natural resources, revision of the Commission's regulations appears necessary in order to provide sufficient information to determine whether the design of rates contained in rate schedules filed with the Commission are consistent with the Commission's stated policies. In Order No. 495 issued November 13, 1973, in Docket No. R–454, the Commission indicated that it seeks to develop the role of rate design in the conservation and efficient utilization of energy resources. The order states an intention to undertake further general rulemaking for the purpose of developing accounting and reporting rules and regulations which will provide increased detail on all economic, environmental and other costs associated with the production and consumption of electric energy.

The explanation of the rate design in relation to conservation as well as cost considerations as proposed will serve to focus attention on the objectives of the rate design and the economic and conservation foundation underlying such design. Rate design and cost classification may be different for various reasons. Until the nature of, and reasons for, the departure of rate design from cost support are known, it is difficult to assess the reasonableness of such design or the degree to which the design may conflict with other considerations such as optimum utilization of capacity in times of short fuel supply.

In addition to the above proposed revisions to the Commission's regulations, we invite the comments of interested parties concerning the subject of electric rate design. Many if not most of the wholesale electric rate schedules on file with this Commission have remained unchanged in rate design from the time they were first filed. Such rate designs were developed during a period of decreasing unit costs of capacity over time, low fuel costs, abundant fuel supplies, and continually increasing gains in system efficiencies. With the reversal in the trend of decreasing unit capacity costs over time, rapidly escalating fuel costs, declining fuel supplies, and diminishing gains in system efficiencies, there is a need for reconsideration of electric rate design.

We express our particular concern that the typical design of rates in power contracts must be considered promotional in nature, thereby encouraging consumption of electric energy. It seems clearly essential to reconsider and re-evaluate the rationale underlying current rate designs and blocked rates in light of today's economic, energy, and environmental conditions. Commenting parties should address themselves to this issue and should discuss possible alternative rate designs which may be more appropriate in light of existing circumstances.

Sections 35.12 and 35.13 of the Commission's regulations are proposed to be amended as follows:

1. In § 35.12, paragraphs (b) (5) through (8) are added to read as follows:

§ 35.12 Filing of initial Rate schedules.

* * * * *

(b) * * *

(5) A narrative statement describing the objectives of the design by the proffered rate, and the extent to which the rate design reflects costs, fosters conservation goals, or achieves other objectives.

(6) Where the individual rates for the demand, energy and customer charges do not correspond to the comparable cost classifications supporting such charges, a detailed explanation shall be submitted stating the reasons for such departure.

(7) Where the rates being charged contain more than one block, a detailed explanation shall be submitted indicating the rationale for the blocking and the cost, conservation or other considerations upon which such blocking is based.

(8) Where the billing determinants (quantities of demand, energy, delivery points, etc.) are on different bases than the allocation determinants supporting such charges, an explanation shall be submitted explaining the reasons for such departure from a cost, conservation or other viewpoint.

2. In § 35.13, present paragraph (b) (5) is redesignated as (b) (9) and new paragraphs (b) (5) through (8) are added to read as follows:

§ 35.13 Filing of changes in Rate schedules.

* * * * *

(b) * * *

(5) A narrative statement describing the objectives of the design by the proffered rate, and the extent to which the rate design reflects costs, fosters conservation goals, or achieves other objectives.

(6) Where the individual components such as the demand, energy and customer charges do not correspond to the comparable cost classifications supporting such charges, a detailed explanation shall be submitted stating the reasons for such departure.

(7) Where the rates being charged contain more than one block, a detailed explanation shall be submitted indicating the rationale for the blocking and the cost, conservation or other considerations upon which such blocking is based.

(8) Where the billing determinants (quantities of demand, energy, delivery points, etc.) are on different bases than the allocation determinants supporting such charges, an explanation shall be submitted explaining the reasons for such departure from a cost, conservation or other viewpoint.

* * * * *

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, not later than May 27, 1974, any views, comments, or suggestions in writing concerning all or part of the proposals set forth herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters proposed herein. An original and 14 conformed copies of any comments shall be filed with the Secretary of the Commission. Submittals to the Commission shall indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal shall be addressed.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–10126 Filed 5–2–74;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 DEFENSE

Department of the Air Force

ADVISORY COMMITTEE ON THE AIR FORCE HISTORICAL PROGRAM

Notice of Meeting

APRIL 29, 1974.

The Advisory Committee on the Air Force Historical Program will meet at the Forrestal Building, Washington, D.C. 20314, on May 23 and 24, 1974, commencing at 8:30 a.m. in Conference Room 8E069.

The purpose of this meeting is to examine the mission, scope, progress and productivity of the Air Force Historical Program and make recommendations thereon for the consideration of the Secretary of the Air Force.

This meeting will be open to the public. Topics on the agenda include: Review of Air Force directives pertaining to the Historical Program; Staffing; Fellowships; and Reservists utilization.

If additional information is desired, contact HQ USAF (AF/CHO), Washington, D.C. 20314. Telephone 693–7373.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74–10123 Filed 5–2–74;8:45 am]

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Notice of Meetings

APRIL 29, 1974.

The Electronic Systems Division Advisory Group will hold a closed meeting on May 9, 1974, from 8:15 a.m. until 4 p.m., at L. G. Hanscom Field, Bedford, Massachusetts.

The meeting will consist of classified briefings on Electronic System Division programs.

The USAF Scientific Advisory Board ad hoc Committee on Future Air Force Energy Needs—Fuels and Systems, will hold a closed meeting on May 9 and 10, 1974, from 9 a.m. until 4 p.m., at the Pentagon, Washington, D.C.

The Committee will receive informational briefings on current and projected Air Force energy programs to include competition sensitive information.

For further information on these meetings, contact the Scientific Advisory Board Secretariat at 697–8404.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc 74–10143 Filed 5–2–74;8:45 am]

Office of the Secretary

BOARD OF CONSULTANTS OF THE NATIONAL WAR COLLEGE

Annual Meeting

The annual meeting of the Board of Consultants of The National War College will be held in the Library of the College located at Fort McNair, Washington, D.C. 20319, on June 3 and 4, 1974. Meetings are scheduled from 0900 to 1130 and 1330 to 1600 on both days.

The purpose of the annual meeting is for the Board of Consultants to review the entire range of College operations and, where appropriate, to provide advice and recommendations to the Commandant.

The meetings will be open to the public to the extent that space limitations of the meeting place permit. Because of these limitations, interested parties are requested to reserve space by calling the College Secretariat at 202–693–8318. Reservations will be on a first-come basis.

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

APRIL 30, 1974.

[FR Doc.74–10220 Filed 5–2–74;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

LAW ENFORCEMENT EDUCATION PROGRAM GUIDELINE MANUAL

Revision

Notice is hereby given that the Law Enforcement Education Program (LEEP) Guideline Manual 5200.1A has been revised by the Administration. Under the Crime Control Act of 1973 the Law Enforcement Education Program provides for educational assistance to criminal justice practitioners through two forms of assistance.

1. Grants for in-service practitioners attending accredited institutions of higher education while working for public criminal justice agencies.

2. Loans for preservice students in full-time study related to criminal justice with the intent to enter the criminal justice system upon completion of that education and for in-service personnel attending accredited institutions of higher education on a full-time basis.

Interested persons are invited to submit request for the revised Guideline Manual to the Law Enforcement Education Program, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C. 20530.

DONALD E. SANTARELLI,
Administrator.

[FR Doc.74–10150 Filed 5–2–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following applicant has applied for a permit under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant:
Great Adventure, Inc.,
320 East 65th Street,
New York, N.Y. 10021.

1. Great Adventure, a subsidiary corporation of Hardwicke Companies Incorporated (hereinafter referred to as "Company") applies for permission to import animals of an endangered species, namely 13 Bengal tigers (Panthera tigris tigris) as follows:

Sex	Date of birth	Origin
0.1	Dec. 9, 1972	Westfallischer Zoologischer Garten Munster.
3.0	Aug. 11, 1973	Kolmardens Djurpark.
2.2	Apr. 17, 1973	Zoological Garden Halle.
1.1	July, 1973	Central Circus, East Berlin.
3.0	Sept. 14, 1973	Twycross Zoo, England.

2. These tigers will be imported specifically for purposes of propagation, education exhibition and scientific research. The tigers will be exhibited on a 1500 hundred acre wild animal preserve located in Jackson Township, New Jersey. (see APPENDIX I) The importation of this number of Bengal tigers will benefit the species by increasing the potential for reproduction. In addition, the enhanced reproduction of the species will benefit the species due to the growth of the population and its potential to supply captive-born animals for dissemination to parks within our own Company and zoological parks throughout the U.S. The larger population of Bengal tigers within our own borders decreases the demand for the animals to be taken from the wild and thereby allows the existing foreign, native population to flourish.

In other words, conservation is the first priority. Management has developed methods to insure reproduction in captivity and it is confidentially expected that the tigers will breed when maturity is reached. The tigers are a compatible group and so there should be no difficulty in establishment.

The display will be of prime educational value. The public will view the animals in an environment similar to the natural habitat of the Bengal tiger.

3. The tigers we wish to import are all captive-born and therefore represent no damage to the wild stock. In this regard, the intent of the Lacey Act is fully upheld.

(Since all animals were born in captivity, the Lacey Act provisions for lawful capture do not apply.)

4. The 13 tigers will be maintained in enclosures encompassing an area of approximately 15 acres containing trees, shrubs, and other vegetation; they will be provided shade and shelter and water sources such as streams and ponds (see attached map, APPENDIX I). The shelters have indoor and outdoor sections. Sleeping dens are provided within the shelters. Food preparation and feeding facilities, with easy access, are conveniently located. Individual dens and shelters are provided so that the 13 tigers may enter the shelters voluntarily to find seclusion. Individual animals may also be isolated from the group for the sake of parturition, lactation, breeding and treatment of injury or illness. Facilities will be available in a central location to facilitate medical treatment or surgery should this become necessary. This facility will be located on the premises. Should intense medical care be required, Dr. Klein's medical facility located within fifteen minutes from the park, is well equipped to render such care.

The tiger enclosure will be surrounded by a 14' high chain link fence 9 gauge x 2" mesh with a two foot overhang toward the tigers of 2" x 11 gauge set at an angle of 90°. Tension wires to be fixed at the top, bottom and middle of the fence.

An underground skirt 18" wide of 2" chain link is buried at an angle of 45° along the bottom and firmly attached to the main fence. In all cases where the fence adjoins the boundary of the park an inner fence 8' high is constructed 15' inside the main fence.

This arrangement has proved entirely safe in other safari parks. Visitors drive through the enclosure on a winding road, observing the animals from the security of their cars. Entry and exit are provided through a lock arrangement of double gates. The two sets of gates are never opened simultaneously, thereby affording full security. A plan of the area and the central location is attached.

5. The animal collection at Great Adventure will be managed by experienced keeper personnel who have looked after a similar group of tigers at our park in Canada.

Rodney Dring (see Resume, APPENDIX 2) Director of Wildlife of the animal preserve has been responsible for the housing, feeding, care and acclimation of a similar group of tigers at our park in Canada. Mr. Dring is experienced in all matters of animal husbandry.

Mr. Dring's experience in the management and care of tigers will be particularly beneficial for the continuity of the welfare of this group of tigers.

Rodney Dring was trained in the British Safari Parks owned and managed by the Chipperfield Organization since the inception of the Safari Park concept.

The preserve in Parc Safari Africain was established on the basis of the experience and knowledge of the Chipperfield Organization, which originated the Safari Park concept in England in 1965. Since 1965, the Chipperfield Organization has either owned or managed on behalf of others, 12 Safari parks in six different countries. Their experience in the operation of safari parks is the most comprehensive in the world. Tigers are exhibited in most of the Chipperfield parks.

6. Great Adventure has employed as a Consultant Harold Tong. (See APPENDIX 3) former Director of Whipsnade Zoo for 23 years. Mr. Tong is an expert in the field of maintaining mammals in similar parks to that of Great Adventure and was employed as General Manager of Woburn Wild Animal Kingdom for a period of two years.

During Mr. Tong's 23 years at Whipsnade, tigers were bred and reared; and a breeding group of cheetahs established. Cheetah were first bred under the jurisdiction of Harold Tong. These animals have continued to breed since Mr. Tong's retirement and second generation animals are now breeding. Additionally, five cheetah have been bred and reared at Beekse Bergen Park in Holland under the jurisdiction of Julian Tong (in consultation with his father, Harold Tong).

The Company has retained two veterinarians who will be responsible for the health of the tigers as well as the rest of the animal population. A local veterinarian, Dr. Richard A. Klein (see Resume, APPENDIX 4) will be making routine calls and will be available on a 24-hour basis for emergency medical care of the animals. Dr. Klein has had extensive experience in the care of exotic species.

In addition, the Company has retained, as a consultant, Dr. Martin R. Dinnes (see Resume, APPENDIX 5) of Los Angeles, California. Dr. Dinnes has had considerable experience in the care and maintenance of large populations of adult tigers, including setting up breeding programs and maintenance of their offspring. He has extensive experience with exotic animals in zoos and drive-through safari parks throughout the county. Dr. Dinnes is the Chairman of the Research Committee of the American Association of Zoo Veterinarians. A major project of this Committee is the collection of normal physiological data to be retained in a computer system for dissemination to any zoo or park which requests such information.

Great Adventure will be a major contributor, by virtue of the size of its proposed animal population, for the gathering of data in support of the above project.

7. Since the animals are already in captivity, no capture operation needs to be accomplished. The countries of origin of the 13 animals are listed on Page 1, Paragraph 1.

The animals are owned by the Chipperfield Organization and are presently at Alsed Park, Germany. It is Great Adventure's plan to purchase the animals from the Chipperfield Organization.
animals from the Chipperfield Organization.

8. While a formal studbook does not exist at the present time, Great Adventure is most willing to contribute to same if one should be initiated.

Our plans are to actively participate in cooperative breeding programs relative to this species. Proper records will be kept for identification of the animals and their offspring.

All useful information gained through experience in the maintenance and breeding of these animals will be made available to all interested parties through various publications and upon requested consultation. The physiological data gained while working with these animals will be disseminated to all interested parties through the proper channels.

To the best of our knowledge, broad spectrum, cooperative breeding programs for this species do not exist at present. By virtue of the number of animals which we will have, we will be in an excellent position to cooperate with other zoos and parks in an active program for the exchange of breeding stock and the dissemination of the progeny. To minimize in-breeding, we shall also be interested in an exchange to preserve the strength and purity of the species.

9. Great Adventure is a member, in good standing, of the AAZPA as defined by the by-laws of the AAZPA—Article V, section VI.

10. The objective of this organization is to follow the aims and objectives of other zoos and organizations in establishing natural environmental habitats for Endangered Species.

It has been established by some of the major zoos that animals will breed in their natural habitat and we are following the suggestions and recommendations of these zoos resulting from studies of animals in the wild, i.e., White Rhino, San Francisco Zoo; Cheetah, San Diego Wild Animal Park; Toledo Zoo; Lion Country Safari Park, Atlanta, the Portland Oregon Wild Life Park, etc.

The Company has invested considerable funds in designing one of the outstanding wildlife parks in the world. It has drawn on its expertise in developing and operating similar parks in Canada and England.

As a successful corporation, with vast amounts of funds being invested in the establishment of wildlife in a near natural habitat, no talent or funds has been spared to engage top personnel, advisors and consultants in the management of this wild animal park.

In addition, the Company is the major shareholder of Wild Animal Kingdoms, Limited, which operates a Safari Park outside Madrid, Spain and will open one Safari Park in France and one in Germany in 1974.

Furthermore, the Company is fully confident that with the help of organizations such as the AAZPA there will be little difficulty in relocating any animals, should it become necessary. This will be done in accordance with recommendations made by these organizations based upon the needs of its constituent members for the species.

11. The tigers will be shipped in chartered space, on a commercial air-freighter, which is pressurized with heat available if necessary. The flight will originate in Hamburg, Germany and will arrive at Kennedy Airport, USA. An experienced attendant will accompany the animals on the aircraft.

The animals will be shipped in steel reinforced wooden crates. Each shipping crate will have sliding doors at each end. Each door will carry a padlock (attendant will have keys). There will be an inward opening flap at the bottom of each crate in order to facilitate feeding and watering of the tigers.

Crates will be wide enough to allow each animal to turn around and lie in lateral recumbency and there will be at least two feet of height above the head of each animal.

The animals will be transported from Kennedy Airport to our facility in Jackson, New Jersey on a flat bed stake truck with hydraulic lift gates in order to facilitate adequate ventilation. Each crate will be individually latched to the bed and to the stakes on the truck. The truck will carry a tarpaulin for additional shielding of wind or rain, should such conditions exist.

The trip from Kennedy Airport to our facility in New Jersey will be accomplished in 1½ hours.

12. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and other applicable part in Sub-Chapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

FRANK GRANAT,
Executive Vice President,
Great Adventure, Inc.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in

triplicate, to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than June 3, 1974 will be considered.

Dated: May 3, 1974.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.74-10253 Filed 5-2-74;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following applicant has applied for a permit under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
Great Adventure, Inc.,
320 East 65th Street,
New York, N.Y. 10021.

1. Great Adventure, a subsidiary corporation of Hardwicke Companies Incorporated, (hereinafter referred to as "Company") applies for permission to import animals of an endangered species, namely 3.7 cheetah (A. jubatus).

2. These cheetah will be imported for purposes of propagation, education, exhibition and scientific research. The importation of this number of cheetah will benefit the species by increasing the potential for reproduction. In addition, the enhanced reproduction of the species will benefit the species due to the growth of the population and its potential to supply captive-born animals for dissemination to parks within our own Company and zoological parks throughout the U.S. The larger population of cheetah, within our own borders, decreases the demand for the animals to be taken from the wild and thereby allows the existing foreign, native population to flourish.

The recently completed studies by Norman Meyers for the I.U.C.N. indicates that cheetah in Africa are in a state of serious decline and the present chances for survival in the wild are in a perilous condition. The greater the population within the borders of the U.S.A., the greater insurance against extinction of the species through total loss in the wild. Captive bred cheetah will be the greatest insurance against future extinction. We cannot possibly support taking cheetah out of the wild while they are in such a fragile state. However, these cheetah were already in captivity prior to being placed on the Endangered Species list in March of 1972.

The total concept in importing these cheetah was to achieve active reproduction, public education and exhibition. Cheetah are already breeding at several Safari Parks and Zoos. (See APPENDIX 1a, 1b and 1c.)

3. These cheetah were imported into Canada for purposes of propagation, education and scientific research. They are part of a group of 24 cheetah presently owned by the Company and presently maintained on a preserve it owns in Canada. There is no intention of obtaining any further cheetah from the wild to replace those being imported from Canada. Management has developed methods to insure reproduction in captivity.

All major zoos have been contacted and it is certain there are no captive born cheetah available within the continental United States. In addition, the major zoos in Europe have been approached and it would appear there are no captive bred animals which we can acquire in Europe.

4. The cheetah will be maintained in enclosures (APPENDIX 1) encompassing an area of approximately 8 acres containing a mixture of terrain consisting of plains, grass areas, trees, forest area and shrub areas; they will be provided shade and shelter and water sources.

The shelters have indoor and outdoor sections. Sleeping dens are provided within the shelters. Food preparation and feeding facilities, with easy access, are conveniently located. Individual dens and shelters are provided so that the cheetah may enter the cheetah shelters voluntarily to find seclusion. Individual animals may also be isolated from the group for the sake of parturition, location, breeding and treatment of injury or illness. Facilities will be available in a central location to facilitate medical treatment or surgery should this become necessary. This facility will be located on the premises. Should intense medical care be required, Dr. Klein's medical facility, located within fifteen minutes from the park, is well equipped to render such care.

The area will be surrounded by a 12'0" high chain link fence, 11 gauge x 2" mesh, with a two foot overhang at 45° from main fence. Tension wires to be fixed at the top, bottom and middle of the fence.

An underground skirt 18" wide 2" chain link is buried at an angle of 45° along the bottom firmly attached to the main fence. Where the fence adjoins the boundary of the park then an inner fence 8' high is constructed 15' inside the main fence.

This arrangement has proved entirely safe in other safari parks. Visitors drive through the enclosure on a winding road, observing the animals from the security of their cars. Entry and exit are provided through a "lock" arrangement of double gates. The two sets of gates are never opened simultaneously thereby affording full security. A plan of the area with details of the shelter arrangements and the central location is attached (see APPENDIX 1).

5. The animal collection at Great Adventure will be managed by experienced keeper personnel who have looked after these animals at the park in Canada.

Rodney Dring (see Resume, APPENDIX 2), Director of Wildlife of the animal preserve, has been very closely associated with these cheetah. He has been responsible for the housing, feeding, care and acclimation of these cheetah since their date of acquisition. Mr. Dring is experienced in all matters of animal husbandry. His transfer with the animals will be particularly beneficial for the continuity of their welfare.

Rodney Dring was trained in the British Safari Parks owned and managed by the Chipperfield Organization since the inception of the Safari Park concept.

The preserve in Parc Safari Africain was established on the basis of the experience and knowledge of the Chipperfield Organization, which originated the Safari Park concept in England in 1965. Since 1965, the Chipperfield Organization has either owned or managed on behalf of others, 12 safari parks in six different countries. Their experience in the operation of safari parks is the most comprehensive in the world. Cheetah are exhibited in most of the Chipperfield Parks.

Great Adventure has employed as a consultant Harold Tong (see APPENDIX 3), former Director of Whipsnade Zoo for 23 years. Mr. Tong is an expert in the field of maintaining mammals in similar parks to that of Great Adventure and was employed as General Manager of Woburn Wild Animal Kingdom for a period of two years.

During Mr. Tong's 23 years at Whipsnade, cheetah were bred and reared; and a breeding group of cheetahs established. Cheetah were first bred under the jurisdiction of Harold Tong. These animals have continued to breed since Mr. Tong's retirement and second generation animals are now breeding. Additionally, five cheetah have been bred and reared at Beekse Bergen Park in Holland under the jurisdiction of Julian Tong (in consultation with his father, Harold Tong).

The Company has retained two veterinarians who will be responsible for the health of the cheetah as well as the rest of the animal population. A local veterinarian, Dr. Richard A. Klein (see Resume, APPENDIX 4) will be making routine calls and will be available on a 24-hour basis for emergency medical care of the animals. Dr. Klein has had extensive experience in the care of exotic species.

In addition, the Company has retained, as a consultant, Dr. Martin R. Dinnes of Los Angeles, Calif. (see APPENDIX 5). Dr. Dinnes has had considerable experience in the care and maintenance of large populations of cheetah, i.e., Filmore, California, including setting up breeding programs and maintenance of their offspring. He has extensive experience with exotic animals in zoos and drive-through safari parks throughout the country. Dr. Dinnes is the Chairman of the Research Committee of the American Association of Zoo Veterinarians. A major project of this Committee is the collection of normal physiological data to be retained in a computer system for dissemination to any zoo or park which requests such information.

Great Adventure will be a major contributor, by virtue of the size of its proposed animal population, for the gathering of data in support of the above project.

Great Adventure will employ a specialist to study the general behavior and mating habits of the cheetah. A program will be instituted similar to the existing one at the San Diego, Phoenix and Atlanta Zoological parks.

The importation of this group of cheetah will have no impact upon the status of the species in the wild.

6. The cheetah will be transferred from our park in Canada. Since the animals are already in captivity, since the Company already owns the animals and since they are located in one location in Canada, no capture operation or financial transaction needs to be accomplished. The animals were captured in May, 1971 in So. West Africa and exported from that location to Canada on 5/24/72. The origin in Africa was the Wolfgang Delfs Farm in Windhoek, So. West Africa.

7. While a formal studbook does not exist at the present time, Great Adventure is most willing to contribute to same if one should be initiated. At the moment we are awaiting the AAZPA census of this species as an aid to forming direct lines of communications with others who have cheetah or have had them breed successfully, in captivity. This project, while in its infancy as a formal project, is underway.

All useful information gained through experience in the maintenance and breeding of these animals will be made available to all interested parties through various publications and upon requested consultation. The physiological data gained while working with these animals will be disseminated to all interested parties through the proper channels.

8. While several seminars on the subject of cheetah breeding in captivity have been held (and were attended by several of our consultants, principles and staff members) there is, to the best of our knowledge, no formal cooperative breeding program in existence. Great Adventure is willing to cooperate in such a venture.

9. Great Adventure is a member, in good standing, of the AAZPA as defined by the bylaws of the AAZPA—Article V, Section VI.

10. The objective of this organization is to follow the aims and objectives of other zoos and organizations in establishing natural environmental habitats for Endangered Species.

It has been established by some of the major zoos that animals will breed in their natural habitat and we are following the suggestions and recommendations of these zoos resulting from studies of animals in the wild i.e. Cheetah, San Diego Wild Animal Park, Toledo Zoo; Lion Country Safari Park; Atlanta, Portland, Oregon Wild Life Park; Beekse Bergen, Holland; White Rhino, San Francisco Zoo, etc.

The Company has invested considerable funds in designing one of the outstanding wildlife parks in the world. It has drawn on its expertise in developing and operating similar parks in Canada and England.

As a group of successful business people, with vast amounts of funds being invested in the establishment of wildlife in a near natural habitat, no talent or funds has been spared to engage top personnel, advisors and consultants, in the management of this wild animal park.

In addition, the Company is the major shareholder of Wild Animal Kingdoms, Limited, which operates a Safari Park outside Madrid, Spain and will open one Safari Park in France and one in Germany in 1974.

Furthermore, the Company is fully confident that with the help of organizations such as the AAZPA there will be little difficulty in relocating any animals, should it become necessary. This will be done in accordance with recommendations made by these organizations based upon the needs of its constituent members for the species.

11. The cheetah will be shipped in steel reinforced wooden crates. Each shipping crate will have sliding doors at each end. Each door will carry a padlock (attendant will have keys). There will be an inward opening flap at the bottom of each crate in order to facilitate feeding and watering of the cheetah.

Crates will be wide enough to allow each animal to turn around and lie in lateral recumbency and there will be at least two feet of height above the head of each animal.

The animal will be transported from Parc Safari Africain to our facility in Jackson, New Jersey on a flat bed stake truck with hydraulic lift gates in order to facilitate adequate ventilation. Each crate will be individually latched to the bed and to the stakes on the truck. The truck will carry a tarpaulin for additional shielding of wind or rain, should such conditions exist. The trip from Parc Safari Africain in Hemmingsford, Quebec, Canada, to our facility in Jackson, New Jersey will be accomplished in approximately 12 hours.

12. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and other applicable part in Sub-Chapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

FRANK GRANAT,
Executive Vice President,
Great Adventure, Inc.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than June 3, 1974 will be considered.

Dated: May 3, 1974.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.74-10254 Filed 5-2-74;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following applicant has applied for a permit under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
Great Adventure, Inc.,
320 East 65th Street,
New York, N.Y. 10021.

1. Great Adventure, a subsidiary corporation of Hardwicke Companies Incorporated, (hereinafter referred to as "Company") applies for permission to import animals of an endangered species, namely 11 Siberian tigers (*Panthera tigris altaica*)

No.	Date of birth	Sex	Born at—	Name and No.
44	June 9, 1972	Male	Leipzig Zoo	Amadis L 124.
45	do	do	do	Anadyr L 125.
46	do	Female	do	Altira L 126.
47	June 18, 1972	Male	do	Tagul L 128.
48	do	Female	do	Tola L 130.
49	July 25, 1972	do	do	Nera L 134.
50	Aug. 5, 1972	do	do	Gara L 138.
51	July 15, 1972	Male	do	Bratsk L 139.
52	June 2, 1971	do	do	Suluk L 115.
53	do	do	do	Sutschan L 116.
421	Aug. 17, 1971	do	Baton Rouge Zoo, Louisiana	Baton 9.

2. These tigers will be imported into the U.S.A. specifically for purposes of propagation, education, exhibition and scientific research. The importation of this number of Siberian tigers will benefit the species by increasing the potential for reproduction. In addition, the enhanced reproduction of the species will benefit the species due to the growth of the population and its potential to supply captive-born animals for dissemination to parks within our own Company and zoological parks throughout the U.S. The larger population of Siberian tigers within our own borders decreases the demand for the animals to be taken from the wild and thereby allows the existing foreign, native population to flourish.

In other words, conservation is the first priority. Management has developed methods to insure reproduction in captivity and it is confidentially expected that the tigers will breed when maturity is reached. The tigers are a compatible group and so there should be no difficulty in establishment.

The display will be of prime education value. The public will view the animals in an environment similar to the natural habitat of the Siberian tiger.

3. This group of tigers is owned and is presently maintained by the Company on a preserve it owns in Canada. The tigers we wish to import are all captive-born and therefore represent no damage to the wild stock. In this regard, the intent of the Lacey Act is fully upheld. (Since all animals were born in captivity, the Lacey Act provisions for lawful capture do not apply). The 11 tigers are presently living together at Parc Safari Africain in Hemmingsford, Quebec, Canada, a park owned by the Company. These animals have been living together at this location for one year and have proven to be compatible with each other. The company wishes to transfer its tigers from the preserve in Hemmingsford to our preserve in Jackson Township, New Jersey.

Dr. Martin Dinnes had made every attempt to acquire registered Siberian tigers in the U.S. of an age compatible with our present collection and has not met with any success.

4. The 11 tigers will be maintained in enclosures encompassing an area of approximately 20 acres containing trees, shrubs, and other vegetation; they will be provided shade and shelter and water sources such as streams and ponds (see attached MAP, APPENDIX 1). The shelters have indoor and outdoor sections. Sleeping dens are provided within the shelters. Food preparation and feeding facilities, with easy access, are conveniently located. Individual dens and shelters are provided so that the 11 tigers may enter the shelters voluntarily to find seclusion. Individual animals may also be isolated from the group for the sake of parturition, lactation, breeding and treatment of injury or illness. Facilities will be available in a central location to facilitate medical treatment or surgery should this become necessary. This facility will be located on the premises. Should intense medical care be required, Dr. Klein's medical facility, located within fifteen minutes from the park, is well equipped to render such care.

The tiger enclosure will be surrounded by a 14' high chain link fence 9 gauge x 2" mesh with a two-foot overhang toward the tigers of 2" x 11 gauge set at an angle of 90°. Tension wires to be fixed at the top, bottom and middle of the fence.

An underground skirt 18" wide of 2" chain link is buried at an angle of 45° along the bottom and firmly attached to the main fence. In all cases where the fence adjoins the boundary of the park an inner fence 8' high is constructed 15' inside the main fence.

This arrangement has proved entirely safe in other safari parks. Visitors which through the enclosure on a winding road, observing the animals from the security of their cars. Entry and exit are provided through a "lock" arrangement of double gates. The two sets of gates are never opened simultaneously, thereby affording full security. A plan of the area and the central location is attached.

5. The animal collection at Great Adventure will be managed by experienced keeper personnel who have looked after these animals at the park in Canada.

Rodney Dring (see Resume, APPENDIX 2), Director of Wildlife of the animal preserve, has been very closely associated with these tigers. He has been responsible for the housing, feeding, care and acclimation of these tigers since their date of acquisition. Mr.

Dring is experienced in all matters of animal husbandry. His transfer with the animals will be particularly beneficial for the continuity of their welfare.

Rodney Dring was trained in the British Safari Parks owned and managed by the Chipperfield Organization since the inception of the Safari Park concept.

The preserve in Parc Safari Africain was established on the basis of the experience and knowledge of the Chipperfield Organization, which originated the Safari Park concept in England in 1965. Since 1965, the Chipperfield Organization has either owned or managed on behalf of others, 12 safari parks in six different countries. Their experience in the operation of safari parks is the most comprehensive in the world. Tigers are exhibited in most of the Chipperfield parks.

6. Great Adventure has employed as a Consultant Harold Tong, (see APPENDIX 3) former Director of Whipsnade Zoo for 23 years. Mr. Tong is an expert in the field of maintaining mammals in similar parks to that of Great Adventure and was employed as General Manager of Woburn Wild Animal Kingdom for a period of two years.

During Mr. Tong's 23 years at Whipsnade, tigers were bred and reared; and a breeding group of cheetahs established. Cheetah were first bred under the jurisdiction of Harold Tong. These animals have continued to breed since Mr. Tong's retirement and second generation animals are now breeding. Additionally, five cheetah have been bred and reared at Beekse Bergen Park in Holland under the jurisdiction of Julian Tong (in consultation with his father, Harold Tong).

The Company has retained two veterinarians who will be responsible for the health of the tigers as well as the rest of the animal population. A local veterinarian, Dr. Richard A. Klein (see Resume, APPENDIX 4) will be making routine calls and will be available on a 24-hour basis for emergency medical care of the animals. Dr. Klein has had extensive experience in the care of exotic species.

In addition, the Company has retained, as a consultant, Dr. Martin R. Dinnes (see Resume, APPENDIX 5) of Los Angeles, California, who has had considerable experience in the care and maintenance of large populations of adult tigers, including setting up breeding programs and maintenance of their offspring. He has extensive experience with exotic animals in zoos and drive-through safari parks throughout the country. Dr. Dinnes is the Chairman of the Research Committee of the American Association of Zoo Veterinarians. A major project of this Committee is the collection of normal physiological data to be retained in a computer system for dissemination to any zoo or park which requests such information.

Great Adventure will be a major contributor, by virtue of the size of its proposed animals population, for the gathering of data in support of the above project.

7. The tigers will be transferred from our park in Canada. Since the animals are already in captivity, since the Company already owns the animals and since they are located in one location in Canada, no capture operation or financial transaction needs to be accomplished. The countries of origin of the 11 animals are listed in part #1 of this application.

8. At the present time, a stud book for the species is in existence and being maintained by Marvin L. Jones, 1015 Geary Street, San Francisco, California 95109.

Our plans are to actively participate in cooperative breeding programs relative to this species. Proper records will be kept for identification of the animals and their offspring. All Siberian tigers owned by the Company have been registered in the stud book.

All useful information gained through experience in the maintenance and breeding of these animals will be made available to all interested parties through various publications and upon requested consultation. The physiological data gained while working with these animals will be disseminated to all interested parties through the proper channels.

To the best of our knowledge, broad spectrum, cooperative breeding programs for this species do not exist at present. By virtue of the number of animals which we will have, we will be in an excellent position to cooperate with other zoos and parks in an active program for the exchange of breeding stock and the dissemination of the progeny. To minimize in-breeding, we shall also be interested in an exchange to preserve the strength and purity of the species.

9. Great Adventure is a member, in good standing, of the AAZPA as defined by the bylaws of the AAZPA—Article V, Section VI.

10. The objective of this organization is to follow the aims and objectives of other zoos and organizations in establishing natural environmental habitats for Endangered Species.

It has been established by some of the major zoos that animals will breed in their natural habitat and we are following the suggestions and recommendations of these zoos resulting from studies of animals in the wild, i.e. White Rhino, San Francisco Zoo; Cheetah, San Diego Wild Animal Park, Toledo Zoo, Lion Country Safari Park, Atlanta, and the Portland Oregon Wild Life Park, etc.

The company has invested considerable funds in designing one of the outstanding wildlife parks in the world. It has drawn on its expertise in developing and operating similar parks in Canada and England.

As a successful corporation with vast amounts of funds invested in the establishment of wildlife in a near natural habitat, no talent or funds has been spared to engage top personnel, advisors and consultants in the management of this wild animal park.

In addition, the company is the major shareholder of Wild Animal Kingdoms, Limited, which operates a Safari Park outside Madrid, Spain and will open a safari park in France and one in Germany in 1974.

Furthermore, the company is fully confident that with the help of organizations such as the AAZPA there will be little difficulty in relocating any animals, should it become necessary. This will be done in accordance with recommendations made by these organizations based upon the needs of its constituant members for the species.

11. The tigers will be shipped in steel reinforced wooden crates. Each shipping crate will have sliding doors at each end. Each door will carry a padlock (attendant will have keys). There will be an inward opening flap at the bottom of each crate in order to facilitate feeding and watering of the tigers.

Crates will be wide enough to allow each animal to turn around and lie in lateral recumbency and there will be at least two feet of height above the head of each animal.

The animal will be transported from Parc Safari Africain to our facility in Jackson, New Jersey on a flat bed stake truck with hydraulic lift gates in order to facilitate adequate ventilation. Each crate will be individually latched to the bed and to the stakes on the truck. The truck will carry a tarpaulin for additional shielding for wind or rain, should such conditions exist. The trip from Parc Safari Africain in Hemmingsford, Quebec, Canada, to or facility in Jackson New Jersey will be accomplished in approximately 12 hours.

12. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and other applicable part in Sub-Chapter B of Chapter 1 of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

FRANK GRANAT,
Executive Vice President,
Great Adventure, Inc.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than June 3, 1974 will be considered.

Dated: May 3, 1974.

F. V. SCHMIDT,
Acting Director, Bureau of
Sport Fisheries and Wildlife.

[FR Doc.74-10255 Filed 5-2-74;8:45 am]

Geological Survey

[Power Site Modification 452]

BIGHORN RIVER BASIN, WYOMING

Modification of Power Site

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1; Power Site Classification 345, of July 31, 1944, is hereby modified to the extent necessary to permit the grant of a right-of-way under Revised Statute 2477 (43 U.S.C. 932) to the Board of County Commissioners, Big Horn County, Wyoming, for the construction of a county road, as shown on a map on file with the Bureau of Land Management under Wyoming 38612. The right-of-way will affect the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 53 N., R. 94 W.,
sec. 12, lot 7 and SW¼SW¼;
sec. 13, lot 2 and NE¼SE¼.

This power site modification is subject to the condition that should the land traversed by the right-of-way be required for reservoir or power purposes, any improvements or structures thereon, when found by the Secretary of the Interior to interfere with reservoir or power development, shall be removed or relocated to eliminate interference with such development at no cost to the United States, its permittees, or licensees.

Dated: April 26, 1974.

HENRY W. COULTER,
Acting Director.

[FR Doc.74-10152 Filed 5-2-74;8:45 am]

Geological Survey

ADVISORY COMMITTEE ON WATER DATA FOR PUBLIC USE

Public Meeting

Pursuant to Pub. L. 92–463 effective January 5, 1973, notice is hereby given that an open meeting of the Advisory Committee on Water Data for Public Use will be held May 21–23 at the Holiday Inn, Downtown, in Sioux Falls, South Dakota.

This technical committee is made up of representatives of water-resources oriented groups, including National, State, and regional organizations, professional and technical societies, and the academic community. Its principal responsibility is to represent the interests of the non-Federal community on plans, policies, and procedures related to water-data programs. The Director of the U.S. Geological Survey is Chairman of the Committee.

Hydrologic applications of remote sensing techniques will be a featured item at this meeting of the Advisory Committee. Included will be a tour of the Geological Survey's recently dedicated Earth Resources Observation System (EROS) Data Center. Other items on the agenda are river-quality assessments, emerging needs for new data and data products, and a review of the current activities relating to the coordination of water-data acquisition and dissemination.

Persons wishing to attend the meeting or desiring more detailed information about the meeting should contact R. H. Langford, Chief, Office of Water Data Coordination, U.S. Geological Survey, 417 National Center, Reston, Virginia 22092.

V. E. McKelvey,
Director,
U.S. Geological Survey.

[FR Doc.74–10153 Filed 5–2–74;8:45 am]

National Park Service

BLUE RIDGE PARKWAY

Notice of Intention to Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965, (79 Stat. 969; (16 U.S.C. 20)) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Blue Ridge Parkway, proposes to issue a concession permit to Mr. S. S. Clark, Jr., authorizing him to provide concession facilities and services for the public at Moses H. Cone Park, Blue Ridge Parkway, for a period of two (2) years from January 1, 1974, through December 31, 1975.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the Environmental Quality Act and the guidelines of the Council on Environmental Quality. The environmental assessment may be reviewed in the Office of the Superintendent, Blue Ridge Parkway.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before June 3, 1974.

Interested parties should contact the Superintendent, Blue Ridge Parkway, P. O. Box 7606, Asheville, North Carolina 28807, for information as to the requirements of the proposed permit.

Dated: March 8, 1974.

Granville B. Liles,
Superintendent,
Blue Ridge Parkway.

[FR Doc.74–10117 Filed 5–2–74;8:45 am]

Office of the Secretary

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) Add: Kennecott Copper, South Carolina Electric & Gas.
(3) None.
(4) None.

This statement is made as of April 23, 1974.

Dated: April 23, 1974.

John Ricca.

[FR Doc.74–10146 Filed 5–2–74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

TUITION FEE FOR COLLISION AVOIDANCE RADAR TRAINING COURSE

Change of Procedures

Notice is hereby given that beginning August 1, 1974, the tuition fees that are assessed for the Collision Avoidance Radar courses being offered at the three Maritime Administration Regional Training Centers in New York, New Orleans, and San Francisco, will be increased to the following:

8- and 5-day courses	$50.00
3-day refresher course	30.00
Recertification exercise	10.00

Payment shall be to the registrar at the school attended in the form of a check or money order made payable to "Maritime Administration-Commerce" in the amount of the fee assessed for the course selected. Such receipts will be deposited in an appropriate account as general receipts of the Treasury of the United States.

Dated: April 30, 1974.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

James S. Dawson, Jr.,
Secretary,
Maritime Administration.

[FR Doc.74–10240 Filed 5–2–74;8:45 am]

National Oceanic and Atmospheric Administration

DONALD B. SINIFF

Application for Scientific Research

Notice is hereby given that the following applicant has applied in due form to take marine mammals for scientific research as authorized by the Marine Mammals Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Donald B. Siniff, Associate Professor, Department of Ecology and Behavioral Biology, 223 Snyder Hall, University of Minnesota, St. Paul, Minnesota 55101, to take, tag, release and track, collect biological specimen materials, and conduct other research activities as outlined below, with Weddell seals (*Leptonychotes weddelli*), leopard seals (*Hydrurga leptonyx*), Ross seals (*Ommatophoca rossi*), crabeater seals (*Lobodon carcinophagus*), southern elephant seals (*Mirounga leonina*), and southern fur seals (*Arctocephalus gazella*) in Antarctic waters.

The research activities will be conducted annually during October, November and December, from 1974 through 1977. The project will involve seal populations in McMurdo Sound and in the vicinity of the Antarctic Peninsula.

The McMurdo Sound studies will involve the following activities:

1. Capture, with physical restraint or drugs, 550 new-born Weddell seals annually, to be tagged with marker tags in the rear flipper and released;

2. Capture, with physical restraint or drugs, 150 adult female Weddell seals annually, to be tagged with marker tags and released. Twenty-five adult females may also be tagged each year with radiosonic tags;

3. Capture, with physical restraint or drugs, 50 adult male Weddell seals annually, to be tagged with marker tags and released. Twenty-five adult males may also be tagged each year with radiosonic tags;

4. Annually collect toenails from the 200 adult Weddell seals described in 2 and 3 above;

5. Annually collect blood samples from the 200 adult Weddell seals described in 2 and 3 above;

6. Intentionally sacrifice up to six Weddell seals per year, if the promise of unique scientific return seems to warrant it;

7. Transfer up to 24 Weddell seals from breeding colonies to artificial holes in the ice, in order to determine the effects of density manipulation;

8. Use long lasting (i.e., 4 to 6 hours effective time) immobilizing drugs and tranquilizers on 20 Weddell seals each year;

9. Collect skeletal and reproductive material from Weddell seals found dead from natural causes;

10. Conduct weekly censuses of Weddell seals in McMurdo Sound, to attempt to count all seals present on the surface of the ice and to record all tag numbers seen.

The Antarctic Peninsula studies will involve the following annual activities:

1. Use immobilizing and tranquilizing drugs to capture at present an unspecified number of crabeater seals, leopard seals, Ross seals, Weddell seals, southern fur seals and southern elephant seals;

2. Capture, tag, weigh, measure, extract a post-canine tooth, and draw blood samples from 50 crabeater seals and 25 leopard seals;

3. Place electronic tags on up to 25 crabeater seals, 25 leopard seals and 25 Ross seals;

4. Capture, tag, measure and collect blood samples and a toenail from 50 Weddell seals to compare with the McMurdo Sound Weddell seal population;

5. Census southern fur seal colonies on King George and Melchoir Islands;

6. Immobilize and collect blood samples from 25 southern fur seals and 25 southern elephant seals;

7. Intentionally sacrifice up to 6 crabeater seals, 6 leopard seals, 6 Weddell seals, 2 Ross seals, 2 southern fur seals and 2 southern elephant seals if the promise of unique scientific return warrants it. The purpose of these studies is to enumerate the various Antarctic seal stocks and to assess the pertinent factors of population dynamics which affect recruitment and natural regulation. Accurate and reliable estimates of the magnitude of the Antarctic seal stock plus detailed knowledge of the biology, behavior and ecology of each species are necessary to predict the effects of exploitation and management strategies.

Skulls and other skeletal material collected during this project will be housed in the Bell Museum of Natural History, University of Minnesota until the termination of the project, when the entire collection will be transferred to the National Museum, Washington, D.C.

The Principal Investigator, Dr. Siniff, has seven seasons' experience in Antarctic research. Other researchers have from one to six years' experience.

Documents submitted in connection with this application are available for review in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-343-7780.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Director, National Marine Fisheries Service, is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before June 3, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: April 26, 1974.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.74-10182 Filed 5-2-74;8:45 am]

FORT WAYNE CHILDREN'S ZOOLOGICAL GARDENS

Issuance of Permit for Marine Mammals

On December 27, 1973, notice was published in the FEDERAL REGISTER (38 FR 35340), that an application had been filed with the National Marine Fisheries Service by the Fort Wayne Children's Zoological Gardens, Fort Wayne, Indiana 46802, for a permit to take two (2) male and four (4) female California sea lions (*Zalophus californianus*) for public display.

Notice is hereby given that, on April 26, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to Fort Wayne Children's Zoological Gardens, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and at the offices of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731 and the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: April 26, 1974.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.74-10183 Filed 5-2-74;8:45 am]

STATE OF ALASKA, DEPARTMENT OF FISH AND GAME

Notice of Receipt of Application for a Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for the purpose of scientific research, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

State of Alaska, Department of Fish and Game, Subport Building, Juneau, Alaska 99801 to conduct research on belukha, or white whales (*Delphinapterus leucas*) in the Bristol Bay area of Alaska.

This project is a continuation of research to determine the feasibility of using underwater transmissions of killer whale (*Orcinus orca*) sounds for extended periods of time to prevent the movement of belukha whales up the major river systems in Bristol Bay and to determine if the food habits of those whales which are allowed to forage in the rivers are significantly different from those of whales which are prevented from entering the rivers. The purpose of this project is to determine the impact of belukha whales on sockeye salmon smolts.

The research proposal involves the following:

1. Three sound projection systems will be designed and manufactured for transmitting killer whale sounds underwater. Two systems will be installed at suitable locations in the Kvichak River. The third system will be used as backup;

2. Occasional aerial surveys will be made to determine the distribution of belukhas during the period when they normally enter the river and to determine if any whales have passed upstream undetected;

3. In mid-June, after sockeye salmon smolt migration has peaked in the Kvichak River, the sound projection system will be moved to a suitable location on the Nushagak River and the same activities as outlined in paragraphs 1 and 2 above will be conducted.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235 (telephone 202-343-7780), and the Office of the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801 (telephone 907-586-7221).

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is sending a copy of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before June 3, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: March 26, 1974.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.74-10185 Filed 5-2-74;8:45 am]

OFFICE OF COASTAL ZONE MANAGEMENT

Notice of Meeting

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public meeting for the purpose of receiving comments on the draft Environmental Impact Statement for a proposed Estuarine Sanctuary Grant Award for a portion of South Slough, Coos Bay, Oregon, pursuant to the National Environmental Policy Act (Pub. L. 91–190). The public meeting will be held in:

The Cultural Auditorium
Coos Bay Library
525 Anderson
Coos Bay, Oregon

between the hours of 7:30 p.m. to midnight, on June 3, 1974. The views of the public and interested bodies are invited.

Both written and oral statements will be accepted. Presentations will be scheduled on a first-come, first-serve basis, but priority will be given to those who have prepared statements. Time will be allotted at the end of the meeting for those without statements who wish to be heard. In order that the maximum opportunity be afforded all those who wish to be heard, presentations will be limited to a maximum of fifteen minutes. No audio-visual equipment will be available. Office of Coastal Zone Management staff may wish to question speakers.

Persons or organizations wishing to be heard on this matter should contact the Office of Coastal Zone Management as soon as possible in order that a meeting schedule may be drawn up and definite times established for presentations. The address is: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852, 301/496–8526.

Written comments may also be submitted by mail to the Office of Coastal Zone Management. Such written comments must be received before June 17, 1974, in order to be considered for inclusion in the final statement.

Copies of the draft Environmental Impact Statement are available from the Office of Coastal Zone Management, and are also on file in the Coos County Library and the Oregon Coastal Conservation and Development Commission, P.O. Box N, Florence, Oregon 94739, 503/997–8248.

Comments should address the adequacy of the draft Environmental Impact Statement as well as the desirability of the proposed action.

No verbatim transcript of the meetings will be maintained, but staff present will record the general thrust of extemporaneous remarks.

Following consideration of the comments received at this meeting, as well as written comments submitted to the Office of Coastal Zone Management, the Office of Coastal Zone Management will prepare the Final Environmental Impact Statement pursuant to the National Environmental Policy Act of 1969 and implementing CEQ Guidelines.

T. P. GLEITER,
Assistant Administrator for Administration.

[FR Doc.74–10370 Filed 5–2–74;10:17 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

VETERANS' COST-OF-INSTRUCTION PROGRAM PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 420 of the Higher Education Act of 1965 (20 U.S.C. 1070e–1), applications for funds are being accepted from institutions of higher education under the Veterans' Cost-of-Instruction Program. In order to receive consideration such applications must be received on or before June 3, 1974.

Such applications must be submitted to the Veterans' Programs Unit, U.S. Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202, attention 13.540. Information and application forms may be obtained from the various Regional Offices of the Office of Education, or from the Veterans' Programs Unit, U.S. Office of Education, Room 4616, ROB #3, 7th and D Streets, SW., Washington, D.C. 20202.

An application sent by mail will be considered to be received on time if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

(20 U.S.C. 1070e–1)

Dated: April 5, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Program No. 13.540, Higher Education—Cost for Veterans' Instruction (VCIP)).

[FR Doc.74–10157 Filed 5–2–74;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the next meeting of the National Advisory Council on Vocational Education will be held on May 15, 1974, from 1 p.m. to 5 p.m., local time and on May 16, 1974 from 9 a.m. to 12 noon, local time; a joint meeting of the National and State Advisory Councils will be held on May 16, 1974, from 1 p.m. to 5 p.m., local time and on May 17, 1974, from 8 a.m. to 4:30 p.m., local time, at the Ramada Inn, Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of feneral regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

May 15 and 16. (NACVE) Committee Reports Discussion of Legislation.

May 16 and 17. (Joint) Report from Department of Labor on CETA. Report on Congressional oversight hearings. Workshops for State Councils.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425–13th Street NW., Washington, D.C. 20004.

Signed at Washington, D.C., on April 29, 1974.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.74–10221 Filed 5–2–74;8:45 am]

PROJECTS IN RESEARCH, TEACHER EDUCATION AND LEARNING DISABILITIES

Criteria for Selection of Applications in Fiscal Year 1974

Pursuant to the authority contained in sections 631, 632, and 661 of the Education of the Handicapped Act (Pub. L. 91–230, Title VI), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare has established criteria for selection of ap-

plications in Fiscal Year 1974 for research in the education of the handicapped, training personnel for the education of the handicapped, and specific learning disabilities projects as set forth below.

These criteria were proposed in the FEDERAL REGISTER on October 11, 1973 at 38 FR 28231, 28239, and 28245–28246, as a part of a comprehensive set of regulations for Federal discretionary programs for the handicapped under Parts C–G of the Education of the Handicapped Act.

Because of the time required to revise and republish the proposed rule as final regulations, in the light of comments received from the public, it is necessary to publish the criteria separately so as not to hold the funding of the projects in abeyance pending preparation of the final regulations for publication in the FEDERAL REGISTER.

No comments were received from the public on the substance of the criteria at the public hearing held on October 30, 1973 or during the comment period; the criteria are therefore adopted without change.

Effective date. These criteria shall be effective on May 3, 1974.

Dated: April 5, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: April 29, 1974.

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

(Catalog of Federal Domestic Assistance Number 13.443 Handicapped Research and Demonstration; 13.447 Handicapped Physical Education and Research; 13.451 Handicapped Teacher Education; 13.448 Handicapped Physical Education and Recreation Training; 13.520 Special Programs for Children With Specific Learning Disabilities)

CRITERIA FOR SELECTION OF APPLICATIONS IN FISCAL YEAR 1974

1. Research in the Education of the Handicapped (Pub. L. 91–230, Title VI, Part E; 20 U.S.C. 1441–1444).

Applications for grants under Part E of the Education of the Handicapped Act will only be considered if they relate directly to one or more of the following objectives:

(1) To assure that every handicapped child is receiving an appropriately designed education;

(2) To assure that every handicapped child who leaves school has had career educational training that is relevant to the job market, meaningful to his career aspirations, and realistic to his fullest potential;

(3) To assure that all handicapped children served in the schools have a trained teacher or other resource person competent in the skills required to aid the child in reaching his full potential; and

(4) To secure the enrollment of preschool aged handicapped children in Federal, State, and local educational and day care programs.

(20 U.S.C. 1402, 1441–1444)

Applications will also be evaluated on the basis of the criteria set forth in 45 CFR 121.403 (38 FR 13745, May 25, 1973) and 100a.26(b) (38 FR 30664, November 6, 1973).

2. Training Personnel for the Education of the Handicapped (Pub. L. 91–230, Title VI, Sections 631, 632, 634; 20 U.S.C. 1431, 1432, 1434).

In addition to the criteria set forth in 45 CFR 100a.26(b) (38 FR 30664, November 6, 1973), applications for grants under sections 631, 632, and 634 of the Education of the Handicapped Act (training personnel) will be evaluated on the basis of the following factors:

(a) The extent to which the applicant specifies and provides evidence that program graduates are meeting the educational needs of handicapped children at the local, State, or national level;

(b) The extent to which program philosophy, program objectives, activities implemented to attain program objectives and evaluation procedures are internally consistent, and are related to the educational needs of handicapped children;

(c) The extent to which the number of qualified staff is in a reasonable ratio to the number of students, and other program resources are available for the effective and efficient conduct of the program;

(d) The extent to which (1) present and former students, (2) consumer agencies (school districts, State agencies, etc.) and (3) individuals (parents, practicing teachers, etc), are involved in program planning, implementation, and evaluation;

(e) The extent to which the evaluation design and procedures (1) provide for assessment of the effective and efficiency of the use of program resources in the attainment of program objectives, and (2) provide for the collection of quantifiable program performance information such as (i) the numbers of personnel prepared and placed in positions relevant to the education of handicapped children, (ii) the type and location of positions accepted by program graduates, (iii) the number of handicapped children served by program graduates, (iv) the length of time that program graduates serve handicapped children, (v) employees' evaluation of program graduates' proficiency, and (vi) the effectiveness of program graduates in facilitating the educational progress of handicapped children;

(f) The extent to which the application describes procedures for assessing the impact, and in the case of an application for continuation support provides evidence of impact, of the program upon other related programs within the institution, community programs for the education of handicapped children, and improvement of services for handicapped children at the local, State, and/or national level;

(g) The extent to which the application describes and specifies the various roles or positions for which students are prepared, the tasks associated with such roles, and the competencies that must be acquired to complete each task successfully;

(h) The extent to which the application includes a delineation of competencies that each program graduate will acquire and will subsequently exhibit, and the evaluation procedures used in measuring the attainment of those competencies;

(i) The extent to which substantive content and organization of the program are (1) appropriate for the student's attainment of professional knowledge and competencies that are necessary for the provision of quality educational services for handicapped children, and (2) demonstrate an awareness of relevant methods, procedures, techniques, and instructional media or materials that can be used in the preparation of qualified educators of handicapped children;

(j) The extent to which appropriate practicum facilities are (1) utilized for observation, participation, practice teaching, laboratory or clinical experience internship, and other supervised experiences of adequate scope, combination, and length, (2) are accessible to the applicant and students, and (3) are staffed by qualified personnel; and

(k) The amount of fiscal and other effort the applicant will contribute to the program, and a delineation of the procedures that will be implemented for the increase of such effort over a specified time period in relationship to the amount of Federal funds awarded for support of the program.

(20 U.S.C. 1431, 1432, 1434)

3. Special Programs for Children with Specific Learning Disabilities (Pub. L. 91–230, Title VI, Part G; 20 U.S.C. 1461).

Priorities. In making grants and contracts under Part G of the Education of the Handicapped Act (learning disabilities) priority will be given to applications which (a) propose innovative and creative approaches to meeting the educational needs of children with specific learning disabilities, or (b) emphasize the prevention and early identification of learning disabilities.

Proposal review. (a) Applications will be evaluated by the Commissioner and outside consultants specifically chosen by the Commissioner for their expertise in the area of learning disabilities.

(b) In reviewing applications submitted under this part, in addition to the criteria set forth in 45 CFR 100a.26(b) (38 FR 30664, November 6, 1973), the following criteria will be considered:

(1) The presence of a clear, logical statement of the replication strategy, including objectives, target populations and evaluation measurements; and

(2) The degree and nature of parental involvement.

(20 U.S.C. 1461)

[FR Doc.74–10236 Filed 5–2–74;8:45 am]

National Institutes of Health

PERIODONTAL DISEASES ADVISORY COMMITTEE

Amended Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that the meeting of the Periodontal Diseases Advisory Committee, National Institute of Dental Research, scheduled for May 6 and 7, 1974, National Institutes of Health, Building 31–C, Conference Room 8, and published 39 FR 10463 (March 20, 1974), has been postponed due to conflicts of schedule. This meeting has been rescheduled for June 27–28, 1974, at the National Institutes of Health, Building 31–C, Conference Room 8. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on June 27 and from 9:00 a.m. to 12:30 p.m. on June 28, to discuss research progress and plans in periodontal disease with particular attention to manpower needs. The Committee will also consider the results of a recent workshop to assess research progress on the role of immunological mechanisms in periodontal disease. Attendance by the public will be limited to space available.

Dr. Anthony A. Rizzo, Scientist-Administrator, Extramural Programs, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 521, Bethesda, Maryland 20014 (telephone 301–496–7784), will provide summaries of meetings, rosters of committee members, and substantive program information.

Dated: May 1, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.325 and 13.827 National Institutes of Health)

SUZANNE L. FREMEAU,
Committee Management Officer.

[FR Doc.74-10368 Filed 5-2-74;10:18 am]

Office of the Secretary

PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

Notice of Meetings

The fifteen members of the President's Council on Physical Fitness and Sports will meet on May 22-23, 1974. The meetings will be held from 9:30 a.m. to 4 p.m. on May 22, and from 9 a.m. to 11:30 a.m. on May 23 in Room 208 of the Old Executive Office Building. The meeting will not be closed to the public.

The purpose of the meeting is to explain the functions of the Council as outlined in Executive Order 11562, dated September 25, 1970, and to report on the status of the progress of those functions. Six of the members are newly appointed by the President and will be attending their first Council meeting. A list of the Council members and the Executive Order establishing their responsibilities may be obtained from:

Mr. C. Carson Conrad
Executive Director
President's Council on Physical Fitness and Sports
400 Sixth Street, SW
Washington, D.C. 20201
(202) 755-7947

Dated: April 29, 1974.

V. L. NICHOLSON,
Acting Executive Secretary.

[FR Doc.74-10234 Filed 5-2-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-170-1]

ATOMIC INDUSTRIAL FORUM, INC.

Filing of Petition for Rulemaking

Notice is hereby given that the Atomic Industrial Forum, Inc., 475 Park Avenue South, New York, New York, by letter dated April 9, 1974, has filed with the Atomic Energy Commission a petition for rulemaking.

The petitioner requests that the Commission amend its regulation 10 CFR Part 170 to allocate a portion of the costs of the Commission's licensing program to the public in accordance with the principles set out in the recent Supreme Court decision *National Cable Television Assn. Inc. v. United States et al* (39 L Ed 2d 370).

The petitioner states that future fee schedule revisions are particularly critical with the advent of standardization policy implementation and that license fees based on full cost recovery could deter or retard optimal participation in standardization by a number of companies for whom very large licensing fees would have severe economic consequences.

The Commission staff is reviewing the provisions of 10 CFR Part 170 in the light of the referenced Supreme Court decision and a related decision *Federal Power Commission v. New England Power Co. et al* (39 L Ed 2d 383), and the petitioner's request for rulemaking will be considered in the further conduct of that study.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. A copy of the petition may be obtained by writing the Rules and Proceedings Branch at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Rules and Proceedings Branch, Office of Administration-Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before July 2, 1974.

Dated at Germantown, MD. this 29th day of April, 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-10120 Filed 5-2-74;8:45 am]

[Docket Nos. 50-329A, 50-330A]

CONSUMERS POWER CO.

Order Setting Aside the Evidentiary Hearing and Establishing New Hearing Dates

In the Matter of Consumers Power Co. (Midland Plant, Units 1 and 2).

Counsel for the Applicant filed an oral request with the Board to postpone the Evidentiary Hearing in this proceeding for two weeks, which hearing was scheduled to reconvene on May 21, 1974, pursuant to an order dated April 16, 1974. He advised the Licensing Board Chairman that the expert witness that he contemplated calling as part as his direct case will be out of the country during the week of May 21. He also advised that counsel for the other parties agreed to the postponement.

In view of the foregoing, the Board acquiesces in this request and, accordingly, directs that the Evidentiary Hearing in this proceeding resume on June 4, 1974, at the time and place previously noted in its order of April 16. The June 4 session will relate to the direct case of the Applicant. The rebuttal cases of both the Department of Justice and the Applicant will commence on June 11, 1974, also at the same place and time as noted in the Licensing Board's Order of April 16.

Further, the dates for the submittal of written testimony will, in view of the foregoing, be moved back two weeks respectively.

It is so ordered.

Issued at Bethesda, Maryland, this 29th day of April, 1974.

ATOMIC SAFETY AND LICENSING BOARD,
JEROME GARFINKEL,
Chairman.

[FR Doc.74-10122 Filed 5-2-74;8:45 am]

[Docket Nos. 50-452 and 50-453]

THE DETROIT EDISON COMPANY

Availability of AEC Draft Environment Statement for Greenwood Energy Center, Units 2 and 3

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed Greenwood Energy Center Units 2 and 3, to be constructed by the Detroit Edison Company in St. Clair County, Michigan, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the St. Clair County Library, Port Huron, Michigan. The Draft Statement is also being made available at the State Planning Division, Executive Office of the Governor, Lansing, Michigan 48913 and the South East Michigan Council of Governments, 810 Book Building, Detroit, Michigan 48226. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Applicant's Environmental Report, as supplemented, submitted by the Detroit Edison Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on November 14, 1973 (38 FR 31461).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by June 24, 1974. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the St. Clair County Library, Port Huron, Michigan. 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.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 30th day of April 1974.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Directorate of Licensing.

[FR Doc.74–10284 Filed 5–2–74;8:45 am]

[Docket Nos. 50–334 and 50–412]

DUQUESNE LIGHT CO., ET AL.

Reconstitution of Atomic Safety and Licensing Appeal Board

In the matter of Duquesne Light Co., et al. (Beaver Valley Power Station, Units 1 and 2).

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for these proceedings to consist of the following members:

Michael C. Farrar, Chairman
Dr. John H. Buck, Member
Dr. W. Reed Johnson, Member

Dated: April 29, 1974.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74–10204 Filed 5–2–74;8:45 am]

REGULATORY GUIDES

Issuance and Availability

The Atomic Energy Commission has issued two guides in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 5, "Materials and Plant Protection." Regulatory Guide 5.21, "Nondestructive Uranium-235 Enrichment Assay by Gamma-Ray Spectrometry," describes acceptable procedures for nondestructively measuring the uranium-235 enrichment of uranium in bulk form such as in containers, process equipment and piping. Regulatory Guide 5.22, "Assessment of the Assumption of Normality (Employing Individual Observed Values)", identifies acceptable methods for assessing the validity of the assumption that a measured value is a random variable that can be described by a normal or Gaussian distribution function.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other Division 5 Regulatory Guides currently being developed include the following:

Organization for Materials and Plant Protection
Management Review of Materials and Plant Protection Programs and Activities
Standards for Physical Barrier Construction
Special Nuclear Material Doorway Monitors
Plant Security Force Duties
Personnel Selection and Screening
Perimeter Intrusion Alarms
Road Shipment of SNM by Specially Designed Vehicle with Armed Guards
Communications with Transport Vehicles
Coordination of Response Plan with Law Enforcement Authority
Monitoring Transfers of Special Nuclear Material
Selection of Material Balance and Item Control Areas
Internal Transfers of Nuclear Material
Material Control in Unirradiated Scrap Recovery Facilities
Minimizing Nuclear Material Holdup in Wet Processes
Minimizing Nuclear Material Holdup in Dry Processes
Dynamic Inventory Techniques
Prior Measurement Verification
Analysis and Use of Production Data for Material Control
Materials Protection Contingency Measures for Uranium and Plutonium Processing and Fuel Fabrication Plants
Evaluation of Material Unaccounted for (MUF)
Evaluation of Shipper and Receiver Data
Resolution of Shipper-Receiver Differences
Measurement Control Program for Materials Accounting in Nuclear Material Processing Plants
Determination of Random Measurement Errors
Determination of Measurement Bias and Systematic Errors
Training and Qualifying Measurement Control Personnel
Nuclear Material Control Systems for Nuclear Power Plants
Methods for the Accountability of Plutonium Oxide Powder
Methods for the Accountability of High-Enriched UO_2
Chemical, Nuclear, and Radiochemical Analysis of $UO_2(NO_3)_2$ Solutions
Guide for Mass and Scales Calibration
Guide to Mixing and Sampling Nuclear Materials
Preparation of $Pu(NO_3)_4$ Solution as a Working Standard
Guide to Making Working Standards from Production Material
Preparation of $UO_2(NO_3)_2$ Solution as a Working Standard
Radiometric Calibration Techniques
Calorimetric Assay of Pu-Bearing Solids
Nondestructive Assay of Plutonium-Bearing Fuel Rods by Gamma-Ray Spectroscopy
Nondestructive Assay of High-Enrichment Uranium Fuel Plates
Nondestructive Assay of Plutonium Residual Holdup
Nondestructive Assay of Plutonium by Spontaneous Fission Coincidence Detection
Nondestructive Assay of High-Enrichment Uranium Scrap by Active Neutron Interrogation
Nondestructive Assay of Uranium Residual Holdup
Nondestructive Assay of Plutonium by Gamma-Ray Spectroscopy
Specifications for Ge(Li) Spectroscopy Systems for Material Protection—Part II: Data Reduction
Radionuclide Analysis of Specially Prepared Samples by Gamma-Ray Spectroscopy

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland this 25th day of April, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74–10203 Filed 5–2–74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25517]

AERONAUTS INTERNATIONAL TRAVEL CLUB, INC., ET AL.

Oral Argument Regarding Enforcement Proceeding

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on May 30, 1974, at 11:30 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., April 29, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74–10218 Filed 5–2–74;8:45 am]

[Docket No. 24387]

CLUB INTERNATIONAL, INC., ET AL.

Oral Argument Regarding Enforcement Proceeding

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on May 30, 1974, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., April 29, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74–10217 Filed 5–2–74;8:45 am]

[Docket No. 25513; Agreement C.A.B. 24268; Order 74–4–142]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare Matters

APRIL 26, 1974.

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 car-

riers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above designated C.A.B. agreement number.

The agreement would amend an existing IATA resolution which sets forth a special Transpacific fare construction rule, by allowing construction of Transpacific fares via Papeete, Nandi, Pago Pago or Rarotonga without reference to intermediate fares between these points and other Southwest Pacific points.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolution, incorporated in Agreement C.A.B. 24268, is adverse to the public interest or in violation of the Act:

JT31(MAIL 259)0140

Accordingly, it is ordered, That:

Agreement C.A.B. 24268 be and hereby is approved.

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. 74-10214 Filed 5-2-74;8:45 am]

[Docket No. 24905, etc.]

PURDUE AIRLINES, INC.

Oral Argument Regarding Fitness and Acquisition Investigation

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on May 29, 1974, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., April 29, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-10216 Filed 5-2-74;8:45 am]

[Docket No. 24686, 21355]

STANDARD AIRWAYS, INC., ET AL.

Notice of Oral Argument

Standard Airways, Inc., Mark Aero, Inc., Charlotte, Aircraft Corp., *et al.*, Docket 24686, Standard Airways, Inc., Docket 21355, *et al.*

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on May 29, 1974, at 2:00 p.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., April 29, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-10215 Filed 5-2-74;8:45 am]

[Docket No. 25009]

WILMINGTON SERVICE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on June 3, 1974, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., April 29, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-10219 Filed 5-2-74;8:45 am]

[Docket No. 24869; Order 74-4-144]

INCREASED WESTERN HEMISPHERE PASSENGER FARES

IATA Agreements

Agreements adopted by members of the International Air Transport Association relating to passenger fares within the Western Hemisphere: Docket Nos. 24869, 25513, Agreements C.A.B. 24088, R-1 through R-24; 24136, R-1 and R-2; 24139; 24179, R-1 through R-24; 24207, R-1 through R-13; 24290; Docket 25280, Agreement C.A.B. 24267, R-1 and R-2.

By Order 74-2-123 (February 27, 1974) the Board established procedural dates for the receipt of carrier justification, comments and responses concerning agreements filed by the carrier members of the International Air Transport Association (IATA) on passenger fares within the Western Hemisphere for a one-year period commencing April 1.[1] The relevant documentation has been received, and the matter now stands ready for the Board's decision.

The agreements, insofar as they affect air transportation as defined by the Act, propose an across-the-board increase of three percent in all passenger fares between the United States and South America (except Colombia, Venezuela, Guyana, Surinam and French Guiana). Between the United States and Central America (as well as Colombia), a general five percent increase is proposed.[2]

U.S.-Mexico fares would generally be increased by approximately seven percent.[3] In the New York/Philadelphia/Detroit-Mexico markets, the present 15-passenger group inclusive-tour (GIT) fare would be replaced by an individual inclusive-tour (IIT) fare at a level about seven percent higher, and with an $11 weekend surcharge. A new 40-passenger, 5/21-day validity affinity-group fare is proposed in most U.S.-Mexico markets, while the present U.S.-Mexico advance-purchase travel group (APEX) fare will be eliminated. The new affinity-group fares would be about 10 percent above the current APEX levels, would permit no stopovers or weekend travel, and would be available all year except for a Christmas season blackout.

U.S.-Caribbean fares (as well as Venezuela, Guyana, Surinam and French Guiana) are proposed to be increased about five percent, and conditions on certain promotional fares would be tightened. The carriers have also adopted on an optional basis, a new baggage allowance system for Caribbean markets. The present worldwide IATA free-baggage allowance is 30 kilograms (66 lbs.) for first-class passengers, 20 kilograms (44 lbs.) for economy class.[4] In the Caribbean, each carrier would now have the option of allowing one checked piece of not more than 70 lbs., the sum of whose three dimensions does not exceed 62 inches; plus one carry-on piece whose dimensions do not exceed 45 inches.

Justification in support of the agreements has been received from Delta Air Lines, Inc. (Delta), Eastern Air Lines, Inc. (Eastern), Braniff Airways, Inc. (Braniff), Pan American World Airways, Inc. (Pan American) and American Airlines, Inc. (American). Comments have been received from Modern Air Transport, Inc. (Modern), and from Donald L. Pevsner, on his own behalf. Modern has also replied to the carrier justifications.

The carriers generally assert, inter alia, that the increased fares proposed for the respective Western Hemisphere areas are more than justified by substantially increased costs, including severe fuel cost increases; that the agreements will produce badly needed revenue but will not place any of the carriers in an excess earnings position; and that tightening the conditions on certain promotional fares will help alleviate traffic diversion and revenue dilution.[5]

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[1] Caribbean area fares (except U.S.-Bermuda excursion fares) are proposed for April 15 effectiveness.

[2] In addition, a new excursion fare is proposed at $200 for application between San Juan, on the one hand, and San Jose and San Salvador, on the other hand.

[3] Exceptions are the Boston/New York/Philadelphia-Mexico City excursion fares, which would be increased between 11 and 18 percent, and group inclusive-tour fares in various U.S.-Mexico markets where new weekend surcharges are proposed.

[4] This matter is the subject of a currently pending Board investigation in Docket 24869, "Baggage Allowance Tariff Rules in Overseas and Foreign Air Transportation," instituted by Order 72-10-91, October 27, 1972.

[5] In U.S.-Netherlands Antilles markets peak season (22-28 November, 26 December-15 April, and 1 July-31 August) weekend travel would be prohibited on the 7/14-day group 10 GIT, and in U.S.-Venezuela markets the group 50 GIT would be eliminated entirely. A new weekend surcharge is to apply for U.S.-Mexico GIT fares, as well as an increased minimum tour price; and U.S.-Caribbean excursion fares would now be subject to a minimum stay of three days.

Delta contends that the five percent increase in U.S.-Caribbean fares is more than justified by the increased cost of fuel alone, and that the 109 percent increase in fuel prices since January 1973 is the equivalent of 11.6 percent of passenger revenues. Even with the proposed increases, and without considering other escalating costs such as labor, supplies, leases and landing fees, Delta alleges its operating income will actually decline slightly as compared with last year.

Despite general fare increases of five percent in the Caribbean and seven percent or better in U.S.-Mexico markets, Eastern forecasts an overall revenue improvement of only 2.7 percent, or about $2 million, assuming a price elasticity factor of −0.7. This forecast, which does not include fuel cost increases since September 30, 1973, produces a return on investment of 7.3 percent in Eastern's international operations, as compared to an estimated 4.4 percent under present fares. Eastern also provides an estimate of traffic generation/diversion under the new IIT fare in New York/Philadelphia-Mexico markets, alleging that 27 percent of present traffic will divert to the new fare, which will itself generate additional traffic equal to 8 percent of the present total volume. The net impact of this traffic re-distribution is expected to be a revenue improvement of $615,000. Eastern also estimates that some 5,000 passengers will travel on the new 40-passenger affinity-group fare between the United States and Mexico next year.

Braniff forecasts under both existing and proposed fares for calendar year 1974 a decline in net operating income at the new revenue and expense levels. For its South America operations, non-fuel costs have allegedly climbed 4.5 percent over levels experienced in 1973, and would require $2.95 million in additional revenue to maintain status quo. The proposed fare increase will provide only $1.969 million after payment of commissions, leaving a net short-fall of $981,000. The situation is allegedly similar in Mexico, where it anticipates a 10.3 percent rise in operating costs, including fuel.[6] The instant agreement, however, will produce only $788,000 in additional revenue after commissions, for a net decline of $517,000 in operating income.

Pan American estimates that, during the 12-month period of effectiveness, the new fare structure wil provide a $7.3 million improvement, or 3.4 percent, in its overall Latin American Division revenues. The forecast, which includes fuel cost increases since September 30, 1973, as well as related adjustments in traffic, revenues, and expenses, indicates a return on investment of 6.8 percent as opposed to 5.0 percent under present fares.

American's forecast includes known increases in fuel prices, and indicates an increase in passenger revenue of $727,000, or 2.1 percent, in U.S.-Mexico operations, and $194,000, or 1.6 percent, in its Caribbean operations. These additional revenues, which reflect adjustment for a −0.7 elasticity factor, would produce respective returns on investment of 3.1 percent and −0.2 percent, for its Mexican and Caribbean operations.

The Board recently approved a separate IATA agreement which increased all Western Hemisphere fares (except to/from Mexico) by a uniform seven percent, effective April 15, to compensate the carriers for increased fuel costs (Order 74-3-134, March 29, 1974). In their justifications submitted in support of the fuel-based rate increase, American, Eastern and Pan American included financial forecasts which incorporated not only the seven percent fuel increase, but also the revenue flowing from the general fare increase herein considered. These forecasts show returns on investment of 2.9 percent, −4.0 percent, and 10.0 percent, respectively, in overall Western Hemisphere operations except Mexico.[7]

Modern, which conducts extensive charter services between the United States and Mexico, has submitted comments in opposition to the new affinity-group fare proposed for groups of 40 or more passengers. Modern contends that the supplemental carriers' activities are limited to affinity charters for trips of less than seven days, and that the proposed affinity-group fare is directly competitive with this primary product. Modern also cites the Board's historical dissatisfaction with affinity-group charters on the grounds of discrimination and nonenforceability, which led to the promulgation of travel group charter (TGC) regulations and alleges that the Board now tolerates the affinity concept for charters only because no satisfactory substitute has yet been developed. There is allegedly no reason to maintain affinity-group fares in scheduled service, and the Board should not permit the introduction of another such fare, at a much lower level than the old U.S.-Mexico GIT, where none has previously existed.[8]

Mr. Pevsner contends that while the new free baggage allowance now optional in the Caribbean area represents a liberalization of present IATA regulations, it is still much less liberal than the U.S. domestic allowance, and at best only optional. This modification of the baggage allowance, Mr. Pevsner contends, is minor and totally inadequate to remedy the unjust IATA rules now under Board investigation in Docket 24869, and any approval should be extended only on an interim, non-precedential basis.

The Board has carefully considered the agreements, the carrier justifications, the comments and reply comments, and has concluded that the U.S.-Caribbean and most of the U.S.-Mexico fare increases should be approved, while the remaining U.S.-Mexico increases and those in the U.S.-Central and South America markets should be tentatively disapproved.[9]

All of the justifications submitted were found to be materially inadequate in important respects, and have had to be significantly adjusted by the Board. In a number of cases, the inadequacies of the carriers' submissions are such that the necessary adjustments have had to be made on a somewhat arbitrary basis. Thus, the two most profitable carriers, Braniff and Delta, have failed to submit rate-of-return calculations, or any data on the basis of which such calculations could be made. In the case of Braniff, such calculations have been supplied by using Form 41 investment data together with certain assumptions as to how the carrier's reported international investment should be allocated between its Mexican and Central/South American operations;[10] in the case of Delta, no such reconstruction has been possible, and it has had to be assumed that the carrier's reported system rate of return prevails in its Caribbean operations.

While some of the carrier justifications start with actual operating results for calendar 1973, or for the most recent available twelve-month period, others start with forecasts of 1974 operations whose relationship to actual 1973 experience is unexplained. Carriers which start from actual 1973 results generally purport to have adjusted them on an annualized basis for subsequent fare and rate increases already approved by the Board, as well as for cost increases, but the manner in which these annualized adjustments have been made is frequently not shown. In some instances it appears that particular fare and/or rate increases have not been reflected in the calculations, or have been taken into account on a less than fully annualized basis. On the cost side, in several instances the carriers have put predicted future cost increases into the calculations, contrary to the Board's firm policy of recognizing only actually experienced or firmly contracted costs. Pan American in particular has introduced into the calculations unexplained and unsubstantiated increases in unit costs alleged to stem from a future reduced scale of operations.

One element in some of the carrier calculations which is of considerable concern to the Board relates to the question of elasticity of demand. Braniff and Delta in their calculations employ

[6] Fuel cost increases were omitted from Braniff's U.S.-South America forecasts inasmuch as there was then a separate IATA agreement before the Board to increase fares to/from South America seven percent to account for fuel increases, and Braniff had submitted a sepaarte statement of justification for this fare increase.

[7] Pan American forecasts a 5.2 percent return in U.S.-Mexico operations.

[8] In its reply to the carriers' justifications, Modern alleges that none has provided substantiation for the fare, and that even Eastern's estimate of traffic at a 41/59 generation/diversion ratio is not based on data or argument included in its justification.

[9] We are also herein disposing of several agreements not directly applicable to or from the United States.

[10] It has been assumed that Braniff's Form 41 international investment should be allocated in proportion to the total operating expenses of its Mexican and South American divisions as forecast in this proceeding. It is noted, however, that this does not appear to be consistent with the way Braniff itself allocates its interest costs in its justification here.

no elasticity factor, passing the proposed fare increases directly through to revenues. American and Eastern, however, expressly employ an elasticity factor of −0.7, while Pan American employs an undisclosed but evidently somewhat smaller factor. When an elasticity factor is used, a certain percentage increase in fares does not produce the same percentage increase in revenues, since it is assumed that some traffic is lost as a result of the fare increase.[11]

The elasticity factor of −0.7 employed by American and Eastern is taken from the Board's determination in Phase 7 of the "Domestic Passenger-Fare Investigation." That determination, however, was based on evidence of record, in the DPFI relating to domestic passenger travel only, and cannot be automatically transposed to international markets, where the mix of business and pleasure travel is frequently quite different. Thus, while there can be little doubt that increases in international fares (particularly where substantial)[12] do have a depressing effect on the movement of traffic, the Board does not consider that the use of an elasticity factor of −0.7 can be justified solely by citation of the DPFI Phase 7 decision.

A further cause for concern lies in the fact that those carriers who posit a loss of traffic as a result of the proposed fare increases show no corresponding reduction in the capacity they expect to offer. In the DPFI, of course, the use of an elasticity factor in forecasting future traffic was coupled with the adoption of a load-factor standard which has the effect of requiring the carriers to bring their capacity offerings in line with anticipated traffic. The Board has not to date undertaken to adopt any load-factor standard in connection with international fares, although it has on occasion rejected or modified carrier forecasts which have assumed what appeared to be unreasonably low load factors.[13] Moreover, the Board has recently had occasion to point out that fare increases cannot be denied where unit costs are shown to have increased as a result of factors beyond the carriers' power to control, even if these increases will have an adverse effect on the movement of traffic.[14] Nevertheless, in the long run carriers must of necessity scale their capacity offerings to the anticipated level of traffic. Fare increases which depress traffic and which are not accompanied by reductions in capacity offered will rapidly become self-defeating.[15] Thus, without at this time attempting to resolve the problems raised by certain carriers' use of an elasticity factor, the Board will expect any carrier employing such a factor in its forecasts (a) to justify the particular factor used, and (b) in case it does not forecast a reduction in capacity corresponding to the reduction in traffic it anticipates, to justify its failure to do so.

Notwithstanding the deficiencies in the carrier justifications described above, the Board has determined to approve the proposed increases in U.S.-Caribbean fares. Even when the carriers' forecasts are adjusted to the maximum extent suggested by the foregoing criticisms, it appears that neither American nor Pan American will be able to achieve a 12 percent return on investment with the existing fares[16] in effect, while Eastern will sustain a large operating loss, and the four U.S.-flag Caribbean carriers as a group will collectively achieve a return of between 6 and 7 percent.[17] With the proposed fare increases, American and Pan American may earn moderately more than a 12 percent return, but Eastern's still substantial losses will bring the earnings of the four-carrier group down to just over 10 percent.[18] Under the circumstances, we cannot find that the proposed increases are unwarranted, or will bring the U.S.-flag Caribbean carriers as a group into an excess earnings position. Additionally, tightening of the conditions on several of the promotional fares should further assist in improving the carriers' earnings position by discouraging diversion and revenue dilution; and the more liberal optional baggage allowance (discussed further hereinafter) represents an improvement from the traveler's standpoint.

The Board will also approve the proposed U.S.-Mexico fares, except as hereinafter indicated.[19] Even with the maximum adjustments in the carriers' forecasts suggested by the criticisms discussed above, it appears that the U.S.-Mexico earnings of American and Pan American will fall considerably short of the 12 percent standard even with the porposed increases in force. While a recomputation of Eastern's and Braniff's projected earnings show them exceeding 12 percent, the earnings of the four U.S.-flag IATA members as a group in the Mexican markets will still fall more than a percentage point short of the standard. In these circumstances, the proposed increases cannot be found excessive. Moreover, the greater emphasis on individual as opposed to group travel represented by the new individual inclusive tour-fares between New York/Philadelphia/Detroit and Mexico represents a desirable step toward a fare structure more appropriate to scheduled service.

On the other hand, we cannot find that the proposed increases in fares between Los Angeles, San Diego, San Francisco, Portland, and Seattle, on the one hand, and Mexico City and Acapulco, on the other hand, have been shown to be justified. Western Airlines, a non-IATA carrier, is the only U.S. carrier which provides direct service between the three California points and Mexico, and is a very strong participant in the Portland/Seattle-Mexico markets where no carrier provides direct service. The four U.S.-flag IATA carriers do not participate in these markets to a major extent. Data reported to the Board by Western shows a return on investment of over 25 percent in international operations,[20] and while we recognize that Western is not a party to the IATA agreement, it nevertheless has already filed tariffs to match the increases here proposed by the IATA carriers. Western is already in an excess earnings position in these markets, and accordingly, in the absence of specific justification, the proposed increases will be disapproved on a tentative basis.

In the U.S.-Central/South America markets, the Board's adjustments of the carriers' forecasts indicate that as a group they apparently will be in an excess earnings position if the increases here proposed are permitted to go into effect. Braniff's earnings are anticipated to exceed 17 percent rate of return, while Pan American's earnings would be at least 10.5 percent, and arguably as high

[11] Using an elasticity factor of −0.7, a 1 percent fare increase is assumed to diminish traffic by 0.7 percent, so that total passenger revenue increases by slightly less than 0.3 percent.

[12] In this connection it is noted that the increases here proposed in IATA Caribbean fares, for example, when added to two rounds of fuel-related increases already approved, will bring those fares to a level more than 19 percent above those prevailing in December 1973.

[13] See, e.g., Orders 72-3-105 (March 30, 1972) and 73-7-54 (July 12, 1973).

[14] Order 74-3-134 (March 29, 1974).

[15] This becomes inescapable if the coefficient of elasticity is assumed to be −1.0 or greater, as is certainly conceivable in international markets where the proportion of discretionary travel is high. In such a case, fare increases with no corresponding reduction in capacity may fail to benefit the carriers financially at all. Even assuming a coefficient of less than −1.0 (e.g., −0.7), failure to reduce capacity means that a given percentage improvement in revenues requires a several times larger increase in fares.

[16] In the "existing fares" we include the second-round fuel-related increase already approved by the Board in Order 74-3-134, March 29, 1974.

[17] This assumes that Delta's 1973 system average return of 16.0 percent will apply to its Caribbean operations in 1974. Excluding Delta, whose forecast Caribbean revenues are about one-eighth of the U.S.-flag Caribbean total, the group return without the fare increases will be just under 5 percent.

[18] Between 9 and 10 percent excluding Delta.

[19] In this connection it is noted that fares to and from Mexico were excluded from the IATA second-round fuel-related increase (Order 74-3-134) as a result of resistance from the Mexican carriers and government, so that the present fare increases will be only the second rather than the third this year in the U.S.-Mexico markets.

[20] Interim Financial Report for the year ending December 31, 1973.

as 12.5 percent.[21] On the basis of the data submitted, therefore, together with necessary adjustments, it appears that the combined earnings of the two carriers as a group would materially exceed the 12 percent standard.

We have also considered the carriers' prospective earnings in international operations for the Western Hemisphere (excluding Canada) as a whole. These show American and Eastern earning substantially less than 12 percent; Braniff and Western (and presumptively Delta) earning substantially in excess of that standard; while Pan American's overall Western Hemisphere IATA return computes as either slightly above, or slightly below, the standard depending on the assumptions employed. An average for all of the U.S.-flag carriers is difficult to calculate because of incompleteness of the data, but it appears that approval of all of the proposed increases would bring them as a group into an excess earnings position. Approval of some of the fares and disapproval of others, as is here tentatively determined, should apparently leave the carriers as a group close to the Board's return standard.

In weighing approval of IATA fare and rate agreements, the Board must consider not only the effect on individual carriers, but also the impact of the proposals on U.S.-carrier operations in each relevant area. It appears from the data submitted, incomplete as it is, that approval of the U.S.-Caribbean and most of the U.S.-Mexico fare proposals is warranted under this standard. Application of the same standard appears to indicate that approval of the proposed U.S. West Coast-Mexico and the U.S.-Central/South America fares is unwarranted, and they will accordingly be disapproved on a tentative basis.

Our tentative disapproval of the U.S.-Central/South America fares and the above-mentioned U.S.-Mexico fares will become final on its own terms on May 30, 1974, absent further economic justification from the affected carriers, which should be filed no later than May 15, 1974. In that event, further action will hinge on the Board's evaluation of the justification, which should include complete forecasts of revenue, expenses and returns on investment in these markets for the year ending March 31, 1975 under both existing and proposed fares, as well as forecasts of capacity and traffic for the same period. We will also require a comparable itemization of actual results for the year ended March 31, 1974. The other deficiencies in the forecasts referred to previously in this order should likewise be remedied.

Turning to the comments, the Board is not persuaded by Modern's arguments in opposition to the new U.S.-Mexico affinity-group fare. It is true that, looking to the future, we have expressed dissatisfaction with the affinity concept in both charter and scheduled service. However, affinity-group charters are still available in major international markets, and as long as this remains the situation it seems only equitable that comparable group fares be permitted in scheduled service. There appears no reason to create an exception in the case of Mexico. Nor are we persuaded that the impact of the new fare on the supplemental carriers would be as serious as Modern contends. Eastern anticipates that about 5,000 passengers will travel on the affinity-group fare, a volume equal to 1.8 percent of Eastern's scheduled U.S.-Mexico traffic.[22] Application of this percentage to the total scheduled traffic of U.S. carriers in U.S.-Mexico service for the year ended January 1974 would mean that only about 20,450 passengers would use the fare. On the other hand, Modern's international charter passengers for the same period totaled 360,384, so the actual impact of the new fare on that carrier should be minimal, even considering additional passengers which might travel on foreign carriers.

Existing IATA baggage rules permit only 20 kilograms (44 pounds) free checked baggage for economy-class passengers, 30 kilograms (66 pounds) for first class; with each kilogram over these limits charged at one percent of the normal first-class fare applicable for the particular journey. The new piece system for U.S.-Caribbean markets, while more liberal than current IATA practice, is still only optional and considerably more restrictive than U.S. domestic regulations. The latter allow three checked pieces with aggregate dimensions of 62, 55 and 45 inches, respectively, and one carry-on piece. No detail in support of this particular system has been submitted by the carriers. Since the agreement, albeit providing only for an option, represents a step in the right direction, we see no reason to withhold approval. However, our action is without prejudice to the record developed in the pending investigation of IATA baggage allowances and charges in Docket 24869, and the Board's ultimate decision.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 412 thereof, the Board makes the following findings:

1. It is not found that the following resolutions, to the extent they would establish fares other than between Los Angeles, San Francisco, San Diego, Portland and Seattle, on the one hand, and Mexico City and Acapulco, on the other hand, and which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA Resolution
24088:	
R-1	100(Mail 935) 001b
R-3	100(Mail 935)001mm
R-4	100(Mail 935)002 I
R-5	100(Mail 935)002 II
R-7	100(Mail 935)051x
R-9	100(Mail 935)061x
R-10	100(Mail 935)051 II, 061 II
24136:	
R-2	100(Mail 940)084e

Agreement CAB	IATA No.	Title	Application
24179:			
R-1	001b	TC1-Special Effectiveness Resolution (Tie-In)	1
R-2	001gg	Special Effectiveness Resolution (North America-Caribbean, and within Caribbean) (New).	1
R-3	001rr	Special Escape for TC1 Agreement (New)	1
R-4	002 I	Special Revalidation Resolution (1 April 1974)	1
R-5	002 II	Standard Revalidation Resolution	1
R-6	051	TC1 First-Class Fares	1
R-7	060	Economy-Class Conditions of Service (Revalidating and Amending)	1
R-8	061	TC1 Economy-Class Fares	1
R-9	070bb	TC1 Excursion Fares—USA/Mexico-Bermuda/Caribbean/Venezuela and within Caribbean (New).	1
R-10	070i	TC1 21-Day Excursion Fares Canada-Bermuda/Caribbean (Revalidating and Amending).	1
R-12	075t	TC1 Advance-Purchase Travel-Group Fares (USA/Canada/Mexico-Bermuda/Caribbean/Venezuela) (Revalidating and Amending).	11
R-13	076q	TC1 Own Use and Incentive-Group Fares (Bermuda and Caribbean) (Revalidating and Amending).	1
R-14	080L	TC1 10-Day Individual Inclusive-Tour Fares USA-Bermuda/Bahamas/Caribbean (Revalidating and Amending).	1
R-16	080p	TC1 10/14-Day Individual Inclusive-Tour Fares—Canada and Bermuda/Bahamas/Caribbean (Revalidating and Amending).	1
R-18	084l	TC1 14-Day Group Inclusive-Tour Fares—Netherlands Antilles (Revalidating and Amending).	1

[21] Pan American's forecast was adjusted to exclude anticipatory rather than actual fuel cost increases, as well as increases in aircraft rentals, insurance, depreciation, and amortization expense attributed to decreased aircraft utilization supposedly resulting from a reduced level of operations forecast for 1974. These adjustments result in an indicated 10.5 percent rate of return. Further adjustments to either (a) eliminate the elasticity factor in the carrier's computations (and thus render them parallel to Braniff's) or (b) reduce capacity in proportion to forecast reduced traffic, show a return of 12.5 percent. As noted previously, Braniff's filings here include no investment data, but the Board's quarterly Interim Financial Report for the year ended December 31, 1973, shows Braniff's corporate rate of return in international operations as 18.47 percent. Application of data included in Braniff's justifications indicates that this would decline slightly, to 17.4 percent, in calendar 1974, with the proposed fare increases in effect (or 15.9 percent without the increases).

[22] Year ended January 1974, as reported in Form 41 data.

Agreement CAB	IATA No.	Title	Application
R-19	084J	TC1 14-Day Group Inclusive-Tour Fares—Venezuela (Revalidating and Amending).	1
R-20	084JJ	TC1 5-Day Group Inclusive-Tour Fares-Venezuela (Ravalidating and Amending).	1
R-23	310	Free Baggage Allowance (Revalidating and Amending)	1
R-24	311h	Charges for Sporting Equipment (New)	1
24207:			
R-1	001b	Special Effectiveness Resolution (Tie-In)	1
R-2	001p	Special Escape Resolution Chicago-Mexico City/Acapulco (New)	1
R-3	001ee	Special Effectiveness Resolution (USA/Canada-Mexico) (New)	1
R-4	001ss	Special Escape for TC1 Agreement (New)	1
R-5	002	Standard Revalidation Resolution	1
R-6	051	TC1 First-Class Fares	1
R-7	060	Economy-Class Conditions of Service (Revalidating and Amending)	1
R-8	061	TC1 Economy-Class Fares	1
R-9	070aa	TC1 Excursion Fares USA/Canada-Mexico (New)	1
R-11	080s	TC1 21-Day Individual Inclusive-Tour Fares USA-Mexico (New)	1
R-13	311c	Charges for Sporting Equipment (New)	1

Agreement CAB	IATA Resolution
24267:	
R-1	100(Mail 947)551.
R-2	JT12(Mail 835)554b.

2. It is not found that the following resolutions, to the extent they would establish fares other than between Los Angeles, San Francisco, San Diego, Portland and Seattle, on the one hand, and Mexico City and Acapulco, on the other hand, and which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act provided that approval is subject to the conditions hereinafter stated:

Agreement CAB	IATA No.	Title	Application
24179:			
R-21	084LL	TC1 Group Inclusive-Tour Fares Caribbean-Mexico (New)	1
24207:			
R-10	076aa	TC1 Affinity and/or Own Use Group Fares USA-Mexico (New)	1
R-12	084ee	TC1 Group Inclusive-Tour Fares USA/Canada-Mexico (New)	1
24290	084ee	Expedited Resolution 084ee TC1 Group Inclusive-Tour Fares USA/Canada-Mexico (Amending).	1

Provided that with respect to Resolutions 084LL and 084ee: (a) The provisions which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group, and the balance of the group may travel at no added cost;

(b) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin;

(c) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel; and

(d) The amount of the forfeiture to be imposed in the event of cancellation by the group or members of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from point of origin to point of cancellation.

Provided that with respect to Resolution 076aa:

(a) The provision which at departure time would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group, and the balance of the group may travel at no added cost;

(b) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin;

(c) The amount of the forfeiture to be imposed in the event of cancellation by the group or members of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from the point of origin to the point of cancellation;

(d) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel; and

(e) Full refund of the group fares paid shall be made in the event of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the group fares.

3. It is not found that the following resolutions, incorporated in the agreements indicated, affect air transportation as defined by the Act:

Agreement CAB	IATA Resolution
24088:	
R-13	100(Mail 935)075j
R-14	100(Mail 935)075L
R-19	100(Mail 935)084v
R-20	100(Mail 935)084w
24136:	
R-1	100(Mail 940)070cc

Agreement CAB	IATA No.	Title	Application
24179:			
R-11	075s	TC1 Intra-Caribbean 10-Day Group Excursion Fares (Revalidating and Amending).	
R-15	080o	TC1 21-Day Individual Inclusive-Tour Fares from Bermuda/Bahamas to Mexico (Revalidating and Amending).	1
R-17	080r	TC1 2/8-Day Individual Inclusive-Tour Fares Jamaica—Panama (New).	1
R-22	092o	TC1 Intra-Caribbean Youth Fares (Revalidating and Amending)	1

4. It is found, on a tentative basis, that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act:

Agreement CAB	IATA Resolution
24088:	
R-2	100(Mail 935)001kk
R-6	100(Mail 935)051 I
R-8	100(Mail 935)061 I
R-11	100(Mail 935)070cc
R-12	100(Mail 935)071f
R-15	100(Mail 935)076a
R-16	100(Mail 935)084e
R-17	100(Mail 935)084m
R-18	100(Mail 935)084s
R-21	100(Mail 935)096d
R-22	100(Mail 936)071f
R-23	100(Mail 936)076a
R-24	100(Mail 936)084e

Agreement CAB	IATA No.	Title	Application
24139	605xx	Special Fares Adjustment Resolution (New)	1 (U.S.-Colombia/Central America).

5. It is found, on a tentative basis, that the following resolutions, to the extent they would establish fares between Los Angeles, San Francisco, San Diego, Portland and Seattle, on the one hand, and Mexico City and Acapulco, on the other hand, and which are incorporated in Agreement C.A.B. 24207 as indicated, are adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24207:			
R-3	001ee	Special Effectiveness Resolution (USA/Canada-Mexico) (New)	1
R-5	002	Standard Revalidation Resolution	1
R-6	051	TC1 First-Class Fares	1
R-8	061	TC1 Economy-Class Fares	1
R-9	070aa	TC1 Excursion Fares USA/Canada-Mexico (New)	1
R-10	076aa	TC1 Affinity and/or Own Use Group Fares USA-Mexico (New)	1
R-12	084ee	TC1 Group Inclusive Tour Fares USA/Canada-Mexico (New)	1

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 24088, C.A.B. 24136, C.A.B. 24179, C.A.B. 24207, and C.A.B. 24267 specified in finding paragraph 1 above be and hereby are approved, subject, where applicable, to conditions previously imposed by the Board;

2. Those portions of Agreements C.A.B. 24179, C.A.B. 24207, and C.A.B. 24290 specifide in finding paragraph 2 above be and hereby are approved subject to the conditions stated therein;

3. Jurisdiction be and hereby is disclaimed with respect to those portions of Agreements C.A.B. 24088, C.A.B. 24136, and C.A.B. 24179 specified in finding paragraph 3 above;

4. Those portions of Agreements C.A.B. 24088, C.A.B. 24139 and C.A.B. 24207 specified in finding paragraphs 4 and 5 above be and hereby are disapproved, on a tentative basis, such disapproval to become final on May 30, 1974 absent submission of further justification by the affected air carriers and/or foreign air carriers on or before May 15, 1974;

5. Tariffs implementing those portions of Agreements C.A.B. 24136, C.A.B. 24207, and C.A.B. 24290 specified in finding paragraphs 1 and 2 above shall be marked to expire not later than March 31, 1975;

6. Tariffs implementing Agreement C.A.B. 24179, R–1 through R–3, R–5 through R–18, and R–20 through R–24, shall be marked to expire not later than April 14, 1975; and

7. Tariffs implementing Agreement C.A.B. 24179, R–19, shall be marked to expire not later than April 30, 1975.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–10082 Filed 5–2–74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COLOMBIA

Entry or Withdrawal From Warehouse for Consumption

APRIL 30, 1974.

Under the Bilateral Cotton Textile Agreement of June 15, 1971, between the Governments of the United States and Colombia, the Government of Colombia has undertaken to limit exports of cotton textiles and cotton textile products to the United States to certain designated levels. Pursuant to this agreement, an administrative mechanism has been established which is intended to preclude circumvention of the licensing system for exports to the United States from Colombia. The purpose of this notice is to announce the implementation of this administrative mechanism.

Effective June 3, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Colombia and exported to the United States from Colombia on and after that date for which Colombia has not issued an appropriate export visa, fully described below, will be prohibited. Application of this visa system to cotton textiles and cotton textile products exported from Colombia before the date of publication is to become effective July 2, 1974.

The visa will be a stamped marking in blue ink on the front of the invoice (Special Customs Invoice Form 5515, or other successor document, or commercial invoice when such form is used), and will bear the signature of the official issuing the visa. The officials authorized to issue such visas are the following: Eduardo Paez Velasquez, Antonio Ernesto Beltran Candia, Ricardo Rafael Restrepo Diaz, Raul Farello P., Fernando Anchique V., Jaime Neira Baena, Ramiro Valencia Lopez, Carlos Lozano Angel, Rafaela Vergara Echavez, Joaquin Gutierrez Isaza, Gloria Mercedes Velásquez Latorre, Manuel Arturo Posada Gutierrez, Hernan Toro Franco, Humberto Gomez Diaz, Jaime Arroyave Gomez, Jesus Gomez Jaramillo, Julian Contreras Triviño, Telena de Florez, and Jaime Ospina Duque. A facsimile of the stamp, along with the signatures of the above officials, are filed as a part of the original document with the office of the FEDERAL REGISTER.

Interested parties are advised to take all necessary steps to assure that cotton textiles and cotton textile products produced or manufactured in Colombia which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the stated visa requirements.

There is published below a letter of April 30, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements, to the Commis-

sioner of Customs implementing the administrative mechanism.

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

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

APRIL 30, 1974.

DEAR MR. COMMISSIONER: Pursuant to paragraph 13 of the Bilateral Cotton Textile Agreement of June 15, 1971, between the Governments of the United States and Colombia, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective June 3, 1974, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Colombia for which Colombia has not issued an appropriate visa, fully described below, provided, however, that the aforestated cotton textiles and cotton textile products produced or manufactured in Colombia and exported therefrom prior to the date of publication shall not be denied entry until 60 days following the date of publication.

The visa will be a stamped marking in blue ink on the front of the invoice (Special Customs Invoice Form 5515, or other successor document, or commercial invoice when such form is used), and will bear the signature of an official authorized to issue visas. A facsimile of the stamp along with the names of the officials authorized to issue visas are enclosed.

You are further directed to allow entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton textiles and cotton textile products produced or manufactured in Colombia and exported to the United States from Colombia, notwithstanding the designated shipment or shipments do not meet the aforementioned visa requirements, whenever requested to do so in writing by the Chairman of the Committee for the Implementation of Textile Agreements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3430).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton textiles and cotton textile products from Colombia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

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

[FR Doc.74-10233 Filed 5-2-74;8:45 am]

CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN

NOTICE OF MEETING

Notice is hereby given of a meeting to be held by the Citizens' Advisory Council on the Status of Women established by Executive Order 11126 of November 1, 1963.

The meeting will begin on May 10, 1974, at 9:30 a.m., in Room 213 C and D, lower level of the Department of Labor Building, 14th and Constitution Avenue NW., Washington, D.C. The meeting will reconvene at 9:30 a.m. on May 11 in the Council Room of the Washington Hotel, 15th and Pennsylvania Avenue NW., Washington, D.C.

During the course of the meeting the following subjects will be discussed in the following order: Women's Stake in National Health Insurance, Status Report on Women in the Military, Use of Women's Own Name After Marriage, International Women's Year, and Recommendations and Future Program.

Members of the public are invited to attend the proceedings.

Any written data, views, or arguments received by the Council's executive secretary concerning the subjects to be considered on or before May 7, 1974, together with 25 duplicate copies will be provided to the members and will be included in the minutes of the meeting.

Interested persons wishing to address the Council at the meeting should submit a request to be heard to the executive secretary no later than May 7, 1974, stating the nature of their intended presentation and the amount of time they will need. At the commencement of the meeting the chairperson will announce the extent to which time will permit the granting of such requests.

Communications to the executive secretary should be addressed as follows:

Catherine East, Executive Secretary, Citizens' Advisory Council on the Status of Women, Room 1336, Department of Labor Building, Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of April 1974.

CATHERINE EAST,
Executive Secretary.

[FR Doc.74-10205 Filed 5-2-74;8:45 am]

CIVIL RIGHTS COMMISSION

IOWA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Iowa State Advisory Committee (SAC) to this Commission will convene at 11 a.m. on May 7, 1974, at the Ramada Inn, 116 Kenyon, Fort Dodge, Iowa 50501.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting shall be to plan for the release of the Iowa SAC Report entitled "Racial Problems in Fort Dodge, Iowa."

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 24, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-10174 Filed 5-2-74;8:45 am]

MASSACHUSETTS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on May 8, 1974, at the Parker House, 60 School Street, Boston, Massachusetts 02108.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to hold a final briefing session in preparation for the May 15–16 factfinding meeting on equal employment opportunities in the State of Massachusetts.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 29, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-10175 Filed 5-2-74;8:45 am]

MASSACHUSETTS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Massachusetts State Advisory Committee (SAC) to this Commission will convene at 9 a.m. on May 15 and reconvene at 9 a.m. on May 16, 1974, at the John McCormack Post Office and Court House, No. 1 Post Office Square, Devonshire and Milk Streets, Boston, Massachusetts 02109. These sessions shall be open to the public.

Closed or executive SAC sessions may be held at such time and place as deemed necessary to discuss matters which may tend to defame, degrade, or incriminate individuals. Such sessions will not be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, national origin or in the

administration of justice which affect persons residing in the State of Massachusetts with special emphasis on equal employment opportunities in the State; to appraise denial of equal protection of the laws under the Constitution because of race, color, religion, sex, national origin or in the administration of justice as these pertain to equal employment opportunities in the State of Massachusetts; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, national origin or in the administration of justice with respect to equal employment opportunities in the State of Massachusetts; and to related areas.

These meetings will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 29, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-10176 Filed 5-2-74;8:45 am]

NEW MEXICO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the New Mexico State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on May 9, and reconvene at 9 a.m. on May 10, 1974, at the State Personnel Office, 130 South Capitol Street, Santa Fe, New Mexico 87501. These sessions shall be open to the public.

Closed or executive SAC sessions may be held at such time and place as deemed necessary to discuss matters which may tend to defame, degrade, or incriminate individuals. Such sessions will not be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or the administration of justice with special emphasis on equal employment opportunities in the State of New Mexico as they relate to the civil rights of American Indians; to appraise denial of equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or the administration of justice as these pertain to equal employment opportunities in the State of New Mexico as they relate to the civil rights of American Indians; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, national origin, or the administration of justice with respect to equal employment opportunities in the State of New Mexico as they relate to the civil rights of American Indians; and to related areas.

A planning meeting of the Texas State Advisory Committee will convene at 6:30 p.m. on May 8, 1974, at the Airport Marina, 2910 Yale Boulevard, Albuquerque, New Mexico 87107. Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205. The purpose of this meeting shall be to hold a final briefing session in preparation for the May 9–10 factfinding meeting on equal employment opportunities in the State of New Mexico as they relate to the civil rights of American Indians.

These meetings will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 26, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-10177 Filed 5-2-74;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 4 p.m. on May 28, 1974, at the Phelps Stokes Fund, 10 East 87 Street, New York, New York 10028.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss briefing plans for a proposed SAC factfinding meeting on Social Services in the Asian Community.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 25, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-10178 Filed 5-2-74;8:45 am]

OHIO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio State Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. on May 18, 1974, at The Neil House, 41 South High Street, Columbus, Ohio 43215.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be to discuss the first draft of the Ohio prison project report.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 29, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-10179 Filed 5-2-74;8:45 am]

WASHINGTON STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meting of the Washington State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on May 17, 1974, in the Pacific Evergreen Room, Olympic Hotel, Fourth and Seneca Streets, Seattle, Washington 98101.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting shall be to discuss the release of a Washington SAC report entitled "Report on Indian Education—State of Washington."

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 24, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-10180 Filed 5-2-74;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, May 15, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the

Federal Employees Pay Council would not be open to the public.

For the President's Agent:

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.74-10115 Filed 5-2-74;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, May 8, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent:

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc. 74-10116 Filed 5-2-74;8:45 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

REVISED NOTICE OF MEETINGS

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under the authority of section Pub. L. 91-452, Part D, sec. 804-808 of the Organized Crime Control Act of 1970, will meet on May 15, 1974, in Room 457 of the Russell Senate Office Building, Washington, D.C., at 9:30 a.m. with the Department of Justice and at 2 p.m. with the Internal Revenue Service for the purpose of holding hearings. The reason for this Revised Notice is that Mr. Donald C. Alexander, Commissioner of the Internal Revenue Service, and other Internal Revenue Service personnel, will present testimony which they would be unable to do on May 8, 1974.

The purpose of these hearings will be to enable the Commission to explore the experiences of the Department of Justice and the Internal Revenue Service concerning their investigations and prosecution of gambling activities pursuant to those Federal statutes governing the prohibition and taxation of gambling activities. Representatives from these agencies will present statistical information relating to existing enforcement practices and in addition will offer testimony as to any recommendations they may have which in their opinion may serve to improve the effectiveness of the said existing practices.

The Hearings of the Commission will be open to the public, and interested persons are invited to attend. The rules of procedure for person or persons presenting matters to the Commission are subject to the following conditions:

(a) Any such interested person or persons must receive authorization to present such matters from the Chairman of the Commission. Not later than seven (7) days preceding such Executive or Public Hearings, a request for such authorization must be received in writing at the offices of the Commission. Such a request shall be accompanied by a concise description of the material which such person or persons desire to present to the Commission or Subcommittee.

(b) The Chairman of the Commission shall, within three (3) days from the receipt of such a request make a determination that the subject matter presented by such interested person or persons is timely and appropriate for such Executive or Public Hearings of the Commission or Subcommittee thereof, and shall notify such interested person or persons by Certified Mail of the decision.

(c) In the event such interested person or persons are allowed to present matters to the Commission or Subcommittee thereof in Executive or Public Hearings, then a prepared written statement of expected presentation shall be filed in the office of the Commission, not later than 48 hours in advance of the hearings of which the statement is to be presented.

(d) After the receipt of the statement of expected presentation, the Chairman shall then make a determination of the extent that time is available for such interested person or persons to present oral statements in addition thereto. In the event that the Chairman determines that time is not available for such oral statements, the interested person or persons' statement shall be recorded and made a part of the subject proceedings.

(e) Provided further that any such interested person or persons who feel aggrieved by or takes exception to any of the determinations made by the Chairman of the Commission shall have the opportunity to present in writing to each member of the Commission the basis for such grievance or exception taken to such ruling by the Chairman and thereafter the decision of the Chairman shall be reconsidered by each member of the Commission at its next regular meeting or hearing. Notice by Certified Mail to such interested person or persons shall include the final decision of the full Commission on its reconsideration and shall constitute notification of the action taken by the Commission.

(f) Any deviation from the preceding requirements, shall constitute on the part of such interested person or persons, a withdrawal of any request previously made.

JAMES E. RITCHIE,
Executive Director.

[FR Doc.74-10241 Filed 5-2-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/51]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before July 2, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after July 2, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 12519-R. Aerochem, Inc., 1809 English Street, High Point, North Carolina 27260. *Aerochem Pool Algaecide.* Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio)-ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 12519-E. Aerochem, Inc., 1809 English Street, High Point, North Carolina 27260. *Aerochem Pool Algaecide Concentrate.* Active Ingredients: Poly-[oxyethylene(dimethyliminio) ethylene-

(dimethyliminio) - ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34144–R. Anderson Water Engineering Co., 843 West Monroe Street, Chicago, Illinois 60607. *Chemitrol Algaecide*. Active Ingredients: Poly[oxyethylene-(dimethyliminio) ethylene(dimethyliminio)-ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34136–R. Aqua-Lyte Inc., 42 Weatherstone Parkway, Marietta, Georgia 30062. *Slimicide 30*. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio) - ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34136–E. Aqua-Lyte Inc., 42 Weatherstone Parkway, Marietta, Georgia 30062. *Algaecide B*. Active Ingredients: Poly[oxyethylene(dimethylimonio) ethylene-(dimethyliminio)ethylene dichloride] 12.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34136–G. Aqua-Lyte Inc., 42 Weatherstone Parkway, Marietta, Georgia 30062. *Algaecide A*. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene-(dimethyliminio)ethylene dichloride] 8.57%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34136–U. Aqua-Lyte Inc., 42 Weatherstone Parkway, Marietta, Georgia 30062. *Slimicide 15*. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene(dimethyliminio)-ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34136–A. Aqua-Lyte Inc., 42 Weatherstone Parkway, Marietta, Georgia 30062. *Slimicide 20*. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene(dimethyliminio)-ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34136–L. Aqua-Lyte Inc., 42 Weatherstone Parkway, Marietta, Georgia 30062. *Slimicide 12*. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene(dimethyliminio)-ethylene dichloride] 12.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 467–EN. Barton Chemical Corporation, 5331 West 66th Street, Chicago, Illinois 60638. *Algae-Trol*. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 467–RO. Barton Chemical Corporation, 5331 West 66th Street, Chicago, Illinois 60638. *Algae-Trol Concentrate*. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene(dimethyliminio)-ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 21779–R. California Pool Service, Inc., 8802 Daffodil Street, Houston, Texas 77042. *Bio-Chlor Algaecide Concentrate*. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene(dimethyliminio)-ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 31964–G. Gessco Sales Division, Gulf Engineering, Co., Inc., 1000 South Peters, New Orleans, Louisiana 70130. *Gesscocide 30*. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio)-ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 6799–I. Griffin Chemical Co., 1326 South 7th Street, Louisville, Kentucky 40208. *W–60 Algeacide*. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio)-ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5905–URN. Helena Chemical Company, Clark Tower, 5100 Poplar Avenue, Suite 2900, Memphis, Tennessee 38137. *M–50 Methoxychlor Insecticide Wettable Powder*. Active Ingredients: Methoxychlor, Technical 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–UNO. Helena Chemical Company, Clark Tower, 5100 Poplar Avenue, Suite 2900, Memphis, Tennessee 38137, *Helena Brand Soil Fumigant 12.1 C*. Active Ingredients: 1,2-Dibromo-3-Chloropropane 81.7%; Other Halogenate C_3 Compounds 4.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33733–R. HVAC Services, Inc., 2011 Greenspring Drive, Timonium, Maryland 21093. *HVAC Algaecide #101*. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio) - ethylene dichloride] 15.0%. Method of Support: Appplication proceeds under 2(b) of interim policy.

EPA File Symbol 5967–RRO. Moyer Chemical Comany, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Omite Dust No. 4*. Active Ingredients: 2-(p-tert-butylphenoxy) cyclohexyl 2-propynyl sulfite 4.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967–RRI. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Moyer Chemical Ethion 25 WP*. Active Ingredients: Ethion 25.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34140–R. Pan American Chemical Co., 5702 East Admiral Boulevard, Tulsa, Oklahoma 74115. *AG–X*. Active Ingredients: Poly[oxyethylene(dimethylene (dimethyliminio) ethylene(dimethyliminio)ethylene(dimethyliminio) - ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34140–E. Pan American Chemical Co., 5702 East Admiral Boulevard, Tulsa, Oklahoma 74115. *Algae Ban*. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene - (dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34138–R. Patio Pools, Inc., 3413 East Greenridge Street, Houston, Texas 77027. *Patio Pool Algaecide Concentrate*. Active Ingredients: Poly[oxyethylene-(dimethyliminio)ethylene (dimethyliminio)-ethylene dichloride] 40.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34138–E. Patio Pools, Inc., 3413 East Greenridge Street, Houston, Texas 77027. *Patio Pool Algaecide*. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio) - ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 438–AE. State Chemical Company, P.O. Drawer No. 310, 100 Houston Street, Amarillo, Texas 79105. *Staco-Cide*. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio) - ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 438–AR. State Chemical Company, P.O. Drawer No. 310, 100 Houston Street, Amarillo, Texas 79105. *Staco-Algicide Concentrate*. Active Ingredients: Poly-[oxyethylene(dimethyliminio)ethylene(dimethyliminio)-ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

Republished Items

The following item represents a correction and/or change in the list of Applications Received previously published in the Federal Register of April 4, 1974 (39 FR 12283).

EPA Reg. No. 359–620. Chipman Division of Rhodia, Inc., 120 Jersey Avenue, P.O. Box 2009, New Brunswick, New Jersey 08903. *Zolone EC . . .* Method of Support: Application proceeds under 2(c) of interim policy. Correction: Originally published as proceeding under 2(b) of interim policy.

The following item represents a correction and/or change in the list of Applications Received previously published in the Federal Register of April 24, 1974 (39 FR 14541).

EPA File Symbol 3640–TE. Stearns Chemical Corporation, 4200 Sycamore Avenue, Madison, Wisconsin 53704. *Banquet BFC–13 Liquid Iodine Bearing Detergent/Sanitizer*. Correction: Originally published as *Banquet BFC–13 Liquid Iodine Bearing Betergent/Sanitizer*.

Dated: April 26, 1974.

Douglas D. Campt,
Acting Director,
Registration Division.

[FR Doc.74–10049 Filed 5–2–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Canadian List No. 522—April 16, 1974

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		580 kHz							
CHLC (correction to coordinates).	Hauterive, Quebec, N. 49°10'34", W. 68°18'41".	5D/2.5N	DA-2	U	III				
		800 kHz							
CHAB (correction to antenna system).	Moose Jaw, Saskatchewan, N. 50°23'55", W. 105°42'10".	10	DA-N ND-D-*180*	U	II				
		1230 kHz							
CHQB (correction to coordinates).	Powell River, British Columbia, N. 49°48'10", W. 124°36'10".	1	DA-1	U	III				
		1280 kHz							
CJMS (now in operation)	Montreal, Quebec, N. 45°19'31", W. 73°32'55".	50	DA-2	U	III				
		1290 kHz							
(New)	Matane, Quebec, N. 48°48'01", W. 67°37'03".	10	DA-2	U	III				E.I.O. 4-16-75.
		1350 kHz							
CJCR (now in operation)	Gander, Newfoundland, N. 48°58'30", W. 54°36'47".	1	ND-185	U	III	135	120	283	
		1490 kHz							
CJMC (assignment of call letters).	Ste-Anne-des-Monts, Quebec, N. 49°09'03", W. 66°26'14".	1D/0.25N	ND-190	U	IV	165	120	264	

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-10058 Filed 5-2-74;8:45 am]

[Report No. 698]

COMMON CARRIER SERVICES INFORMATION [1]

Applications Accepted for Filing [2]

APRIL 29, 1974.

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.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21255-C2-AL-74—Estate of Otis J. Stanley. Consent to Assignment of License from Estate of Otis J. Stanley, ASSIGNOR to Answer Iowa, Inc., ASSIGNEE, Station: KWH325, Davenport, Iowa.

21256-C2-AL-74—Estate of Otis J. Stanley. Consent to Assignment of License from Estate of Otis J. Stanley, ASSIGNOR to Answer Iowa, Inc., ASSIGNEE. Station: KAF642, Davenport, Iowa.

21257-C2-P-(4)-74—A Plus Communications of Puerto Rico, Inc. d/b as Caribbean Mobile Telephone Systems (NEW). C.P. for a new 2-way station to operate on 454.150, 454.225, 454.050, and 454.100 MHz to be located at Intersection of Avenida Pinero and Avenida San Patrico, Caparra Heights, Puerto Rico.

21258-C2-MP-(2)-74—Owen W. Hand (KUO 645). C.P. to replace transmitter operating on 152.12 MHz and for additional facilities to operate on 152.18 MHz located at Avalon Blvd., Swainton, New Jersey.

21259-C2-P-74—Berkshire Communicators, Inc. (KCA237). C.P. for additional facilities to operate on 152.09 MHz to be located at a new site described as Loc. No. 3: Mohawk Trail, near Eastern edge of City Limits, North Adams, Massachusetts.

21260-C2-P-(2)-74—Lett Electronics, Inc. (KEK275). C.P. for additional facilities to operate on 454.225 and 454.350 MHz at Loc. No. 1: 800 N. Halstead, Hutchinson, Kansas.

21261-C2-P-(4)-74—Dee Wetmore d/b as Westside Answering Service (KFL877). C.P. to change antenna system operating on 454.025 MHz and for additional facilities to operate on 454.050, 454.100, and 454.125 MHz located at 3717 Spruce Street, Tampa, Florida.

21262-C2-P-74—RCC of Virginia, Inc. (NEW). C.P. for a new 1-way station to operate on 152.24 MHz to be located at Sunnyside, Winchester, Virginia.

21263-C2-P-74—RCC of Virginia, Inc. (NEW). C.P. for a new 1-way station to operate on 152.24 MHz to be located .44 mile SSE. of Lynchburg, Virginia.

21264-C2-P-74—Byron W. White, d/b as Band Communications (NEW). C.P. for a new 2-way station to operate on 152.21 MHz to be located at North End of Ganett Street, Athens, Texas.

21265-C2-P-74—Continental Telephone Company of California (KMA746). C.P. for additional facilities to operate on 152.57 MHz located 5 miles SW. of Tupman, California.

21266-C2-TC-74—Electro-Craft, Inc. Consent to Transfer of Control from Estate of Jack A. Crowley, deceased, ASSIGNOR, to Executrix of the estate of Jack A. Crowley, Orel

[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).

E. Crowley, ASSIGNEE. Station: KOP323, Rapid City, South Dakota.

21267–C2–P–74—Marathon Mobil Phone (KTS248). C.P. to change frequency from 152.12 MHz to 152.03 MHz located at 5996 Overseas Highway, Marathon, Florida.

21268–C2–P–(2)–74—Mobilfone Communications, Inc. (NEW). C.P. for a new 2-way station to operate on 454.325 and 454.350 MHz to be located at Hwy. 81, 1.3 miles NE. of San Marcos, Texas.

21269–C2–P–(4)–74—Answer, Inc. of San Antonio (KKG559). C.P. for additional facilities to operate on 454.150, 454.200, 454.250, and 454.350 MHz at KWEX–TV Tower, 411 W. Durango Blvd., San Antonio, Texas, Loc. No. 1.

21270–C2–P–74—Pacific Northwest Bell Telephone Company (KOF904). C.P. to change antenna system operating on 152.63 MHz located at Ortly Ridge, 6.2 miles NW. of the Dalles, Oregon.

21271–C2–P–74—Airsignal International, Inc. (KKG411). C.P. to relocate facilities operating on 152.12 MHz at Loc. No. 2: to Southland Life Building, Dallas, Texas.

21272–C2–P–74—P. L. Woodbury, d/b as Mobilfone of Kansas (NEW). C.P. for a new 1-way station to operate on 152.24 MHz located 2 miles East of McPherson, Kansas.

21273–C2–P–(6)–74—Rogers Radio Communications Service, Inc. (KSC644). C.P. to relocate facilities, change antenna system, and replace transmitters operating on 43.22 and 43.58 MHz at Loc. No. 1: 1 IBM Plaza, Chicago, Illinois; add antenna location No. 2 to operate on 43.22 and 43.58 MHz to be located at 143rd Street and State Road, Lockport, Illinois; and add antenna location No. 3 to operate on 43.22 and 43.58 MHz to be located at 5110 Tollview Road, Rolling Meadows, Illinois.

21274–C2–P–74—Waco Communications, Inc. (NEW). C.P. for a new 2-way station to operate on 152.12 MHz to be located 1 mile NNW. of Hamilton, Texas.

21275–C2–P–74—Polar Rural Telephone Mutual Aid Corporation (KAH671). C.P. for additional facilities to operate on 152.51 MHz located 2.5 miles NW. of Lankin, North Dakota.

21277–C2–P–74—Area-Wide Paging System, Inc. (KQK593). C.P. for additional facilities to operate on 43.58 MHz located at 50 Public Square Terminal Tower Building, Cleveland, Ohio.

21278–C2–P–74—South Central Bell Telephone Company (NEW) (Air-Ground). C.P. for a new air-ground station to operate on 454.850 base to be located at 3951 Erato Street, New Orleans, Louisiana.

21279–C2–P–74—Road Runner Radio Paging Service, Inc. (KKN282). C.P. for additional facilities to operate on 152.21 MHz located at East Mountain, 8 miles NW. of Longview in Upshur County, Texas.

21280–C2–P–74—Earl R. Law & Bart E. Gonzalez, d/b as Am-Tex Dispatch Service (KTS259). C.P. to relocate facilities and change antenna system and replace transmitter operating on 152.24 MHz to be located at 6th & Tayler, Amarillo, Texas.

21281–C2–P–(3)–74—Radio Enterprises of Ohio, Inc. (NEW). C.P. for a new 1-way station to operate on 35.33 MHz at three locations: Loc. No. 1: Jefferson Road, Ashtabula, Ohio; Loc. No. 2: 84 North State Street, Painesville, Ohio; and Loc. No. 3: 111 Water Street, Chardon, Ohio.

21284–C2–P–(2)–74—RCC of Virginia, Inc. (KLF465). C.P. for additional facilities to operate on 152.12 and 152.18 MHz to be located .44 mile SSE. of Lynchburg, Virginia.

21285–C2–P–74—Earl R. Law & Bart E. Gonzalez, d/b as Am-Tex Dispatch Service (KLB564). C.P. for additional facilities to operate on 152.03 MHz located at 1800 West Second Street, Amarillo, Texas.

21286–C2–P–74—Farmers' Mutual Telephone Company (KBM520). C.P. to change antenna system and replace transmitter operating on 152.63 MHz located 2 miles North of Rockford, Iowa.

21282–C2–P–74—DPRS, Inc., trading as Zipcall (KCB890). C.P. to add standby facilities to operate on 43.58 MHz at Loc. No. 7: Asnebumskit Hill, 2.6 miles East of Paxton, Mass.

MAJOR AMENDMENTS

20878–C2–P–74—Mobilefone Service, Inc., Ponca City, Oklahoma. Amend base frequency 152.12 to read 152.15. All other particulars are to remain as reported on PN 686, dated February 4, 1974.

20909–C2–P–(2)–74—L. M. Kelley, d/b as Seattle Radiotelephone Service (KOA733). Amend base frequency 454.225 to read 454.275 MHz. All other particulars to remain as reported on PN 687, dated February 11, 1974.

20983–C2–P–(3)–74—Edward C. Smith d/b as Answerite Professional Telephone Service (KIY581). Amend to add a repeater station to operate on 2129.6 MHz at a location described as Route 526, 6 miles West of Orlando, Florida (Lat. 28°32'30" N., Long. 81°30'38" W.), and a control station to operate on 2179.6 MHz at a location described as 63 East Pine Street, Orlando, Florida (Lat. 28°32'25" N., Long. 81°22'41" W.). All other particulars to remain as reported on PN 697, dated March 22, 1974.

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.

Telephone Communications, Inc., Waukegan, Illinois (NEW) 20219–C2–P–74.

In Touch Communications, Inc., Lake Geneva, Wisconsin (NEW) 20018–C2–P–(2)–74.

CORRECTIONS

20029–C2–P–(2)–74 on PN 658, dated July 23, 1973, is a major amendment to 8449–C2–P–(2)–73 on PN 650. All other particulars are to remain as reported on PN 650, dated May 29, 1973.

20032–C2–P–(3)–74—AAA Anserphone, Inc.-Jackson (NEW). Correct to read amend application file No. 20033–C2–P–74 to add additional facilities on frequencies 454.025, 454.250, and 454.300 MHz. All other particulars to remain as reported on PN 658, dated July 23, 1974.

Renewal of Licenses expiring April 1, 1974.

Term: April 1, 1974, to April 1, 1979.

Call sign	*Licensee*
	Massachusetts
KCA237	Berkshire Communicators, Inc.
	Texas
KSV948	Navajo Communications Co., Inc.
KSV949	Navajo Communications Co., Inc.

RURAL RADIO SERVICE:

60263–C6–P–74—Mountain States Telephone and Telegraph Company (NEW). C.P. for a new rural subscriber station to operate on 157.86 MHz to be located at Globe Ranch, 9.5 miles WSW. of Grand Canyon Village, Arizona.

60264–C6–P–74—RCA Alaska Communications, Inc. (NEW). C.P. for a new interoffice station to operate on 454.600 MHz located at White Alice Communication site at Mile 227, Richardson Highway; 38.5 miles South of Delta Junction, Black Rapids, Alaska.

60265–C6–P–74—RCA Alaska Communications, Inc. (NEW). C.P. for a new interoffice station to operate on 459.600 MHz located at Alyeska pipeline construction site at Mile 180, Richardson Highway; 42 miles South of Delta Junction, Pump Station No. 10, Alaska.

60266–C6–P–74—RCA Alaska Communications, Inc. (NEW). C.P. for a new interoffice station to operate on 454.425 MHz located at White Alice Communication site 9 miles west of Mile 164, Richardson Highway; 74 miles South of Delta Junction, Paxson, Alaska.

60267–C6–P–74—RCA Alaska Communications, Inc. (NEW). C.P. for a new interoffice station to operate on 459.425 MHz located at Alyeska pipeline construction site near Summit Lake Lodge at Mile 194, Richardson Highway, Paxson Camp, Alaska.

60268–C6–P–74—RCA Alaska Communications, Inc. (NEW). C.P. for a new interoffice station to operate on 454.575 MHz located at White Alice Communications site at Mile 189 Glen Highway, in Glennallen, Alaska.

60269–C6–P–74—RCA Alaska Communications, Inc. (NEW). C.P. for a new interoffice station to operate on 459.575 MHz located at Alyeska pipeline construction site at Mile 110 on Richardson Highway; 4 miles South of Glennallen, Glennallen Camp, Alaska.

60270–C6–P–74—RCA Alaska Communications, Inc. (NEW). C.P. for a new interoffice station to operate on 454.450 MHz located at Remote repeater site near Mile 88, Richardson Highway; 12 miles South of Copper Center, Stuck, Alaska.

60271–C6–P–74—RCA Alaska Communications, Inc. (NEW). C.P. for a new interoffice station to operate on 459.450 MHz to be located at Alyeska pipeline construction site at Mile 69 on the Richardson Highway; 42 miles South of Glennallen, Tonsina Camp, Alaska.

60272–C6–P–74—RCA Alaska Communications, Inc. (NEW). C.P. for a new interoffice station to operate on 454.650 MHz located at Alyeska pipeline construction site, near Mile 18 on Richardson Highway, 15 miles East of Valdez, Sheep Creek Camp, Alaska.

60273–C6–P–74—RCA Alaska Communications, Inc. (NEW). C.P. for a new interoffice station to operate on 459.650 MHz located at Remote repeater site near Hill 7067; 17.5 miles East of Valdez, Keystone, Alaska.

60274–C6–P–74—RCA Alaska Communications, Inc. (NEW). C.P. for a new interoffice station to operate on 454.375 MHz located at Alyeska pipeline terminus construction site; 4 miles South of Valdez, Valdez Terminal, Alaska.

60275–C6–P/L–74—RCA Alaska Communications, Inc. (NEW). C.P. for a new central office station to operate on 152.66 MHz located at Building T1, Cold Bay, Alaska.

60276–C6–P/L–74—RCA Alaska Communications, Inc. (NEW). C.P. for a new rural subscriber station to operate on 157.92 MHz located 43 miles NE. of Cold Bay, Cathedral River, Alaska.

60277–C6–P–74—RCA Alaska Communications, Inc. (WGF99). C.P. to change frequencies from 157.77 and 157.83 MHz to 157.95 and 158.01 MHz; relocate facilities, change antenna system, and replace transmitters located at Village Health Aid Office, White Mountain, Alaska.

60278–C6–P/L–74—RCA Alaska Communications, Inc. (WGG27). C.P. to relocate facilities, change antenna system, and replace transmitter operating on 157.95 and 158.01 MHz located at George Madro, Sr. Home, Kaltag, Alaska.

60279–C6–P/L–74—RCA Alaska Communications, Inc. (WOG23). C.P. to add facilities

to operate on 152.75 MHz, change antenna system operating on 454.450 and 454.65 MHz located 190 miles ESE. of Barrow, Frontier Camp, Alaska.

POINT TO POINT MICROWAVE RADIO SERVICE:

3863-C1-MP-74—Southern Pacific Communications Company (KEU95) Dallas, Texas. Lat. 32°42'30" N., Long. 96°44'56" W. Mod. C.P. to delete point of communication on freq. 5974.8V MHz towards Nevada, Texas, on azimuth 42°37'.

3864-C1-MP-74—Same (KEV45), Jonesboro, Arkansas. Lat. 35°47'34" N., Long. 90°44'-41" W. Mod. C.P. to delete point of communication on freq. 6004.5H MHz towards Fisher, Arkansas, on azimuth 212°54'.

3944-C1-P-74—The Mountain States Telephone and Telegraph Company (KPR48), 16 West Fourth Street, Hardin (Big Horn), Montana. Lat. 45°44'00" N., Long. 107°36'-24" W. C.P. to add freq. 11,075.0H MHz towards Fort Custer, Montana, via passive reflector.

3945-C1-P-74—Same (KPZ97), 20 miles SW. of Hardin (Big Horn), Montana, Lat. 45°-30'55" N., Long. 107°52'57" W. C.P. to add freq. 11,525.0H MHz towards Hardin, Montana, via passive reflector.

3946-C1-P-74—Southwestern Bell Telephone Company (KTQ97), 1408 Broadway, Lubbock (Lubbock), Texas. C.P. to add freq. 4030V MHz towards Slaton, Texas, on azimuth 110°41'.

3947-C1-P-74—Same (KTQ98), 5.4 miles NE. of Slaton (Lubbock), Texas. Lat. 33°29'46" N., Long. 101°34'13" W. C.P. to add freq. 4090H MHz towards Lubbock, Texas, on azimuth 290°50'.

3948-C1-P-74—Southern Bell Telephone and Telegraph Company (KJB50), 415 Clay Street, Jacksonville (Duval), Florida. Lat. 30°19'51" N., Long. 81°39'47" W. C.P. to change polarization from Horizontal to Vertical on freqs. 3770, 3850, 3930, 4010, 4090, and 4170 MHz towards Jacksonville Beach, Florida, on azimuth 96°18'.

3949-C1-P-74—Same (KJK61), Corner of North 3rd Street and North 17th Avenue, Jacksonville Beach (Duval), Florida. Lat. 30°18'18" N., Long. 81°23'47" W. C.P. to change polarization on freqs. 3730, 3810, 3890, 3970, 4050, and 4130 MHz towards Sampson Church, Florida, from Vertical to Horizontal on azimuth 201°08'; change polarization from Horizontal to Vertical on freqs. 3730, 3810, 3890, 3970, 4050, and 4130 MHz towards Jacksonville 2, Florida, on azimuth 276°26'.

3951-C1-P-74—Same (KJK63), 5.2 miles WSW. of Summer Haven (St. Johns), Florida, Lat. 29°39'30" N., Long. 81°18'02" W. C.P. to change polarization from Vertical to Horizontal on freqs. 3770, 3850, 3930, 4010, 4090, and 4170 MHz towards St. Augustine, Florida, on azimuth 350°34'; change polarization from Vertical to Horizontal on freqs. 3770, 3850, 3930, 4010, 4090, and 4170 MHz towards Flagler Beach, Florida, on azimuth 144°18'.

3952-C1-P-74—Southern Bell Telephone and Telegraph Company (KJK64), 0.75 mile West of City Limits of St. Augustine (St. Johns), Florida. Lat. 29°53'45" N., Long. 81°20'45" W. C.P. to change polarization from Horizontal to Vertical on freqs. 3730, 3810, 3890, 3970, 4050, and 4130 MHz towards Sampson Church, Florida, and from Vertical to Horizontal on freqs. 3730, 3810, 3890, 3970, 4050, and 4130 MHz towards Midway, Florida, on azimuth 170°33'.

3953-C1-P-74—Same (KJK65), 1.2 miles SW. of Flagler Beach (Flagler), Florida. Lat. 29°28'03" N., Long. 81°08'38" W. C.P. to change polarization from vertical to horizontal on freqs. 3730, 3810, 3890, 3970, 4050, and 4130 MHz towards Midway, Florida, on azimuth 324°22'; freq. 3730, 3810, 3890, 3970, 4050, and 4130 MHz from Horizontal to Vertical towards Daytona Beach, Florida, on azimuth 157°43'.

3954-C1-P-74—Same (KJK66), 268 N. Ridgewood Avenue, Daytona Beach, (Volusia), Florida. Lat. 29°12'53" N., Long. 81°01'33" W. C.P. to change polarization from horizontal to vertical on freqs. 3770, 3850, 3930, 4010, 4090, and 4170 MHz towards Flagler Beach, Florida, on azimuth 337°46'.

3966-C1-P-74—General Telephone Company of Indiana, Inc. (KSG61), 303 E. Berry Street, Fort Wayne (Allen), Indiana. Lat. 41°04'49" N., Long. 85°08'11" W. C.P. to change freqs., power, and replace transmitters to freqs. 6078.6H MHz towards Churubusco, Indiana, on azimuth 317°33'.

3967-C1-P-74—Same (KSI56), 0.06 Km ENE. of the intersection of roads US 33 and Indiana 205 in Churubusco (Whitley), Indiana. Lat. 41°13'50" N., Long. 85°19'07" W. C.P. to change freqs. power and replace transmitter to freqs. 6330.7H MHz towards Fort Wayne, Indiana, on azimuth 137°26'; freq. 6212.0H MHz towards Albion, Indiana, on azimuth 334°23'.

3968-C1-P-74—Same (KSI57), 0.08 Km SW. of intersection of roads, Indiana 8 and Indiana 9 in Albion (Noble), Indiana. Lat. 41°23'42" N., Long. 85°25'24" W. C.P. to change freq., power, and replace transmitter to freq. 5989.7H MHz towards Churubusco, Indiana, on azimuth 154°19'.

3969-C1-P-74—Pacific Northwest Bell Telephone Company (KOJ93), Joe Butte, 7 miles South of Kennewick (Benton), Washington. Lat. 46°06'13" N., Long. 119°07'43" W. C.P. to add freq. 3950V MHz towards Irrigon, Oregon, on azimuth 222°58'.

3970-C1-P-74—Same (KOQ86), 5 miles North of Skamania (Skamania), Washington. Lat. 45°41'02" N., Long. 122°04'13" W. C.P. to add freq. 3990V MHz towards Livingston Mountain, Washington, on azimuth 268°48'.

3971-C1-P-74—Pacific Northwest Bell Telephone Company (KOQ87), 3.3 miles SE. of Hood River (Hood River), Oregon. Lat. 45°41'00" N., Long. 121°27'52" W. C.P. to add freq. 3950V MHz towards Skamania, Washington, on azimuth 270° 101.

3972-C1-P-74—Same (KOQ38), 2.9 miles NW. of Moro (Sherman), Oregon. Lat. 45°30'58" N., Long. 120°46'45" W. C.P. to add freq. 3990V MHz towards Hood River, Oregon, on azimuth 289°25'.

3973-C1-P-74—Same (KOQ89), 2.5 miles NW. of Roosevelt (Klickitat), Washington. Lat. 45°45'51" N., Long. 120°14'31" W. C.P. to add freq. 3950V MHz towards Moro, Oregon, on azimuth 236°50'.

3974-C1-P-74—Same (KOQ90), Near Irrigon (Morrow), Oregon. Lat. 45°47'39" N., Long. 119°32'23" W. C.P. to add freq. 3990V MHz towards Roosevelt, Washington, on azimuth 266°45'.

3975-C1-P-74—Bell Telephone Company of Nevada (KPF95), Florida Canyon, 2.5 miles SE. of Humboldt (Pershing), Nevada. Lat. 40°34'23" N., Long. 118°13'29" W. C.P. to add freqs. 11,115V and 10,955V MHz towards Lovelock, Nevada, on azimuth 214°-42'; freq. 11,155V and 10,995V MHz towards Winnemucca, Nevada, via passive reflector.

3976-C1-P-74—Same (WIV57), 19 miles SW. of Lovelock (Churchill), Nevada. Lat. 39°59'55" N., Long. 118°44'27" W. C.P. to add freq. 11,405V and 11,565V MHz towards Florida Canyon, Nevada, on azimuth 34°22'.

3977-C1-P-74—Same (New), 102 Railroad Street, Winnemucca (Humboldt), Nevada. Lat. 40°58'13" N., Long. 117°43'52" W. C.P. for a new station on freqs. 11,605V and 11,-445V MHz towards Florida Canyon, Nevada, via passive reflector.

3978-C1-P-74—Southern Pacific Communications Company (New), 418 Duncan Avenue, Jersey City (Hudson), New Jersey. Lat. 40°43'58" N., Long. 74°05'12" W. C.P. for a new station on freq. 10,935V MHz towards New York, New York, on azimuth 78°28'.

3979-C1-MP-74—Same (KFM84), Empire State Building, 5th Avenue at 34th Street, New York (New York), New York. Lat 40°44'54" N., Long. 73°59'10" W. Mod. C.P. to add freq. 11,385H MHz towards a new point of Communication at Jersey City, New Jersey, on azimuth 258°32'.

3980-C1-P-74—General Telephone Company of Florida (KIO64), 1015 4th Avenue Bradenton (Manatee), Florida. Lat. 27°29'-46" N., Long. 82°34'23" W. C.P. to add freqs. 5960,0V MHz towards St. Petersburg, Florida, on azimuth 346°50'; freq. 5960.0V MHz towards Sarasota, Florida, on azimuth 168°27'.

3981-C1-P-74—General Telephone Company of Florida (KIO65), Corner of Pine Place & Bamboo Lane, Sarasota (Sarasota), Florida. Lat. 27°20'06" N., Long. 82°32'10" W. C.P. to add freq. 6212.1V MHz towards Bradenton, Florida, on azimuth 348°28'.

3982-C1-P-74—Same (KIY21), 830 Arlington Avenue, St. Petersburg (Pinellas), Florida. Lat. 27°46'19" N., Long. 82°38'44" W. C.P. to add freq. 6212.1V MHz towards Bradenton, Florida, on azimuth 166°48'.

3983-C1-P-74—Same (KIB48), 400 feet East of Lakeland, Highland Road, and 360 feet North of Seward Lake Drive, Highland City (Polk), Florida. Lat. 27°57'40" N., Long. 81°55'21" W. C.P. to add freqs. 5974.8V, 6034.2V, 6093.5V, 6152.8V and 2126.8H MHz towards a new point of communication at Lithia, Florida, on azimuth 243°10'; freq. 3730.0H, 3810.0H, 3890.0H, and 2117.2H MHz towards a new point of communication at Winter Haven, Florida, on azimuth 69°57'; freqs. 11,075.0V and 11,155.0V MHz towards a new point of communication at Lakeland, Florida, on azimuth 339°08'.

3984-C1-P-74—Same (KIL88), 519 Zack Street, Tampa (Hillsborough), Florida. Lat. 27°57'01" N., Long. 82°27'24" W. C.P. to add freqs. 5974.8H, 6093.5H, 6152.8H, 6004.5V, and 2122.0V MHz towards a new point of communication at Lithia, Florida on azimuth 112°26'.

3985-C1-P-74—Same (KIT47), 200 Avenue B, Northwest, Winter Haven (Polk), Florida. Lat. 28°01'24" N., Long. 81°43'48" W. C.P. to add freqs. 3770.0H, 3850.0H, 3930.0H, and 2167.2H MHz towards a new point of communication at Highland City, Florida, on azimuth 250°02'.

3986-C1-P-74—Same (WAD33), 120 East Line Street, Lakeland (Polk), Florida. Lat. 28°02'24" N., Long. 81°57'22" W. C.P. to add freqs. 11,605.0V and 11,685.0V MHz towards Highland City, Florida, on azimuth 159°07'.

3987-C1-P-74—Same (new), 1,150 feet on bearing 201°30' FTN from Lithia (Hillsborough), Florida. Lat. 27°50'49" N., Long. 82°10'33" W. C.P. for a new station on freqs. 6226.9H, 6345.5H, 6404.8H, 6256.5V, and 2172.0V MHz towards Tampa, Florida, on azimuth 292°34'; freqs. 6226.9V, 6286.2V, 6345.5V, 6404.8V, and 2167.8H MHz towards Highland City, Florida, on azimuth 63°03'.

4001-C1-AL-(7)-74—Northern Ohio Telephone Company. Consent to Assignment of Radio Station License from Northern Ohio Telephone Company, ASSIGNOR, to General Telephone Company of Ohio, ASSIGNEE; for stations KQG62-Norwalk, Ohio, KQK39-Genoa, Ohio; KQK40-Port Clinton, Ohio; KQK42-Willard, Ohio. KQO83-Medina, Ohio; KVU83-South Bass Iland, Ohio; KYJ41-Bowling Green, Ohio.

4002–C1–MP–74—New Jersey Bell Telephone Company (KOA46), 703 Main Street, Paterson (Passaic), New Jersey. Lat. 40°54'11" N., Long. 74°09'58" W. Mod. C.P. to change freq. point of communication and replace transmitter to 7112.5V MHz towards Pan-Am Bldg., New York, on azimuth 136°5'.

4003–C1–P/ML–74—Southern Bell Telephone and Telegraph Company (KIU56), 45 North Magnolia Street, Orlando (Orange), Florida. Lat. 28°32'34" N., Long. 81°22'38" W. C.P. and Mod. of License to add freqs. 6404.8H towards a new point of communication at WSWB-TV Studio, Orlando, Florida, on azimuth 81°05'.

4004–C1–R–74—The Pacific Telephone and Telegraph Company (KMQ44). Any temporary location within the territory of the grantee. Application for Renewal of Radio Station License for Term: May 29, 1974, to May 29, 1975.

4005–C1–P–74—CPI Microwave, Inc. (New) (KDFW–TV Studio), 400 North Griffin Street, Dallas (Dallas), Texas. Lat. 32°46'56" N., Long. 96°48'11" W. C.P. for a new station on freq. 10,955.0V MHz towards Dallas, Texas, on azimuth 153°36'.

3552–C1–P–74—The Mountain States Telephone and Telegraph Company (KOV63), 228 West Adams Street, Phoenix (Maricopa), Arizona. Lat. 33°26'58" N., Long. 112°04'35" W. C.P. to change power, replace transmitter, and change polarization from horizontal to vertical on freq. 10,995 MHz towards White Tank Mountain, Arizona, on azimuth 286°28'.

3553–C1–P–74—Same (KPN84), Oat Mountain, 5 miles ESE. of Montezuma (Maricopa), Arizona. Lat. 33°03'05" N., Long. 113°08'10" W. C.P. to replace transmitter, change power, and change polarity on freq. 10,955 MHz to vertical towards White Tank Mountain, Arizona, on azimuth 430°03'; freqs. 10,755 and 10.995 MHz towards Gila Bend, Arizona, on azimuth 106°15'.

3554–C1–P–74—Same (KPN85), White Tank Mountain, 8 miles WSW. of Waddell, (Maricopa), Arizona. Lat. 33°34'04" N., Long. 112°33'30" W. C.P. to replace transmitter, change power, and polarization from horizontal to vertical on freq. 11,685 MHz towards Phoenix, Arizona, on azimuth 106°12'; and freq. 11,645 towards Oatman Mountain, Arizona, on azimuth 223°22'.

3555–C1–P–74—Same (KPV24), 20 West Papago Street, Gila Bend (Maricopa), Arizona. Lat. 32°56'53" N., Long. 112°43'06" W. C.P. to replace transmitters and change power and polarization from horizontal to vertical on freqs. 11,685 and 11,445 MHz towards Oatman Mountain, Arizona, on azimuth 286°28'.

[FR Doc.74–10193 Filed 5–2–74;8:45 am]

[FCC 74–390]

BOARD OF COMMISSIONERS

Establishment Order

APRIL 30, 1974.

By the Commission:

1. Between April 19 and June 10, 1974, Commissioner Robert E. Lee will be absent from the country in his capacity as Chairman of the United States Delegation to the World Administrative Radio Conference for Maritime Mobile. In view of the fact that the Commission presently has only four members, we hereby establish a Board of Commissioners, pursuant to section 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. § 155(d), consisting of all commissioners present and able to act, which is authorized to act from April 19, 1974 until further order of the Commission upon all matters normally acted upon by the Commission en banc except those matters specified in section 5(d) as being beyond the Commission's delegation authority. This delegation is without prejudice to the reference of appropriate matters to Commissioner Lee during this period for his consideration and vote.

Adopted: April 16, 1974.

Released: April 30, 1974.

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

[FR Doc.74–10192 Filed 5–2–74;8:45 am]

FEDERAL MARITIME COMMISSION

CEYLON/U.S.A. CONFERENCE

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, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 23, 1974. 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.

William L. Hamm, Secretary
Ceylon/U.S.A. Conference
New York Committee
25 Broadway
New York, New York 10004

Agreement No. 8050–10 redefines the consequences attendant to a member line's failure to have a sailing in the trade for three or six months. If the failure to have a sailing for three months is due to force majeure or other circumstances beyond its control, the line concerned may retain all voting privileges if all other lines are agreeable. Should a line not have a sailing for six months then that line may be expelled from the Conference upon the unanimous vote of all other members. Presently, a line is automatically expelled from the Conference for a failure to have a sailing over a period of six months.

By Order of the Federal Maritime Commission.

Dated: April 30, 1974.

JOSEPH C. PALKING,
Assistant Secretary.

[FR Doc.74–10199 Filed 5–2–74;8:45 am]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Amendment of Pending Modification; 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, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 13, 1974. 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. All 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.

Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York 10004

Agreement No. 8210–23 (Sub 1), among the members of the above-named conference, amends Agreement No. 8210–23 which was filed September 28, 1973, and published in the FEDERAL REGISTER October 16, 1973, to give the conference specific authority to join the Canadian American Working Arrangement, Agreement No. 10090, as a single party upon unanimous consent of the member lines.

By Order of the Federal Maritime Commission.

Dated: April 29, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-10200 Filed 5-2-74;8:45 am]

NON-VESSEL OPERATING COMMON CARRIERS

Domestic Offshore Tariff Proceedings

On September 7, 1973, the Commission issued an Order to Show Cause why the individual tariffs of fifty-one (51) named Non-Vessel Operating Common Carriers (NVOCC's) should not be cancelled for failure to complete and return a questionnaire attached to a Commission Section 21 Order.[1] The Order to Show Cause considered "this failure to be prima facie evidence that those NVOCC's no longer operate pursuant to their tariffs."

Of the original fifty-one (51) respondent NVOCC's, twenty-seven (27) failed to respond to the Show Cause Order, while twelve (12) adequately replied, eight (8) responded but with insufficient information, and four (4) had already had their tariffs cancelled. On this basis, Hearing Counsel in their reply of December 3, 1973, urged the Commission to cancel the domestic offshore tariffs of the twenty-seven NVOCC's who failed to respond to the Show Cause Order, to dismiss the proceeding as to the twelve respondents who adequately replied to the Show Cause Order, to order the eight respondents who had inadequately replied to the Show Cause Order to submit additional information (holding in abeyance a final ruling of the Commission as to these respondents), and to dismiss the four respondents who tariffs had already been cancelled.

By a supplemental reply filed December 14, 1973, Hearing Counsel urged the Commission to hold in abeyance further action pertaining to cancellation of the tariff of Shipcosmos Thrucontainers, an NVOCC originally included in the list of those who had failed to reply, inasmuch as said respondent claimed never to have received the Show Cause Order. By a second supplemental reply filed January 25, 1974, Hearing Counsel urged the Commission to dismiss the proceeding as to Shipcosmos Thrucontainers inasmuch as it had as of that date complied with both the Show Cause Order and the Section 21 Order to the satisfaction of the Commission staff.

On April 11, 1974, Hearing Counsel filed their Third Supplemental Reply in which they petitioned the Commission to dismiss the proceeding as to the eight NVOCC's who had originally submitted inadequate replies to the Commission's questionnaire, the eight respondents having satisfactorily complied with the requirements of the Commission's Section 21 Order of February 1, 1973. Hearing Counsel cited either clerical error, misunderstanding or oversight as reasons for the previous inadequate replies.

La Isla Shipping Co. (La Isla), originally among those who had failed to reply, has informed the Commission staff that it had not received either the Section 21 Order or the Show Cause Order in this proceeding and has expressed a willingness to furnish the information requested. Furthermore, a proceeding (Docket No. 74-14) is presently pending before the Commission involving certain tariff matters in the operations of Hawaiian Freight Lines, Inc. (Hawaiian), also among those who had failed to respond to the Section 21 Order. Therefore, a final ruling with regard to these two NVOCC's will be held in abeyance: (1) pending compliance with the requirements of the Section 21 Order by La Isla as set forth hereinafter in the ordering paragraphs, and (2) with respect to Hawaiian, pending final determination of the proceeding (Docket No. 74-14) to which they are a party.

Now, therefore, it is ordered, That pursuant to sections 18(a), 21 and 22 of the Shipping Act, 1916 (46 U.S.C. 817, 820 and 821), and section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844):

(1) that the domestic offshore tariffs of the twenty-four (24) NVOCC's listed in Appendix I hereto be cancelled for failure to respond;

(2) that the twenty-one (21) respondents listed in Appendix II hereto be dismissed from the proceeding because of their acceptable replies;

(3) that the proceeding be dismissed as to the four (4) respondents listed in Appendix III hereto, inasmuch as their tariffs have heretofore been cancelled;

(4) that a final ruling in this proceeding be held in abeyance for thirty (30) days with regard to the following respondent in order to allow for compliance with the Section 21 Order in this proceeding:

La Isla Shipping Co.
166 South 1st Street
Brooklyn, New York 11211

(5) that a final ruling in this proceeding be held in abeyance as to the following respondent pending completion of the proceedings in Docket No. 74-14:

Hawaiian Freight Lines, Inc.
P.O. Box 1601
Honolulu, Hawaii 98806

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX I

NVOCC's which have failed to respond to the Show Cause Order of September 7, 1973.

1. Cal-Hawaiian Freight, Inc.
   695 N. Batavia
   Orange, California 92667
2. D. L. Haynes, Inc.[2]
   4757 E. Slauson Avenue
   Maywood, California 90270
3. Maritime Trucking Co., Inc.
   P.O. Box 2770
   San Juan, Puerto Rico 00903
4. U.C. Household Shipping Co.
   4601 Shattuck Avenue
   Oakland, California 94609
5. Nunez Express Co., Inc.
   1376 Bronx River Avenue
   Bronx, New York 10472
6. Ocean Truck Express Co., Inc.[2]
   989 S.E. 11th Place
   Hialeah, Florida 33010
7. San Lorenzo Express Corp.[2]
   1548 W. North Avenue
   Chicago, Illinois 60622
8. Set Forwarders, Inc.
   330 Wythe Avenue
   Brooklyn, New York 11211
9. Timline[2]
   724 N. E. 2nd Avenue
   Miami, Florida 33132
10. Beverly Hills Transfer & Storage Co.
    221 S. Beverly Drive
    Beverly Hills, California 90212
11. Convan Corp.[2]
    271 Madison Avenue
    New York, New York 10016

    Household Goods Carriers Bureau, Agent
    2425 Wilson Boulevard
    Arlington, Virginia 22201
    Agent for:
12. Alaska Orient Van Service, Inc.
13. Liberty Pac International Corp.
    43 West 64th Street
    New York, New York 10023

    Movers' & Warehousemen's Association of America, Inc.
    Suite 522, Munsey Building
    1329 E Street, N.W.
    Washington, D.C. 20004
    Agents for:
14. Airline Vans, Inc.
15. Anchor Van Lines, Inc.
16. Bader Bros., Van Lines, Inc.
17. Bentley's Inc.
18. Dean Van Lines, Inc.
19. Delcher Brothers' Storage Company
20. Fogarty-Bros. Transfer, Inc.
21. Republic Van and Storage Co., Inc.
22. Smyth Van & Storage Co. of California
23. Trans Country Van Lines, Inc.
24. Nevares Express Shipping, Inc.
    560 Claremont Parkway
    Bronx, New York 10457

APPENDIX II

NVOCC's which have filed acceptable responses to the Show Cause Order of September 7, 1973.

1. Alvarez Shipping Co., Inc.
   3854 3rd Avenue
   Bronx, New York 10457
2. Columbus Express Shipping Co., Inc.
   1158 Southern Boulevard
   Bronx, New York 10459
3. Distribution International Service Co.
   201 North Federal Highway
   Deerfield Beach, Florida 33441
4. Fast Mar Service, Inc.
   4711 Dell Avenue
   North Bergen, New Jersey 07047
5. Hawaiian Express Service, Inc.
   9 First Street
   San Francisco, California 94105
6. La Rosa Del Monte Express, Inc.
   559 East 180th Street
   Bronx, New York 10457
7. San Juan Freight Forwarders, Inc.
   P.O. Box 2099
   Carolina, Puerto Rico 00630

[1] By subsequent *Errata* served October 24, 1973, two of the original fifty-two (52) NVOCC's named in the Show Cause Order were deleted and one new NVOCC's name was added, bringing the total to fifty-one (51).

[2] Indicates that envelope containing questionnaire was returned undelivered.

8. Sea-Progress, Inc.
144–29 156th Street
Jamaica, New York 11434
9. International Export Packers, Inc.
5360 Eisenhower Avenue
Alexandria, Virginia 22304
Movers' & Warehousemen's Association of America, Inc.
Suite 522, Munsey Building
1329 E Street, NW.
Washington, D.C. 20004
Agents for:
10. Cartwright Van Lines, Inc.
11. King Van Lines, Inc.
12. Pyramid Van Lines, Inc.
13. Shipcosmos Thrucontainers
P.O. Box 1205
Hato Rey, Puerto Rico 00919
c/o Norman G. Jensen
222 Adams Street
Chicago, Illinois 60606
14. El Faro Shipping Co.
110 Scholes Street
Brooklyn, New York 11206
15. El Seis de Mayo Express
765 East 149th Street
Bronx, New York 10455
16. Rodriguez Trucking, Inc.
661 Park Avenue
Brooklyn, New York 11206
17. Siegmunds, Inc.
P.O. Box 1205
Hato Rey, Puerto Rico 00919
18. Windward Marine Inc.
575 Sakett Street
Brooklyn, New York 11217
c/o Ms. Gruber, Agent
707 Broadway
Massapequa, New York 11758
19. Cargo in Containers, Inc.
2800 West 38th Street
Chicago, Illinois 60632
Movers' & Warehousemen's Association of America, Inc.
Suite 522, Munsey Building
1329 E Street, NW.
Washington, D.C. 20004
Agents for:
20. Empire Household Shipping Company of New York, Inc.
21. Interstate Van Lines, Inc.

APPENDIX III

NVOCC's whose tariffs have been cancelled pursuant to Supplements 26 and 27 of Household Goods Maritime Tariff No. 1.

Household Goods Carriers Bureau, Agent
2425 Wilson Boulevard
Arlington, Virginia 22201
Agents for:
1. Holman & Co., George B.
2. Martin Van Lines, Inc.
3. Salt Lake Transfer Company

NVOCC whose tariff was cancelled by Supplement No. 1 to Ocean Freight Tariff No. 1000.

4. Modern Intermodal Traffic Corp.
1417 Clay Street
Oakland, California 94612

[FR Doc.74–10201 Filed 5–2–74;8:45 am]

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Amendment of Pending Modification; 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, 1100 L Street, NW, Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 13, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York 10004

Agreement No. 9214–11 (Sub 1) among the member lines of the above-named conference amends Agreement No. 9214–11 which was filed September 28, 1973, and published in the FEDERAL REGISTER October 16, 1973, to give the conference specific authority to join Agreement No. 10090, the Canadian American Working Arrangement as a single party upon unanimous consent of the member lines.

By Order of the Federal Maritime Commission.

Dated: April 29, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–10194 Filed 5–2–74;8:45 am]

NORTH ATLANTIC FRENCH ATLANTIC FREIGHT CONFERENCE

Amendment of Pending Modification; 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, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 13, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York 10004

Agreement No. 7770–11 (Sub. 1), among the members of the above-named conference, amends Agreement No. 7770–11 which was filed September 28, 1973, and published in the FEDERAL REGISTER October 16, 1973, to give the conference specific authority to join Agreement No. 10090, the Canadian American Working Arrangement as a single party upon unanimous consent of the member lines.

By Order of the Federal Maritime Commission.

Dated: April 29, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–10196 Filed 5–2–74;8:45 am]

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE

Amendment of Pending Modification; 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, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573,, on or before May 13, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfair-

ness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York 10004

Agreement No. 7100–15 (Sub 1), among the members of the above-named conference, amends Agreement No. 7100–15 which was filed September 28, 1973, and published in the FEDERAL REGISTER October 16, 1973, to give the conference specific authority to join Agreement No. 10090, the Canadian American Working Arrangement as a single party upon unanimous consent of the member lines.

By Order of the Federal Maritime Commission.

Dated: April 29, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–10197 Filed 5–2–74;8:45 am]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Amendment of Pending Modification; 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, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 13, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York 10004

Agreement No. 5850–24 (Sub 1), among the members of the above-named conference, amends Agreement No. 5850–24 which was filed September 28, 1973, and published in the FEDERAL REGISTER October 16, 1973, to give the conference specific authority to join Agreement No. 10090, the Canadian American Working Arrangement as a single party upon unanimous consent of the member lines.

By Order of the Federal Maritime Commission.

Dated: April 29, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–10195 Filed 5–2–74;8:45 am]

[Docket No. 73–12]

SEA-LAND SERVICES, INC., ET AL.

Surcharges in the U.S. Atlantic and Gulf/Puerto Rico Trade; Third Supplemental Order

On April 28, 1974, Transamerican Trailer Transport, Inc. (TTT) proposes to place into effect minimum charges of $700 per trailer applicable to cargo moving from ports on the U.S. East Coast to Puerto Rico.[1] On March 7, 1974, the Commission issued Second Supplemental Order in this case, placing under investigation similar minimum charges filed by Sea-Land Service, Inc. (Sea-Land) and Seatrain Lines, Inc. (Seatrain).

TTT has submitted, as justification for its proposed minimum charges, an analysis of its 1973 operations indicating that its fully distributed cost of carrying a trailer in this trade is $790. No protests to TTT's proposed charges have been received.

Upon consideration of the above matters and of the competitive relationship among the three respondent carriers, the Commission is of the opinion that TTT's proposed minimum charges should be included in the subject investigation to determine whether they are unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916 and/or section 4 of the Intercoastal Shipping Act, 1933. Good cause appearing, therefore,

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the proposed increase in minimum container charges contained on Original Page 31A to TTT's Tariff FMC–F No. 1, to make such findings and orders as the facts and circumstances warrant. In the event that the matter hereby placed under investigation is further changed, amended, or reissued, such changes are hereby ordered to be made a part of this investigation;

It is further ordered, That pursuant to section 18(a) of the Shipping Act, 1916, and section 4 of the Intercoastal Shipping Act, 1933, a determination shall be made as to whether the proposed increase in minimum per container charges is just, reasonable, and otherwise lawful within the meaning of those statutes;

It is further ordered, That this matter be joined with the matters previously set for investigation and hearing in this subject proceeding and their lawfulness be determined in the same proceeding by the same Administrative Law Judge of the Commission's Office of Administrative Law Judges;

It is further ordered, That (I) a copy of this order be forthwith served upon respondent and all other parties to this proceeding and published in the FEDERAL REGISTER; and (II) the respondent and all other parties be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–10202 Filed 5–2–74;8:45 am]

[1] The applicable tariff matter is Rule No. 335 contained on Original Page 31A to TTT's Tariff FMC–F No. 1.

SOUTH ATLANTIC NORTH EUROPE RATE AGREEMENT

Extension of Agreement; 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, 110 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico 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 May 13, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness

shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York 10004

Agreement No. 9984–3, among the member lines of the abovenamed rate agreement, extends the effective period of the original agreement for an unlimited period insofar as it applies to cargo moving in the trades between the U.S. South Atlantic and Denmark, Finland, Norway, Poland and Sweden and from the U.S. South Atlantic to the United Kingdom, the Republic of Ireland and the Bordeaux Hamburg range.

By order of the Federal Maritime Commission.

Dated: April 29, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–10198 Filed 5–2–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E–8691]

AMERICAN ELECTRIC POWER SERVICE CORP. (INDIANA & MICHIGAN ELECTRIC CO.)

Notice of Modification

APRIL 23, 1974.

Take notice that on March 25, 1974 the American Electric Power Service Corporation submitted on behalf of Indiana & Michigan Electric Company (I & M) modification No. 9, dated January 15, 1974, to the interconnection agreement, dated July 20, 1956, with Commonwealth Edison Company (Edison) which the Commission has designated as Indiana & Michigan Rate Schedule FPC No. 20.

Modification No. 9 provides for a new Service Schedule G-Supplemental Power to Edison. In recognition of the differences in seasonal load characteristics of the systems of the parties, the new service schedule provides that I & M will make available 500,000 kw of Supplemental Power to Edison in the summer "Annual Contract Period" of June through September inclusive during each year from 1974–78.

The proposed Service Schedule G provides for a demand charge and an energy charge. The demand charge for each month of the annual contract is at the rate of $2.15 per kw of supplemental contract demand. The energy charge is at the rate of 1.90 mills per kwh, subject to a fossil fuel cost adjustment.

Any person desiring to be heard or to make any protest with reference to this matter should on or before May 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426 petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. 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. The documents referred to in this notice are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–10133 Filed 5–2–74;8:45 am]

[Docket No. CI73–647]

BURMONT CO. (OPERATOR), ET AL.

Notice of Petition To Amend

APRIL 26, 1974.

Take notice that on April 10, 1974, Burmont Company (Operator), *et al.* (Petitioner), 1121 Americana Building, Houston, Texas 77002, filed in Docket No. CI73–647, a petition to amend the order issued in said docket on May 18, 1973 (49 FPC), pursuant to section 7(c) of the Natural Gas Act authorizing the sale for resale of natural gas in interstate commerce to Texas Eastern Transmission Corporation (Texas Eastern) by authorizing Petitioner to continue such sale of gas for an additional one-year period, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of May 18, 1973, Petitioner was authorized to sell natural gas to Texas Eastern for a period of one year from the end of a 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) at a rate of 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. Petitioner now requests authorization to extend the term of such sale to Texas Eastern of approximately 2,000 Mcf of gas per day for an additional year at a price of 59.0 cents per Mcf, subject to the same Btu adjustments as described above, pursuant to the terms of an amendatory agreement between Petitioner and Texas Eastern dated March 25, 1974.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–10141 Filed 5–2–74;8:45 am]

[Docket No. RP72–157]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Changes In FPC Gas Tariff

APRIL 26, 1974.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on April 16, 1974, tendered for filing Substitute Twenty-Fourth Revised Sheet No. 8 of its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause for rates to be effective May 1, 1974. Consolidated states that the substitute tariff sheet reflects revisions made in the rates of its pipeline suppliers.

Consolidated states that its filing reflects changes under three sections of its PGA clause:

a. Rate increase reflecting pipeline supplier increases.
b. Rate increase reflecting producer supplier increases.
c. Change to its surcharge to reflect the Unrecovered Purchased Gas Cost account and flow through of supplier refunds.

Consolidated states that the proposed rate change includes the effect of increases from Texas Eastern Transmission Corporation and Texas Gas Transmission Corporation both to be effective May 1, 1974, and increases paid for gas purchased from producer suppliers which increased rates will be in effect by May 1, 1974. Consolidated states that the effect of the proposed rate change for these supplier increases is an annual increase to jurisdictional revenues of $3.0 million. Consolidated further proposes a surcharge credit of 0.17¢/Mcf to be in effect May 1, 1974 through October 31, 1974 to reflect the amounts accumulated in the Unrecovered Purchased Gas account for the period August 1973 through January 1974, the jurisdictional portion of refunds received by Consolidated from its suppliers for the same six-month period, and a carry-over balance from the surcharge credit filed March 15, 1973, effective May 1, 1973 through October 31, 1973.

According to Consolidated, copies of this filing were served upon its jurisdictional customers, as well as interested state commissions.

An 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 May 8, 1974. 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. Persons presently parties to this proceeding need not file additional petitions to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10140 Filed 5-2-74;8:45 am]

[Docket No. CP74-113; Docket No. CI74-276]

CONSOLIDATED GAS SUPPLY CORP. ET AL.

Notice Deferring Procedural Dates and Changing Prehearing Conference

APRIL 24, 1974.

On April 18, 1974, Consolidated Gas Supply Corporation, CNG Producing Company and Consolidated Natural Gas Company filed a motion for advancement of the prehearing conference fixed by order issued April 15, 1974 in the above-designated matter, and deferral of evidentiary submissions pending such conference.

The motion states that Staff Counsel and intervener Rochester Gas & Electric Corporation have expressed agreement in the motion.

Upon consideration, notice is hereby given that the prehearing conference shall be held on May 6, 1974, at 2 p.m. (EDT) in a Hearing Room of the Federal Power Commission, 825 N. Capitol Street, NE, Washington, D.C. The other procedural dates are deferred pending further notice.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10134 Filed 5-2-74;8:45 am]

[Docket Nos. RI74-156, et al]

GETTY OIL CO., ET AL.

Errata Notice

APRIL 17, 1974.

In the Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund issued April 12, 1974 and published in the FEDERAL REGISTER April 22, 1974, 39 FR 14249, Appendix "A", Page 14249, Change "Docket No. RI74-157" to "Docket No. RI74-204"; Change "Docket No. RI74-158" to "Docket No. RI74-205" and Change "Docket No. RI74-159" to Docket No. RI74-206."

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10132 Filed 5-2-74;8:45 am]

[Docket No. CI74-547]

HNG OIL CO.

Notice of Application

APRIL 26, 1974.

Take notice that on March 28, 1974, HNG Oil Company (Applicant), P.O. Box 767, Midland, Texas 79701, filed in Docket No. CI74-547 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Valley Gas Transmission, Inc. (Valley Gas), from the La Huerta Field, Duval County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on November 30, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for a period of one year from the end of the emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 500 Mcf of gas per day to Valley Gas at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Initial upward Btu adjustment is estimated to be 0.45 cent per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 18, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10138 Filed 5-2-74;8:45 am]

[Docket No. E-8736]

THE KANSAS POWER AND LIGHT CO.

Notice of Tariff Change

APRIL 26, 1974.

Take notice that The Kansas Power and Light Company (KPL) on April 17, 1974 tendered for filing proposed changes in its Rate Schedule FPC No. 123 with Supplements.

The proposed changes are the filing of supplemental initial rate schedules to provide Central Kansas Power Company, Inc. (CKP) forty-four (44) megawatts of participation power service from KPL's generation facilities for the period June 1, 1974 through May 31, 1975.

Copies of the filing were served on CKP and on the State Corporation Commission of Kansas.

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 May 6, 1974. 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.74-10139 Filed 5-2-74;8:45 am]

[Docket Nos. E-8394, E-8439]

METROPOLITAN EDISON CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

APRIL 24, 1974.

On April 12, 1974, Staff Counsel filed a motion for a further extension of the procedural dates fixed by notice issued March 15, 1974, in the above-designated matter. The motion states that there are no objections to this motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Staff's Service of Testimony, May 10, 1974.
Intervener's Service of Testimony, May 24, 1974.
Prehearing Conference, May 28, 1974 (10 a.m. EDT).

Service of Company Rebuttal, June 11, 1974. Hearing, June 25, 1974 (10 a.m. EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10130 Filed 5-2-74;8:45 am]

[Docket No. CI74-559]

MIDWEST OIL CORP.

Notice of Application

APRIL 26, 1974.

Take notice that on April 10, 1974, Midwest Oil Corporation (Applicant), 1700 Broadway, Denver, Colorado 80202, filed in Docket No. CI74-559 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company (El Paso) from the South Carlsbad Field, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the 60-day emergency sale of natural gas to El Paso on July 2, 1973, pursuant to § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29). Applicant further states that it filed on July 13, 1973, an application for a limited-term certificate within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) which it withdrew by motion filed by November 13, 1973, upon promulgation of the Commission's Order 491-B in Docket No. RM74-3 (50 FPC), and thereupon initiated sales pursuant to the 180-day emergency provisions of § 157.29, as amended by Commission Order 491 (50 FPC).

Applicant proposes to continue said sale until May 1, 1975, within the contemplation of § 2.70 at 52 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. The contract, submitted by Applicant as its FPC gas rate schedule, provides for the sale of all available gas, estimated to be 5,000 Mcf per day initially. The sample billing statement submitted by Applicant pursuant to § 154.92(b) of the regulations under the Natural Gas Act (18 CFR 154.92(b)) shows estimated sales during the first month of service to be 8,550 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the Commission finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10135 Filed 5-2-74;8:45 am]

[Docket No. E-8721]

NEVADA POWER CO.

Errata Notice

APRIL 19, 1974.

In the Notice of Change in Rate Schedule, issued April 16, 1974, and published in the FEDERAL REGISTER April 24, 1974, 39 FR 14546, Change "Docket No. E-8660" to "Docket No. E-8721."

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10131 Filed 5-2-74;8:45 am]

[Docket No. E-8610]

NEVADA POWER CO.

Interchange Agreement

APRIL 26, 1974.

Take notice that on January 28, 1974, Nevada Power Company (Applicant) filed with the Federal Power Commission an executed Interchange Agreement, dated January 23, 1974, between Applicant and the Department of Water and Power of the City of Los Angeles, California. Said agreement covers the exchange of power and energy between the parties. The application states that this Interchange Agreement replaces an Exchange Agreement between the parties, filed with the Commission on June 6, 1972, which expired October 31, 1973. The effective date of the Interchange Agreement is stated to be November 1, 1973.

Applicant requests that the Commission waive the thirty day notice requirement of the Commission's Regulations in order that they might transfer spinning reserves.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-10137 Filed 5-2-74;8:45 am]

[Project No. 2482]

NIAGARA MOHAWK POWER CORP.

Order Providing for Hearing and Prescribing Procedures

APRIL 26, 1974.

Application was filed on June 19, 1972, by Niagara Mohawk Power Corporation, Licensee for the Hudson River Project No. 2482, for amendment of its license to abandon, retire and remove the Fort Edward Development from the Hudson River Project.

An imminent danger existed at the time that the Fort Edward timber crib dam, built in 1898, might fail with the next seasonal flood flows with resultant adverse impact to downstream navigation, private property and river ecology. We, therefore, granted the application before us in an order issued June 14, 1973, which amended the license to provide for the dam's removal in accordance with the procedures set out in the order. Our order required in part that the Licensee adhere to all applicable safety, health, and environmental standards.[1] The Licensee was also required by our order to take all reasonable measures necessary to prevent river siltation or other forms of water or air pollution resulting from removal of the Fort Edward Development.[2]

On February 20, 1974, a letter from the New York District, Corps of Engineers,

[1] Article 37 of the order of June 14, 1973, provides:
Licensee shall adhere to safety, health and environmental standards applicable to the removal of the Fort Edward Development, and the removal shall be in accordance with New York State Department of Environmental Conservation Permit No. 6-106-71.

[2] Article 39 of the order of June 14, 1973, provides:
Licensee shall take all reasonable measures necessary to prevent or control soil erosion on lands adjacent to the river and to prevent river siltation or other forms of water or air pollution resulting from removal of the Fort Edward Development. Licensee shall, if necessary, revegetate all exposed soil surfaces.

was received by our New York Regional Office. In its letter, the Corps noted that the State of New York, Department of Environmental Conservation (DECON) has alleged that as a result of the removal of the dam, a substantial amount of material, formerly upstream of the structure, has been deposited downstream in the channel of the Hudson River and in the navigable channel of the New York Barge Canal, leading to the terminal at the Village of Fort Edward. DECON further stated that the accumulated silt and other material has created a potential flood hazard at the Village of Fort Edward.

The Commission's Secretary wrote to the Licensee on March 6, 1974, concerning the matters raised by the Corps and DECON in their earlier correspondence. On March 27, 1974, the Licensee responded that it had taken all reasonable measures within the intendment of Article 39. The Licensee, at the same time, enclosed copies of a telegram from the New York District, Corps of Engineers, which stated that as much as 100,000 cubic yards have already been deposited downstream in the vicinity of Fort Edward and pose a threat to the village of Fort Edward by flooding and to safe navigation in the navigable waters of the United States. The Corps further stated that it appears that the measures taken by the Licensee were ineffective to prevent river siltation as a consequence of the dam's removal.

Recent staff investigations indicate that Lock No. 7 of Champlain Canal, operated by the New York State Barge Canal System, is presently inoperative. It has also been brought to our attention by Region II, Environmental Protection Agency, that a potential health hazard may exist at Fort Edward caused by the backup of the sewage system. In addition, we are aware that there is currently pending in the State courts of New York a suit brought by the State against the Licensee, alleging, inter alia, the Licensee's failure to comply with its permit from DECON for removal of the dam.

On April 22, 1974, we received a letter from the Corps which stated that the Department of the Army (Army) had originally concurred in the amendment of the license, understanding at the time that the Licensee would remove accumulated silt from the river upstream of the dam, citing Article 39 in support of its proposition. The Corps asserted that deposition of these materials in the vicinity of Fort Edward has resulted in the "blockage of navigation, a public health hazard, and a potential flood hazard * * *" It is the position of the Corps and Army that the Commission should take appropriate steps to require Niagara Mohawk to comply with the conditions of the operating license as amended and to require Niagara Mohawk to remove * * * the accumulated silt which has created the problems * * *" The Corps further stated that it was prepared to present evidence on the existing situation and make recommendations for appropriate resolution of the problems it cited.

In view of the possibility of imminent flooding at the time of the spring thaw and the potential health hazard, we need not wait for the filing of a formal complaint. In any event, we will provide for an immediate hearing on our own motion. The purpose of the hearing will be to determine whether the Licensee has complied with our order of June 14, 1973, amending the license, in all material respects. The hearing ordered hereinafter will not be limited in scope to an examination of the provisions of Article 39, alone, but will consider Licensee's responsibilities in this matter in the light of the entire license, as amended, particularly Articles 36–41. The hearing should also consider whether the Commission pursuant to section 10(c) of the Federal Power Act should adopt any rules or regulations for Project No. 2482 for the protection of life, health, and property. The hearing, or at least a portion of it, is to be held at or near the Village of Fort Edward for the convenience of parties.

The Commission finds: (1) In view of the factual assertions made, a question is raised as to the Licensee's compliance with the terms and conditions of its license; therefore, it is appropriate and in the public interest to hold a public hearing as provided herein respecting matters raised regarding the removal of the Fort Edward Dam. At the hearing Licensee should be required to present evidence showing compliance with the terms and conditions of its license and others should have a reasonable opportunity to present evidence to the contrary. The hearing should also consider evidence for the purpose of determining whether under section 10(c) of the Federal Power Act the Commission should promulgate rules and regulations for Project No. 2482 for the protection of life, health, and property.

(2) In order to make it convenient for them to participate in the hearing ordered herein we should give the following entities notice of this proceeding: U.S. Corps of Engineers, U.S. Department of Interior, U.S. Department of Justice, Environmental Protection Agency, U.S. Department of Health, Education and Welfare, DECON, New York State Department of Health, New York Department of Law, New York Department of Transportation, Hudson River Valley Commission, Town of Moreau, Town of Fort Edward, Village of Fort Edward, Scott Paper Company, Local No. 1 of the United Paper Makers International Union AFL–CIO, Local No. 673 of the United Brotherhood of Carpenters and Joiners of America AFL–CIO, Local No. 389 of the International Brotherhood of Electrical Workers AFL–CIO and Local No. 773 of the United Association of Plumbers and Steamfitters of the United States and Canada AFL–CIO.[3]

The Commission orders: (A) Pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 10(c), 308 and 309 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held respecting the matters involved and issues presented in this proceeding.

(B) The purpose of the hearing shall be to obtain facts regarding the removal of the Fort Edward dam and the accumulation of material in the channel of the Hudson River and in the navigable channel of the New York Barge Canal, leading to the terminal at the Village of Fort Edward, for the determination of whether Niagara Mohawk Power Corporation has complied with its license as amended by our order of June 14, 1973, providing, inter alia, the removal of the Fort Edward dam, and the Federal Power Act, particularly section 10(c) (16 U.S.C. § 803(c)).

(C) A copy of this order is to be served on each of the entities noted in paragraph (2) above, and they are invited to participate in this proceeding by filing petitions to intervene.

(D) In order to demonstrate the measures it has taken to effect compliance with the requirements of its license, as amended, Licensee shall submit its testimony and exhibits in writing by May 16, 1974. All other parties desiring to file testimony and exhibits relating to the issues herein will file such testimony and exhibits by May 16, 1974. Witnesses shall be subject to cross-examination upon the opening of the hearing commencing at 9:30 a.m., on May 29, 1974, and continuing thereafter until completed at a location to be determined and noticed by the Presiding Administrative Law Judge. Rebuttal testimony, if any, will be presented immediately after the close of the direct case, in oral or written form, as the Presiding Administrative Law Judge, in his discretion, may order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Mr. Lauman Martin
Senior Vice President & General Counsel
Niagara Mohawk Power Corporation
300 Erie Blvd. West
Syracuse, New York 13202

John W. Keib, Esquire
Niagara Mohawk Power Corporation
300 Erie Blvd. West
Syracuse, New York 13202

Department of the Army
Office of the Chief of Engineers
Attn.: Fred R. Disheroon, Asst. Gen. Counsel
Washington, D.C. 20314

Col. Harry W. Lombard
District Engineer
Corps of Engineers
New York District Office
26 Federal Plaza
New York, New York 10007

Hon. Louis J. Lefkowitz
Attorney General of the State of New York
The Capitol
Albany, New York 12224

[3] For the convenience of the named entities, a list of addresses of each is attached hereto.

Martin Green, Esquire
Chief, Pollution Control Section
Land & Natural Resources Division
Department of Justice
Washington, D.C. 20530

State of New York
Department of Transportation
State Office Building Campus
Albany, New York 12226

State of New York
Dept. of Environmental Conservation
Attn.: Ronald W. Pederson
First Deputy Commissioner
Albany, New York 12201

Hon. Rogers C. B. Morton
Secretary of the Interior
Washington, D.C. 20240

Mr. Gerald M. Hansler
Regional Administrator
Environmental Protection Agency
Room 847, 26 Federal Plaza
New York, New York 10007

Hon. Caspar W. Weinberger
Secretary of Health, Education, and Welfare
Washington, D.C. 20201

Hon. F. W. Hequembourg
Chairman
Saratoga County Board of Supervisors
County Municipal Center
Ballston Spa, New York 12020

Dr. Edward Coates
Regional Health Director
Albany Regional Office
New York State Department of Health
State Campus
Albany, New York 12226

Mr. Joseph Stellato
Director of Waterways Maintenance
Building 18
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Albany, New York 12226

Mayor Charles T. Mullen
Thornwood Drive
Village of Fort Edward, New York 12828

Louis G. Fisher
Supervisor
147 Broadway
Town of Fort Edward, New York 12828

Gardner Congdon
Supervisor, Town of Moreau
61 Hudson Street
South Glens Falls, New York 12801

Mayor Robert Phinny
73 Main Street
South Glens Falls, New York 12801

Carl J. Mays
Executive Director
Hudson River Valley Commission
105 White Plains Road
Tarrytown, New York 10591

John D. Hushon
Scott Paper Company
Philadelphia, Pennsylvania 19113

Sherman S. Poland
Bernard A. Foster, III
Ross, Marsh & Foster
730 15th Street N.W.
Washington, D.C. 20005

Joseph W. Gatchell
Local No. 1 of United Paper Markers International Union AFL–CIO
5 Delaware Avenue
Hudson Falls, New York 12839

[FR Doc.74–10128 Filed 5–2–74;8:45 am]

[Docket Nos. E–8446, E–8598]

PENNSYLVANIA ELECTRIC CO.

Order Accepting Initial Rate Schedule for Filing, Instituting an Investigation Under Section 206, Consolidating Proceedings, and Granting Waiver of Notice Requirements

APRIL 26, 1974.

On January 17, 1974, as completed on March 12, 1974, Pennsylvania Electric Company (Penelec) tendered for filing an initial service agreement with West Penn Power Company (West Penn) under Penelec's FPC Electric Tariff and Tariff Rate Schedule RP. The service agreement was designated: Pennsylvania Electric Company, Service Agreement under FPC Electric Tariff Original Volume No. 1; Supplement to Service Agreement, Exhibit C; and Supplement to Supplement to Service Agreement, Facilities Charge. The rates to be charged West Penn by Penelec are those reflected in the Tariff Rate Schedule RP[1] plus an annual facilities charge of $20,610.

The term of the service agreement between Penelec and West Penn is from the date Penelec's facilities commence operations until December 31, 1976, subject to automatic renewal each year with a two year termination period. Penelec expected the facilities which would supply the power under the proposed agreement in Docket No. E–8598 to be finished in mid-April, and consequently, Penelec requested waiver of § 35.3 of the Commission's regulations to permit the agreement to become effective when the facilities were operational.

Notice of the filing was issued on January 30, 1974, with comments, protests, or petitions to intervene due on or before February 14, 1974. No comments or petitions to intervene have been received.

Our review of the filing in Docket No. E–8598 indicates it raises certain issues which may require development in an evidentiary proceeding. The rates, charges, and terms and conditions of service contained in the initial rate schedule have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we shall accept the initial agreement for filing and institute a section 206 investigation thereof and prescribe appropriate procedural dates. Moreover, for good cause shown, we shall grant Penelec's request for waiver of our notice requirements to permit the agreement with West Penn to become effective when the facilities for service are operational.

Due to the fact that certain issues of law and fact in Docket No. E–8446 are the same in this docket, we shall consolidate those dockets for purposes of hearing and decision. In light of this action, we shall revise the procedural dates in Docket No. E–8446 as set forth below.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission institute an investigation pursuant to section 206 on the terms and conditions of Penelec's proposed service agreement with West Penn.

(2) Good cause exists to grant waiver of § 35.3 of the Commission's regulations.

(3) Good cause exists to consolidate Docket No. E–8446 and E–8598 for purposes of hearing and decision.

The Commission orders: (A) Pursuant to the authority of section 206 of the Federal Power Act, an investigation to determine whether the proposed initial service agreement between Penelec and West Penn is just and reasonable and is hereby instituted.

(B) Docket Nos. E–8598 and E–8446 are consolidated for the purposes of hearing and decision.

(C) The procedural dates in Docket No. E–8446 as established in the notice issued by the Secretary of the Federal Power Commission on February 21, 1974, are hereby superseded by the procedural dates hereinafter established in the consolidated proceeding.

(D) On or before May 24, 1974, the Company shall serve its prepared testimony and exhibits concerning the proposed service agreement in Docket No. E–8598. The prepared testimony and exhibits of the Commission Staff shall be served on or before June 24, 1974. Prepared testimony and exhibits of any intervenors shall be served on or before July 8, 1974. The Company's Rebuttal Evidence shall be served on or before July 22, 1974. At 10 a.m., e.s.t., on August 6, 1974, a hearing for purposes of cross-examination of the evidence shall commence in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(E) A Presiding Administrative Law Judge shall preside at the hearing authorized by this order, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies ex-

[1] The revised Tariff Rate Schedule RP and associated fuel cost adjustment as proposed by Penelec on October 12, 1973, in Docket No. E–8446 have been suspended for 5 months to become effective May 12, 1974, subject to refund. The rates applicable to West Penn in the instant filing are the current rates being charged the wholesale customers of Penelec and the revised rates will apply after the end of the suspension period.

pressed in the Commission's rules of practice and procedure.

(F) Penelec's initial service agreement is accepted for filing to become effective upon the date service is initiated.

(G) Penelec's request for waiver of the notice requirements of § 35.3 of the Commission's regulations is hereby granted.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-10129 Filed 5-2-74;8:45 am]

[Docket No. E-8727]

PENNSYLVANIA POWER CO.

Initial Rate Schedule

APRIL 26, 1974.

Take notice that on April 12, 1974 Pennsylvania Power Company (PPC) tendered for filing an initial rate schedule for its proposed Emergency Oil Conservation Tariff. The tariff is for service during off-peak hours which will be provided to any utility interconnected with the PPC. The basis of the rate is out-of-pocket cost with an add-on to cover investment for both generation and transmission facilities for service from the company's generating stations.

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 May 6, 1974. 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.74-10136 Filed 5-2-74;8:45 am]

[Docket No. RP74-39-10]

TEXAS EASTERN TRANSMISSION CORP. AND TOWN OF SMYRNA, TENN.

Order Granting Temporary Emergency Relief, Granting Interventions, Providing for Hearing and Establishing Procedures

APRIL 26, 1974.

On March 19, 1974, the Town of Smyrna, Tennessee (Smyrna) filed a petition for emergency relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure.[1] Smyrna requests that the Commission issue an order requiring its sole supplier of natural gas, Texas Eastern Transmission Corporation (TETCO), to increase its Annual Quantity Entitlement (AQE) from 156.828 Mcf to 290,620 Mcf. In addition, Smyrna requests that the Commission grant temporary relief pendente lite allowing Smyrna to take volumes up to 290,620 Mcf for the twelve months ending August 31, 1974.

Smyrna claims that its AQE as stated in Texas Eastern's currently effective tariff is inadequate to serve its actual requirements. Smyrna was afforded an opportunity to present and substantiate any additional existing requirements not included in its AQE before the prehearing conference on August 28, 1972, when the settlement agreement containing the AQE's was put into the record. However, evidence was not presented by Smyrna until September 12, 1972, when it stated that its AQE should be 290,620 Mcf rather than 156,828 Mcf.

The settlement agreement which was approved by the Commission on December 1, 1972, included the 156.828 Mcf figure. Smyrna requested rehearing based on its late evidence and rehearing was denied by Commission Order issued January 24, 1973. In that Order, the Commission stated that Smyrna's request for an increased AQE was denied but stated that Smyrna could file for extraordinary relief under § 1.7(b) of the Commission's rules if it experienced unusual problems. On April 27, 1973, Smyrna did file for emergency relief stating that it would exhaust its AQE before the end of the contract year, August 31, 1973. Smyrna requested in its petition that its AQE be increased to 177,175 Mcf. By June 1, 1973, Smyrna succeeded in arranging an emergency exchange of gas with another distributor and its petition for relief was therefore dismissed as moot by Commission order issued August 1, 1973, in Docket No. CP73-310. Smyrna purchased a total of 182,546 Mcf for the year ending August 31, 1973.

In its current petition, Smyrna states once more that its AQE is inadequate to supply loads which were connected or committed during the AQE base period (twelve months ending March 31, 1972). Smyrna claims it will exhaust its current AQE of 156,828 Mcf by early May, 1974. If no relief is granted Smyrna will become liable for penalty charges on all volumes it takes after exhausting its AQE. Thus Smyrna will have to curtail high priority loads or pay penalty charges of $3.00 per Mcf.

Smyrna lists the following adjustments which it claims should have been made to its base period sales:

60,000 Mcf	Dixie Concrete Company
52,000 Mcf	Lane Cedar Chest Company
21,792 Mcf	Tennessee Farmers Co-op
133,792 Mcf	Additional gas required

Smyrna alleges that it made a commitment to sell gas to Dixie Concrete Company in 1970 and that the plant did not come on line until December, 1972. Smyrna states that the Lane Cedar Chest Company requested 52,000 Mcf of natural gas per year in order to meet environmental standards. No date is given for a commitment by Smyrna to this company. Smyrna claims that the Tennessee Farmers Co-op (Co-op) should be allotted an additional 21,792 Mcf since it used only 38,208 Mcf during the base period because of equipment failure and thus, the Co-op's normal annual requirement is 60,000 Mcf. Therefore, Smyrna concludes that its AQE should be set at 290,620 Mcf.

Smyrna further states that based on its historical purchase patterns, it will consume at least 189,109 Mcf by August 31, 1974. Smyrna claims that it expects to purchase less than the 290,620 Mcf requested since it has refused to serve all of its prior committed load and since some of this load has not attained full usage levels due to delays in construction.

Public notice of Smyrna's petition was given on April 4, 1974, with protests and petitions to intervene due on April 17, 1974. The following parties have filed petitions to intervene:

Algonquin Gas Transmission Company
Boston Gas, *et al.*
Columbia Gas Transmission Corporation
Consolidated Edison Company of New York, Inc.
General Motors Corporation
Texas Eastern Transmission Corporation[2]

Columbia Gas Transmission Corporation requests a formal hearing. Columbia further requests that Smyrna be required to amend its petition to conform to the new § 2.78(a)(ii) of part 2 of the Commission's general rules added by Commission Order No. 467-C issued on April 4, 1974, in Docket No. R-469.

Under these circumstances good cause has been shown to require TETCO to increase Smyrna's AQE by 32,281 Mcf to 189,109 Mcf, Smyrna's estimated consumption for the twelve months ending August 31, 1974. This grant of relief shall expire on August 31, 1974, or on the date on which a final decision is reached in this docket, whichever first occurs. The volumes of gas received by Smyrna pursuant to this temporary grant of relief may be subject to payback in full or in part pending the outcome of this proceeding.

We shall not require Smyrna to amend its petition to conform to the requirements of Order No. 467-C. That order is prospective in nature and we will not require parties filing petitions prior to the date of its issuance to meet its requirements. Smyrna shall, however, be required to submit, at the formal hearing, evidence to substantiate its claims that the volumes sought in its petition for relief were committed prior to the AQE base year.

The Commission finds: (1) Good cause has been shown to partially grant the relief requested by Smyrna on a temporary basis as hereinafter ordered.

[1] Smyrna filed a separate petition for emergency relief in Docket No. RP74-39-5 on December 28, 1973, for service to the Sewart Air Force Base area. This area is served from a separate delivery point of Texas Eastern and therefore the subject petition is independent of the petition of Smyrna for the Sewart area.

[2] The petition of Texas Eastern Transmission Corporation was filed out of time.

(2) Good cause exists to set the proceedings in Docket No. RP74–39–10 for formal hearing.

(3) The participation of each party named above who has petitioned to intervene in these proceedings may be in the public interest.

(4) Although the petition to intervene of Texas Eastern Transmission Corporation was not timely filed, good cause exists to allow that party to intervene since permitting the intervention will not be the basis of delay in these proceedings.

The Commission orders: (A) Texas Eastern shall increase Smyrna's AQE by 32,281 Mcf to 189,109 Mcf until August 31, 1974, or until the date on which a final decision is reached in this docket, whichever first occurs.

(B) The volumes of natural gas taken by Smyrna pursuant to this temporary grant of emergency relief may be subject to payback in full or in part pending the outcome of this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on May 28, 1974, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, concerning the North Alabama petition.

(D) On or before May 14, 1974, Smyrna and all parties supporting Smyrna's request shall serve with the Commission and upon all parties to the proceeding including Commission Staff their testimony and exhibits in support of their position.

(E) As part of its case in support of its petition, Smyrna shall present evidence to substantiate its claims that the volumes it seeks in its petition for relief were committed prior to the AQE base year.

(F) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose, shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(G) Each party named above who has petitioned to intervene in this proceeding is hereby permitted to intervene, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENETH F. PLUMB,
Secretary.

[FR Doc.74–10127 Filed 5–2–74;8:45 am]

FEDERAL RESERVE SYSTEM

CENTRAN BANCSHARES CORP.

Acquisition of Protective Loan Corp.

Centran Bancshares Corporation, Cleveland, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of the successor by merger to Protective Loan Corporation, Albany, New York ("Protective"), a company that engages in the activity of making personal installment loans and, through two wholly-owned subsidiaries, Reed Agency, Inc., and Protective Credit Corporation, both of Albany, New York, engages as agent in the sale of credit life insurance in connection with extensions of credit by Protective and in the purchase of personal installment contracts for goods and services.[1] Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (9)). The company into which Protective is to be merged has no significance except as a means to facilitate the acquisition of voting shares of Protective. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of shares of Protective.

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 4694). The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant controls five banks with aggregate deposits of $1.4 billion.[2] Applicant also controls three nonbanking subsidiaries, two of which are consumer finance companies engaged in the making and servicing of personal installment loans, while the third subsidiary makes loans on the basis of second mortgages and secured consumer financing.

Protective had receivables of $6.9 million as of year end 1972. Of this amount, less than $50,000 was the result of the purchase of personal sales installment contracts. Protective operates a total of 11 offices within a 60-mile radius of Albany, New York. Such offices make personal loans of up to $2,500 to individuals.

There is no existing competition between any of Applicant's subsidiaries and Protective since the closest office of any subsidiary of Applicant is over 300 miles from an office of Protective. Nor does it appear that Protective has a dominant position in any of the communities in which it operates. In fact, except for the Albany area, Protective is one of the smaller consumer finance companies in each of the areas in which it operates. Even in Albany where it ranks as the third largest finance company, Protective is much smaller than the area's two largest finance companies which together have over 50 percent of the receivables outstanding of all finance companies in the area. Additionally, many of the smaller consumer finance companies operating in Albany are affiliates of large national concerns and are strong competitors. Moreover, several commercial banks also compete for personal installment loans so that Protective's position in the Albany area is not as strong as its rank among consumer finance companies may indicate. Applicant would not gain a substantial market position through its acquisition of Protective. The Board concludes, therefore, that consummation of the proposed acquisition would have no adverse effects on existing or potential competition in personal installment loans. Moreover, there is no evidence in the record indicating that consummation of the proposed acquisition would result in any undue concentration of resources, unfair competition, conflicts of interest, or unsound banking practices. Furthermore, due to the limited nature of both Protective's insurance activities and its purchase of personal installment loans, it does not appear that Applicant's acquisition of these activities would have any adverse effects.

Applicant's acquisition of Protective should ensure the latter a more stable and larger flow of funds which would enable it to provide increased competition for the larger consumer finance companies and commercial banks located in the area. Moreover, Applicant's experience in the consumer finance business should enable Protective to improve the efficiency of its operations. Thus, the affiliation of Protective with Applicant should result in some public benefits.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to ensure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effec-

[1] Hereinafter Protective and its wholly-owned subsidiaries will be referred to as a group by the name of Protective.

[2] All banking data are as of June 30, 1973.

tive date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

Effective: April 26, 1974.

By order of the Board of Governors.[3]

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

[FR Doc.74-10124 Filed 5-2-74;8:45 am]

UNITED TENNESSEE BANCSHARES CORP.

Acquisition of United Tennessee Life Insurance Co.

United Tennessee Bancshares Corporation, Memphis, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire all of the voting shares of United Tennessee Life Insurance Company ("Company"), Phoenix, Arizona, a company to be organized de novo to engage in the underwriting, as reinsurer, of credit life and credit accident and health insurance in connection with extensions of credit by Applicant's banking subsidiaries. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 4816). 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 public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant controls five banks with aggregate deposits of $513.2 million, representing about 5 percent of total deposits in commercial banks in Tennessee.[1] Company will be formed under Arizona law as a full reserve life insurance company. Since Company will be qualified to underwrite insurance directly only in Arizona, its activities will be limited to acting as reinsurer of credit life and credit accident and health insurance policies made available in connection with extensions of credit by Applicant's banking subsidiaries located in Tennessee. Such insurance will be directly underwritten by an insurer qualified to underwrite in Tennessee and will thereafter be assigned or ceded to Company under a reinsurance agreement. The direct underwriter will provide certain technical assistance to Company in its operations.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to assure repayment of a loan in the event of death or disability of a borrower. In connection with its addition of credit life and credit accident and health underwriting to the list of permissible activities for bank holding companies the Board stated that:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that it will provide credit life insurance at rates to consumers at about 7 percent below the maximum rate authorized by State law and will offer credit accident and health insurance at a 5 percent reduction from the maximum authorized by State law. Applicant has also indicated that it will liberalize some of the eligibility exclusions traditionally found in contracts of this type. The Board believes that the reducing of costs of and narrowing of exclusions from credit life and credit accident and health insurance policies offered by Applicant are considerations favorable to the public interest. The Board concludes, therefore, that such public benefits, in the absence of any evidence in the record indicating the presence of any adverse statutory factors, provide support for approval of the application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

Effective: April 26, 1974.

By order of the Board of Governors.[2]

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

[FR Doc.74-10125 Filed 5-2-74;8:45 am]

[3] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland, and Wallich. Absent and not voting: Governors Brimmer and Bucher.

[1] All banking data are as of June 30, 1973, and represent bank holding company acquisitions approved by the Board through March 31, 1974.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland, and Wallich. Absent and not voting: Governors Brimmer and Bucher.

GENERAL SERVICES ADMINISTRATION

Office of the Administrator

SPECIAL STUDY COMMITTEE ON THE SELECTION OF ARCHITECTS AND ENGINEERS

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Special Study Committee on the Selection of Architects and Engineers, on May 13, 1974, at 9 a.m. in room 2126, General Services Building, 18th and F Sts., NW., Washington, D.C. 20405.

The purpose of the meeting is for the Committee to review the draft of the final report and to discuss other matters brought up by members of the Study Committee.

The meeting will be open to the public. Interested persons wishing to attend should telephone 202-343-6306 by close of business Friday, May 10, 1974.

Dated: April 29, 1974.

ALLAN G. KAUPINEN,
Assistant Administrator.

[FR Doc.74-10151 Filed 5-2-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice No. 74-28]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON GUIDANCE, CONTROL AND INFORMATION SYSTEMS

Notice of Meeting

The NASA Research and Technology Advisory Council, Committee on Guidance, Control and Information Systems will meet on May 21-22, 1974, at NASA Headquarters, Washington, DC 20546. The meeting will be held in Room 521J of Federal Office Building 10B, 600 Independence Avenue, SW. Members of the public will be admitted to the meeting, beginning at 9:00 a.m. on May 21, on a first-come, first-served basis up to the seating capacity of the room which is about 25 persons.

The NASA Research and Technology Advisory Council, Committee on Guidance, Control and Information Systems, serves in an advisory capacity only. The current Chairman is Dr. Barry W. Boehm. There are 12 members. The following list sets for the approved agenda and schedule for the May 21-22, 1974, meeting of the Guidance, Control and Information Systems Committee. For further information, please contact Dr. Peter R. Kurzhals, Area Code 202, 755-2385.

MAY 21, 1974

Time	*Topic*
9 a.m.	Chairman's and Executive Secretary's Reports. (Purpose: To review results of Council meetings, and examine features and outlook of the Guidance, Control and Information Systems organization and program plans.)

Time	Topic
10:15 a.m.	Long Life Component Technology. (Purpose: To review plans for developing reliable, long-life electronic circuit arrays and obatin Committee comments on those plans.)
1 p.m.	Optical Communications Experiment. (Purpose: To examine plans for a joint NASA/DOD optical communications experiment with the objective of obtaining Committee comments for NASA consideration.)
2:30 p.m.	Standardized Aerospace Software. (Purpose: To review plans for developing common, modular software for aerospace computer applications and obtain Committee recommendations on program content and structure.)
3:30 p.m.	Civil Aircraft Computer Systems. (Purpose: To report progress in highly reliable computer technology development and obtain Committee comments on plans for hardware demonstration.)
	MAY 22, 1974
8:30 a.m.	Active Control Configured Transport. (Purpose: To describe plans for demonstrating active control technology in a civil transport aircraft with the objective of obtaining Committee comments for NASA consideration.)
9:30 a.m.	Digital Fly By Wire. (Purpose: To report status of the digital fly-by-wire program and planned modifications to support evaluation of Shuttle avionics with the objective of obtaining Committee comments.)
10:30 a.m.	Committee Deliberations and Recommendations. (Purpose: To review deliberations on previously listed agenda items, identify additional items which the Committee considers of significant interest to NASA, and develop Committee comments and formal recommendations for submission to NASA.)
12:30 p.m.	Adjournment.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

APRIL, 30, 1974.

[FR Doc.74-10181 Filed 5-2-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR PSYCHOBIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Psychobiology to be held at 9 a.m. on May 23 and 24, 1974, in Room 543 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of the Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

Individuals requiring further information about this Panel may contact Dr. Jacob Beck, Program Director, Psychobiology Program, Room 333, 1800 G Street, NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

APRIL 24, 1974.

[FR Doc.74-10188 Filed 5-2-74;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SS-P-24]

INVESTIGATION OF A NATURAL GAS PIPELINE ACCIDENT IN NEW YORK, NEW YORK, ON APRIL 22, 1974

Notice of Hearing

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m., on Tuesday, May 14, 1974, at the Carnegie Endowment Building, 345 East 46th Street, New York, New York.

Dated this 29th day of April, 1974.

[SEAL] LOUIS M. THAYER,
Chairman, Board of Inquiry.

[FR Doc.74-10187 Filed 5-2-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 30, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Forest Service: Production and Disposition of Wood Residues at Secondary Wood Manufacturing Plants (Minn.-St. Paul SMSA); Form ---- Single time, Foster, Secondary wood products firms in the Minn.-St. Paul SMSA.

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce: Energy Shortages in the Concrete, Gypsum, and Plaster Products Industries; Form ----, Single time, Hulett/Weiner/Lowry, Manufacturing firms.

DEPARTMENT OF DEFENSE

Departmental: Guidance Counselor Questionnaire; Student Questionnaire, Form ----, Single time, Planchon, High school students and guidance counselors.

GENERAL SERVICES ADMINISTRATION

Performance Bond: Form SF 25, Occasional, Evinger, Govt. contracts.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Application for a Scholarship—Physician Shortage Area Scholarship Program and Annual Notice of Activity; Form HRABHRD 0426, Annual, Lowry, Medical and osteopathic students.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration: Track Inspection Form; Form FRA F 6180-58, FRA F 6180-58a, Occasional, Foster, State employees (inspectors).

REVISIONS

DEPARTMENT OF LABOR

Employment Standards Administration: Survey of Sheltered Workshops; Form WH 381, Single time, HRD/Raynsford, Directors of sheltered workshops.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-10305 Filed 5-2-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3600]

AETNA FUND, INC. ET AL.

Filing of Application for Exemption From the Certain Provisions

APRIL 29, 1974

Notice is hereby given that Aetna Fund, Inc. and Aetna Income Shares, Inc. (collectively referred to as "Funds"), diversified, open-end, management investment companies registered under the Investment Company Act of 1940 (the "Act"), and Aetna Financial Services, Inc. ("Aetna Financial"), 151 Farmington Ave., Hartford, Conn. (06115) a wholly-owned subsidiary of Aetna Life

and Casualty Company of Hartford, Connecticut ("Aetna") and the principal underwriter of both of the Funds (collectively referred to with Funds as "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order granting an exemption from section 22(d) of the Act to the extent specified therein. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to any person except at a current public offering price described in the prospectus. Shares of both Funds are currently offered to the public at a price based on net asset value plus a sales charge that varies with the quantity of securities purchased. The maximum sales charge, expressed as a percentage of the public offering price, is 8.50 percent.

Applicants request an exemption from section 22(d) of the Act to permit the application of the proceeds of life insurance or annuity contracts, issued by Aetna or any company organized and operated as a life insurance company under applicable state law and controlled by Aetna, whether such proceeds are payable on death or otherwise, to the purchase of shares of either of the Funds at a sales charge that would be one-half the sales charge described in the prospectus of each Fund.

The reduced sales charge which would be applicable is as follows:

Total Investment in either fund at public offering price	*Sale Charge as Percentage of Offering Price*
0 less than $10,000	4.25
$10,000 but less than $25,000	3.75
$25,000 but less than $50,000	3.00
$50,000 but less than $100,000	2.50
$100,000 but less than $250,000	2.00
$250,000 but less than $500,000	1.50
$500,000 but less than $1,000,000	1.00
$1,000,000 and over	0.50

Applicants assert that the solicitation costs and sales efforts involved in sales of this type will be markedly reduced as compared with sales to new prospects and that the proposed exemption presents no significant threat to the orderly distribution of redeemable investment company securities. Premiums paid to Aetna on the insurance contracts constituting the source of the insurance proceeds applied to the purchase of shares of the Aetna Funds will already have been subjected to sales charges. Accordingly, Applicants assert that the requested exemption does not involve unfair discrimination and is, in fact, necessary to avoid unnecessary and inequitable duplication of sales charges to purchasers of this class.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants represent that the exemption requested from the provisions of section 22(d) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 20, 1974, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following May 20, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10249 Filed 5-2-74;8:45 am]

[File No. 500-1]

BBI, INC.

Notice of Suspension of Trading

APRIL 26, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from April 29, 1974 through May 8, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10224 Filed 5-2-74;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

APRIL 26, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from April 28, 1974 through May 7, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10225 Filed 5-2-74;8:45 am]

[70-5491]

CENTRAL POWER AND LIGHT CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

APRIL 26, 1974.

Notice is hereby given that Central Power and Light Company ("CP&L"), 120 North Chapparel St., Corpus Christi, Texas 78403, an electric utility subsidiary company of Central and South West Corporation ("Central"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

CP&L proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $40,000,000 principal amount of First Mortgage Bonds, Series N, to be dated June 1, 1974,

and to mature June 1, 2004 (the "bonds"). The interest rate (which will be multiple of ⅛ of 1 percent) and the price (which will not be less than 99 percent nor more than 102.75 percent of the principal amount of the bonds, exclusive of the accrued interest to be added to such price) will be determined by competitive bidding. The bonds will be issued and secured by CP&L's Indenture of Mortgage or Deed of Trust, dated November 1, 1943, to the Frst National Bank of Chicago and R. R. Manchester (successor Co-Trustee), as Trustees, as amended by the indentures supplemental thereto heretofore executed (the "Mortgage"), and to be further amended by a Supplemental Indenture to be dated June 1, 1974, which contains a prohibition until June 1, 1979, against refunding the issue with the proceeds of funds borrowed at a lower effective interest cost, except under certain debt retirement provisions of the Mortgage.

The proceeds to be derived by CP&L from the sale of the bonds (exclusive of accrued interest and after deducting expenses of issue) will be used to finance a part of the costs of additions, extensions, betterments and improvements made and to be made to its electric utility properties, including the payment of approximately $14,000,000 of short-term notes incurred or expected to be incurred by CP&L in connection with the interim financing of its construction expenditures. The proposed construction expenditures of CP&L for the calendar years 1974 and 1975 are presently estimated at $115,691,000 and $84,102,000, respectively. It is proposed to authenticate the bonds against approximately $24,435,000 of matured CP&L Series A bonds and approximately $25,941,667 of available unused net expenditures for bondable property of CP&L.

The fees and expenses to be paid by CP&L in connection with the issue and sale of the bonds are estimated to total $95,000, including legal fees of $18,500. The fees and expenses of legal counsel for the successful bidders, to be paid by the successful bidders, are estimated at $12,850. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may not later than May 24, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10223 Filed 5-2-74;8:45 am]

[811-2323]

DELCAP ENERGY FUND, INC.

Application for Order Declaring That Company Has Ceased To Be an Investment Company

APRIL 29, 1974.

NOTICE IS HEREBY GIVEN that Delcap Energy Fund, Inc. ("Applicant"), 901 Market St., Wilmington, Del. 19801 registered as an open-end, diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant was organized as a Delaware corporation on September 15, 1970, and registered under the Act on October 19, 1972, by filing a Form N-8A Notification of Registration. Applicant also filed a Registration Statement under the Securities Act of 1933 ("1933 Act") on December 1, 1972. This 1933 Act Registration Statement never became effective, and on March 7, 1974, the Commission consented to its withdrawal. Applicant represents that due to unfavorable market conditions it has never offered its shares to the public.

As of February 15, 1974, Applicant had total assets of approximately $87,200 and 26 shareholders. All of these shareholders are either officers, directors or members of the research department of Applicant. Applicant has no public shareholders and has no intention of offering its securities for sale to the public.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is, not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 21, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following May 21, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10250 Filed 5-2-74;8:45 am]

[File No. 500-1]

GEON INDUSTRIES, INC.

Notice of Suspension of Trading

APRIL 9, 1974.

The common stock of Geon Industries, Inc. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Geon Industries, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Ex-

change Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from April 10, 1974 through April 19, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10226 Filed 5-2-74;8:45 am]

[File No. 500-1]

NATIONAL ALFALFA DEHYDRATING AND MILLING CO.

Notice of Suspension of Trading

APRIL 25, 1974.

The common stock of National Alfalfa Dehydrating And Milling Company being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of National Alfalfa Dehydrating And Milling Company being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from April 26, 1974 through May 5, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10227 Filed 5-2-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES, INC.

Notice of Suspension of Trading

APRIL 26, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 28, 1974 through May 7, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10228 Filed 5-2-74;8:45 am]

[File No. 500-1]

STANDARD LIFE CORP.

Notice of Suspension of Trading

APRIL 25, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Standard Life Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:00 p.m. (EDT) April 25, 1974 through midnight (EDT) May 4, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10229 Filed 5-2-74;8:45 am]

[File No. 500-1]

TECHNICAL RESOURCES, INC.

Notice of Suspension of Trading

APRIL 26, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Technical Resources, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 27, 1974 through May 6, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10230 Filed 5-2-74;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Notice of Suspension of Trading

APRIL 26, 1974.

The common stock of U.S. Financial Incorporated being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from April 29, 1974 through May 8, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10231 Filed 5-2-74;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Notice of Suspension of Trading

APRIL 26, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 28, 1974 through May 7, 1974.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10232 Filed 5-2-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 08/11-0029]

BERKSHIRE CAPITAL, INC.

Notice of License Surrender

Notice is hereby given that Berkshire Capital, Inc. (Berkshire), 405 8th Avenue, NW., Aberdeen, South Dakota 57401 has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (Act). Berkshire was licensed by the Small Business Administration on January 3, 1967.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on March 26, 1974, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

Dated: April 28, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-10145 Filed 5-2-74;8:45 am]

FIELD OFFICES

Delegation of Authority To Conduct Program Activities

Delegation of Authority No. 30-III (37 FR 17599), as amended, 38 FR 11379, is

hereby revised in its entirety to reflect realignment of field offices and reads as follows:

Pursuant to the authority delegated to Regional Director by Delegation of Authority No. 30 (Revision 14), 37 FR 12651, as amended, 37 FR 14840, 37 FR 19405, 37 FR 21466, 37 FR 23594, 38 FR 32984, and 39 FR 1898, the following authority is hereby redelegated to the positions within Region III, as indicated herein:

PART I—FINANCING PROGRAM

SECTION A—LOAN APPROVAL AUTHORITY

1. *Small Business Act Section 7(a) Loans.* To approve or decline business loans not exceeding the following amounts (SBA share):

(1) Assistant Regional Director for Finance and Investment---- $350,000
(2) Regional Loan Specialist---- 350,000
(3) District Director---- 350,000
(4) Assistant District Director for Finance and Investment---- 350,000
(5) District Supervisory Loan Specialist (Financing Division)- 350,000
(6) Chief, Financing Division (Richmond and Washington District Offices only)---- 350,000

2. *Economic Opportunity (EO) Loans.* To approve or decline economic opportunity loans not exceeding $50,000 (SBA Share).

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Assistant District Director for Finance & Investment
(5) District Supervisory Loan Specialist (Financing Division)
(6) Chief, Financing Division (Richmond and Washington District Offices only).

3. *Displaced business and other economic injury loans.* a. To decline displaced business, coal mine health and safety, consumer protection (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to approve such loans up to the following amounts (SBA Share):

(1) Assistant Regional Director for Finance and Investment---- $500,000
(2) Regional Loan Specialist---- 500,000
(3) District Director---- 500,000
(4) Assistant District Director for Finance and Investment---- 350,000
(5) District Supervisory Loan Specialist (Financing Division)- 350,000
(6) Chief, Financing Division (Richmond and Washington District Offices only)---- 350,000

b. To approve or decline displaced business, coal mine health and safety, consumer protection (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA share):

(1) Assistant Regional Director for Finance and Investment---- $500,000
(2) Regional Loan Specialist---- 500,000
(3) District Director---- 500,000
(4) Assistant District Director for Finance and Investment---- 350,000
(5) District Supervisory Loan Specialist (Financing Division)- 350,000
(6) Chief, Financing Division (Richmond and Washington District Offices only)---- 350,000

4. *Handicapped assistance loans.* To approve or decline Handicapped Assistance Loans not exceeding $350,000 (SBA share):

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Assistant District Director for Finance and Investment
(5) District Supervisory Loan Specialist (Financing Division)
(6) Chief, Financing Division (Richmond and Washington District Offices only).

SECTION B.—OTHER FINANCING AUTHORITY

1. a. To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, coal mine health and safety, strategic arms limitation economic injury, and handicapped assistance loan participation agreements with banks:

(1) District Director
(2) Assistant District Director for Finance and Investment
(3) District Supervisory Loan Specialist (Financing Division)
(4) Chief, Financing Division (Richmond and Washington District Offices only)
(5) Branch Manager
(6) Assistant Branch Manager

b. To enter into blanket loan guarantee agreements with banks:

(1) District Director
(2) Assistant District Director for Finance and Investment
(3) District Supervisory Loan Specialist (Financing Division)
(4) Chief, Financing Division (Richmond and Washington District Offices only)

2. To execute loan authorizations for loans approved by higher authority and for loans personally approved under delegated authority:

(1) District Director
(2) Assistant Regional Director for Finance and Investment
(3) District Supervisory Loan Specialist (Financing Division)
(4) Chief, Financing Division (Richmond and Washington District Offices only)

3. To cancel, reinstate, modify, and amend authorizations:

a. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, coal mine health and safety, strategic arms limitation economic injury, and handicapped assistance loans:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Branch Manager
(5) Assistant Branch Manager
(6) Assistant District Director for Finance and Investment
(7) District Supervisory Loan Specialist (Financing Division)
(8) District Supervisory Loan Specialist (Portfolio Management)
(9) Chief, Financing Division (Richmond and Washington District Offices only)
(10) Chief, Loan Administration Division (Richmond and Washington District Offices only)

b. For fully undisbursed or partially disbursed business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, coal mine health and safety, strategic arms limitation economic injury, and handicapped assistance loans:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Branch Manager
(5) Assistant Branch Manager
(6) Assistant District Director for Finance and Investment
(7) District Supervisory Loan Specialist (Financing Division)—fully undisbursed
(8) Chief, Financing Division (Richmond and Washington District Offices only)—fully undisbursed
(9) Chief, Loan Administration Division (Richmond and Washington District Offices only)—partially disbursed
(10) District Supervisory Loan Specialist (Portfolio Management)—partially disbursed only

c. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, coal mine health and safety, strategic arms limitation economic injury, and handicapped assistance loans personally approved under delegated authority:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Branch Manager
(5) Disaster Branch Manager
(6) Assistant District Director for Finance and Investment
(7) District Supervisory Loan Specialist (Financing Division)
(8) District Supervisory Loan Specialist (Portfolio Management)
(9) Chief, Financing Division (Richmond and Washington District Offices only)
(10) Chief, Loan Administration Division (Richmond and Washington District Offices only).

4. To approve minor modifications in fully undisbursed loan authorizations:

District Loan Specialist (Financing Division)

5.—a. To extend the disbursement period on *all* loan authorizations:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Branch Manager
(5) Assistant Branch Manager
(6) Assistant District Director for Finance and Investment

b. To extend the disbursement period on all loan authorizations on loans fully undisbursed:

(1) District Supervisory Loan Specialist (Financing Division)
(2) Chief, Financing Division (Richmond and Washington District Offices only)

c. To extend the disbursement period on all loan authorizations on loans partially disbursed:

(1) District Supervisory Loan Specialist (Portfolio Management)
(2) Chief, Loan Administration Division (Richmond and Washington District Offices only)

6. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Assistant District Director for Finance and Investment
(5) District Supervisory Loan Specialist (Financing Division)—fully undisbursed loans
(6) Chief, Financing Division (Richmond and Washington District Offices only)—fully undisbursed loans
(7) District Supervisory Loan Specialist (Portfolio Management)—partially undisbursed loans
(8) Chief, Loan Administration Division (Richmond and Washington District Offices only)—partially undisbursed loans

PART II—DISASTER PROGRAM

SECTION A.—DISASTER LOAN AUTHORITY

1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Assistant District Director for Finance and Investment
(5) District Supervisory Loan Specialist (Financing Division)
(6) Chief, Financing Division (Richmond and Washington District Offices only)
(7) Disaster Branch Manager
(8) Assistant Disaster Branch Manager

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Assistant District Director for Finance and Investment
(5) District Supervisory Loan Specialist (Financing Division)
(6) Chief, Financing Division (Richmond and Washington District Offices only)
(7) Disaster Branch Manager
(8) Assistant Disaster Branch Manager

3. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA guarantee of the following amounts:

(1) Assistant Regional Director for Finance and Investment	$1,000,000
(2) Regional Loan Specialist	1,000,000
(3) District Director	500,000
(4) Assistant District Director for Finance and Investment	500,000
(5) District Supervisory Loan Specialist (Financing Division	500,000
(6) Chief, Financing Division (Richmond and Washington District Offices only)	500,000
(7) Disaster Branch Manager	500,000
(8) Assistant Disaster Branch Manager	500,000

4. To appoint as a processing representative any Bank in the disaster area:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Assistant District Director for Finance and Investment
(5) Disaster Branch Manager

5. To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director

SECTION B—ADMINISTRATIVE AUTHORITY

1. *Establishment of Disaster Field Offices.* (a) To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when no longer advisable to maintain such offices; and (b) to obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space.

(1) Assistant Regional Director for Finance and Investment
(2) Assistant Regional Director for Administration
(3) Regional Loan Specialist
(4) District Director

2. *Purchase and Contract Authority.* a. To contract for local credit bureau services and loss verification services pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Disaster Branch Manager

b. To purchase office supplies and equipment, including office machines and regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up, dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) Regional Administrative Officer (Bala Cynwyd, Pa. office)
(4) District Director

PART III—COMMUNITY ECONOMIC DEVELOPMENT (CED) PROGRAM

SECTION A—SECTION 501 AND 502 LOAN APPROVAL AUTHORITY

1. To approve or decline section 501 state development company loans:

a. Without dollar limitation:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist

b. Up to the following amounts (SBA share), provided the official concurs in at least one prior recommendation:

None

2. To approve or decline section 502 local development company loans:

a. Up to the following amounts (SBA share):

None

b. Up to the following amounts (SBA share) when project cost does not exceed $1,000,000: *Provided,* The official concurs in at least one prior recommendation:

(1) Assistant Regional Director for Finance and Investment	$350,000
(2) Regional Loan Specialist	350,000

c. Up to the following amounts (SBA share) when project cost does not exceed $700,000: *Provided,* The official concurs in at least one prior recommendation:

(1) District Director	$350,000

SECTION B—OTHER 501 AND 502 AUTHORITY

1. a. To extend the disbursement period on sections 501 and 502 loan authorizations:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director

(4) Assistant District Director for Finance and Investment

b. To extend the disbursement period on fully undisbursed sections 501 and 502 loans:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Assistant District Director for Finance and Investment

2. a. To execute sections 501 and 502 loan authorizations for loans approved by higher authority and for loans personally approved under delegated authority:

(1) District Director
(2) Assistant District Director for Finance and Investment

3. a. To cancel, reinstate, modify and amend authorizations for sections 501 and 502 loans:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Assistant District Director for Finance and Investment

b. To cancel, reinstate, modify and amend authorizations for fully undisbursed or partially disbursed sections 501 and 502 loans:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Assistant District Director for Finance and Investment

4. To enter into section 502 loan participation agreements with banks:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Assistant District Director for Finance and Investment

SECTION C.—LEASE AND SURETY GUARANTEE APPROVAL AUTHORITY

1. To approve or decline applications for the direct guarantee of payment of rent not to exceed the following amounts:

(1) Assistant Regional Director for Finance and Investment	$1,000,000
(2) Regional Loan Specialist	1,000,000
(3) District Director	500,000

2. To guarantee sureties of small businesses against portions of losses resulting from the breach of bid, payment, or performance bonds on contracts not to exceed $500,000:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist

SECTION D.—OTHER LEASE GUARANTEE AUTHORITY

1. a. To issue and modify commitment letters:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Assistant District Director for Finance and Investment

SECTION E.—EDA LOAN DISBURSEMENT AUTHORITY

1. a. To disburse approved EDA loans, as authorized:

(1) Regional Counsel
(2) Regional Office Attorney
(3) District Counsel
(4) District Office Attorney

PART IV—PORTFOLIO MANAGEMENT (PM) PROGRAM

SECTION A.—PORTFOLIO MANAGEMENT, SERVICING, COLLECTION AND LIQUIDATION AUTHORITY

1. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans, exclusive of matters in litigation, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing, the assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; the execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordination, release (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing; the approval of bank applications for use of liquidity privilege under the loan guaranty plan; and to advertise regarding the public sale of collateral in connection with the liquidation of loans, and acquired property;

a. Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement;

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Assistant District Director for Finance and Investment
(5) District Supervisory Loan Specialist (Portfolio Management)
(6) Chief, Loan Administration Division (Richmond District and Washington District Offices only)

b. Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorze the liquidation of a loan; and the cancellation of authority to liquidate:

(1) Branch Manager
(2) Assistant Branch Manager

c. Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan other than a disaster home loan and the cancellation of authority to liquidate any loan other than a disaster home loan.

None

2. To contract for the services of fee appraisers, engineering, marketing and feasibility studies, and other required services, in conjunction with loan processing, servicing and loan liquidation:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Assistant District Director for Finance and Investment
(5) District Supervisory Loan Specialist (Portfolio Management)
(6) Chief, Loan Administration Division (Richmond and Washington District Offices only)

3. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of matters in litigation, and acquired collateral, when and as authorized by EDA:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist
(3) District Director
(4) Assistant District Director for Finance and Investment
(5) District Supervisory Loan Specialist (Portfolio Management)
(6) Chief, Loan Administration Division (Richmond and Washington District Offices only)

SECTION B—PORTFOLIO MANAGEMENT, SERVICING AND COLLECTION AUTHORITY

1. To take all necessary actions in connection with the administration, servicing, and collection of all loans, other than those accounts classified as "in liquidation" and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing, the assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, pow-

ers, rights, charges on an interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; the execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part), of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary for use of liquidity privilege under the loan guaranty plan;

a. Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan; and the cancellation of authority to liquidate:

None

2. To approve the following actions:

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorization.

d. Extension of disbursement period on loans partially undisbursed.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

(1) Concerning all current direct and participation loans and First Mortgage Plan 502 loans:

District Loan Officer (Portfolio Management)

(2) Concerning all direct and participation loans:

None

SECTION C—LEASE GUARANTEE ADMINISTRATION AND SERVICING AUTHORITY

1. a. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist

b. To service claims arising under all lease insurance policies issued in the district, approving the payment, or recommending denial of such claims:

(1) District Director
(2) Assistant District Director for Finance and Investment
(3) District Supervisory Loan Specialist (Portfolio Management)
(4) Chief, Loan Administration Division (Richmond and Washington District Offices only)

c. To service claims arising under all lease insurance policies issued in the branch office area, approving the payment or recommending denial of such claims:

None

2. To take all actions necessary to mitigate losses from lease guarantees:

a. Issued in the region:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist

b. Issued in his district:

(1) District Director
(2) Assistant District Director for Finance and Investment
(3) District Supervisory Loan Specialist (Portfolio Management)
(4) Chief, Loan Administration Division (Richmond and Washington District Offices only)

PART V—PROCUREMENT ASSISTANCE

SECTION A—CERTIFICATE OF COMPETENCY APPROVAL AUTHORITY

1. With the exception of re-referred cases, to approve applications for certificates of Competency up to but not exceeding $250,000 bid value received from small business concerns located within the geographical jurisdiction of the following:

None

2. To deny an application for a Certificate of Competency when an adverse determination as to capacity or credit is concurred in:

Assistant Regional Director for Procurement Assistance

SECTION B—SECTION 8 (A) CONTRACTING AUTHORITY

1. To enter into contracts, not exceeding the following amounts, on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies, or materials to the Government and agreeing as to the terms and conditions of such contracts:

(1) Assistant Regional Director for Procurement Assistance $100,000

2. To arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts:

(1) Assistant Regional Director for Procurement Assistance

3. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract to be let by any such officer:

(1) Assistant Regional Director for Procurement Assistance

PART VI—MANAGEMENT ASSISTANCE

SECTION A—SECTION 406 CONTRACT MANAGEMENT AUTHORITY

1. To take all necessary actions in connection with the administration and management of contracts, executed by the Associate Administrator for Financial Assistance under the authority granted in Section 406 of the Economic Opportunity Act of 1964, as amended, except changes, amendments, modifications, or termination of the original contract:

(1) Assistant Regional Director for Management Assistance

PART VII—LEGAL SERVICES

SECTION A—AUTHORITY TO CONDUCT LITIGATION ACTIVITIES

1. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with matters in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and application therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges, on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all matters in litigation.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to matters in litigation.

(1) Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement:

(1) Regional Counsel

(2) Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan and the cancellation of authority to liquidate:

(1) District Counsel
(2) Branch Counsel

2. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with matters in litigation, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to regional and district counsel:

a. The assignment, endorsement, transfer and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges, on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all matters in litigation.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all matters in litigation:

(1) Regional Office Attorney
(2) District Office Attorney
(3) Branch Counsel
(4) Branch Office Attorney

3. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA:

(1) Regional Counsel
(2) Regional Office Attorney
(3) District Counsel
(4) District Office Attorney

SECTION B—LOAN CLOSING AUTHORITY

1. To close and disburse approved SBA loans:

(1) Regional Counsel
(2) Regional Office Attorney
(3) District Counsel
(4) District Office Attorney
(5) Branch Counsel
(6) Branch Office Attorney

2. To close approved EDA loans, as authorized:

(1) Regional Counsel
(2) Regional Office Attorney
(3) District Counsel
(4) District Office Attorney

3. To approve, when requested, in advance of disbursements, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization:

(1) Regional Counsel
(2) Regional Office Attorney
(3) District Counsel
(4) District Office Attorney
(5) Branch Counsel
(6) Branch Office Attorney

PART VIII—ELIGIBILITY AND SIZE DETERMINATION

SECTION A—ELIGIBILITY DETERMINATIONS

1. a. In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance under any program of the Agency,

(1) Except: the SBIC program:

(1) Assistant Regional Director for Finance and Investment (Financial Programs)
(2) Assistant Regional Director for Procurement Assistance (Procurement Programs)
(3) Regional Loan Specialist
(4) District Director

(2) Except: The SBIC and community economic development programs:

(1) Assistant District Director for Finance and Investment
(2) District Supervisory Loan Specialist (Financing Division)

b. In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance under the sections 501 and 502 program of the Agency:

(1) None

SECTION B—SIZE DETERMINATION

1. a. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only:

(1) Assistant Regional Director for Finance and Investment
(2) Regional Loan Specialist

b. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financing purposes only:

(1) District Director
(2) Assistant District Director for Finance and Investment

c. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financing purposes only:

(1) District Supervisory Loan Specialist (Financing Division)
(2) Chief, Financing Division (Richmond and Washington District Offices only)

d. To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only:

None

e. Product classification decisions for procurement purposes are made by contracting officers.

PART IX—ADMINISTRATIVE

SECTION A.—AUTHORITY TO PURCHASE, RENT, OR CONTRACT FOR EQUIPMENT, SERVICES AND SUPPLIES

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases:

(1) Assistant Regional Director for Administration
(2) District Director

2. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.

(1) Assistant Reigonal Director for Administration
(2) Regional Office Services Specialist
(3) District Director

3. To rent motor vehicles and garage space for the storage of such vehicles when not furnished by this Administration.

(1) Assistant Regional Director for Administration
(2) Regional Office Services Specialist
(3) District Director

4. To rent temporarily SBA conference space except within the Metropolitan Washington area.

(1) Assistant Regional Director for Administration
(2) District Director

5. To certify true copies of any books, records, papers, or other documents on file with the Small Business Administration; to certify extracts from such material; to certify the non-existence of records on file; and to cause the Seal of the Small Business Administration to be affixed to all such certifications:

(1) District Director
(2) Branch Manager

PART X—EXERCISE OF AUTHORITY BY OFFICIAL IN AN ACTING CAPACITY AND REDELEGATION

The authority delegated herein to a specific position may not be redelegated however, such authority may be exercised by an SBA employee designated as acting in that position.

PART XI—RECISSION OF AUTHORITY

All authority previously delegated by the Regional Director to specific positions in Region III is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the effective date hereof.

Effective date: November 11, 1973.

A. M. PETERSON,
Regional Director,
Region III.

[FR Doc.74-10144 Filed 5-2-74;8:45 am]

ESTABLISHMENT OF STANDARDS AND GUIDELINES FOR LENDING INSTITUTIONS

Notice of Meeting; Inquiry

Notice is hereby given of an opportunity for interested parties to participate in a meeting to be held for the purpose of obtaining public comment and suggestions for the further development of the standards and guidelines established by the Small Business Administration (SBA) for lending institutions which are not subject to regulation and supervision by either Federal or State authorities. The meeting will be held on May 17, 1974, commencing at 9:00 a.m., in the headquarters of SBA located at 1441 L Street NW., Washington, D.C. 20416. The intention is to complete the meeting in one day. An allocation of time for oral presentations will be made on the basis of the number of requests received for the presentation of oral statements. The proceedings will be conducted informally subject to the discretion of the Chairman of the meeting. Persons wishing to submit comments and suggestions in writing are hereby invited to do so whether or not they participate in the meeting.

Background. Pursuant to the Small Business Act and the Economic Opportunity Act of 1964, SBA may participate with private lending institutions in loans to eligible small business concerns. Pursuant to regulations adopted by SBA, particularly Part 120 of 13 CFR 120.3(c) (38 FR 34459), SBA participates both with lending institutions which are subject to regulation and supervision by Federal or State authorities and with lending institutions which are not subject to Federal or State regulation and supervision where such institutions qualify pursuant to standards and guidelines established by SBA.

The following are examples of topics which comment or suggestions would be appropriate:

1. In order to qualify as a nonregulated lender, it is required that the institution has been engaged in providing financial assistance to business organizations for a minimum period of time. The question is what should be the minimum period of lending experience that SBA should require from a nonregulated lender before SBA will participate with that lender in a loan to a small business concern?

2. It has been determined that the participation of a non-regulated lender in lending programs administered by SBA not be the principal lending activity of such lender. At what level should SBA establish the maximum percentage for the nonregulated lender's lending activity relating to SBA's loan programs?

3. SBA requires that a nonregulated lender participating with SBA must maintain an unimpaired capital of not less than $200,000. The question upon which public comment is invited is the extent to which this minimum capitalization requirement should be increased or other capital or reserve requirements imposed?

4. SBA's primary statutory function is to protect and assist the interests of small business concerns. SBA also seeks to encourage the development of private sources of financial assistance to the small business community by enabling and facilitating the participation of both regulated and nonregulated lending institutions in the SBA loan programs. However, SBA desires to avoid participating with private lenders in any manner that would affect SBA's freedom to administer its programs for the assistance of small business concerns. Public comment is invited on the adoption by SBA of guidelines to avoid the dependence of nonregulated lenders on SBA in a manner that would encroach upon SBA's ability to execute its statutory function, to adopt or amend its regulations, or to take administrative actions to protect the interests of the small business community and the Government.

5. How can the development of nonregulated lenders be encouraged or assisted without adversely affecting regulated lenders and without encroaching on SBA's administrative discretion?

6. Shall participating lenders, including nonregulated lenders, be permitted or be precluded from providing nonlending services for a fee to borrowers, such as the sale of insurance or providing management or consulting services?

7. Such other questions or issues in this general area that may be appropriately developed at the designated meeting.

Notification of intent to make oral presentations, and inquiries regarding this meeting, should be directed to William W. Rosenfield, Jr., Acting Director, Office of Program Development, at the above headquarters address, or by telephoning Area Code 202, 382-7164. Only one oral presentation may be made on behalf of a single party. Written comments on the above or related topics will be accepted for an additional 10 days after the date of the meeting.

Dated: May 2, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-10375 Filed 5-2-74;11:04 am]

TARIFF COMMISSION

[337-L-68]

PIEZOELECTRIC CERAMIC 10.7 MHz ELECTRIC WAVE FILTERS

Extension of Time

On November 26, 1973, the U.S. Tariff Commission issued notice of the receipt of a complaint received under section 337 of the Tariff Act of 1930, filed by the Vernitron Corporation of Bedford, Ohio alleging unfair methods of competition and unfair acts in the importation and sale of piezoelectric ceramic 10.7 MHz electric wave filters (38 FR 33127 Nov. 30, 1973). Interested parties were given until February 18, 1974, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business May 26, 1974.

By order of the Commission.

Issued: April 29, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-10186 Filed 5-2-74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

MOUNTAIN STATES REGIONAL MANPOWER ADVISORY COMMITTEE

Notice of Meeting

The Mountain States Regional Manpower Advisory Committee will meet at the Game Lodge in Custer State Park, South Dakota on May 16 and 17, 1974. Appointed by the Secretary of Labor, the Committee makes recommendations to the Department of Labor's Assistant Regional Director for Manpower and the Department of Health, Education and Welfare's Regional Director relative to the carrying out of their duties under the Manpower Development and Training Act of 1962, as amended. Members of the Committee are chosen from representatives of labor, management, agriculture, education, training and the public at large. The chairman is J. Kenneth Davies of Brigham Young University.

At its meeting on May 16 and 17, the Mountain States Regional Manpower Advisory Committee will discuss the Comprehensive Employment and Training Act of 1973 and its implications for the role and composition of advisory bodies; review the Basic Education Opportunity Grant Program of HEW; and discuss HEW's health manpower policy.

The meeting will be held in the Game Lodge starting at 9 a.m. on May 16 and is expected to adjourn at 12 noon on May 17. The meeting will be open to the public.

Signed at Denver, Colorado, this 15th day of April, 1974.

ROBERT M. HUNTER,
Executive Secretary, Mountain States Regional Manpower Advisory Committee.

[FR Doc.74-10344 Filed 5-2-74;10:28 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 500]

ASSIGNMENT OF HEARINGS

APRIL 30, 1974.

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.

Ex Parte 295 Sub-1, Increased Freight Rates and Charges, 1973—Recyclable Materials, is continued to May 2, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139206, F. M. S. Transportation, Inc., now being assigned July 8, 1974, (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC-F-12128, Gateway Transportation Co., Inc.—Purchase (Portion)—Walsh Freight Co., Inc., And Carrier Service, Inc.; and Finance Docket No. 27601, Gateway Transportation Co., Inc., Notes, now being assigned July 10, 1974, (3 days), at St. Louis, Mo., in a hearing room to be later designated.

MC 124511 Sub-17, John F. Oliver, now being assigned continued hearing July 15, 1974 (1 week), at St, Louis, Mo., in a hearing room to be later designated.

MC-35628, Interstate Motor Freight System, now being assigned hearing May 15, 1974 (3 days), in Room 235 Federal Bldg., 85 Marconi Boulevard, Columbus, Ohio.

MC 8948 Sub 106, Western Gillette, Inc., now assigned June 24, 1974, in Court Room 2, 3rd Floor, Federal Bldg., 300 Las Vegas Blvd., South, Last Vegas, Nev.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-10247 Filed 5-2-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

APRIL 30, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 13, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-25798 (Sub-No. E1), filed April 7, 1974. APPLICANT: Clay Hyder Trucking Lines, Inc., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh vegetables* in mixed shipments with frozen citrus products or citrus products not canned and not frozen (1) from points in Florida west of the eastern boundary of Jefferson County, to points in Kentucky east of a line beginning at the Kentucky-Tennessee State line and its intersection with Florida Highway 61, thence along Florida Highway 61 to Elizabethtown, thence north along U.S. Highway 31W to its intersection with U.S. Highway 60, thence west on U.S. Highway 60 to its intersection with Kentucky Highway 79, thence north on Kentucky Highway 79 to the Kentucky-Indiana State line; (2) from points in Florida west of the eastern boundary of Jefferson County, to points in Illinois on and north of a line beginning at the intersection of U.S. Highway 460 and the Illinois-Indiana State lines, thence along U.S. Highway 460 to its intersection with U.S. Highway 40, thence west on U.S. Highway 40 to the Illinois-Missouri State line; (3) from points in Florida west of the eastern boundary of Jefferson County, to points in Indiana (except Posey, Vanderburg, Warrick, Spencer, Perry, Dubois, Gibson, and Pike Counties, Ind.); and (4) from points in Florida to points in Michigan, Minnesota, Ohio, West Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateway of Henderson County, N.C.

No. MC-73616 (Sub-No. E1), filed April 24, 1974. APPLICANT: Bilkays Express Co., 100 Third Avenue, Elizabeth, N.J. 07256. Applicant's representative: J. C. Carver (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Hunterdon, Morris, Sussex, and Warren Counties, N.J., and those in Somerset County, N.J., north of the Raritan River, on the one hand, and, on the other, points in Dutchess, Orange, Putnam, Rockland, and Westchester Counties, N.Y. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC-95540 (Sub-No. E25), filed April 15, 1974. APPLICANT: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 Sub-No. E-26), filed April 15, 1974. Applicant: WATKINS MOTOR LINES INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from points in Florida to points in Ohio. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E-34), filed April 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits* and *frozen vegetables*, from points in Florida, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and Tennessee.

No. MC-95540 (Sub-No. E38), filed April 15, 1974. APPLICANT: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits* and *frozen vegetables*, from points in Florida to points in Delaware. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E39), filed April 15, 1974. APPLICANT: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in Rhode Island.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E40), filed April 15, 1974. APPLICANT: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from points in Florida on and east of U.S. Highway 231, to points in Nevada. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and Tennessee.

No. MC–95540 (Sub-No. E41), filed April 15, 1974. APPLICANT: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from points in Florida to points in Michigan. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E42), filed April 15, 1974. APPLICANT: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from points in Florida to points in Washington. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and Tennessee.

No. MC–95540 (Sub-No. E43), filed April 15, 1974. APPLICANT: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in Illinois. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 E64, filed April 18, 1974. APPLICANT: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299, Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in South Carolina on and west of a line beginning at the Georgia-South Carolina State line and extending north along U.S. Highway 29 through Anderson to its intersection with Interstate Highway 85, thence along Interstate Highway 85 to Greenville, thence along U.S. Highway 25 to the Tennessee-South Carolina State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E71), filed April 18, 1974. APPLICANT: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Mississippi. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E73), filed April 18, 1974. APPLICANT: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E74), filed April 18, 1974. APPLICANT: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub E75), filed April 18, 1974. Applicant: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Indiana. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub E77), filed April 18, 1974. Applicant: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E78), filed April 18, 1974. APPLICANT: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Maryland. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–100666 (Sub-No. E9) (CORRECTION), filed April 7, 1974, published in the Federal Register April 25, 1974. APPLICANT: Melton Truck Lines, Inc., 1129 Grimmet Drive, P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: In No. MC–100666 (Sub-No. E9).

(5) *Plastic pipe*, except oil field commodities as described by the Commission in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, from Slocomb, Ala., (a) to points in that part of Illinois on, north and west of a line beginning at Quincy, thence east on Illinois Highway 104 to the junction of Illinois Highway 104 and Interstate Highway 67, thence north on Interstate Highway 67 to the junction of Interstate Highway 67 and Interstate Highway 136, thence east on Interstate Highway 136 to the junction of Interstate Highway 136 and Illinois Highway 41, thence north on Illinois Highway 41 to the junction of Illinois Highway 41 and Illinois Highway 34, thence north on Illinois Highway 34 to the junction of Illinois Highway 34 and Illinois Highway 88, thence north on Illinois Highway 88 to the junction of Illinois Highway 88 and Illinois Highway 2, thence northeast on Illinois Highway 2 to the junction of Illinois Highway 2 and Illinois Highway 26, thence north on Illinois Highway 26 to the Illinois-Wisconsin State line; (b) to points in that part of Wisconsin on and west of a line beginning at the junction of Interstate Highway 90 and the Illinois-Wisconsin State line, thence north on Interstate Highway 90 to the junction of

Interstate Highway 90 and Wisconsin Highway 26, thence north on Wisconsin Highway 26 to the junction of Wisconsin Highway 26 and Interstate Highway 41, thence north on Interstate Highway 41 to the junction of Interstate Highway 41 and Wisconsin Highway 47, thence north to the junction of Wisconsin Highway 47 and the junction of Interstate Highway 51, thence north on Interstate Highway 51 to the Wisconsin-Michigan State line; (c) to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Columbia, Miss.

The purpose of this correction is to indicate the origin as Slocomb, Ala., not Slocomb, Ark., as previously published. The rest of the notice remains as previously published.

No. MC–113267 (Sub-No. E1), filed April 25, 1974. APPLICANT: Central & Southern Truck Lines, 3385 Airways Blvd., Memphis, Tenn. 38116. Applicant's representative: Lawrence A. Fischer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy 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 (except hides and commodities in bulk, in tank vehicles), from points in Iowa (except points in Woodbury, Monona, Harrison, Shelby, Pottawattamie, Cass, Mills, Montgomery, Adams, Fremont, Page, and Taylor Counties), to Memphis, Tenn. The purpose of this filing is to eliminate the gateway of Paducah, Ky.

No. MC–115840 (Sub-No. E3), filed April 21, 1974. APPLICANT: Colonial Fast Freight, Inc., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities in bulk and those used in or in connection with discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), from points in North Carolina and South Carolina, to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC–117119 (Sub No. E1), filed April 8, 1974. APPLICANT: Willis Shaw Frozen Express, Inc., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, in truckloads of 20,000 pounds or more, from points in that part of Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in Arizona, California, New Mexico, and Texas. Restriction: The authority above is restricted to the transportation of the quantity indicated, when transported from one consignor to one or more consignees. (2) *Foodstuffs* (except dairy products and commodities in bulk) in truckloads of 20,000 pounds or more, from points in that part of Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in Idaho and Utah. Restriction: The authority above is restricted to the transportation of the quantities indicated, when transported from one consignor to one or more consignees. The purpose of the filing in (1) above is to eliminate gateways of Cincinnati, Ohio; Blytheville, Ark.; and Jackson, Tenn. The purpose of the filing in (2) above is to eliminate the gateways of Cleveland, Ohio, and Springdale, Ark. (a point within the Fayetteville, Ark., commercial zone as defined by the Commission).

No. MC–118831 (Sub-No. E5), filed April 15, 1974. APPLICANT: Central Transport, Inc., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Richmond County, Ga., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC–118831 (Sub-No. E6), filed April 15, 1974. APPLICANT: Central Transport, Inc., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, (1) from points in North Carolina in and west of the counties of Anson, Stanley, Rowan, Iredell, Alexander, Caldwell, and Avery to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island; and (2) from points in Scotland, Richmond, Montgomery, Davidson, and Davie Counties, N.C., to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC–118831 (Sub-No. E7), filed April 16, 1974. APPLICANT: Central Transport, P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (Same as Above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals), in bulk, in tank vehicles, from points in South Carolina to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island (except from points in Dillon, Florence, Georgetown, Horry, Marion, and Williamsburg Counties, S.C., to points in Delaware and Maryland). The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC–119777 (Sub-No. E22), filed April 9, 1974. APPLICANT: Ligon Specialized Hauler, Inc., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard, pulpboard, chipboard, flakeboard*, and *particle board*, from points in Saline and Pulaski Counties, Ark., to points in Idaho, Montana, Oregon, Utah, Washington, Wyoming, and points in Nevada on and north of U.S. Highway 6, and points in California on, north, and west of a line beginning at the California-Nevada State line, thence along California Highway 167 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to its junction with California Highway 120, thence along California Highway 120 to its junction with Interstate Highway 205, thence along Interstate Highway 205 to its junction with Interstate Highway 580, thence along Interstate Highway 580, to its junction with Interstate Highway 80, thence along Interstate Highway 80 to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Wright City, Mo.

No. MC–124211 (Sub-No. E2), filed April 8, 1974. APPLICANT: Hilt Truck Line, Inc., P.O. Box 988, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or packaged foodstuffs* (except frozen foods and except meats, meat products, meat by-products, dairy 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, and except commodities in bulk), from points in California to points in North Carolina, South Carolina, and Bells, Humboldt, Jackson, Milan, and Memphis, Tenn. The purpose of this filing is to eliminate the gateway of Lancaster County, Nebr.

No. MC–124211 (Sub-No. E8), filed April 22, 1974. APPLICANT: Hilt Truck Line, Inc., P.O. Box 988 D.S., Omaha, Nebraska 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or packaged foodstuffs* (except commodities in bulk, frozen foods, and except meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in California on and

north of a line beginning at the Arizona-California State line at Needles, Calif., thence over Interstate Highway 40 to Amboy, Calif., thence over unnumbered highway to junction of Interstate Highway 10, thence over Interstate Highway 10 to junction California State Highway 74, thence over California State Highway 74 to junction California State Highway 71, thence over California State Highway 71 to Temecula, Calif., thence over U.S. Highway 395 to junction California State Highway 76, thence over California State Highway 76 to Oceanside, Calif., to points in Georgia on and east of U.S. Highway 27, and to points in Florida east of the western boundary of Jefferson County, Fla., and to Tallahassee, Fla. The purpose of this filing is to eliminate the gateway of points in Lancastser County, Nebr.

No. MC–124211 (Sub-No. E9) (CORRECTION), filed April 8, 1974, published in the FEDERAL REGISTER April 25, 1974. APPLICANT: Hilt Truck Line, Inc., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (B) *Macaroni, noodles, grain products, food products* (except commodities in bulk, dairy products, frozetn foods, potato products, meats, meat products and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), *pancake and cake flour* (except in bulk), *spaghetti and vermicelli*, from points in Idaho, Montana, North Dakota, and South Dakota to points in Missouri. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr. This correction is for the purpose of setting forth the territories under (B). The rest of the application stands as previously published.

No. MC–124211 (Sub-No. E20), filed April 9, 1974. APPLICANT: Hilt Truck Line, Inc., P.O. Box 988, D.T.S. Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (A) *Macaroni, noodles, pancake and cake flour* (except in bulk), *spaghetti, vermicelli, and food products* (except candy and confectionery, meats and packinghouse products, dairy products, frozen foods, and potato products and commodities in bulk), from points in Tennessee (except Bells, Humboldt, Jackson, Milan, and Memphis and points in its Commercial Zone, as defined by the Commission) to points in Oregon, Washington, and Wyoming. (B) *Flour and food products* (except candy and confectionery, meats and packinghouse products, dairy products, frozen foods, potato products, and commodities in bulk), from points in Arkansas, Louisiana and Mississippi, to points in Oregon, Washington and Wyoming. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr.

By the Commission.

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

[FR Doc.74–10245 Filed 5–2–74;8:45 am]

[Notice No. 72.]

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 May 23, 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–74991. By order of April 22, 1974, the Motor Carrier Board approved the transfer to Capp Express, Inc., Pittsburgh, Pa., of Certificates of Registration Nos. MC–99772 (Sub-No. 1) and MC–99772 (Sub-No. 2) issued March 16, 1967, to Capp Trucking Company, a corporation, Pittsburgh, Pa., evidencing the authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority granted in Docket No. 83066, Folder 3 and Folder 4 dated May 7, 1956, and in Docket No. 83066, Folder 6 dated January 16, 1967, both dockets as amended to stand in the name of Capp Trucking Company, a corporation, by order dated January 23, 1967, by the Pennsylvania Public Utility Commission. Mr. Arthur J. Diskin, Attorney at Law, 806 Frick Building, Pittsburgh, Pa. 15219.

No. MC–FC–75031. By order of March 29, 1974, the Motor Carrier Board approved the transfer to Woodrow Moore and Phillip M. Moore, a partnership, doing business as A. L. & W. Moore Trucking Company, Bossier City, La., of the operating rights in Certificate No. MC–55865 issued January 25, 1960 to Andrew Lee Moore and Woodrow Moore, a partnership, doing business as A. L. and W. Moore, Bossier City, La., authorizing the transportation of Mercer description commoditites between points in Lousiana, Arkansas, Alabama, Mississippi and Texas. Neil Dixon, 1025 Slattery Bldg., Shreveport, La., 71101 Attorney for applicants.

No. MC–FC–75069. By order of April 25, 1974, the Motor Carrier Board approved the transfer to Frank Champer, Inc., Cambridge, Mass., of Permit No. MC–94548 issued March 19, 1965, to Frank Champer, Malden, Mass., authorizing the transportation of new furniture from Everett, Somerville, and Melrose, Mass., to points in Maine, New Hampshire, Connecticut, and Rhode Island within 200 miles of the origin points. Pinta and Murphy, Attorneys at Law, One State Street, Boston, Mass. 02109.

No. MC–FC–75091. By order entered April 22, 1974, the Motor Carrier Board approved the transfer to Zephyr Line, Inc., West Springfield, Mass., of that portion of the operating rights set forth in Certificate No. MC–2051, issued December 29, 1966, to J. C. Driscoll Transportation, Inc., Chelsea, Mass., authorizing the transportation of general commodities, with the usual exceptions, between Boston, Mass., and Pittsfield, Mass., over specified routes, serving the intermediate points of Brighton, Brookline, Worcester, Northampton, Palmer, Springfield, and Westfield, Mass., and the off-route points of Holyoke, Allston, and Easthampton, Mass. Frank J. Weiner, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

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

[FR Doc.74–10242 Filed 5–2–74;8:45 am]

[Ex Parte No. 305]

RAILROAD FREIGHT CARRIERS

Nationwide Increase of Ten Percent in Freight Rates and Charges, 1974

APRIL 30, 1974.

It appearing, That on April 22, 1974, most of the nation's railroads [1] and certain water and motor carriers having joint rates with those railroads, filed a petition, accompanied by supporting verified statements, requesting the Commission to institute an investigation into the revenue needs of all carriers by railroad operating in the United States, and to make all such carriers respondent hereto, to authorize the filing of a master tariff and connecting link supplements and other necessary tariffs and supplements, fourth-section relief, and modification of all outstanding orders to the extent necessary, increasing present rates and charges within, from, to, and via all territories by 10 percent (subject to unidentified exceptions which may be warranted), to become effective on May 2, 1974, or as soon thereafter as possible, upon not less than 10 days' notice, subject to a refund rule;

It further appearing, That in view of the extraordinary request to make the proposed increase effective on May 2, 1974, or as soon thereafter as possible, upon not less than 10 days' notice, it is necessary to consider that exceptional request separately at this time;

[1] The Long Island Rail Road did not join in the petition.

It further appearing, That the proposed 10 percent increase would produce additional revenues of $1.5 billion for all railroads, $505 million in the Eastern District, $272 million in the Southern District, and $723 million in the Western District (excluding the one percent sought by the eastern and western railroads in excess of that authorized on an interim basis and presently pending in Ex Parte No. 303);

It further appearing, That the railroads' rate of return on net investment was 3.08 percent nationally, 0.56 percent in the Eastern District, 5.40 percent in the Southern District, and 4.21 percent in the Western District; and that at the proposed rates and present cost levels the respective estimated rates of return would be 5.27, 2.99, 7.48, and 6.26 percent;

It further appearing, That letters supporting the railroads' request to be authorized to make the proposed increase effective on 10 days' notice have been received from the Secretary of Transportation, the United Transportation Union, and the Brotherhood of Railway, Airline anl Steamship Clerks, Freight Handlers, Express and Station Employees; and that an objection to such request has been received from the National Industrial Traffic League;

It further appearing, That the petition discloses that the railroads reached agreement on the proposal on April 3; that, however, it was not filed with the Commission until April 22, with the request that the increases be permitted to become effective on May 2 on 10 days' notice which would have required action on the petition on the day of filing; that the evidence submitted with the petition consists of 9 voluminous exhibits and 50 verified statements supporting a proposed increase totalling approximately $1.5 billion; and that it was obviously impossible to adequately consider and verify the evidence in the general public interest in less than one day;

It further appearing, that with respect to the request to make the increase effective on May 2, the petitioners claim that through publicity and the mailing of copies of the petition and supporting evidence on April 22, the date of filing with the Commission, to the parties in the last general rate increase proceeding, sufficient opportunity has been afforded the shipping public to present its views before May 2; but that, to the contrary, allowing for time in the mails for actual delivery of the petitioners' request and any shipper responses, the remainder of time available for shipper consideration of the proposal would have been wholly inadequate;

It further appearing, that concerning the alternative request to make the increase effective on 10 days' notice as soon as possible after May 2, except for the Penn Central Transportation Company (George P. Baker, Richard C. Bond, and Robert W. Blanchette, Trustees), and the Lehigh Valley Railroad Company, the emphasis of the arguments in the proposal is on the need for funds for maintenance and capital improvements; and that it is not established that irreparable harm would follow the delay necessary to permit shippers and other interested persons a fair opportunity to present their views;

It further appearing, that, the Penn Central and the Lehigh Valley urge that unless their cash flow is improved their continued operations are in peril; but that, based on monthly, weekly, and daily reports of cash positions of those carriers furnished to the Commission on a continuing basis, it does not appear that their continued operations are threatened in the time necessary to provide for public responses; and that, furthermore, under the Rail Reorganization Act of 1973, funds have been designated for interim relief to railroads in reorganizations, therefore,

It is ordered, that the petition to the extent that it requests authority to publish increases on short notice, that is to make the proposed increases effective on 10 days' notice be, and it is hereby, denied. As soon as possible, the Commission shall specify the procedures to be followed with respect to this petition in a subsequent order. In an effort to maintain orderly procedure and to avoid the filing of duplicative representations, interested parties are requested not to file any pleadings either supporting or objecting to the substance of the petition until the subsequent order has been served.

It is further ordered, that notice of this order be given by serving a copy thereof on each party to the proceeding in Ex Parte No. 303, to the Governor and public utility regulatory body of each State, the Environmental Protection Agency, the Special Assistant to the President for Consumer Affairs, and by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register for publication therein.

By the Commission.

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

[FR Doc.74-10246 Filed 5-2-74;8:45 am]

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FRIDAY, MAY 3, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 87

PART II



DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Modification and Supersedeas Decision, Index

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bason Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Titl 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, consitiute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Georgia	AQ–4106

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGSTER are listed with each State.

Alabama:	
AQ–4002	Aug. 3, 1973
Arizona:	
AQ–1073; AQ–1074	Feb. 1, 1974
AQ–1085	Feb. 15, 1974
Arkansas:	
AP–1107	June 29, 1973
AQ–4002	Aug. 3, 1973
Connecticut:	
AQ–3097; AQ–3098	Feb. 15, 1974
AQ–3149	Mar. 22, 1974
Florida:	
AP–178; AP–179; AP–180; AP–181	May 4, 1974
AP–4002	Aug. 3, 1973
Georgia:	
AQ–4068; AQ–4069	Feb. 15, 1973
Indiana:	
AQ–3129; AQ–3131; AQ–3132; AQ–3135; AQ–3136.	Apr. 5, 1974
Kentucky:	
AQ–4002	Aug. 3, 1973
Louisiana:	
AP–1107	June 29, 1973
AQ–4002	Aug. 3, 1973
AQ–99	Apr. 19, 1974
Maryland:	
AQ–2100; AQ–2101	Do.
Minnesota:	
AQ–3102	Feb. 22, 1974
Mississippi:	
AP–1107	June 29, 1973
AQ–4002	Aug. 3, 1973
Missouri:	
AQ–85	Mar. 8, 1974
New York:	
AQ–2037	Dec. 21, 1973
North Carolina:	
AQ–4064	Feb. 1, 1974
Oklahoma:	
AM–3603; AM–3604; AM–3606; AM–3608; AM–3609; AM–3610; AM–3611.	Aug. 25, 1971
South Carolina:	
AQ–4065	Feb. 1, 1974
Tennessee:	
AP–1107	June 29, 1973
AQ–4002	Aug. 3, 1973
Texas:	
AQ–4002	Do.
AQ–68	Dec. 28, 1973
AQ–100	Apr. 5, 1974
AQ–104	Apr. 12, 1974
Virginia:	
AQ–2024	Oct. 19, 1973
AQ–2103	Apr. 19, 1974

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

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.

Arkansas:	
AQ–7(AQ–95)	July 20, 1973
Connecticut:	
AQ–3015(AQ–31663; AQ–3016(AQ–3167); AQ–3019 (AQ–3168); AQ3020(AQ–3169); AQ–3021(AQ–3170)	Oct. 12, 1973
Florida:	
AP–196(AQ–4107)	June 8, 1973
Georgia:	
AM–471, AM–472, AM–473, AM–474, and AM–475 (AQ–4104)	Aug. 20, 1971
Maryland:	
AQ–2036(AQ–2111)	Dec. 21, 1973

Mississippi:
AQ-4042, AQ-4043, AQ-4044, AQ-4045, AQ-4046, AQ-4047(AQ-4109); AQ-4047(AQ-4110) -------- Dec. 21, 1973
AQ-4081(AQ-4110) ------ Feb. 22, 1974
AQ-4090(AQ-4111) ------ Mar. 15, 1974
Missouri:
AP-504(AQ-94) --------- Sept. 1, 1972
Nebraska:
AQ-86(AQ-93) ---------- Mar. 8, 1974
New Jersey:
AP-838(AQ-2115); AP-840 (AQ-2113) ---------- May 25, 1973
New York:
AM-1735(AQ-2112) ------ Aug. 11, 1971
AP-451(AQ-2114) ------- Nov. 25, 1972
Texas:
AP-346(AQ-92) --------- Sept. 29, 1972
Utah:
AQ-1069(AQ-1101) ------ Jan. 11, 1974
Virginia:
AM-1871(AQ-2108) ------ Aug. 20, 1971
AQ-2036(AQ-2111) ------ Dec. 21, 1973
AQ-2038(AQ-2109) ------ Dec. 28, 1973
Washington, D.C.:
AQ-2035(AQ-2110) ------ Dec. 21, 1973

Signed at Washington, D.C., this 26th day of April 1974.

RAY J. DOLAN,
Assistant Administrator
Wage and Hour Division.

NEW DECISION

State: Georgia
Decision Number: AQ-4106
Description of Work: Building Construction

County: Richmond
Date: Date of Publication

121-GA-1-K

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$6.25	.20			.02	
Boilermakers	6.25	.30	.50		.01	
Boilermakers' Helpers	6.00	.30	.50		.01	
Bricklayers	6.30					
Carpenters:						
Carpenters	6.40				.01	
Millwrights	6.70				.01	
Cement Masons	5.90					
Electricians	6.555	.30	.07		1%	
Elevator Constructors	5.80	.17	.185	2%+a&b	.005	
Elevator Constructors' Helpers	4.06	.17	.185	2%+a&b	.005	
Elevator Constructors' Helpers (prob)	2.90					
Glaziers	5.15					
Ironworkers:						
Structural, Ornamental, & Reinforcing	7.00	.40	.30		.01	
Laborers:						
Unskilled	3.25	.15				
Air Tool Operators (jackhammer, vibrator)	3.40	.15				
Mason Tenders	3.40	.15				
Mortar Mixers	3.40	.15				
Pipelayers (concrete, clay)	3.40	.15				
Plasterers' Tenders	3.40	.15				
Lathers	3.00					
Painters:						
Brush & Roller	5.60	.20				
Steel & Spray	6.55	.20				
Piledrivermen	6.70				.01	
Plasterers	6.30					
Plumbers & Steamfitters	7.57	.15	.15			
Roofers	2.50					
Sheet Metal Workers	6.00		.20		.01	
Soft Floor Layers	6.05				.01	
Sprinkler Fitters	8.20	.40	.60		.07	
Stonemasons	6.30					
Terrazzo Workers	6.30					
Tile Setters	6.30					
Truck Drivers	2.63					
Welders - Rate for Craft						

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% 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.

121-GA-1-K

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1073 - Mod. #1 (39 FR 4288 - February 1, 1974) Maricopa County, Arizona					
Change:					
Boilermakers	$8.50	.65	1.00	.50	.02
DECISION NO. AQ-1074 - Mod. #2 (39 FR 4295-February 1, 1974) Pima County, Arizona					
Change:					
Boilermakers	8.50	.65	1.00	.50	.02
DECISION NO. AQ-1085 - Mod. #2 (39 FR 5652-February 15, 1974) Statewide, Arizona					
Change:					
Boilermakers	8.50	.65	1.00	.50	.02
Electricians (Gallup Area - Northern Apache County)					
Electricians	9.18	.25	1%		1/2%
Cable Splicers	9.95	.25	1%		1/2%
Line Construction:					
Zone I (Phoenix and Tucson 30 mile radius from center of Town)					
Groundman	7.60	.42	7%		1/2%
Equipment operators; Powdermen; Mechanics	8.78	.42	7%		1/2%
Linemen; Technician; Crane operator; Linemen Welder	9.33	.42	7%		1/2%
Cable Splicers	9.65	.42	7%		1/2%
Zone I-A (Douglas, Flagstaff, Globe, Kingman, Prescott and Yuma 10 mile radius from center of Town)					
Groundman	8.25	.42	7%		1/2%
Equipment operators; Powderman; Mechanics	9.38	.42	7%		1/2%
Linemen; Technicians; Crane Operator; Linemen Welder	9.93	.42	7%		1/2%
Cable Splicers	10.30	.42	7%		1/2%

MODIFICATIONS P. 2

DECISION NO. AQ-1085 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Zone II (Other Areas)					
Groundman	$8.87	.42	7%		1/2%
Equipment Operators; Powdermen; Mechanics	10.00	.42	7%		1/2%
Linemen; Technicians; Crane Operator; Linemen Welder	10.53	.42	7%		1/2%
Cable Splicers	10.85	.42	7%		1/2%

DECISION #AP-1107 - Mod. #1
(38 FR 17338 - June 29, 1973)
STATES: ARKANSAS, LOUISIANA, MISSISSIPPI, AND TENNESSEE

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Laborers:					
Unskilled	$2.00				
Asphalt workers, rakers, tampers, shovelers, ironers, etc.	2.00				
Revetment hookers, weavers	2.00				
Revetment laborers & twisters	2.00				
Deckhand revetment	2.00				
Head deckhand, revetment	2.00				
Truck drivers:					
1½ tons or less	2.00				
Over 1½ tons	2.00				

DECISION #AQ-4002 - Mod. #2
(38 FR 21037 - August 3, 1973)
STATES: ALABAMA, ARKANSAS, FLORIDA (WEST OF THE AUCILLA RIVER), KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, TEXAS, AND TENNESSEE

Change:					
Hydraulic Dredging:					
Dredges under 16 inches:					
Dredge tender operator	2.00				
Deckhand	2.00				
Handyman	2.00				
Laborer	2.00				
Oiler	2.00				
Dredges 16 inches and over:					
Deckhands	2.00				
Laborers	2.00				
Bucket Dredging:					
Deckhands	2.00				
Oilers	2.00				

DECISION #AQ-3097 - Mod. #1
(39 FR 5962 - February 15, 1974)
Middlesex County, Connecticut

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CHANGE:					
Boilermakers	$9.08	.60	10%		.01
Carpenters & Piledrivermen (Hvy. & Hwy.)	9.05	.50	.30	e	
Electricians, Remainder of County	9.60	.55	1%+.20		.5%
Painters, Bridge					
Brush	9.525	.35	.525		.01
Spray	13.025	.35	.525		.01

DECISION #AQ-3098 - Mod #1
(39 FR 5966 - February 15, 1974)
New Haven County, Connecticut

CHANGE:					
Boilermakers	$9.08	.60	10%		.01
Bricklayers, cement masons-finishers, marble setters, plasterers, stonemason, terrazzo workers, tile setters: (Bldg.)					
Devon to the Orange Town Line and the Indian River in Milford	9.40	.50	.50		
Meriden	8.90	.50	.50		
Beacon Falls-Middlebury-Mixville-Naugatuck-Prospect-Waterbury-Marion-Wolcott-Thomaston-Woodbury	9.41	.50	.55	m	
Carpenters, soft floor layers, Millwrights, piledrivermen (Bldg. Const.):					
Milford and that part of Orange from Orange Center Road west to Milford and the Oyster River	9.35	.50	.30	f	.02
Cheshire-Middlebury-Prospect-Southbury-Wacarbury-Wolcott-Beacon Falls-Naugatuck-Bethany	9.35	.50	.30	g	.03
Remainder of County	9.30	.50	.30		
Carpenters & Piledrivermen (Hvy. & Hwy.)	9.05	.50	.30	h	
Electricians, Remainder of County	9.60	.55	1%+.20		.5%
Painters, Bridge:					
Brush	9.525	.35	.525		.01
Spray	13.025	.35	.525		.01
Plumbers and Steamfitters:					
Ansonia-Beacon Falls-Bethany-Naugatuck-Oxford-Prospect-Seymour	9.05	.55	.50	2%+p	.07
ADD:					
FOOTNOTE:					
P. 3 Paid Holidays: Labor Day and the last working days before Christmas and New Year's Day					

DECISION #AQ-3149 - Mod. #1
(39 FR 11021 - March 22, 1974)
Fairfield County, Connecticut

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
CHANGE:					
Boilermakers	$9.08	.60	10%		.01
Bricklayer, cement mason-finisher, marble setter, plasterer, terrazzo worker, tile setter (Bldg. only):					
Norwalk-New Canaan-Westport-Weston-Wilton-Ridgefield	9.25	.50	.50		
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull-Southport	9.40	.50	.50		
Remainder of County	9.15	.50	.50		
Carpenter, soft floor layer (Bldg. only)					
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull-Westport-Weston	9.35	.50	.30	f	.02
Carpenters-Piledrivermen (Hvy. & Hwy.)	9.10	.45	.30	g	
Electricians: Remainder of County	9.80	.43	1%+.20		.25%
Painters:					
Byram					
Brush	7.30	.34	.81-6/7		
Structural steel	8.24-2/7	.34	.81-6/7		
Painters, Bridge (entire County)					
Brush	9.525	.35	.525		.01
Spray	13.025	.35	.525		.01
Plumbers & steamfitters:					
Stamford-Darien-New Canaan	9.20	.55	.50	.37	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
DECISION #AP-178 - Mod. #1 (38 FR 11259 - May 4, 1973) Escambia County, Florida					
Change: Laborers: Laborers	$2.00				
DECISION #AP-179 - Mod. #1 (38 FR 11260 - May 4, 1973) Gadsden, Jefferson, Leon, Madison and Taylor Counties, Florida					
Change: Laborers	2.00				
DECISION #AP-180 - Mod. #1 (38 FR 11260 - May 4, 1973) Okaloosa, Santa Rosa, and Walton Counties, Florida					
Change: Laborers	2.00				
DECISION #AP-181 - Mod. #1 (38 FR 11261 - May 4, 1973) Lake, Orange, Osceola, and Seminole Counties, Florida					
Change: Truck Drivers	2.00				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4068 - Mod. #3 (39 FR 5975 - February 15, 1974) Fulton, Clayton, Cobb and DeKalb Counties, Georgia.					
Change:					
Heavy & Highway Construction:					
Laborers:					
Air tool operators (jackhammer, vibrators)	$2.00				
Drillers	2.00				
Landscape workers	2.00				
Unskilled	2.00				
Power Equipment Operators:					
Air compressors	2.00				
Truck Drivers:					
Up to 2½ tons	2.00				
DECISION #AQ-4069 - Mod. #2 (39 FR 5979 - February 15, 1974) Chatham County, Georgia.					
Change:					
Heavy & Highway Construction:					
Laborers:					
Unskilled	2.00				
Air tool operators (jackhammer, vibrator)	2.00				
Asphalt rakers	2.00				
Power Equipment Operators:					
Oilers and greasers	2.00				
Truck Drivers:					
Up to 2½ tons	2.00				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3129 - Mod. #1 (39 FR 12606 April 5, 1974) Delaware County, Indiana						
ADD:						
Carpenters:						
Carpenters & Soft Floor Layers	$7.95	.40	.20		.05	
Millwrights	8.25	.40	.20		.05	
Piledrivermen	8.15	.40	.20		.05	
DECISION #AQ-3131 - Mod. #1 (39 FR 12612 - April 5, 1974) Lake County, Indiana						
CHANGE:						
Power Equipment Operators:						
Heavy & Highway						
Class I	9.40	.40	.50		.05	
Class II	9.05	.40	.50		.05	
Class III	8.60	.40	.50		.05	
Class IV	7.60	.40	.50		.05	
Class V	6.70	.40	.50		.05	
DECISION #AQ-3132 - Mod. #1 (39 FR 12617 - April 5, 1974) LaPorte County, Indiana						
CHANGE:						
Power Equipment Operators:						
Heavy & Highway						
Class I	9.40	.40	.50		.05	
Class II	9.05	.40	.50		.05	
Class III	8.60	.40	.50		.05	
Class IV	7.60	.40	.50		.05	
Class V	6.70	.40	.50		.05	

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3135 - Mod. #1						
(39 FR 12628 - April 5, 1974)						
Porter County, Indiana						
CHANGE:						
Power Equipment Operators:						
Heavy & Highway						
Class I	$9.40	.40	.50		.05	
Class II	9.05	.40	.50		.05	
Class III	8.60	.40	.50		.05	
Class IV	7.60	.40	.50		.05	
Class V	6.70	.40	.50		.05	
DECISION #3136 - Mod. #1						
(39 FR 12633 - April 5, 1974)						
St. Joseph County, Indiana						
CHANGE:						
Power Equipment Operators:						
Heavy & Highway						
Class I	9.30	.40	.50		.05	
Class II	8.95	.40	.50		.05	
Class III	8.50	.40	.50		.05	
Class IV	7.50	.40	.50		.05	
Class V	6.60	.40	.50		.05	
DECISION #AQ-99 - Mod. #1						
(39 FR 14131 - April 19, 1974)						
Statewide Louisiana						
Change Description of Work to Read:						
Building (including Residential in Bossier, Caddo & Calcasieu Parishes only) Construction						

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2100 - Mod. #1					
(39 FR 14148 - April 19, 1974)					
Baltimore City and Baltimore County, Maryland					
Change:					
Carpenters	$8.10	.60	.54		.05
Electricians	8.50	.50	1%+.20		1/2%
Piledrivermen	8.10	.60	.54		.05
Soft floor layers - resilient floor layers	8.10	.60	.54		.05
Steamfitters	8.41	.45	.60		.12
DECISION #AQ-2101 - Mod. #1					
(39 FR 14150 - April 19, 1974)					
Anne Arundel County, Maryland					
Change: Building & Heavy Const.:					
Carpenters, piledrivermen & soft floor layers:					
All areas north of a line starting at Priest Bridge & continuing northeast to Benfield , Pasadena, Arminger & Ft. Smallwood	8.10	.60	.54		.05
Carpenters & soft floor layers:					
Remainder of County	8.50	.35	.39		.07
Millwrights:					
Remainder of County	8.81	.35	.39		.07
Piledrivermen:					
Remainder of County	8.655	.35	.39		.07
Terrazzo workers & tile setters:					
Northern part of County from Laurel to Bodkin Point including Ft. Meade but excluding the D.C. Training School	7.26	.40	.40		.04
Electricians	8.50	.50	1%+.20		1/2%
Steamfitters	8.41	.45	.60		.12

DECISION #AQ-3102 - Mod. #1
(39 FR 7051 February 22, 1974)
St. Louis County, (Duluth Only)
Minnesota

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers & Stonemasons	$7.92	.25	.25	.50		
Carpenters:						
Carpenters, Piledrivermen & SFL	7.65	.25		.30		
Millwrights	7.87	.25		.30		
Lathers	8.00	.25				
Plumbers & Steamfitters	7.11	.30	.45	1.00	.05	
Roofers:						
Roofers	7.53	.25	.10	.50		
2nd Roofer	7.28	.25	.10	.50		
Kettlemen	7.08	.25	.10	.50		
Sheet Metal Workers	7.74	.30	.30			

DECISION #AQ-85 - Mod. #2
(39 FR 9371 - March 8, 1974)
Description of Work and Locations:
Heavy and Highway Construction,
Missouri

Change:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Cement Masons:						
Crawford, Franklin, Iron, Jefferson, Lincoln, Madison, Reynolds, Shannon, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Warren, & Washington Counties	$8.90	.40	.40			
Crawford, Iron, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve and Washington Counties on projects less than $75,000.00	8.15	.40	.40			
Dent, Phelps, Pulaski, and Texas Counties	7.45					
Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties	7.375	.20				
Adair, Audrain, Boone, Callaway, Camden, Chariton, Cole, Cooper, Gasconade, Howard, Knox, Linn, Macon, Maries, Miller, Moniteau, Monroe, Montgomery, Osage, Randolph, Shelby and Sullivan Counties	7.10					
Electricians:						
Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; North Western portion of Cass Co. not including Pleasant Hill	8.67	.23	1%+.27	.80	.03	
Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas, Webster and Wright Counties	8.33	.37	1%	6%	.02	

MODIFICATIONS P. 13

DECISION #AQ-85 (CONTD.)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Electricians:						
Pulaski County	$8.78	.37	1%	6%	.02	
Audrain (except Cuivre Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Howard, Maries, Miller, Moniteau, Osage, Phelps and Randolph Counties:						
Electricians	8.40	.27	1%	7%+.30	½%	
Cable splicers	8.65	.27	1%	7%+.30	½%	
Painters:						
Bates, Caldwell, Carroll, Cass, Clay, Clinton, Daviess, Grundy, Harrison, Henry, Jackson, Johnson, Lafayette, Livingston, Mercer, Platte, and Ray Counties:						
Brush	8.24	.30	.35		.03	
Spray	9.24	.30	.35		.03	
Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair and Vernon Counties	6.23		.15			
Omit:						
Painters:						
Benton, Cooper, Moniteau, Morgan, Pettis and Saline Counties:						
Brush	5.25					
Spray	6.25					
Taping machine; Swing stages; Window jacks; Stroage bins & storage tanks under ground or above ground over 40 ft. in depth; Sandblasting; All work performed on bridges	6.00					
Bridges 75 ft. in height	6.25					
All structural steel over 50 ft. in height	6.00					

MODIFICATIONS P. 14

DECISION #AQ-85 (CONTD.)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Add:						
Painters:						
Benton, Cooper, Moniteau, Morgan, Pettis and Saline Counties:						
Brush	$6.75					
Spray; All work performed on bridges	7.75					
Swing stage, Window jacks or with belts; Storage bins and storage tanks underground and all above ground over 40 ft. in height or depth; Sandblasting; Structural steel over 50 ft. in height;						
Taping machine	7.50					

DECISION #AQ-2,037 - Mod. #1 (38 FR 35188 - December 21, 1973) Monroe County, New York	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Elevator Constructors	$9.43	.395	.26	2%+a+b	.02
Elevator Constructors' helpers	6.60	.395	.26	2%+a+b	.02
Elevator Constructors' helpers (probationary)	4.715				
Marble, tile setters & terrazzo workers	10.00				
Plumbers & steamfitters	10.10	.405	.52		.10

DECISION #AQ-4064 - Mod. #2 (39 FR 4371 - February 1, 1974) Statewide, North Carolina					
Change:					
Power Equipment Operators:					
Crusher feeder	$2.00				
Pilot vehicle	2.00				
Weighman, truck scales	2.00				

Decision #AM-3603 - Mod #1 (36 FR 16761 - August 25, 1971) Wagoner, Cherokee, Adair, Okmulgee, Muskogee, Sequosyah, McIntosh, Haskell and Pittsburg Counties, Oklahoma					
Change:					
Laborers:					
Caisson	$2.00				
Fine Graders	2.00				
Landscape Workers	2.00				
Mason Tenders	2.00				
Mortar Mixers	2.00				
Unskilled	2.00				
Scaleman	2.00				
Power Equipment Operators:					
A frame truck (winch)	2.00				
Air comperssor	2.00				

Decision #AM-3604 - Mod #1 (36 FR 16762 - August 25, 1971) Marshall, Bryan, Atoka, Choctow, McCurtain, Pushmataha, Latimer and Leflore Counties, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Laborers:					
Landscape Workers	$2.00				
Mason Tenders	2.00				
Mortar Mixers	2.00				
Unskilled	2.00				

Decision #AM-3605 - Mod #1 (36 FR 16763 - August 25, 1971) Cleveland, McClain, Garvin, Murray, Pottawatomie, Seminole, Okfuskee, Hughes, Pontotoc, Coal and Johnston Counties, Oklahoma					
Change:					
Laborers:					
Landscape Workers	$2.00				
Mason Tenders	2.00				
Mortar Mixers	2.00				
Unskilled	2.00				
Scaleman	2.00				

Decision #AM-3606 - Mod #1 (36 FR 16764 - August 25, 1971) Roger Mills, Beckham, Greer, Harmon, Jackson, Tillman, Kiowa, Washita, Custer, Dewey and Blaine Counties, Oklahoma.					
Change:					
Laborers:					
Landscape Workers	$2.00				
Mason Tenders	2.00				
Mortar Mixers	2.00				
Unskilled	2.00				
Truck Drivers:					
Under 2 Tons	2.00				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Decision #AM-3608 - Mod #1					
(36 FR 16766 - August 25, 1971)					
Cimarron, Texas, Beaver, Harper, Ellis, Woods, Woodward, Mayor and Alfalfa Counties, Oklahoma					
Change:					
Laborers:					
Landscape Workers	$2.00				
Mason Tenders	2.00				
Mortar Mixers	2.00				
Unskilled	2.00				
Scaleman	2.00				
Truck Drivers:					
Under 2 Tons	2.00				
DECISION #AM-3609 - MOD #1					
(36 FR 16767 - August 25, 1971)					
Caddo, Grady, Comanche, Stephens, Cotton, Jefferson Carter and Love Counties, Oklahoma					
Change:					
Laborers:					
Air Tool Ap.(Jackhammers,Vibrator)	$2.00				
Fine Graders	2.00				
Landscape Workers	2.00				
Mason Tenders	2.00				
Mortar Mixers	2.00				
Unskilled	2.00				
Truck Drivers:					
2 Tons or Less	2.00				
DECISION #AM-3610 - MOD #1					
(36 FR 16768 - August 25, 1971)					
Rogers, Pawnee, Osage, Nowata, Craig, Mayes, Ottawa, Delaware and Washington Counties, Oklahoma					
Change:					
Laborers:					
Fine Graders	$2.00				
Landscape Workers	2.00				
Mason Tenders	2.00				
Mortar Mixers	2.00				
Unskilled	2.00				
Power Equipment Operators:					
Scaleman	2.00				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Decision #AM-3611 - Mod #1					
(36 FR 16769 - August 25, 1971)					
Tulsa County, Oklahoma					
Change:					
Laborers:					
Fine Graders	$2.00				
Landscape Workers	2.00				
Mason tenders	2.00				
Mortar Mixers	2.00				
Unskilled	2.00				
DECISION #AQ-4065 - Mod. #2					
(39 FR 4381 - February 1, 1974)					
Statewide, South Carolina					
Change:					
Asphalt laydown man	$2.00				
Laborer, common	2.00				
Lute man	2.00				
Power Equipment Operators:					
Cold feed attendant	2.00				
Pilot vehicle	2.00				
Sweeper	2.00				
Truck Drivers:					
Single - rear axle	2.00				

DECISION #AQ-68 - Mod. #4
(38 FR 35580 - December 28, 1973)
Cameron, Hidalgo, Starr & Willacy Counties, Texas

Change:
Building Construction:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Common laborers	$2.00					
Mason tenders	2.00					
Terrazzo workers' helpers	2.00					
Tile setters' helpers	2.00					
Truck drivers	2.00					

DECISION #AQ-100 - Mod. #2
(39 FR 12663 - April 5, 1974)
Statewide (excluding Dallas-Fort Worth Regional Airport), Texas

Change:

Laborers, Common:						
Zone 4	2.00					

DECISION #AQ-104 - Mod. #1
(39 FR 13505 - April 12, 1974)
Cameron, Hidalgo, Starr & Willacy Counties, Texas

Change:
Building Construction:

Laborers:						
Common laborers	2.00					
Mason tenders	2.00					
Terrazzo workers' helpers	2.00					
Tile setters' helpers	2.00					
Truck drivers	2.00					

DECISION #AQ-2024 - Mod. #4
(38 FR 29195 - October 19, 1973)
Henrico County and the City of Richmond, Virginia

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Marble setters	$6.10				
Piledrivermen & dock builders	5.65	.20	.20		
Roofers:					
Composition	4.85				
Helpers	3.45				
Terrazzo workers & tile setters	6.10				
Omit:					
Power Equipment Operators' Schedule as originally issued.					
Truck Drivers	1.60				
Add:					
Power Equipment Operators' Schedule.					

MODIFICATIONS P. 21

BUILDING CONSTRUCTION

VA-44-PEO-1 B

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENT			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS:					
Tunnel machines	$3.34				
Cranes, cats or rubber mounted with or without attachments, derricks, pile drivers or other floating equipment, compressors, bank air (4 or more regardless of motive power), pavers, mechanics (heavy duty), hoists (more than 1 drum active), welding machines (gas or diesel driven, bank for or more), shovels, distributors	3.25				
Cableways, tractors with attachments, high lifts, booms motor patrols, motor graders, Tournapulls, Cobra and Euclid scrapers, locomotives (over 20 tons)	2.87				
Bulldozers, pumpcrete op., trenching machines, mixers (larger than 16-S), pans	2.67				
Compressors (air, larger than 115 cu. Ft.), truck Euclids (when manned by operator), tractors without attachments, hoists (1 drum (active), rollers, asphalt, welding machines (gas or diesel driven, 1 or more larger than 300 amps), locomotives (up to 20 tons), power plant op., pumps (over 2" discharge including well Points), A-frame trucks (with power driven winches)	2.30				
Rollers (earth)	2.12				
Mixers (16-S or smaller, bank or more than 2), deck engines	2.11				
Firemen	2.08				
Truck crane oilers	2.00				
Oilers	2.00				
Blade grader	2.87				
Finishing machine	2.67				

MODIFICATIONS P. 22

DECISION #AQ-2103 - Mod. #1
(39 FR 14119 - April 19, 1974)
The Cities of Hampton and Newport News, Virginia

Change:
Location: The Cities of Hampton and Newport News including Langley AFB.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.

STATE: Arkansas COUNTY: Pulaski
DECISION NO. AQ-95 DATE: Date of Publication
Supersedes Decision No. AQ-7, dated July 20, 1973, in 38 FR 19631
Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.35	.25			.02	
BOILERMAKERS	7.00	.30	.76		.02	
BRICKLAYERS & STONEMASONS	6.55	.30	.25		.02	
CARPENTERS:						
Carpenters	6.65	.30	.20		.02	
Millwrights & Piledrivermen	6.90	.30	.20		.02	
CEMENT MASONS	6.91	.15			.03	
ELECTRICIANS:						
Electricians	8.075		1%		1/4%	
Cable splicers	8.20		1%		1/4%	
ELEVATOR CONSTRUCTORS:						
Journeymen	5.19	.17	.185	2%+a+b		
Helpers	70%JR	.17	.185	2%+a+b		
Helpers - (Probationary)	50%JR					
GLAZIERS	6.25					
IRONWORKERS:						
Structural, Ornamental, Reinforcing	7.53	.35	.25		.02	
LABORERS:						
Construction laborer, carpenter helper, concrete laborer	4.55	.15	.20			
Pipelayers, concrete and clay, and mechanical tool, cement mixers, wet or dry, finishers, plasterers and mason tenders, mortar mixers, asphalt rakers and shovelers, creosote wood handlers and chuck tenders	4.80	.15	.20			
Powdermen and blasterers	5.45	.15	.20			
LATHERS	6.45		.10	.25	.01	
MARBLE, TERRAZZO, & TILE WORKERS	5.75					
MARBLE, TERRAZZO, & TILE WORKERS' HELPERS	2.20					
PAINTERS:						
Brush	5.75		.20			
Structural Steel	6.00		.20			
Spray	6.35		.20			
PLASTERERS	7.00				.02	
PLUMBERS & PIPEFITTERS:						
Within 10 mile radius of Pulaski County Courthouse	7.6957	.20	.20		.02	
Over 10 miles from Pulaski County Courthouse	7.9957	.20	.20		.02	
ROOFERS:						
Roofers	5.90		.05			
SHEET METAL WORKERS	7.30	.20	.30		c	
SPRINKLER FITTERS	7.95	.40	.60		.07	

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F
c - Apprenticeship Fund shall be $.50 per month per journeyman and apprentice employed.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

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ARK-1-PEO-1 (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Otherr
GROUP I						
Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rates by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground	$7.64	.25	.25			
GROUP II						
Cranes, draglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cubic yards, as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all piledrivers, land or floating, all overhead and traveling cranes, all cableways, cherry pickers or tractors with swinging boom attachments, whirley, paving mixers with boom, grade alls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaverman (engineer), hydraulic and bucket dredges, irrespective of size, mechanics and/or welders, blacksmith	6.89	.25	.25			
GROUP III - HEAVY EQUIPMENT OPERATORS						
All Bulldozers, all front end loaders, all sidebooms, all push tractors, all single unit pull scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel, bucket, chain, or conveyor types regardless of size or motive power, all backfillers, all central mixing plants, mixers 10S and larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, rollers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable, tool, core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator	6.56	.25	.25			

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ARK-1-PEO-1 (2-2)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Otherr
GROUP IV - SEMI-HEAVY EQUIPMENT OPERATORS						
Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A frame trucks, forklifts, skytracks, dirt rollers of all types and pull tractors, regardless of size, elevator operators inside and outisde when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, concrete mixers below 10S, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All Light Equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistand engineer (dredge)	$5.52	.25	.25			
GROUP V - LIGHT EQUIPMENT OPERATORS						
All welding machines, light plants, pumps, space heaters, in units less than 4, irrespective of size, irrespective of motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, chip spreader, form grader, end dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge	5.16	.25	.25			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Lineman	$8.075		1%		1/4%	
Cable splicers	8.20		1%		1/4%	
Operator	8.075		1%		1/4%	
Groundmen (advanced)	65%JR		1%		1/4%	
Groundmen (1st 6 months)	49%JR		1%		1/4%	
Winch equipment	73%		1%		1/4%	

STATE: Connecticut
DECISION NO.: AQ-3166
COUNTY: Hartford
DATE: Date of Publication
Supersedes Decision No.: AQ-3015 dated October 12, 1973 in 38 FR 28480
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

2-CONN-1-2-3-T 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers:					
East Granby-Enfield-Granby Hartland Suffield-Windsor Locks	$7.60	.34	.15		.01
Remainder of County	9.12	.55	.53		
Boilermakers	9.08	.60	.10%		.01
Bricklayers, Cement masons, Finishers, Marble setters, Plasterers, Stone-Masons, Terrazzo workers, tile setters (Building Only):					
Bristol-Plainville	8.70	.35+.15	.25+.17		
Marion	9.41	.50	.55	j	
Berlin-Kensington-New Britain-Newington-Plantsville-Southington	8.90	.50	.50		
Remainder of County	9.30	.50	.25		
Bricklayers, Cement masons, Finishers and Stonemasons (Heavy and Highway)	8.70	.50	.25	h	
Carpenters and Piledrivermen (Heavy and Highway)	9.05	.50	.30	h	
Carpenters, Soft Floor Layers, Pile drivermen (Building Only):					
Burlington	8.45	.45	.30	a	.04
Bristol-Plainville-Canton-Berlin-E. Berlin-Kingston-Newington-New Britain Milldale-Marion-Plantsville-Bloomfield, Marlborough	8.35	.50	.30		.05
Southington	9.35	.50	.30	g	.03
Remainder of County	9.31	.50	.30		.05
Electricians:					
Berlin-Bristol-New Britain-Plainville-Southington-Newington	8.87	.55	1%+.50		½ of 1%
Hartland	8.80	.57	1%+.60		1/8 of 1%
Suffield Township-Thompsonville Village	6.80	.20	1%+.15		b
Remainder of County	9.30	.75	1%+.40		2%
Elevator constructors	8.21	.345	.23	2%+c+d	.015
Elevator constructors' helpers	5.75	.345	.23	2%+c+d	.015
Elevator constructors' helpers (Prob.)	4.105				
Glaziers; Outside	8.71	.52	.47		
Ironworkers:					
Structural, ornamental, reinforcing	9.30	.35	.44		.04
Lathers:					
Bristol-Southington	8.75	.25	.15		.01
Enfield-Suffield-Thompsonville-Windsor-Warehouse Pt. Broadbrook-Melrose-Hazardville	7.60	.45	.25		
Remainder of County	9.15	.25	.30		.01
Lead burners	8.75	.30		e	.01
Line Construction:					
Lineman	9.41	.35	1%	f	3/8 of 1%
Groundman-truck driver	6.78	.35	1%	f	3/8 of 1%
Equipment operator	8.78	.35	1%	f	3/8 of 1%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Marble & tile setters' terrazzo workers' helpers	$7.65	.35	.15+.25		
Millwrights:					
Bristol-Plainville-Canton	8.12	.35	.20		
Painters:					
Berlin-Bristol-Burlington-Hartland-New Britain-Newington-Plainville-Southington-Kensington-Forestville-E-Berlin-Milldale-Plantsville-Unionville:					
Brush	7.60	.50	.30		
Spray	8.50	.50	.20		
Painters Bridge: (Entire County)					
Brush	9.525	.35	.525		.01
Spray	13.025	.35	.525		.01
Remainder of County:					
Brush	8.10	.50	.30		
Spray	11.10	.50	.30		
Piledrivermen (Building Only):					
Marlboro	8.12	.35	.20		
Plumbers:					
Southington	9.45	.55	.30	i	
Berlin-Bristol-New Britain-Plainville-E. Berlin-Kensington-Newington-Farmington	9.45	.55	.50	i	
Remainder of County	8.87	.5322	.5322		.20
Roofers:					
Composition	8.20	.425	.50	.30	
Slate, Tile, Precast Concrete	8.70	.425	.50	.30	
Sheet Metal Workers	8.70	.50	.51		.05
Sprinkler fitters	9.08	.40	.60		.05
Steamfitters:					
Southington	6.00	.15	.20		
Berlin-Bristol-New Britain-Plainville	9.05	.30	.30		
Remainder of County	9.30	.57	.57		.13
Waterproofers	8.20	.425	.50	.30	

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid holidays: C, D, and E.

b. $.15 per man per week.

c. Employer contibutes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F.

e. Holidays: A through F, Washington's Birthday and Good Friday, and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days preceding & following the holiday.

f. Nine (9) Paid Holidays: A through F, Washington's Birthday and Good Friday plus one (1) floating holiday per year provided the employee has been employed for a period of ten (10) working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday.

g. Paid Holidays: B through F.

h. Paid Holidays: A through F and Good Friday.

i. Paid Holiday: D

j. Paid Holidays: C and D.

LABORERS: BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers: (Building):						
Laborers, carpenters tenders, wrecking laborers	6.90	.50	.40		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	7.15	.50	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.40	.50	.40		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	7.40	.50	.40		.05	
Top man	6.90	.50	.40		.05	
Laborers (Heavy and Highway):						
Laborers	6.90	.50	.40		.05	
Asphalt rakers, adzemen, 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	.50	.40		.05	
Air track operators, block pavers, rammers, curb setters	7.40	.50	.40		.05	
Powdermen and blasters	7.65	.50	.40		.05	

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hoisting Structural Steel, Setting Stone, Derrick, Pile Driver, Hoisting Engineer 2 drums and over	$8.97	.30	.50+a	b		
Tower Crane, Dragline, Gradall, Kohering Scooper Loader and/or Hoe, Hoisting Engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Front End Loader - 7 cy. or over, Master Mechanic, Shovel, Fork Lift - over 4 ft. lift	8.86	.30	.50+a	b		
Maintenance Engineer	8.76	.30	.50+a	b		
Vibratory Hammer, Front End Loader - 3 cy. up to 7 cy., Coleman Loader and Screening Plant or similar equipment, Welder, Joy Drill - limited to Joy Heavy Weight Champion or equivilent, Mucking Machine, Pumpcrete Machine, Rock Boring Machine, Post Hole Digger, Well Digger, Conveyors - regardless of motive power, High Pressure Portable Boiler, Central Mix Op., Combination Hoe and Loader over 1/4 yd.	8.60	.30	.50+a	b		
Compressor Battery Operator	8.49	.30	.50+a	b		
Asphalt Spreader	8.44	.30	.50+a	b		
Bulldozer, Grader Operator, Scraper Pan Operator, Carry-All Operators	8.39	.30	.50+a	b		
Combination Hoe and Loader Machine, Concrete Mixer Op. - 5 bags or over, Front End Loader under 3 cy., Powerstone Spreader Op.	8.33	.30	.50+a	b		
Air and Steam Valve Operator	8.31	.30	.50+a	b		
Generator Op., Compressor Op., Pump and Well Point Op.	8.21	.30	.50+a	b		
Steam Jenny Op., Fork Lift Op. not over 4 ft.	8.23	.30	.50+a	b		
Mechanical Heater Operator	8.12	.30	.50+a	b		
Roller Operator	8.18	.30	.50+a	b		

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Dinky Machine Operator, Power Pavement Breaker Operator	$8.02	.30	.50+a	b		
Fireman (High Pressure)	7.91	.30	.50+a	b		
Oiler	7.54	.30	.50+a	b		
Crane with boom, excluding Jib, over 150 feet - .25 extra						
Crane with boom, excluding Jib, over 200 feet - .50 extra						

PAID HOLIDAYS (Where applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through E and Good Friday.

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Erecting and handling structural steel, front end loader (7 yds. or over)	$ 8.97	.30	.50 + a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.86	.30	.50 +a	b	.05	
Drill(Joy heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ¾ yd.)	8.60	.30	.50 +a	b	.05	
Asphalt spreader	8.44	.30	.50 +a	b	.05	
Front end loader (3yds. or over), grader, power stone spreader, combination hoe and loader	8.33	.30	.50 +a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer, concrete mixer 5 bags and over	8.18	.30	.50 +a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	8.02	.30	.50 +a	b	.05	
Compressor, pump opr.	7.83	.30	.50 +a	b	.05	
Fireman, high pressure	7.91	.30	.50 +a	b	.05	
Well point system	8.21	.30	.50 +a	b	.05	
Compressor battery operator	8.49	.30	.50 +a	b	.05	
Oiler	7.54	.30	.50 +a	b	.05	
Batch plant, bulk cement plant,	7.65	.30	.50 +a	b	.05	

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						
PAID HOLIDAYS(Where applicable): A-New Year s Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						
FOOTNOTE:						
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.						
b. Seven (7) paid holidays: A thru F and Good Friday.						

1-TD-SW-CONN-1-2-3-G

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Two axle trucks	$6.21	a	b	c		
Three axle trucks	6.31	a	b	c		
Four axle trucks	6.41	a	b	c		
Two axle ready-mix	6.31	a	b	c		
Three axle ready-mix	6.36	a	b	c		
Four axle ready-mix	6.46	a	b	c		
Heavy duty trailer-up to 40 tons	6.36	a	b	c		
Heavy duty trailer - 40 tons and over	6.51	a	b	c		
Helpers	6.21	a	b	c		
Specialized earth moving equipment other than conventional type on-the-road trucks and Semi-trailers, including Euclids	6.46	a	b	c		
Paid Holidays (Where applicable);						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
Footnotes;						
a. $14.00 per week for employees employed over 16 hours and $.35 per hour for employees employed less than 16 hours during the week.						
b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.						
c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.						

STATE: Connecticut
DECISION NO.: AQ-3167
COUNTY: Litchfield
DATE: Date of Publication
Supersedes Decision No. AQ-3016 dated October 12, 1973 in 38 FR 28485
DESCRIPTION OF WORK: Building Construction (including Residential), Heavy and Highway Construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers:					
Canaan, Colebrook, Norfolk, North Canaan and Salisbury	$7.60	.34	.15		.01
Remainder of County	9.12	.55	.53		
Boilermakers	9.08	.60	10%		.01
Bricklayers, cement masons-finishers, marble setters, plasterers, stone masons, terrazzo workers, tile setters (Building Only):					
Thomaston, Watertown, Woodbury	9.41	.35+.15	.55	i	
Bridgewater, Kent, New Milford, Roxbury	9.40	.35+.15	.50		
Plymouth, Terryville	8.70	.35+.15	.25+.17		
Remainder of County	8.75	.50	.25		
Marble setters' helpers, terrazzo workers' helpers, tile setters helpers	7.65	.35	.15+.25		
Bricklayers, Cement Mason-Finishers, Stonemasons (Heavy & Highway):					
West of Housatonic River	8.50	.50	.50	h	
East of Housatonic River	8.45	.50	.50	h	
Carpenters & Piledrivermen (Hvy. & Hwy.):					
West of Housatonic River	9.05	.50	.30	h	
East of Housatonic River	9.05	.50	.30	h	
Carpenters, soft floor layers, pile-drivermen (Building Only):					
Northfield, Thomaston, Watertown, Morris	9.35	.50	.30	h	.03
Plymouth, Terryville, Harwinton	8.85	.50	.30		.05
Remainder of County	8.45	.45	.30	f	.04
Electricians:					
Plymouth	8.87	.55	1%+.50		1/4 of 1%
Bridgewater, New Milford	9.80	.43	1%+.30		1/4 of 1%
Remainder of County	8.80	.57	1%+.60		1/8 of 1%
Elevator Constructors	8.21	.345	.23	2%+a+b	.015
Elevator Constructors' Helpers	5.75	.345	.23	2%+a+b	.015
Elevator Constructors' Helpers (Prob.)	4.105				
Glaziers	5.30	.125	.125		
Ironworkers:					
Structural, ornamental and reinforcing	9.30	.35	.44		.04
Lathers:					
Barkhamstead, Colebrook, New Hartford, Norfolk, Winchester	9.15	.25	.30		.01
Kent, Salisbury, Sharon	7.70	9%	.55		.01
Remainder of County	8.75	.25	.15		.01
Wood bumper	8.75	.30		c	.01
Line Construction:					
Linemen	9.41	.35	1%	e	3/8 of 1%
Equipment operator	8.78	.35	1%	e	3/8 of 1%
Groundman, truck driver	6.78	.35	1%	e	3/8 of 1%

3-CONN-1-2-3-Q 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters Bridge:					
Brush	$9.525	.35	.525		.01
Spray	13.025	.35	.525		.01
Painters:					
Brush:					
New Milford	6.20	.25			
Remainder of County	7.60	.50	.30		
Structural steel:					
New Milford	7.20	.25			
Spray:					
Remainder of County	10.875	.50	.20		
Plumbers:					
Bridgewater, New Milford	8.95	.40	.30	.45	
Barkhamsted, New Hartford	8.87	.5322	.5322		.20
Bethlehem, Roxbury, Washington, Woodbury, New Preston, Plymouth, Terryville, Thomaston and Watertown	8.32	.55+.08	.50	.48+k	.08
Remainder of County	7.79	.40	.30	j	
Canaan- Torrington	7.94	.55	.50	j	
Roofers:					
Bethlehem, Bridgewater, Kent, New Milford, Roxbury, Washington, Woodbury, Warren:					
Composition, Kettlemen	8.75	.60	.30		
Slate and tile	9.00	.60	.30		
Slate and tile helpers	8.00	.60	.30		
Remainder of County:					
Composition	8.20	.425	.50	.30	
Slate and tile	8.70	.425	.50	.30	
Sheet metal workers	9.71	.44	.29		.02
Sprinkler fitters	9.08	.40	.60		.05
Steamfitters:					
Barkhamsted, New Hartford	9.30	.57	.57		.13
Waterproofers:					
Bethlehem, Bridgewater, Kent, New Milford, Roxbury, Washington, Woodbury, Warren	8.75	.60	.30		
Remainder of County	8.20	.425	.50	.30	
Welders - rate for craft performing operation to which welding is incidental.					

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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 contibutes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six (6) paid holidays: A through F

c. Nine (9) Paid holidays: A through F, Washington's Brithday, Good Friday and Christmas Eve, provided the employee has worked at least 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. Nine (9) paid holidays: A through F, Washington's Birthday and Good Friday, plus one floating holiday per year provided the employed has been employed at least 10 working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday.

f. Paid holidays: C and E

g. Paid holidays: B through E.

h. Paid holidays: A through F plus Good Friday

i. Paid holidays: C and D

j. Paid holiday: D

K. Paid holidays: B and D +½ day paid holiday the Friday after Thanksgiving and the last working day before Christmas

CONN-SW-LAB-C

LABORERS: BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers: (Building):						
Laborers, carpenters tenders, wrecking laborers	6.90	.50	.40		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	7.15	.50	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.40	.50	.40		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	7.40	.50	.40		.05	
Top man	6.90	.50	.40		.05	
Laborers (Heavy and Highway):						
Laborers	6.90	.50	.40		.05	
Asphalt rakers, adzemen, 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	.50	.40		.05	
Air track operators, block pavers, rammers, curb setters	7.40	.50	.40		.05	
Powdermen and blasters	7.65	.50	.40		.05	

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hoisting Structural Steel, Setting Stone, Derrick, Pile Driver, Hoisting Engineer 2 drums and over	$8.97	.30	.50+a	b		
Tower Crane, Dragline, Gradall, Kohering Scooper Loader and/or Hoe, Hoisting Engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Front End Loader - 7 cy. or over, Master Mechanic, Shovel, Fork Lift - over 4 ft. lift	8.86	.30	.50+a	b		
Maintenance Engineer	8.76	.30	.50+a	b		
Vibratory Hammer, Front End Loader - 3 cy. up to 7 cy., Coleman Loader and Screening Plant or similar equipment, Welder, Joy Drill - limited to Joy Heavy Weight Champion or equivilent, Mucking Machine, Pumpcrete Machine, Rock Boring Machine, Post Hole Digger, Well Digger, Conveyors - regardless of motive power, High Pressure Portable Boiler, Central Mix Op., Combination Hoe and Loader over 1/4 yd.	8.60	.30	.50+a	b		
Compressor Battery Operator	8.49	.30	.50+a	b		
Asphalt Spreader	8.44	.30	.50+a	b		
Bulldozer, Grader Operator, Scraper Pan Operator, Carry-All Operators	8.39	.30	.50+a	b		
Combination Hoe and Loader Machine, Concrete Mixer Op. - 5 bags or over, Front End Loader under 3 cy., Powerstone Spreader Op.	8.33	.30	.50+a	b		
Air and Steam Valve Operator	8.31	.30	.50+a	b		
Generator Op., Compressor Op., Pump and Well Point Op.	8.21	.30	.50+a	b		
Steam Jenny Op., Fork Lift Op. not over 4 ft.	8.23	.30	.50+a	b		
Mechanical Heater Operator	8.12	.30	.50+a	b		
Roller Operator	8.18	.30	.50+a	b		

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Dinky Machine Operator, Power Pavement Breaker Operator	$8.02	.30	.50+a	b		
Fireman (High Pressure)	7.91	.30	.50+a	b		
Oiler	7.54	.30	.50+a	b		
Crane with boom, excluding Jib, over 150 feet - .25 extra						
Crane with boom, excluding Jib, over 200 feet - .50 extra						

PAID HOLIDAYS (Where applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through E and Good Friday.

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Erecting and handling structural steel, front end loader (7 yds. or over)	$ 8.97	.30	.50 + a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.86	.30	.50 +a	b	.05	
Drill(Joy heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ½ yd.)	8.60	.30	.50 +a	b	.05	
Asphalt spreader	8.44	.30	.50 +a	b	.05	
Front end loader (3yds. or over), grader power stone spreader, combination hoe and loader	8.33	.30	.50 +a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer, concrete mixer 5 bags and over	8.18	.30	.50 +a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	8.02	.30	.50 +a	b	.05	
Compressor, pump opr.	7.83	.30	.50 +a	b	.05	
Fireman, high pressure	7.91	.30	.50 +a	b	.05	
Well point system	8.21	.30	.50 +a	b	.05	
Compressor battery operator	8.49	.30	.50 +a	b	.05	
Oiler	7.54	.30	.50 +a	b	.05	
Batch plant, bulk cement plant,	7.65	.30	.50 +a	b	.05	

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						
PAID HOLIDAYS(Where applicable): A-New Year s Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						
FOOTNOTE:						
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.						
b. Seven (7) paid holidays: A thru F and Good Friday.						

1-TD-SW-CONN-1-2-3-G

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Two axle trucks	$6.21	a	b	c		
Three axle trucks	6.31	a	b	c		
Four axle trucks	6.41	a	b	c		
Two axle ready-mix	6.31	a	b	c		
Three axle ready-mix	6.36	a	b	c		
Four axle ready-mix	6.46	a	b	c		
Heavy duty trailer-up to 40 tons	6.36	a	b	c		
Heavy duty trailer - 40 tons and over	6.51	a	b	c		
Helpers	6.21	a	b	c		
Specialized earth moving equipment other than conventional type on-the-road trucks and Semi-trailers, including Euclids	6.46	a	b	c		

Paid Holidays (Where applicable);

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnotes;

a. $14.00 per week for employees employed over 16 hours and $.35 per hour for employees employed less than 16 hours during the week.

b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.

c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

STATE: Connecticut
DECISION NO.: AQ-3168
Supersedes Decision No. AQ-3019 dated October 12, 1973 in 38 FR 28499
DESCRIPTION OF WORK: Building Construction (including residential), Heavy and Highway Construction

COUNTY: New London
DATE: Date of Publication

6-CONN-1-2-3-S 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos Workers:					
Griswold, Ledyard, Lisbon, North Stonington, Preston, Stonington, Voluntown	$8.80	.505	.45		.005
Remainder of County	9.12	.55	.53		
Boilermakers	9.08	.60	10%		.01
Bricklayers, cement mason-finishers, marble setters, plasterers, stone masons, terrazzo workers, tile setters (Building Only):					
Norwich	9.15	.35+.15	.25		
Remainder of County	9.20	.50	.25		
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers: (Building Only)	7.65	.35	.15+.25		
Bricklayers, cement masons-finishers, stone masons (Heavy and Highway Only)	8.45	.50	.50	e	
Carpenters & Piledrivermen (Heavy and Highway Only)	9.05	.50	.30	e	
Carpenters, soft floor layers, pile-drivermen (Building Only):					
Township of Stonington	8.46	.50	.35		
Remainder of County	8.55	.50	.30		
Electricians:					
East Lyme, Groton, Lyme, New London, Old Lyme, Waterford	9.60	.55	1%+.20		½ of 1%
Remainder of County	8.80	.75	1%+.20		.5%
Elevator Constructors	8.21	.345	.23	2%+a+b	.015
Elevator Constructors' helpers	5.75	.345	.23	2%+a+b	.015
Elevator Constructors' helpers (Prob.)	4.105				
Glaziers (Outside)	8.71	.52	.47		
Ironworkers: Str., Orn. & Reinf.	9.30	.35	.44		.04
Lathers:					
Groton	7.40	.45	.50		.01
Remainder of County	8.70	.20	.30		.01
Lead burner	8.75	.30		c	.01
Line Construction:					
Linemen	9.41	.35	1%	d	3/8 of 1%
Equipment Operators	8.78	.35	1%	d	3/8 of 1%
Groundman, truck driver	6.78	.35	1%	d	3/8 of 1%
Painters:					
Brush	7.00	.35	.50	.20	
Sandblasters, Steamclean[illegible]	7.73	.35	.50	.20	
Bridge:					
Brush	9.525	.35	.525		.01
Spray	13.025	.35	.525		.01

6-CONN-1-2-3-S 2 of 2

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Plumbers, Steamfitters:	$9.29	.40	.50	f+.275	
Roofers:					
Composition	8.20	.425	.50	.30	
Slate, tile, precast concrete	8.70	.425	.50	.30	
Sprinkler fitters	9.08	.40	.60		.05
Sheet Metal Workers	8.70	.50	.51		.05
Waterproofers	8.20	.425	.50	.30	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more service or 2% basic hourly rate for 6 months to 5 years as Vacation Pay Credit.

b. Six paid holidays: A through F.

c. Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked at least 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. Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday, plus one (1) floating holiday per year, provided the employee has been employed for at least 10 working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday.

e. Paid Holidays: A through F, plus Good Friday.

f. Paid Holidays: D. + 4 hours the day after Thanksgiving Day.

LABORERS: BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers: (Building):						
Laborers, carpenters tenders, wrecking laborers	6.90	.50	.40		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	7.15	.50	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.40	.50	.40		.05	
Open Air Caisson, Cylindrical Work, and Boring Crew:						
Bottom man	7.40	.50	.40		.05	
Top man	6.90	.50	.40		.05	
Laborers (Heavy and Highway):						
Laborers	6.90	.50	.40		.05	
Asphalt rakers, adzemen, 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	.50	.40		.05	
Air track operators, block pavers, rammers, curb setters	7.40	.50	.40		.05	
Powdermen and blasters	7.65	.50	.40		.05	

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hoisting Structural Steel, Setting Stone, Derrick, Pile Driver, Hoisting Engineer 2 drums and over	$8.97	.30	.50+a	b		
Tower Crane, Dragline, Gradall, Kohering Scooper Loader and/or Hoe, Hoisting Engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Front End Loader - 7 cy. or over, Master Mechanic, Shovel, Fork Lift - over 4 ft. lift	8.86	.30	.50+a	b		
Maintenance Engineer	8.76	.30	.50+a	b		
Vibratory Hammer, Front End Loader - 3 cy. up to 7 cy., Coleman Loader and Screening Plant or similar equipment, Welder, Joy Drill - limited to Joy Heavy Weight Champion or equivilent, Mucking Machine, Pumpcrete Machine, Rock Boring Machine, Post Hole Digger, Well Digger, Conveyors - regardless of motive power, High Pressure Portable Boiler, Central Mix Op., Combination Hoe and Loader over 1/4 yd.	8.60	.30	.50+a	b		
Compressor Battery Operator	8.49	.30	.50+a	b		
Asphalt Spreader	8.44	.30	.50+a	b		
Bulldozer, Grader Operator, Scraper Pan Operator, Carry-All Operators	8.39	.30	.50+a	b		
Combination Hoe and Loader Machine, Concrete Mixer Op. - 5 bags or over, Front End Loader under 3 cy., Powerstone Spreader Op.	8.33	.30	.50+a	b		
Air and Steam Valve Operator	8.31	.30	.50+a	b		
Generator Op., Compressor Op., Pump and Well Point Op.	8.21	.30	.50+a	b		
Steam Jenny Op., Fork Lift Op. not over 4 ft.	8.23	.30	.50+a	b		
Mechanical Heater Operator	8.12	.30	.50+a	b		
Roller Operator	8.10	.30	.50+a	b		

SW-CONN-2-3-W

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Dinky Machine Operator, Power Pavement Breaker Operator	$8.02	.30	.50+a	b		
Fireman (High Pressure)	7.91	.30	.50+a	b		
Oiler	7.54	.30	.50+a	b		
Crane with boom, excluding Jib, over 150 feet - .25 extra						
Crane with boom, excluding Jib, over 200 feet - .50 extra						

PAID HOLIDAYS (Where applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through E and Good Friday.

SW-CONN-2-3-W (1 of 2)

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Erecting and handling structural steel, front end loader (7 yds. or over)	$ 8.97	.30	.50 + a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.86	.30	.50 +a	b	.05	
Drill(Joy heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ½ yd.)	8.60	.30	.50 +a	b	.05	
Asphalt spreader	8.44	.30	.50 +a	b	.05	
Front end loader (3yds. or over), grader power stone spreader, combination hoe and loader	8.33	.30	.50 +a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer, concrete mixer 5 bags and over	8.18	.30	.50 +a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	8.02	.30	.50 +a	b	.05	
Compressor, pump opr.	7.83	.30	.50 +a	b	.05	
Fireman, high pressure	7.91	.30	.50 +a	b	.05	
Well point system	8.21	.30	.50 +a	b	.05	
Compressor battery operator	8.49	.30	.50 +a	b	.05	
Oiler	7.54	.30	.50 +a	b	.05	
Batch plant, bulk cement plant,	7.65	.30	.50 +a	b	.05	

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						
PAID HOLIDAYS(Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						
FOOTNOTE:						
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.						
b. Seven (7) paid holidays: A thru F and Good Friday.						

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Two axle trucks	$6.21	a	b	c		
Three axle trucks	6.31	a	b	c		
Four axle trucks	6.41	a	b	c		
Two axle ready-mix	6.31	a	b	c		
Three axle ready-mix	6.36	a	b	c		
Four axle ready-mix	6.46	a	b	c		
Heavy duty trailer-up to 40 tons	6.36	a	b	c		
Heavy duty trailer - 40 tons and over	6.51	a	b	c		
Helpers	6.21	a	b	c		
Specialized earth moving equipment other than conventional type on-the-road trucks and Semi-trailers, including Euclids	6.46	a	b	c		
Paid Holidays (Where applicable);						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
Footnotes;						
a. $14.00 per week for employees employed over 16 hours and $.35 per hour for employees employed less than 16 hours during the week.						
b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.						
c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.						

SUPERSEDEAS DECISION

AQ-3169 P. 2

STATE: Connecticut
DECISION NO.: AQ-3169
COUNTY: Tolland
DATE: Date of Publication
Supersedes Decision No.: AQ-3020 dated October 12, 1973, in 38 FR 28503
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

7-CONN-1-2-3-P 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers:					
Somers-Strafford-Union	$7.60	.39	.15		.01
Remainder of County	9.12	.55	.53		
Boilermakers	9.08	.60	10%		.01
Bricklayers, Cement Masons-Finishers, Marble Setters, Plasterers, Stonemasons, Terrazzo Workers, Tile Setters (Building Only)	9.30	.50	.25		
Marble Setters' helpers, Terrazzo Workers helpers, Tile Setters' helpers	7.65	.35	.15+.25		
Bricklayers, Cement Masons-Finishers, Stonemasons (Heavy & Highway)	8.45	.50	.50	e	
Carpenters & Piledrivermen (Hvy. & Hwy.)	9.05	.50	.30	e	
Carpenters, Soft Floor Layers & Pile-drivermen, Millwrights (Building Only):					
Bolton	9.31	.50	.30		.05
Remainder of County	9.00	.35	.30		
Electricians	9.30	.75	1%+.40		3%
Elevator constructors	8.21	.345	.23	2%+a+b	.015
Elevator constructors' helpers	5.75	.345	.23	2%+a+b	.015
Elevator constructors' helpers (Prob.)	4.105				
Glaziers (Outside)	8.71	.52	.47		
Ironworkers: Structural, Ornamental, Reinforcing	9.30	.35	.44		.04
Lathers:					
Sommers, Stafford, , Stratford, Spring, Straffordville, Union, Crystal Lake	7.60	.45	.25		
Remainder of County	9.15	.20	.30		.01
Lead burners	8.75	.30		c	.01
Line Construction:					
Linemen	9.41	.35	1%	d	3/8 of 1%
Equipment Operator	8.78	.35	1%	d	3/8 of 1%
Groundman, Truck Driver	6.78	.35	1%	d	3/8 of 1%
Painters:					
Brush					
Ellington, Hebron, Rockville, Somers, Vernon	8.10	.50	.30		
Remainder of County	7.00	.35	.50	.20	
Spray:					
Ellington, Hebron, Rockville, Somers, Vernon	11.10	.50	.30		
Painters Bridge:					
Brush	9.525	.35	.525		.01
Spray	13.025	.35	.525		.01
Plumbers	8.87	.5322	.5322		.20
Roofers:					
Composition	8.20	.425	.50	.30	

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Sheet Metal Workers	$8.70	.50	.51		.05	
Sprinkler Fitters	9.08	.40	.60		.05	
Steamfitters	9.30	.57	.57		.13	
Waterproofers	8.20	.425	.50	.30		

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

A. Employer contributes 4% of the basic hourly rate for 5 years or more of service or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six (6) paid holidays: A through F.

c. Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the 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. Nine (9) paid holidays: A through F Washington's Birthday and Good Friday, plus one floating holiday per year, provided the employee has been employed for a period of 10 working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday.

e. Paid holidays: A through F plus Good Friday.

LABORERS: BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers: (Building):						
Laborers, carpenters tenders, wrecking laborers	6.90	.50	.40		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	7.15	.50	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.40	.50	.40		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	7.40	.50	.40		.05	
Top man	6.90	.50	.40		.05	
Laborers (Heavy and Highway):						
Laborers	6.90	.50	.40		.05	
Asphalt rakers, adzemen, 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	.50	.40		.05	
Air track operators, block pavers, rammers, curb setters	7.40	.50	.40		.05	
Powdermen and blasters	7.65	.50	.40		.05	

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hoisting Structural Steel, Setting Stone, Derrick, Pile Driver, Hoisting Engineer 2 drums and over	$8.97	.30	.50+a	b		
Tower Crane, Dragline, Gradall, Kohering Scooper Loader and/or Hoe, Hoisting Engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Front End Loader - 7 cy. or over, Master Mechanic, Shovel, Fork Lift - over 4 ft. lift	8.86	.30	.50+a	b		
Maintenance Engineer	8.76	.30	.50+a	b		
Vibratory Hammer, Front End Loader - 3 cy. up to 7 cy., Coleman Loader and Screening Plant or similar equipment, Welder, Joy Drill - limited to Joy Heavy Weight Champion or equivilent, Mucking Machine, Pumpcrete Machine, Rock Boring Machine, Post Hole Digger, Well Digger, Conveyors - regardless of motive power, High Pressure Portable Boiler, Central Mix Op., Combination Hoe and Loader over 1/4 yd.	8.60	.30	.50+a	b		
Compressor Battery Operator	8.49	.30	.50+a	b		
Asphalt Spreader	8.44	.30	.50+a	b		
Bulldozer, Grader Operator, Scraper Pan Operator, Carry-All Operators	8.39	.30	.50+a	b		
Combination Hoe and Loader Machine, Concrete Mixer Op. - 5 bags or over, Front End Loader under 3 cy., Powerstone Spreader Op.	8.33	.30	.50+a	b		
Air and Steam Valve Operator	8.31	.30	.50+a	b		
Generator Op., Compressor Op., Pump and Well Point Op.	8.21	.30	.50+a	b		
Steam Jenny Op., Fork Lift Op. not over 4 ft.	8.23	.30	.50+a	b		
Mechanical Heater Operator	8.12	.30	.50+a	b		
[illegible]	8.1[illegible]	.30	.50+a	b		

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Dinky Machine Operator, Power Pavement Breaker Operator	$8.02	.30	.50+a	b		
Fireman (High Pressure)	7.91	.30	.50+a	b		
Oiler	7.54	.30	.50+a	b		
Crane with boom, excluding Jib, over 150 feet - .25 extra						
Crane with boom, excluding Jib, over 200 feet - .50 extra						

PAID HOLIDAYS (Where applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through E and Good Friday.

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Erecting and handling structural steel, front end loader (7 yds. or over)	$ 8.97	.30	.50 + a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.86	.30	.50 +a	b	.05	
Drill(Joy heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ¾ yd.)	8.60	.30	.50 +a	b	.05	
Asphalt spreader	8.44	.30	.50 +a	b	.05	
Front end loader (3yds. or over), grader, power stone spreader, combination hoe and loader	8.33	.30	.50 +a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer, concrete mixer 5 bags and over	8.18	.30	.50 +a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	8.02	.30	.50 +a	b	.05	
Compressor, pump opr.	7.83	.30	.50 +a	b	.05	
Fireman, high pressure	7.91	.30	.50 +a	b	.05	
Well point system	8.21	.30	.50 +a	b	.05	
Compressor battery operator	8.49	.30	.50 +a	b	.05	
Oiler	7.54	.30	.50 +a	b	.05	
Batch plant, bulk cement plant,	7.65	.30	.50 +a	b	.05	

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						
PAID HOLIDAYS(Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						
FOOTNOTE:						
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.						
b. Seven (7) paid holidays: A thru F and Good Friday.						

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Two axle trucks	$6.21	a	b	c		
Three axle trucks	6.31	a	b	c		
Four axle trucks	6.41	a	b	c		
Two axle ready-mix	6.31	a	b	c		
Three axle ready-mix	6.36	a	b	c		
Four axle ready-mix	6.46	a	b	c		
Heavy duty trailer-up to 40 tons	6.36	a	b	c		
Heavy duty trailer - 40 tons and over	6.51	a	b	c		
Helpers	6.21	a	b	c		
Specialized earth moving equipment other than conventional type on-the-road trucks and Semi-trailers, including Euclids	6.46	a	b	c		
Paid Holidays (Where applicable);						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
Footnotes;						
a. $14.00 per week for employees employed over 16 hours and $.35 per hour for employees employed less than 16 hours during the week.						
b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.						
c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.						

SUPERSEDEAS DECISION

AQ-3170 P. 2

STATE: Connecticut
DECISION NO.: AQ-3170
COUNTY: Windham
DATE: Date of Publication
Supersedes Decision No. AQ-3021 dated October 12, 1973 in 38 FR 28507
DESCRIPTION OF WORK: Building Construction, (including Residential), Heavy and Highway Construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers:					
Ashford, Chaplin, Eastford, Hampton, Scotland, Windham	9.12	.55	.53		
Woodstock	7.60	.34	.15		.01
Remainder of County	8.80	.505	.45		.005
Boilermakers	9.08	.60	10%		.01
Bricklayers, Cement Masons-Finishers, Marble Setter, Plasterers, Stonemasons, Terrazzo Workers, Tile Setters, (Building Only)	8.85	.35+.15	.25		
Bricklayers, Cement Masons-Finishers Stonemasons (Heavy and Highway)	8.45	.50	.50	f	
Carpenters & Piledrivermen (Hvy. & Hwy.)	9.05	.50	.30	f	
Carpenters, Soft Floor Layers, Piledrivermen and millwrights (Building Only)	9.00	.35	.30		
Electricians	9.30	.75	1%+.40		1%
Elevator Constructors	8.21	.345	.23	2%+a+b	.015
Elevator constructors' helpers	5.75	.345	.23	2%+a+b	.015
Elevator constructors' helpers (Prob.)	4.105				
Glaziers (Outside)	8.71	.52	.47		
Ironworkers, Structural, Ornamental, Reinforcing	9.30	.35	.44		.04
Lathers:					
Chaplin, Hampton, Scotland, Windham	9.15	.20	.30		.01
Danielson	7.40	.45	.50		.01
Remainder of County	7.60	.45	.25		
Lead burners	8.75	.30		c	.01
Line Construction:					
Linemen	9.41	.35	1%	e	3/8 of 1%
Equipment Operator	8.78	.35	1%	e	3/8 of 1%
Groundman, Truck Driver	6.78	.35	1%	e	3/8 of 1%
Marble Setters' helpers, Terrazzo workers helpers, Tile setters' helpers	7.65	.35	.15+.25		
Painters:					
Willimatic					
Brush	8.10	.50	.30		
Spray	11.10	.50	.30		
Bridge (Entire County) Brush	9.525	.35	.525		.01
Remainder of County:					
Brush	7.00	.35	.50	.20	
Sandblasters, steamcleaners	7.73	.35	.50	.20	
Hazardous	7.90	.35	.50	.20	
Swing stage, swing scaffold, window jacks and bosun chair	7.30	.35	.50	.20	
Plumbers:					
Windham	8.87	.5322	.5322		.20
Remainder of County	9.29	.40	.50	f+.275	

8-CONN-1-2-3-P 2-2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Roofers:						
Composition	8.20	.425	.50	.30		
Slate, tile, precast, concrete	8.70	.425	.50	.30		
Waterproofers	8.20	.425	.50	.30		
Sheet metal workers	8.70	.50	.51		.05	
Sprinkler fitters	9.08	.40	.60		.05	
Steamfitters						
Windham	9.30	.57	.57		.13	
Remainder of County	9.29	.40	.50	f+.275		

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. Employer contributes 4% of the basic hourly rate for 5 years or more of service or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six (6) paid holiday: A through F.

c. Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the 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. Seven (7) paid holidays: A through F, and Good Friday provided the employee has worked at least 10 working days prior to the holiday and is available for work the day before and the day after the holiday.

e. Nine (9) paid holidays: A through F, Washington's Birthday and Good Friday plus one (1) floating holiday per year provided the employee has been employed for a period of 10 working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday.

f. Paid Holiday: D + 4 hours the day after Thanksgiving Day.

LABORERS: BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers: (Building):						
Laborers, carpenters tenders, wrecking laborers	6.90	.50	.40		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	7.15	.50	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.40	.50	.40		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	7.40	.50	.40		.05	
Top man	6.90	.50	.40		.05	
Laborers (Heavy and Highway):						
Laborers	6.90	.50	.40		.05	
Asphalt rakers, adzemen, 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	.50	.40		.05	
Air track operators, block pavers, rammers, curb setters	7.40	.50	.40		.05	
Powdermen and blasters	7.65	.50	.40		.05	

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hoisting Structural Steel, Setting Stone, Derrick, Pile Driver, Hoisting Engineer 2 drums and over	$8.97	.30	.50+a	b		
Tower Crane, Dragline, Gradall, Kohering Scooper Loader and/or Hoe, Hoisting Engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Front End Loader - 7 cy. or over, Master Mechanic, Shovel, Fork Lift - over 4 ft. lift	8.86	.30	.50+a	b		
Maintenance Engineer	8.76	.30	.50+a	b		
Vibratory Hammer, Front End Loader - 3 cy. up to 7 cy., Coleman Loader and Screening Plant or similar equipment, Welder, Joy Drill - limited to Joy Heavy Weight Champion or equivilent, Mucking Machine, Pumpcrete Machine, Rock Boring Machine, Post Hole Digger, Well Digger, Conveyors - regardless of motive power, High Pressure Portable Boiler, Central Mix Op., Combination Hoe and Loader over 1/4 yd.	8.60	.30	.50+a	b		
Compressor Battery Operator	8.49	.30	.50+a	b		
Asphalt Spreader	8.44	.30	.50+a	b		
Bulldozer, Grader Operator, Scraper Pan Operator, Carry-All Operators	8.39	.30	.50+a	b		
Combination Hoe and Loader Machine, Concrete Mixer Op. - 5 bags or over, Front End Loader under 3 cy., Powerstone Spreader Op.	8.33	.30	.50+a	b		
Air and Steam Valve Operator	8.31	.30	.50+a	b		
Generator Op., Compressor Op., Pump and Well Point Op.	8.21	.30	.50+a	b		
Steam Jenny Op., Fork Lift Op. not over 4 ft.	8.23	.30	.50+a	b		
Mechanical Heater Operator	8.12	.30	.50+a	b		
Roller Operator	8.18	.30	.50+a	b		

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SW-CONN-1-A

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Dinky Machine Operator, Power Pavement Breaker Operator	$8.02	.30	.50+a	b		
Fireman (High Pressure)	7.91	.30	.50+a	b		
Oiler	7.54	.30	.50+a	b		
Crane with boom, excluding Jib, over 150 feet - .25 extra						
Crane with boom, excluding Jib, over 200 feet - .50 extra						

PAID HOLIDAYS (Where applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through E and Good Friday.

AQ-3170 P. 6

SW-CONN-2-3-W (1 of 2)

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Erecting and handling structural steel, front end loader (7 yds. or over)	$ 8.97	.30	.50 + a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.86	.30	.50 +a	b	.05	
Drill(Joy heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ⅜ yd.)	8.60	.30	.50 +a	b	.05	
Asphalt spreader	8.44	.30	.50 +a	b	.05	
Front end loader (3yds. or over), grader power stone spreader, combination hoe and loader	8.33	.30	.50 +a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer, concrete mixer 5 bags and over	8.18	.30	.50 +a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	8.02	.30	.50 +a	b	.05	
Compressor, pump opr.	7.83	.30	.50 +a	b	.05	
Fireman, high pressure	7.91	.30	.50 +a	b	.05	
Well point system	8.21	.30	.50 +a	b	.05	
Compressor battery operator	8.49	.30	.50 +a	b	.05	
Oiler	7.54	.30	.50 +a	b	.05	
Batch plant, bulk cement plant,	7.65	.30	.50 +a	b	.05	

SW-CONN-2-3-W (2 of 2)

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						
PAID HOLIDAYS(Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						
FOOTNOTE:						
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.						
b. Seven (7) paid holidays: A thru F and Good Friday.						

1-TD-SW-CONN-1-2-3-G

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Two axle trucks	$6.21	a	b	c		
Three axle trucks	6.31	a	b	c		
Four axle trucks	6.41	a	b	c		
Two axle ready-mix	6.31	a	b	c		
Three axle ready-mix	6.36	a	b	c		
Four axle ready-mix	6.46	a	b	c		
Heavy duty trailer-up to 40 tons	6.36	a	b	c		
Heavy duty trailer - 40 tons and over	6.51	a	b	c		
Helpers	6.21	a	b	c		
Specialized earth moving equipment other than conventional type on-the-road trucks and Semi-trailers, including Euclids	6.46	a	b	c		
Paid Holidays (Where applicable);						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
Footnotes;						
a. $14.00 per week for employees employed over 16 hours and $.35 per hour for employees employed less than 16 hours during the week.						
b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.						
c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.						

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: AQ-4107
Supersedes Decision No. AP-196 dated June 8, 1973 in FR 15229
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Bay
DATE: Date of Publication

3-Florida-1-K (1-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$7.70	.395	.75	a	.02
Boilermakers	7.13	.40	.70		.01
Carpenters	5.85	.20			.01
Electricians (commercial)	5.16				
Electricians & Linemen (Industrial)	7.60		1%		
Cable splicers (Industrial)	7.95		1%		
Elevator constructors	6.72	.145	.17	1½%+b&c	.005
Elevator constructors' helpers	70%JR	.145	.17	1½%+b&c	.005
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	6.00				
Ironworkers, structural & ornamental	7.13	.28	.25		
Ironworkers, reinforcing	7.13	.28	.25		
Millwrights	7.28	.24	.25		
Painters, brush	4.50				
Painters, spray	4.50				
Plumbers & pipefitters:					
Tyndall AFB	4.80	.15	.15		
Remainder of Bay County	5.25				
Roofers	3.50				
Sheet metal workers	5.00				
Soft floor layers	4.00				
Sprinkler fitters	8.71	.40	.60	d	.01
Stonemasons	5.00				
Piledrivermen	6.10	.20			.01

Riggers - receive rate prescribed for craft performing operation to which rigging is incidental.

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

Riveters - receive rate prescribed for craft performing operation to which riveting is incidental.

FOOTNOTES:

a. Two paid holidays: Labor Day and Mardi Gras Day, provided the employee works at least one day out of the three work days prior to the paid holidays, and the first work day after the paid holidays.

b. Six paid holidays: A through F.

c. Employer contributes 4% of regular rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate for Vacation Pay Credit for employee who has worked in business less than 5 years.

d. 4 paid holidays: Labor Day, Christmas Day, Christmas Eve, & Thanksgiving Day.

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

3-Fla.-Lab-1-H (1-1)

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$3.25	.10			
GROUP II	3.50	.10			
GROUP III	3.75	.10			
GROUP IV	4.25	.10			
GROUP V	3.35	.10			

GROUP I: Construction laborers, carpenters' tenders, building wreckers

GROUP II: Ninety lb. hammer, gunnite, pressure conc. worker nozzleman, gunmen, acid or creosote workers, (work performed over 100' high (except on inside wall to wall scaffolding)

GROUP III: Form setter on streets, roads, & highways, burners for demolition or concrete, runways and courts

GROUP IV: Blasting & powderman, cofferdam and tunnel workers underground; caissons

GROUP V: Air tool operators, asphalt raker & tamper, conc. or clay pipe layers & wipers, mason tenders plasterer tenders, conc. worker, track laborers, (including preparation of track bed), roofer's helpers, single conveyors, kettlemen, well point workers, power buggy operator, building of scaffolding and staging for masons and plasterers

*Pending the completion of survey which will serve as the basis for new area decisions, Agencies with projects pending should utilize the project determination procedure by submitting SF-308 for heavy construction projects. See Regulations Part 1 (CFR 29), Section 1.5.

Florida 3 FEO-1 (1-1)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$7.16	.28	.25		
GROUP II	6.90	.28	.25		
GROUP III	5.41	.28	.25		
GROUP IV	5.76	.28	.25		
GROUP V	5.50	.28	.25		

GROUP I: Heavy Duty Mechanic, Crane, Shovel, Derrick Operator (2 or more drums), Dragline Pile Driver Operator, Hoist Operator (2 or more drums), Trenching Machines, Cableways, Excavators, Front End Loader, Backhoe, Rubber-Tired Backhoe, Dredges, Leverman, Welders, Mounted Rotary Drill Machines Cherry Pickers, Side Boom Tractors, Paving Machines, Motor Patrol, Pumperete Machines, Gradalls, Johnson Mixers, Hydro-Lift Trucks, All Batch Plant and Header House Operators, Panel Board (Ready-Mix), Hydro Hammers on Demolition Work, Concrete Plants, Asphalt Plants, Helicopter pilots and concrete paving trains

GROUP II: Dozer Scraper, Turnapull, One Drum Hoist, Self-Propelled Rollers, Construction Elevators, Locomotive Engineer, Elevating Grader Tractors with Power Control Attachments, Winch Truck, Tug Boats, Mixers, Asphalt Spreaders, Drilling Machines, Form Graders, Asphalt Distributors, Forklift, well-point systems, Subgraders, Finishing Machines, Motorized Compactors, Wagrobiles and Push Carts.

GROUP III: Light Plants, Generators, Welding Machines, Air Compressors, Pumps, Conveyors, Motor Boats under 30 feet, Tow Tractors and Pile Driver Hammers (Diesel, Gas, Air or Electric)

GROUP IV: Fuel Truck Oilers, Fireman Brakeman, Outboard Motor Boats, Truck Crane Oiler and Mechanic Helpers

GROUP V: Oilers (Crawler), Deck Hand and Oiler Cherry Picker

SUPERSEDEAS DECISION

AO-4104 P. 2

State: Georgia
Decision Number: AO-4104
Supersedes Decisions Nos.: AM-471 Dated August 20, 1971 in 36 FR 16419
AM-472 Dated August 20, 1971 in 36 FR 16420
AM-473 Dated August 20, 1971 in 36 FR 16421
AM-474 Dated August 20, 1971 in 36 FR 16423
AM-475 Dated August 20, 1971 in 36 FR 16424

County: *See Below
Date: Date of Publication

Description of Work: Highway Construction

	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V
	BASIC HOURLY RATES	BASIC HOURLY RATES	BASIC HOURLY RATES	BASIC HOURLY RATES	BASIC HOURLY RATES
Bricklayers	$2.93	$2.50	$2.50	$2.50	$
Carpenters	2.73	2.75	2.50	2.75	2.75
Cement Masons	2.00		2.21	2.47	2.15
Electricians				7.15	6.80
Ironworkers, Structural	2.38	2.50	2.80	5.09	4.45
Ironworkers, Reinforcing	2.00	2.00	2.50	2.35	
Laborers:					
Air Tool Operators (Jackhammer, Vibrator)	2.20	2.00	2.00	2.00	2.00
Asphalt Rakers	2.10	2.00	2.05	2.26	2.00
Asphalt Spreaders	2.00		2.00		
Drillers				2.00	
Fine Graders		2.00	2.00	2.00	
Landscape Workers	2.00	2.00	2.00	2.00	
Mason Tenders			2.00		
Mortar Mixers			2.00		
Pipelayers (Concrete, Clay, & Drainage)	2.00	2.25	2.00	2.25	
Powdermen, Blasters	2.55	2.00		2.25	
Unskilled	2.00	2.00	2.00	2.00	2.00
Concrete Rubbers	2.00				
Painters		2.33		2.50	
Painters, Structural Steel & Bridge			2.50	2.50	
Piledrivermen			2.62		
Power Equipment Operators:					
Aggregate Spreader	2.25		2.35	2.00	
Air Compressors	2.00	2.00	2.00	2.00	
Asphalt Distributors-Spreaders	2.28	2.10	2.42	2.78	3.00
Asphalt Plant	2.00	2.00	2.25	2.34	
Backhoes	2.75	2.60	2.75	2.65	2.50
Broom - Self Propelled	2.00				
Bulldozers	2.32	2.54	2.25	2.75	2.75
Bull Floats		2.00	2.00		
Concrete Batching Plants			3.00	2.25	
Concrete Curing Machines	2.50		2.25	2.75	
Concrete Finishing Machines		2.50	2.25	3.00	
Concrete Paving Machines		3.00	2.75	3.00	
Concrete Saws		2.75	2.00	2.57	
Cranes, Derricks, & Draglines	3.00	2.95	3.00	3.00	3.25
Drilling Machines	2.40	2.50		2.40	
Loaders (all types)	2.65	2.20	2.00	2.35	2.25
Power Equipment Operators Cont'd:					
Mechanics	$2.90	$2.64	$2.58	$3.00	$3.00
Mixers		2.40	2.55	2.00	
Motor Patrols	2.92	2.75	2.71	2.73	3.00
Oilers - Greasers	2.16	2.00	2.00	2.25	2.00
Piledrivers	2.75			2.80	
Rollers	2.00	2.00	2.33	2.20	3.00
Shovels	3.00	3.00	2.00	3.00	3.00
Scrapers (Pan)	2.89	2.40	2.40	2.75	2.75
Tractors, Farm	2.00	2.00	2.00	2.31	2.00
Tractors, Crawler	2.25	2.00	2.10	2.85	2.50
Trenching Machines	3.00		2.35		
Truck Drivers:					
Up to 2½ tons	2.00	2.00	2.00	2.00	2.00
Over 2½ tons	2.10	2.00	2.02	2.25	2.07
Welders	3.00	2.75	3.13	3.00	2.50

*COUNTIES

ZONE I Banks, Barrow, Bartow, Catoosa, Chatooga, Cherokee, Dade, Dawson, Douglas, Elbert, Fannin, Floyd, Forsyth, Franklin, Gilmer, Gordon, Gwinnett, Habersham, Hall, Haralson, Hart, Jackson, Lumpkin, Madison, Murray, Paulding, Pickens, Polk, Rabun, Stephens, Towns, Union, Walker, White, and Whitfield.

ZONE II Baldwin, Bibb, Burke, Butts, Carroll, Chattahoochee, Clarke, Columbia, Coweta, Crawford, Crisp, Dooly, Emanuel, Fayette, Glascock, Greene, Hancock, Harris, Heard, Houston, Jasper, Jefferson, Jenkins, Johnson, Jones, Lamar, Lincoln, Macon, Marion, McDuffie, Meriwether, Monroe, Morgan, Muscogee, Newton, Oconee, Oglethorpe, Peach, Pike, Pulaski, Putnam, Richmond, Rockdale, Schley, Screven, Spalding, Stewart, Sumter, Talbot, Taliaferro, Taylor, Troup, Twiggs, Upson, Walton, Warren, Washington Webster, Wilcox, Wilkes, Wilkinson.

ZONE III Appling, Atkinson, Bacon, Baker, Ben Hill, Berrien, Bleckley, Brantley, Brooks, Bulloch, Calhoun, Camden, Candler, Charlton, Clay, Clinch, Coffee, Colquitt, Cook, Decatur, Dodge, Dougherty, Early, Echols, Effingham, Evans, Glynn, Grady, Irwin, Jeff Davis, Lanier, Laurens, Lee, Long, Lowndes, McIntosh, Miller, Mitchell, Montgomery, Pierce, Quitman, Randolph, Seminole, Tatnall, Telfair, Terrell, Thomas, Tift, Toombs, Treutlen, Turner, Ware, Wayne, Wheeler, Worth.

Zone IV Henry

ZONE V Liberty

STATE: Maryland and Virginia

COUNTIES: Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, the City of Alexandria and Dulles International Airport, Virginia

DECISION NO.: AQ-2111

DATE: Date of Publication

Supersedes Decision No. AQ-2036, dated December 21, 1973 in 38 FR 35143.

DESCRIPTION OF WORK: Building Construction - excluding all residential projects.

1-DC-1-2 F 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	8.65	.60	.70		.02	
Bricklayers	9.55	.45	.45		.10	
Carpenters	8.50	.35	.39		.07	
Cement Masons:						
Cement Masons	8.05	.255	.28		.05	
Grinding Machine	8.25	.255	.28		.05	
Electricians	9.25	.35	1%+.35		.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	8.70	.47	.50		.03	
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	.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	6.57	.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%		4%	
Truck With Winch, Truck Pole or Steel Handling	6.96	.25	1%		4%	
Groundmen (0 to 1 year)	5.54	.25	1%		4%	
Groundmen (1 to 2 years)	6.45	.25	1%		4%	
Groundmen (over 2 years)	6.70	.25	1%		4%	
Marble Setters	9.00	.35	.25			
Marble Setters' Helpers	7.35					
Millwrights	8.81	.35	.39		.07	
Painters:						
Brush, Spray, Paperhangers, Tapers Steel, Sandblasting, Swing Stage, Power Brushing	8.03	.41	.18		.06	
	8.36	.41	.18		.06	
Carpet layers	5.75	.25			.05	

1-DC-1-2 F 2 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Piledrivermen	$8.655	.35	.39		.07	
Plasterers	8.50	.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		.10	
Soft Floor Layers	8.50	.35	.39		.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	8.81	.40	.30			
Terrazzo Workers' Helpers	7.10	e	.20			
Tile Setters	8.81	.40	.30			
Tile Setters Helpers	7.10	e	.20			
Truck Drivers:						
Boom Trucks	6.40	.25	f	g+J		
Small Dump, Water Sprinkler, Grease & Oil	6.15	.25	f	g+J		
Flat, Pick-up Hauling Materials, Small Euclids, Dump Over 8 Wheels	6.25	.25	f	g+J		
Trailers, Low-Boys, Tractor Pulls	6.45	.25	f	g+J		
Helpers	6.00	.25	f	g+J		
Carryalls, Large Euclids, Eculid Water Sprinkler, Tunnel Work Under Ground	6.55	.25	f	g+J		
Mechanics	6.30	.25	f	g+j		
Riggers & Welders- Receive rates prescribed for crafts performing operations to which rigging & welding are incidental.						

BUILDING CONSTRUCTION 1-DC-1-2 F 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. $8.00 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.

j. One week's paid vacation providing employee has worked 3 years and a minimum of 1450 hours during any calendar year.

2-D.C.-PEC-1-2-N

BUILDING CONSTRUCTION	BASIC 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 platns, 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	

STATE: Mississippi COUNTY: *See Below
DECISION NUMBER: AQ-4109 DATE: Date of Publication
Supersedes Decisions Nos.: AQ-4042 dated 38 FR 35182 December 21, 1973
AQ-4043 dated 38 FR 35183 December 21, 1973
AQ-4044 dated 38 FR 35184 December 21, 1973
AQ-4045 dated 38 FR 35185 December 21, 1973
AQ-4046 dated 38 FR 35186 December 21, 1973
AQ-4047 dated 38 FR 35187 December 21, 1973
(except Harrison, & Pearl River Counties)

DESCRIPTION OF WORK: Heavy and highway construction (except Zone VI - Hancock County Electricians, excluding airport construction).

	* ZONE I	* ZONE II	* ZONE III	* ZONE IV	* ZONE V	* ZONE VI
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool operator	$2.00	$2.00	$2.75	$2.50	$2.00	$2.00
Asphalt raker	2.30	2.00	2.45	2.44	2.25	2.50
Bricklayer	4.25	3.50	5.00	5.00	4.00	4.25
Carpenter	3.00	3.00	3.00	3.25	3.00	3.50
Cement mason (Finisher)	2.90	3.00	3.00	2.75	3.00	3.25
Concrete saw operator	3.00	2.75	2.75	2.50	2.50	3.50
Electrician	5.30	4.50	5.50	5.00	4.50	5.40
Form setter	3.30	2.75	3.00	2.50	2.75	2.80
Grade checker	2.40	2.50	2.25	2.35	2.25	2.25
Ironworker, reinforcing	3.00	2.60	2.50	2.80	2.75	3.50
Ironworker helper, reinforcing	2.00	2.00	2.00	2.25	2.00	2.25
Ironworker, structural	2.50	2.50	2.50	2.75	2.50	3.15
Laborer, unskilled	2.00	2.00	2.00	2.00	2.00	2.00
Mason tender (Cement mason helper)	2.20	2.25	2.50	2.25	2.50	2.50
Painter (Structural steel)	2.50	3.00	3.00	3.25	3.50	3.75
Piledriverman	2.50	2.80	2.70	2.75	2.80	3.00
Truck driver	2.00	2.00	2.00	2.00	2.00	2.00
Tugboat operator						2.50
Welder	2.75	2.50	3.00	2.80	3.00	3.50
POWER EQUIPMENT OPERATORS:						
"A" frame truck (winch)			3.00		2.75	2.40
Aggregate spreader operator	2.45	2.20	2.50	2.50	2.50	2.71
Air compressor operator	2.85	2.50	2.50	2.50	2.50	2.60
Asphalt distributor-spreader operator	2.50	2.40	2.50	2.50	2.31	2.60
Asphalt plant	2.50	2.55	3.00	2.80	2.75	2.[illegible]
Backhoe or shovel operator	3.00	2.80	2.75	3.00	2.80	3.25
Bulldozer operator	3.00	2.75	3.00	3.00	3.00	3.00
Concrete batch plant operator	2.80	2.90	3.00	3.10	2.50	3.25
Concrete breaker & hydo-hammer op.	2.00	2.25	2.25			
Concrete finishing machine operator	3.00	2.75	3.00	2.90	3.00	3.00
Concrete paving machine operator	3.40	2.75	3.00	3.10	3.00	[illegible]
Concrete spreader machine operator	2.70	2.45	3.10	2.85	2.75	2.85
Crane, dragline operator	3.00	3.00	3.00	3.00	3.00	3.50
Crusher feeder operator		3.00	2.25	3.50	2.85	2.75
Curing machine operator	2.75	2.00	2.75	2.40		2.[illegible]
Earth auger	2.80	[illegible]	3.05	3.00	2.00	3.00
Fireman	2.75	2.50	2.80	2.60	2.75	3.00
Guard rail post driver		2.50	2.50		2.50	2.50
Joint filler	2.50	2.00	2.50		2.75	2.90
Joint setter	2.50		3.00	2.50	2.30	
Loader operator (all types)	3.5[illegible]	2.45	3.50	2.45	2.50	3.00

	* ZONE I	* ZONE II	* ZONE III	* ZONE IV	* ZONE V	* ZONE VI
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
POWER EQUIPMENT OPERATORS (CONT'D):						
Mechanic	$3.00	$2.50	$3.00	$2.90	$3.00	$3.40
Mixer operator (All types)	2.50	2.50	2.50	2.25	2.50	3.00
Motor patrol operator	2.90	3.00	3.00	2.90	2.90	3.25
Mud-jack operator	2.65			2.25		
Mulcher operator	2.00	2.00	2.00	2.00	2.00	2.00
Oiler-greaser	2.00	2.00	2.35	2.00	2.35	2.40
Piledriver operator	3.25	3.20	3.30	3.25	3.25	3.50
Pipelayer			2.25	2.25		2.35
Roller operator (self-propelled)	2.25	2.00	2.30	2.40	2.50	2.50
Scales (all types)	2.50	2.00	2.35	2.30	2.13	2.35
Scraper operator	2.85	2.85	2.90	2.90	2.90	3.00
Steel machine operator			2.25			
Striping machine operator	3.50	3.25	3.25	3.50	3.25	3.25
Sub grade machine operator						3.25
Track tor operator (track type)	2.50	2.25	2.50	2.30	2.75	2.25
Tractor operator (wheel type)	2.00	2.00	2.00	2.00	2.00	2.00
Trenching machine	2.75	2.25	2.25	2.25	2.00	2.50

COUNTIES:

*ZONE I: Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Okitbbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union, & Webster

*ZONE II: Bolivar, Carroll, Coahoma, DeSoto, Grenada, Leflore, Montgomery, Panola, Quitman, Sunflower, Tallahatchie, Tate, Tunica, Washington, & Yalobusha

*ZONE III: Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren and Yazoo

*ZONE IV: Attala, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, Scott, Smith, and Winston

*ZONE V: Adams, Amite, Covington, Forrest, Franklin, Greene, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Perry, Pike, Walthall, Wayne, and Wilkinson

*ZONE VI: George, Hancock, Jackson, and Stone

SUPERSEDEAS DECISION

AQ-4110 P. 2

STATE: Mississippi COUNTY: Harrison & Pearl River
DECISION NUMBER: AQ-4110 DATE: Date of Publication
Supersedes Decisions Nos.: AQ-4047 dated December 21, 1973 in 38 FR 35187 (except George, Hancock, Jackson, and Stone Counties)
AQ-4081 dated February 22, 1974 in 39 FR 7054

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy, water, sewer, and highway construction.

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BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers (Harrison County)	$7.70	.395	.75	c	.02	
Asbestos workers (Pearl River Co.)	6.65	.30	.70			
Boilermakers	7.13	.40	.70		.01	
Bricklayers:						
Bricklayers	6.95		.15			
Stonemasons	6.95		.15			
Marble masons	6.95		.15			
Terrazzo workers	6.85		.15			
Tile setters	6.85		.15			
Plasterers	6.85		.15			
Blockmasons	6.95		.15			
Caulkers & pointers	6.95		.15			
Cement masons	6.33		.15			
Carpenters:						
Carpenters	6.65					
Millwrights	6.97					
Electricians:						
Electricians	7.55	.25	1%+.20		1/8of 1%	
Cable splicers	7.80	.25	1%+.20		1/8of 1%	
Elevator constructors:						
Elevator constructors	6.13	.345	.23	2%+a+b	.015	
Helpers	4.29	.345	.23	2%+a+b	.015	
Helpers (probationary)	50%JR					
Glaziers	5.00				.03	
Ironworkers:						
Structural, ornamental, reinforcing	7.13	.30	.30			
Laborers:						
Laborers	4.20	.10	.10			
Vibrator - jackhammer, mortar mixer; pipelayers (sewer; power saw op)	4.35	.10	.10			
Lathers	6.00		.10		.01	
Line Construction:						
Linemen	7.55	.25	20 + 1%		1/8 of 1%	
Cable splicers	7.80	.25	20 + 1%		1/8 of 1%	
Groundmen:						
1st 6 months	3.40	.25	20 + 1%		1/8 of 1%	
Thereafter	4.08	.25	20 + 1%		1/8 of 1%	
Painters - Commercial						
Brush & roller	5.30				.03	
Spray	6.55				.03	
Structural, steel under 30':						
Brush and roller	5.55				.03	
Spray	6.55				.03	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Piledrivermen	7.02	.30	.30			
Piledrivermen on creosote material	7.26	.30	.30			
Plumbers; Steamfitters	7.35	.18	.20		.01	
Roofers:						
Roofers	5.85					
Helpers	4.15					
Kettlemen	4.75					
Sheet metal workers	7.315	.25	.35	.25	.08	
Soft floor layers	6.65					
Sprinkler fitters	8.20	.40	.60		.07	

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% 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. Holidays: Labor Day; Mardi Gras Day; provided the employee works at least one day out of the 3 workdays prior to the paid holiday, and the first workday after the paid holiday.

BUILDING AND HEAVY CONSTRUCTION

Miss. 2 PEO-1-k 1 of 2

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP A						
Engineer, operating under air pressure	$7.55	.25	.25			
GROUP B						
Mechanic	6.60	.25	.25			
GROUP C						
Air tugger (2 drum); asphalt plant; backhoe; blacksmith; boom tractor; bulldozer; central mixing plant; cherrypicker; clamshell; crane; derrick; derrick boat; derrick car; dragline; dredge; elevating grader; excavator (power belt); fork lift; hoist (2 drum); locomotive engineer; marine engineer (Chief); master pilot; mixermobile; motor patrol & similar type equipment; paver (21 c.f. or larger); piledriver; rechärger; roaming greaser (1st); scoop (skimmer); Scraper; shovel; trenching machine (over 18" bucker line width); Tournapull; DW-10 & similar pulltype scrapers; traxcavator and similar endloaders; welder; welding machines or S/W pumps (2 to 6); well driller; well point pumps	6.35	.25	.25			
GROUP D						
Air tugger; asphalt spreader (bituminous distributor); asphalt spreader bituminous mixer); backfilling machine; conveyor; drill (earth); finishing machine; fireman; heating plant; hoist; marine engineer (assistant); mixer; payloader; and similar endloaders; pilot; power generating plant; pump (concrete); roller; scoopmobile; tractor (with power take-off); trenching machine(18" or smaller bucket line width); tugboat; well driller (1st helper); winch truck	5.80	.25	.25			

Miss. 2 PEO-1-k 2 of 2

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP E						
Air compressor; form grader; locomotive hostler; mechanic helper; oiler (truck crane); pump; roughneck; tractor (without attachments); welding machine	$5.25	.25	.25			
GROUP F						
Batch scale; deckhand; motorboat (in or outboard); oiler; scowman	5.25	.25	.25			

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BUILDING AND HEAVY CONSTRUCTION

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Up to but not including 1½ tons such as Station Wagons, Jeeps, Autos, Pick-up Trucks, Motor Cycles, Bicycles, Truck Spotters, Teamsters, Team Drivers	$5.04	.28	.25			
1½ tons and up to but not including 5 tons such as Dump Trucks, Flat Beds, Stake Bodies, Bus Drivers, Winch and "A" Frame Trucks	5.51	.28	.25			
5 tons or 6 yards and over, including heavy equipment such as pole trucks, miss, or corning wagons, dumpsters, semi-drivers, agitators, ross carriers dempsey dumps, euclid trucks, fork-lift truck in warehouse and similar equipment such as tractors, 10 wheelers, jeeps, or dump trucks or pickup trucks pulling 2 or 4 wheel trailers hauling equipment	6.55	.28	.25			
Truck and Auto Mechanics	7.12	.28	.25			
Truck Drivers Helpers, Unloaders, Unloading and handling creosote or coppertox Material	5.04	.28	.25			
Truck Drivers Helper	4.41	.28	.25			

AQ-4110 P. 5

SEWER, WATER, & HIGHWAY CONSTRUCTION — MISSISSIPPI 3 AREA 6 — 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air tool operator	$2.00				
Asphalt raker	2.50				
Bricklayer	4.25				
Carpenter	3.50				
Cement mason (Finisher)	3.25				
Concrete saw operator	3.50				
Electrician	5.40				
Form setter	2.00				
Grade checker	2.25				
Ironworker, reinforcing	3.50				
Ironworker helper, reinforcing	2.25				
Ironworker, structural	3.15				
Laborer, unskilled	2.00				
Mason tender (Cement mason helper)	2.50				
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	2.90				
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				
Concrete paving machine operator	3.30				
Concrete spreader machine operator	2.85				
Crane, dragline operator	3.50				
Crusher feeder operator	2.75				
Curing machine operator	2.90				
Earth auger	3.00				
Fireman	3.00				
Guard rail post driver	2.50				
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	2.00				
Oiler-greaser	2.40				
Piledriver operator	3.50				
Pipelayer	2.35				
Roller operator (self-propelled)	2.50				

AQ-4110 P. 6

SEWER, WATER, & HIGHWAY CONSTRUCTION — MISSISSIPPI 3 AREA 6 — 2 of 2

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Scales (all types)	2.35				
Scraper operator	3.00				
Striping machine operator	3.25				
Sub grade machine operator	3.25				
Tractor operator (track type)	2.25				
Tractor operator (wheel type)	2.00				
Trenching machine	2.50				

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: Hinds
DECISION NUMBER: AQ-4111 DATE: Date of Publication
Supersedes Decision No. AQ-4090 dated March 15, 1974 in 39 FR 10097
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

25-Mississippi -1- J 1 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.35	.30				
Boilermakers	7.13	.40	.70		.01	
Bricklayers	6.22				.02	
Carpenters:						
Carpenters	6.00	.30	.20		.05	
Millwrights	6.35	.30	.20		.05	
Piledrivermen	6.35	.30	.20		.05	
Soft floor layers	6.00	.30	.20		.05	
Cement masons	5.35	.25				
Traveling and/or floating machine & power grinders operators	5.25	.25				
Electricians	6.85		1%+.50		1/10 of 1%	
Cable splicers	7.10		1%+.50		1/10of1%	
Elevator Constructors	6.13	.345	.23	2%+a+b	.015	
Elevator Constructors' helpers	4.29	.345	.23	2%+a+b	.015	
Elevator Constructors' helpers prob.	3.065					
Glaziers	5.20					
Ironworkers:						
Structural, ornamental and reinforcing	6.40	.30	.25		.04	
Laborers:						
Laborers unskilled, wrecking and demolition	3.70	.15	.15			
Mortar mixers, mechanical tools motorized (George buggy op.)	3.95	.15	.15			
Brickmason tenders, cement and plasterer tenders, sewer pipe layers	3.85	.15	.15			
Line Construction:						
Linemen	7.06		1%	c		
Groundman (over 1 year)	4.29		1%	c		
Groundmen (less than a year)	3.95		1%	c		
Cable splicers (Electric)	7.36		1%	c		
Lathers	6.45				.01	
Painters:						
Brush	5.05	.15				
Structural steel (brush)	5.30	.15				
Spray	5.55	.15				
Swing stage	5.30	.15				
Paperhangers	5.05	.15				
Structural steel (spray)	5.80	.15				

25-Mississippi -1- J 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Plasterers	6.15	.25			.01	
Plumbers and steamfitters	7.22	.10	.30			
Roofers	5.85					
Helpers	4.15					
Sheet metal workers	5.85	.25				
Sprinkler fitters	8.20	.40	.60		.07	
Stone masons	6.22				.02	
Truck drivers:						
1½ to 5 tons	3.75					
Over 5 tons	4.40					
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. 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. One week paid vacation after one year's service.

Mississippi-1-PEO 1-K

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Group A						
Engineer, operating under air pressure	$7.20	.25	.25			
Group B						
Mechanic	6.25	.25	.25			
Group C						
Asphalt plant; backhoe; blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, Crane, Derrick, Derrick car, Derrick boat, Dragline Dredge, Elevating grader, Excavator (power belt), Fork lift (5 ton & over), Hoists (2 drum in active use), Locomotive engineer, Marine engineer (chief), Master pilot, Mixer-mobile, Motor patrol and similar type equipment, Paver (21 c.f. or larger), Pile driver, Recharger, Scoop (skimmer), Scraper, Shovel, Trenching machine (over 18" bucket line width), Turna-pull (Dw-10 and similar pull type scrapers), Traxcavator and similar end-loaders, Welder, Welding machines and pumps (operating 2 to 6 machines), Well driller, Well point pumps	6.00	.25	.25			
Group D						
Asphalt spreader (bituminous distributor), Asphalt spreader (bituminous mixer), Backfilling machine, Conveyor, Drill (earth), Finishing machine, Fireman, Forklift (over 2 ton and less than 5 ton), Heating plant, Hoist (one drum), Marine engineers assistant, Mixer, Pay-loader and similar endloaders, Pilot, Power generating plant, Pump (concrete), Roller, Scoopmobile, Tractor (with power take-off), Trenching machine (18" or smaller bucket line width), Tug-boat, Well driller (1st helper), Winch truck & tractor, small Rubber-Tired with Backhoe attachment	5.55	.25	.25			
Group E						
Air compressor, Batch scale, Deckhand, Forklift (2 ton & under), Form grader, Locomotive hostler, Mechanic helper, Motorboat (in or outboard), Oiler, Pump, Roughneck, Scowman, Tractor (w/ attachments), Welding machine	4.85	.25	.25			
Booms, including jib:						
25¢ per hour above regular rate - 100 feet to and including 200 feet.						
50¢ per hour above regular rate - 201 feet to and including 300 feet.						
75¢ per hour above regular rate - 301 feet and above.						
Operators servicing other crafts shall draw rate of pay not less than journeyman rate of craft being serviced.						

STATE: Missouri

COUNTIES: St. Charles & St. Louis

DECISION NO.: AQ-94

DATE: Date of Publication

Supersedes Decision No. AP-504, dated September 1, 1972, in 37 FR 17831.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

11-Mo-1-2 (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.53	.20	.17	a		
Bricklayers	7.75	.52	.70	.40	.02	
Carpenters (St. Charles County)	7.90	.30	.30			
Carpenters (St. Louis County)	8.66	.30	.30			
Cement masons	8.90	.40	.40			
Electricians	8.19	5%	17%+5½%	11%+4½%	1%	
Elevator constructors	8.25	.345	.23	2%+b+c	.015	
Elevator constructors helpers	70%JR	.345	.23	2%+b+c	.015	
Elevator constructors helpers (Prob.)	50%JR					
Glaziers	8.04	.41	.68	8%+d	.01	
Ironworkers:						
Structural; ornamental; reinforcing	8.625	.50	.60		.05	
Laborers (3 and 4 stories):						
Unskilled	7.025	.30	.50		.02	
Wrecking	6.90	.30	.50		.02	
Plasterer tenders	7.675	.25	.20			
Plumber laborers	7.60	.30	.30			
Mason tenders (hod carrier)	6.45	.30	.50			
Dynamiter or powderman	7.525	.30	.50		.02	
Laborers (2 stories and under)	6.775	.40	.60			
Lathers	8.00				.01	
Marble masons	7.49	.325	.50			
Marble setters helpers	6.68					
Painters (St. Louis County):						
Brush	7.635	.20	.30	.21		
Spray	9.135	.20	.30	.21		
Painters (St. Charles County):						
Brush; paperhangers; drywall tapers	6.95	.20				
Spray; steel: sandblaster; pot tenders	7.65	.20				
Pipefitters	7.55	1.30	.90			
Plasterers	8.10	.325	.25		.03	
Plumbers	8.905	.50	.50	.80		
Roofers:						
Composition	7.25	.27	.30		.03	
Kettlemen	5.25	.27	.30		.03	
Slate and tile	7.25	.27	.30		.03	
Sheet metal workers	8.36	5%	7%	8%	.02	
Sprinkler fitters	9.71	.40	.60		.05	
Stone masons	7.75	.52	.70	.40	.02	
Terrazzo workers	8.05					
Terrazzo workers helpers:						
Floor machine operator	4.60					
Base machine operator	4.90					
Tile setters	7.41	.325	.50			
Tile setters helpers	6.68	.325	.30			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Truck or trailers of a water level capacity of 11.99 cu. yds. or less, fork lift trucks, job site ambulances & pick-up trucks & flat bed trucks	6.99	e	f	g & h		
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds., incl. euclids, speedace & similar equipment of same capacity	7.19	e	f	g & h		
Truck or trailers of a water level capacity of 22.0 cu. yds. & over incl. euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity	7.29	e	f	g & h		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:

a - Paid Holidays: (A; C; D; E; G; H; J)

b - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.

c - Paid Holidays: (A; C; D; E; H; J)

d - Paid Holidays: (A through J)

e - Employer contribution of $12.50 per week.

f - Employer contribution of $12.00 per week.

g - Paid Holidays: (A; C; D; E; G; H; I; J)

h - Paid vacation of 3 days for 600 hours of service in any one contract year; 4 days paid vacation for 800 hours of service in any one contract year; 5 days paid vacation for 1,000 hours of service in any one contract year.

PAID HOLIDAYS:

(A) NEW YEAR'S DAY; (B) WASHINGTON'S BIRTHDAY; (C) MEMORIAL DAY; (D) INDEPENDENCE DAY; (E) LABOR DAY; (F) COLUMBUS DAY; (G) VETERAN'S DAY; (H) THANKSGIVING DAY; (I) FRIDAY AFTER THANKSGIVING; (J) CHRISTMAS DAY

St. Louis County

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Group I						
Backhoe; cableway; crane, crawler or truck; Crane, Hydraulic-truck or cruiser mounted - 16 tons & over; Crane, locomotive; derrick, steam; Derrick car & derrick boat; Dragline; Dredge; Gradeall, crawler or tire mounted; Locomotive, gas, steam & other powers; Pile driver, land or floating; Scoop, skimmer; Shovel, power (steam, gas, electric or other powers) Switch boat; Whirley	$8.52	.35	.40			
Group II						
Air tugger w/air compressor; Anchor placing barge; Asphalt spreader; Athey force feed loader (self-propelled); Backfilling machine; Boat operator-push boat or tow boat (job site); Boiler, high pressure breaking in period; Boom truck, placing or erecting; Boring machine footing foundation; Bullfloat; Cherry picker; Combination concrete hoist & mixer such as mixermobile; Compressors, two, not more than 20 ft. apart; Compressors, not more than five ft. apart; Compressor-welder combination; Concrete breaker (truck or tractor mounted); Concrete pump, such as a pumpcrete machine; Concrete spreader; Conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; Crane, hydraulic-rough terrain, self-propelled; Crane hydraulic-truck or cruiser mounted-under 16 tons; Drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jackhammers and Barco equipment - no engineer required); Elevating grader; Engine man, dredge; Excavator or powerbelt machine; Finishing machine,						

St. Louis County

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Group II (Cont'd)						
self-propelled oscillating screed; Forklift; Grader, road with power blade; Highlift; Hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); Hoist, stack; Hydro-hammer; Lad-A-Vator, hoisting brick or concrete; Loading machine (such as Barber-Greene); Mechanic, on job site; Mixer, paving; Mixermobile; Mucking machine; Pipe Cleaning machine; Pipe wrapping machine; Plant asphalt; Plant, concrete producing or ready-mix job site; Plant, heating-job site; Plant mixing-job site; Plant, power, generating-job site; Pump, self-powered, over 2" (one operator will operate two); Pumps, electric submersible, one through three, over 4"; Quad-track; Roller, asphalt, top or subgrade; Scoop, tractor drawn; Spreader box; Sub-grader; Tie tamper; Tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; Trenching machine; Tunnel boring machine; Vibrating machine, automatic, automatic propelled; Welding machines (gasoline or diesel) more than one but not over four (regardless of size); Well drilling machine	$8.52	.35	.40			
Group III						
Air tugger w/plant air; Boiler, for power or heating on construction projects; Boiler, temporary; Compressor, air-one; Compressor, air (mounted on truck); Concrete saw, self-propelled; Conveyor, large (not self-propelled); Conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level; Curb finishing machine; Ditch paving machine; Elevator (building construction or alteration); Endless chain hoist; Fireman; Form grader; Generator, one over 30						

St. Louis County

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Group III (Cont'd)						
KW or any number developing over 30 KW; Greaser; Hoist, one drum regardless of size (except brick or concrete); Lad-A-Vator, other hoisting; Manlift; Mixer, asphalt, over 8 cu. ft. capacity, Mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; Mixer, with outside loader, 2 bag capacity or more; Mixer, with side loader, regardless of size, not paver; Oiler on dredge; Oiler on truck crane; Pug mill operator; Pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; Sweeper, street; Welding machine, one over 400 amp.; Winch operating from truck	$7.97	.35	.40		.3	
Group IV						
Boat operator-outboard motor (job site); Conveyor (such as Con-vay-it) regardless of how used; Oiler; Sweeper, floor	7.52	.35	.40			
Group V						
Air pressure; Oiler engineer; Operating under ten pounds	9.32	.35	.40			
Air pressure; Oiler engineer operating over ten pounds	10.07	.35	.40			
Air pressure engineer operating under ten pounds	10.52	.35	.40			
Air pressure engineer operating over ten pounds	11.27	.35	.40			
Crane-pile driving with leads; Crane using rock socket tool; Dragline - 7 cu. yds. & over; Shovel, power - 7 cu. yds. and over; Crane, climbing (such as Linden); Derrick, diesel, gas, electric hoisting material and erecting steel - 150' or more above						

St. Louis County

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Group V (Cont'd)						
ground; Hoist, three or more drums; Scoop, tandem; Tractor, tandem crawler	$9.02	.35	.40			
Heaters	8.02	.35	.40			
Crane, with boom (including jib) over 100' from pin to pin (add 1¢ per foot to maximum of 75¢) above basic rate for crane.						
Mud jack (where mud jack is used in conjunction with an air compressor, operator)	8.52	.35	.40			
Work in tunnel or tunnel shaft, .25¢ above base rate					.3	

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St. Charles County — MO 4-PEO-1 (1-2)

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Group I						
Asphalt finishing machine & trench widening spreader; Asphalt plant console operator; Autograder; Automatic slipform paver; Backhoe; Blade operator-all types; Boat operator-tow; Boilers - 2; Central mix concrete plant operator; Clamshell operator; Concrete mixer paver; Crane operator; Derrick or derrick trucks; Ditching machine; Dozer operator; Dragline operator; Dredge booster pump; Dredge engineman; Dredge operator; Drill cat with compressor mounted on Cat; Drilling or boring machine rotary self-propelled; Highloader; Hoisting engine - 2 active drums; Lauchhammer wheel; Locomotive operator - standard gauge; Mechanics and welders; Mucking machine; Piledrivers; Mucking machine; Piledriver operator; Pitman crane operator; Push cat operator, Quad Trac; Scoop operator - all types; Shovel operator; Sideboom cats; Skimmer scoop operator; Trenching machine operator; Truck crane.	$ 8.50	.35	.40		.02	
Group 2						
A-frame; Asphalt hot-mix silo; Asphalt plant fireman (drum or boiler); Asphalt plant man;; Asphalt plant mixer operator; Asphalt roller operator; Backfiller operator; Barber Greene loader; Boat operator (bridges & dams); Chip spreader; Compressor maintenance operator - 2; Concrete mixer operator - skip loader; Concrete plant operator; Concrete pump operator; Crusher operator; Dredge oiler; Elevating grader operator; Fork lift; Greaser-fleet; Hoisting engine - 1; Locomotive operator - narrow gauge; Multiple compactor; Pavement breaker; Powerbroom - self-propelled; Power shield; Rooter; Side discharge concrete spreader; Slip form finishing machine; Stumpcutter machine; Throttle man; Tractor operator (over 50 H.P.); Welding machine maintenance operator - 2; Winch truck	8.30	.35	.40		.02	

AD-94 P. 8

St. Charles County — MO 4-PEO-1 (2-2)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic County Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Group 3						
Boilers - 1; Chip spreader (front man); Churn drill oper.; Clef plane operator; Compressor maintenance oper. - 1; Concrete saw operator (self-propelled); Conveyor operator; Curb finishing machine; Distributor operator; Finishing machine operator; Fireman-rig; Flex plane operator; Float operator; Form grader operator; Generator-maintenance operator; Light plant maintenance operator; Maintenance operator; Oiler driver; Pugmill operator; Pump maintenance oper. (other than dredge); Roller operator, other than high type asphalt; Screening & washing plant oper.; Siphons & jets, Sub-grading machine operator; Spreader box operator, self-propelled (not asphalt); Tank car heater operator (combination boiler & booster); Tractor operator (50 H.P. or less); Ulmac, Ulric or similar spreaders; Vibrating machine oper., not hand; Welding machine maintenance oper. - 1	$ 8.10	.35	.40		.02	
Group 4						
Oiler	7.50	.35	.40		.02	
Clamshells, 3 yd. capacity or over; Crane, rigs or piledrivers 100 ft. of boom or over (including jib); Draglines, 3 yds. capacity or over; Hoisting engine over 2 drums; Shovels, 3 yds. capacity or over	8.75	.35	.40		.02	
Crane, rigs or piledrivers 200 ft. or over	9.25	.35	.40		.02	
Tandem scoop operator	9.00	.35	.40		.02	
Work in tunnel or tunnel shafts (not air shafts or coffer dams) of 25 ft. or more in length or depth 50¢ per hour above basic rate.						

STATE: Nebraska

COUNTIES: Cedar, Cuming, Pierce, Stanton and Wayne Counties

DECISION NO. AQ-93

DATE: Date of Publication

Supersedes Decision No. AQ-86 dated March 8, 1974 in 39 FR 9336

DESCRIPTION OF WORK: Building construction(excluding single family homes and garden type apartments up to and including four (4) stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	$6.50				
Carpenters	3.52				
Cement Masons	3.57				
Electricians	5.15				
Glaziers	4.95				
Ironworkers	2.755				
Laborers:					
common laborers	2.545				
Painters, brush	3.40				
Plumbers	4.00				
Roofers	5.90				
Sheet metal workers	4.96				
Truck Drivers	2.50				
Power Equipment Operators:					
Air Compressor	2.60				
Bulldozer	3.00				
Cranes	3.90				
Front end loader, under 3/8 cubic yd.	3.85				
Graders	3.10				
Crawler tractor with scoop	2.95				
Scraper	3.25				

SUPERSEDEAS DECISION

STATE: NEW JERSEY COUNTY: MORRIS

DECISION NO.: AQ-2,113 DATE: Date of Publication
Supersedes Decision No. AP-840 dated May 25, 1973 in 38 FR 13978
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

14-N.J.-1-2-3-C 1 of 4

BUILDING, HVY. & HWY. CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$9.202	.5803	.4994		.02	
Boilermakers	8.35	8%	9½% + 3%	10%	.01	
Boilermakers' helpers	7.82	8%	9½% + 3%	10%	.01	
Bricklayers, Cement masons, Plasterers, and Stonemasons:						
Morristown, Madison, Chatham, Morris Plains, Mt. Tabor, Parsippany, Troy Hills, Pine Brook, Mendham Ralston, Whippany, E. Hanover, Morris Twp., & Millington, Hanover	9.10	.40	.40		.02	
Stephensburg, Pleasant Grove, Middle Valley, and Parker	9.34	.30	.30		.02	
Pompton Plains, Pequannock, Lincoln Park, Kinnelon, Butler and Riverdale	9.50	.55	.74		.02	
Remainder of County	10.00	.35	.35		.02	
Carpenters and Insulators:						
Naughright, Mt. Freedom, Middle Valley, Parker, Ralston, Ironia, Mendham, Chester and Brookside						
Carpenters & Insulator	9.29	6%	6%		.02	
Millwrights	9.54	.45	.50		.02	
Remainder of County:						
Carpenters	9.29	6%	6%		.02	
Millwrights	9.54	6%	6%		.02	
Electricians	10.03	.40 + f	1% + .38		i	
Elevator Constructors:						
Elevator Constructors	9.10	.395	.26 + a	b + c	.015	
Helpers	6.83	.395	.26 + a	b + c	.015	
Probationary helpers	4.55					
Modernization	8.33	.395	.26 + a	b + c	.015	
Modernization helpers	6.25	.395	.26 + a	b + c	.015	
Repair	7.48	.395	.26 + a	b + c	.015	
Repair helpers	5.61	.395	.26 + a	b + c	.015	
Glaziers	8.70	.70	.65	d	.02	
Ironworkers, structural, ornamental and reinforcing - nearest town as listed below:						
Easton, Pennsylvania	8.73	.75	.75			
Perth Amboy	9.15	.64	2.11	.90	.09	
Laborers, Building:						
Boonton, Boonton Twp., Montville, Lincoln Park Borough, Butler, Kinnelon Borough, Pine Brook, Ironia, Denville, Mountain Lake, Pequannock, Pompton Plains and Riverdale Borough:						
Laborers, building, wrecking, demolition, concrete mixers, without hoppers drill runners, jackhammerman, mason tenders, mortar mixers, excavation and foundations, scaffold builders, carpenters' tenders, and grading for concrete	$6.75	.30	.35			
Jefferson, Rockaway, Mt. Arlington, Rockaway Borough, Wharton, Mill Hill, Dover, Netcong, Roxbury, Mt. Olive & Randolph Twps.:						
Laborers, air tool op., jackhammer, vibrator, mason tenders & pipe layers, wreckers, excavation	6.70	.50	.50			
Morristown, Morris Twp., Morris Plains, Mendham, Ralston, Chester, Brookside, Flanders, Ironia, Mt. Freedom, Mt. Tabor, Parsippany-Troy Hills, Pine Brook, Cedar Knolls, Whippany, Hanover Twp., and Long Valley:						
Laborers, tenders scaffolds, excavation, concrete, bituminous concrete, aggregates, pipelayers, underpinning, lagging, bracing, wrecking	6.55	.45	.40			
Remainder of County:						
Laborers, tenders, scaffolds, excavating and site preparation and clearance, concrete, bituminous concrete and aggregates, trenches, manholes, handling and distribution of pipe, underpinning, lagging, bracing, propping, and shoring, excavating & grading, wrecking	6.65	.55	.50			
Lathers:						
Sterling, Gilette and Millington	6.65	.25	.25		.01	
Morristown Area	6.15	.25	.25		.02	
Leadburners	8.75	.30		e	.01	
Linemen & Pipe Type Cable						
Linemen, cable splicer, hole digging equipment, truck with winch or pole & steel handling truck w/o winch	10.03	.40 + f	1% + .38		i	
Groundmen, line truck operator & equipment operator	8.41	.40 + f	1% + .38		i	
Marble setters	7.40	.63	.66+h			
Marble setters' helpers	6.93	.63	.66+h			

BUILDING, HVY. & HWY. CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters:						
Mt. Freedom, Mendham, Chester, Ralston, Park, Long Valley, Sterling & Gillette:						
Commercial & Industrial	$6.60	.45	.35			
Tanks, bridges, Structural Steel	7.10	.45	.35			
Spray	7.10	.45	.35			
Remainder of County:						
Painters: Commercial & Industrial	6.60	.30	.20			
Rollers	7.10	.30	.20			
Structural steel & bridges	7.10	.30	.20			
Spray	6.10	.30	.20			
Piledrivermen & Dock builders	9.36	.90	1.53	.56	.02	
Plumbers & Steamfitters						
From Dover to Rockaway, Mountain Lakes, Denville, Succasunna, Budd Lake, Hackettstown, Columbia, Flatbrookville, Montague, Port Jervis (N.Y.), Glenwood, Stockholm Charlottesburg, and returning to Dover	8.07	.35	.75	.90	.10	
Lincoln Park, Pompton Plains, Pequanock Twp., Riverdale, Butler, Kinnelon Boro:	8.65	.475	.91	1.00	.04	
Remainder of County	8.97	.35	.75		.15	
Roofers:						
Composition, damp and waterproofers	6.82	.25	.20			
Slate, tile and asbestos	8.05	.30	.20			
Slate, tile and asbestos helpers	7.05	.30	.20			
Soft floor layers	8.53	6%	5%	4%		
Sprinkler fitters	10.12	.40	.60		.07	
Sheet metal workers	9.30	5%	4%		.05	
Terrazzo workers	8.70	.78 +.45	1.26			
Terrazzo workers' helpers	7.43	.475+.45	.475			
Terrazzo machine operator	7.68	.475+.45	.475			
Tile setters	8.10	.60	1.00+.50			
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 $8.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service of 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week vacation after one year's work; 2 weeks vacation after 4 years work; 3 weeks vacation after 15 years work.

e. Holidays: A through F; Washington's Birthday, Good Friday providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

f. Employer contributes 1% to Temporary Disability Fund.

g. Employer contributes a total of $.55 per hour to Pension, Health & Welfare Fund.

h. Employer contributes $.60 per hour to a trust fund and $.15 per hour to an Annuity Fund.

i. Employer contributes $100.00 per year.

AQ-2,113 P. 5 N.J.-2-LAB-2-3-E

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	[illegible]
Laborers:						
Blasters	$7.60	.41	.64	a		
Finisher, rammer, paver, gunite nozzle man and stone cutter	7.45	.41	.64	a		
Timberman	7.20	.41	.64	a		
Form setter	7.15	.41	.64	a		
Sewer pipe, laser men, conduit and duct line layers	6.95	.41	.64	a		
Wagon drill op. and drill master	7.05	.41	.64	a		
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	6.70	.41	.64	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.05	.41	.64	a		
Signal man	6.75	.41	.64	a		
Wrapping and coating of all pipe	6.55	.41	.64	a		
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.50	.41	.64	a		
Rakers and tampers on cold patch work	6.50	.41	.64	a		
FREE AIR TUNNEL WORK	Daily Rates					
Blasters	$63.77	.41	.59	a		
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	60.57	.41	.59	a		
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	59.28	.41	.59	a		
All others (including powder watchmen, change house attendants, top laborers)	55.22	.41	.59	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 7 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS, ASPHALT						
Streets:						
Head rakers	$6.50	.51	.54	a		
Rakers	6.25	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.10	.51	.54	a		
Plant:						
Scale mixer and burner men	6.35	.51	.54	a		
Feeders and dust men	6.10	.51	.54	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. sugrader, base MIL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (super-hammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), eccno-mobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), rollers (backtop), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, asphalt spreaders, auto-grade tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, bridge deck finisher, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with nob site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, grader (finish only), graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portacle generators, power saws, compressor equipment or compressor units used in connection with cement,

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic.

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operations: On all power boats used in conjunction with pipeline, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base)

GROUP XIV: Helicopters (pilot/engineer)

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
GROUP I	$10.73	7%	10%+5%	a	3%	
GROUP II	9.85	7%	10%+5%	a	3%	
GROUP III	9.65	7%	10%+5%	a	3%	
GROUP IV	8.96	7%	10%+5%	a	3%	
GROUP V	8.81	7%	10%+5%	a	3%	
GROUP VI	8.76	7%	10%+5%	a	3%	
GROUP VII	8.05	7%	10%+5%	a	3%	
GROUP VIII	8.41	7%	10%+5%	a	3%	
GROUP IX	7.60	7%	10%+5%	a	3%	
GROUP X	8.91	7%	10%+5%	a	3%	
GROUP XI	7.50	7%	10%+5%	a	3%	
GROUP XII	9.95	7%	10%+5%	a	3%	
GROUP XIII	8.41	7%	10%+5%	a	3%	
GROUP XIV	12.33	7%	10%+5%	a	3%	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE

a. Holidays, A through F plus Washington's Birthday and Presidential Election Day provided the employee works any of the three days in the five work days preceding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

[illegible], carryalls, [illegible] & side [illegible] (CMI & similar types), autograde placer-trimmer-spreader-conveyor (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), rollers (blacktop), scrapers (letourneau, dw's, ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, asphalt spreaders, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, bridge deck finisher, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrators, skimmer machines (boom type), generators, giraffe grinders, grader (finish only), graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and accustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading, welder and and repair mechanic

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION CONT'D. :

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas or flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment, operation & maintenance of grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H &	[illegible]	Vacation	App. Tr.	Other
GROUP I	$10.73	7%	5% + 10%	a	3%	
GROUP II	9.85	7%	5% + 10%	a	3%	
GROUP III	8.96	7%	5% + 10%	a	3%	
GROUP IV	8.76	7%	5% + 10%	a	3%	
GROUP V	8.05	7%	5% + 10%	a	3%	
GROUP VI	8.61	7%	5% + 10%	a	3%	
GROUP VII	12.33	7%	5% + 10%	a	3%	
GROUP VIII	9.95	7%	5% + 10%	a	3%	
GROUP IX	8.41	7%	5% + 10%	a	3%	
GROUP X	8.91	7%	5% + 10%	a	3%	
GROUP XI	8.66	7%	5% + 10%	a	3%	
GROUP XII	7.90	7%	5% + 10%	a	3%	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday and Presidential Election Day provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
STEEL ERECTION						
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$11.53	7%	15%	a	3%	
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.33	7%	15%	a	3%	
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms	10.88	7%	15%	a	3%	
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.31	7%	15%	a	3%	
Air compressors single, welding machines (gasoline electric converter of any type, single)	8.50	7%	15%	a	3%	
Firemen	8.83	7%	15%	a	3%	
Oilers	8.00	7%	15%	a	3%	
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	9.25	7%	15%	a	3%	
Deckhand	7.95	7%	15%	a	3%	

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
TRUCK DRIVERS						
Winch Trailer	5.68	.85		a+b		
Euclids, straight, bottom, rear and side dump, carryall and scrapers: (not self loading-loading over the top), water sprinkler trailers, water pulls, and similar types, flat, floats, I-Beam, low beds, transit-mix, road oil, fuel, asphalt, stringer, seeding fertilizing, bituminous distributor, and similar types of vehicles	5.58	.85		a+b		
Straight three-axle materials: trucks and floats	5.48	.85		a+b		
Straight dumps, flats, floats, pick-ups, container hauler, fuel, water sprinkler, road oil, winch, A-frame, scissor, nipper, "all dual purpose trucks", trucks with mechanical tail gates", any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, mechanics	5.43	.85		a+b		
Mechanics helpers	5.20	.85		a+b		

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; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; providing an employee works or shapes one day and is available during the Holiday calendar week.

b. Employees who have worked or have received pay for 85 days shall receive 48 hours vacation pay; 130 days - 96 hours vacation pay; 150 days - 120 hours vacation pay; an employee with 150 days credit and at least 15 years seniority shall receive an additional 40 hours vacation pay.

SUPERSEDEAS DECISION

STATE: NEW JERSEY COUNTY: MIDDLESEX

DECISION NO.: AQ-2,115 DATE: Date of Publication

Supersedes Decision No. AP-838 dated May 25, 1973 in 38 FR 13963

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers:						
Twps., of Cranbury, E. Brunswick, Hal-						
Emetta. Jamesburg, Milltown, Monroe,						
N. Brunswick, Plainsboro, S. Brunswick						
& Spotswood	$9.30	.50	.50		.025	
Remainder of County	9.202	.5803	.4974		.02	
Boilermakers	8.35	8%	9½+3%	10%	.01	
Boilermakers' helpers	7.82	8%	9½+ 3%	10%	.01	
Bricklayers, cement masons, plasterers, and stone masons:						
Dunellen, Middlesex, New Market, Oak						
Tree, and S. Plainfield	9.45	.45	.40		.02	
Remainder of County	9.55	.35	.25			
Plainsboro	9.50	.50	.70		.03	
Carpenters and insulators	9.29	6%	6%		.02	
Millwrights	9.54	6%	6%		.02	
Electricians and Linemen:						
Electricians	10.35	.20+e	1% +.25		.05	
Linemen, cable splicers, equipment operators, welder, hole digging equipment truck with winch or pole and						
steel handling, truck without winch	10.35	.20+e	1% +.25		.05	
Groundman and winch operator	9.50	.20+e	1%+.25		.05	
Elevator constructors	9.10	.395	.26+a	b+c	.015	
Elevator constructors helpers	6.83	.395	.26+a	b+c	.015	
Elevator constructors probationary helpers	4.55					
Elevator constructors modernization	8.33	.395	.26+a	b+c	.015	
Elevator constructors modernization helpers	6.25	.395	.26+a	b+c	.015	
Elevator constructors repair	7.48	.395	.26+a	b+c	.015	
Elevator constructors repair helper	5.61	.395	.26+a	b+c	.015	
Glazier	8.08	.61	.65		.02	
Ironworkers, structural, reinforcing	9.15	.64	2.11	.90	.09	
Ironworkers, Ornamental	9.15	.64	2.11	.90	.09	
Ironworkers, Plainsboro, structural, ornamental and reinforcing	8.92	.47	1.06	10%	.05	
Laborers: Building						
Perth Amboy, Carteret, Woodbridge and Metuchen Townships:						
Laborers	6.65	.25	.50			
Air compressed tamper, pavement breakers, jackhammers, gated type manhole or air drills	6.90	.25	.50			
Dunellen & S. Plainfield Townships:						
Laborers, air tool op., mason tenders, plasterers' tenders and mortar mixers	6.65	.55	.50			

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers: Building (cont'd)						
S. River, S. Amboy, Sayreville, Keyport, Spotswood, Helmetta, Jamesburg, Granbury, and Monroe Townships, Madison & E. Brunswick Twps.						
Laborers	$6.40	.25	.25			
Tenders, scaffolding, excavation and foundation, concrete, trenches, manholes, sidewalks, curbing, compressed air, excavation and grading,						
Pipe layers	6.40	.25	.25			
Remainder of County:						
Laborers	7.00	.35	.35			
Air tool operator (jackhammer, vibrator)	7.25	.30	.35			
Mason tenders, mortar mixers	7.00	.30	.35			
Demolition & scaffold builders	7.00	.30	.35			
Plasterers' tenders	7.00	.30	.35			
Lathers:						
Dunellen, Edison, Middlesex, New Market, Oak Tree, Piscataway, and S.						
Plainfield	6.65	.25	.25		.01	
Remainder of County	5.75	.25	.20		.01	
Lead burners	8.75	.30		d	.01	
Marble setters	7.40	.63	.66+f			
Marble setters' helpers	6.93	.63	.66+f			
Painters:						
Perth Amboy, Carteret, Woodbridge Twp., Edison Twp., north of Metuchen, Sayreville, S. Amboy, Meuchen, Old Bridge and Madison township:						
Brush	7.40	.55	.40			
Structural steel, tanks, bridges & towers	8.95	.55	.40			
Spray	8.95	.55	.40			
Sandblasting	8.95	.55	.40			
Edison Twp., south of Metuchen, High land Park, New Brunswick, E. Brunswick and S. Brunswick, S. Brunswick Twp., & Monroe Twp., N. Brunswick						
Commerical & industrial	7.15	.65	.50			
Steel, tanks, towers, steeples, stacks and bridges	8.25	.65	.50			
Spraying & sandblasting	8.25	.65	.50			
Plainsboro:						
Brush	7.80	.45	.50	.10		
Steel	7.95	.45	.50	.10		
Spray	8.27	.45	.50	.10		

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters: (Cont'd)						
Dunellen, South Plainfield, Middlesex & New Market:						
Commercial & industrial	5.75	.35	.45			
Spray, sandblast, tanks, steel & stagework	6.70	.35	.45			
Piledrivermen and dockbuilders	9.36	.90	1.53	.56	.02	
Plumbers and steamfitters:						
Piscataway to Old Bridge to County line and north thereof	10.70		.50		.03	
Remainder of County	9.35	5%	4%	10%	1%	
Roofers, composition, damp & waterproofing	9.45	.50	.325			
Roofers, slate & tile	8.625	.50	.325			
Roofers, slate & tile helpers	7.55	.50	.325			
Sheet metal workers	8.71	.52	.—	.67	.02	
Soft floor layers	8.53	6%	5%	4%		
Sprinkler fitters:						
New Brunswick, Milltown, Old Bridge Browntown, and North thereof:	10.12	.40	.60		.07	
Remainder of County	9.45	.40	.60		.05	
Terrazzo workers	8.70	1.23	1.26			
Terrazzo workers' helpers	7.43	.925	.475			
Terrazzo machine operator	7.68	.925	.475			
Tile setters	8.10	.60	1.50			
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 $8.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day; Armistice Day.

c. Employer contributes .4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F; Washington's Birthday; and Good Friday, providing employee has worked at least 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. Employer contributes 1% to Temporary Disability Fund.

f. Employer contributes $.60 per hour to a trust fund and $.15 per hour to an Annuity Fund.

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.60	.41	.64	a	
Finisher, rammer, paver, gunite nozzle man and stone cutter	7.45	.41	.64	a	
Timberman	7.20	.41	.64	a	
Form setter	7.15	.41	.64	a	
Sewer pipe, laser men, conduit and duct line layers	6.95	.41	.64	a	
Wagon drill op. and drill master	7.05	.41	.64	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	6.70	.41	.64	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.05	.41	.64	a	
Signal man	6.75	.41	.64	a	
Wrapping and coating of all pipe	6.55	.41	.64	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpman	6.50	.41	.64	a	
Rakers and tampers on cold patch work	6.50	.41	.64	a	
FREE AIR TUNNEL WORK	Daily Rates				
Blasters	$63.77	.41	.59	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	60.57	.41	.59	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	59.28	.41	.59	a	
All others (including powder watchmen, change house attendants, top laborers)	55.22	.41	.59	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 5 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

N.J. 4-LAB-5-L

Southern half of Middlesex County	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, Asphalt						
Street:						
Head raker	$6.55	.41	.59	a		
Rakers and screed board man	6.40	.41	.59	a		
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.15	.41	.59	a		
Plant:						
Scale mixers and burner men	6.40	.41	.59	a		
Feeders and dust men	6.15	.41	.59	a		

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, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holiday falls or is observed as such.

N.J.-5-LAB-5-K

Northern half of Middlesex County	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
LABORERS, ASPHALT						
Street:						
Head rakers	$6.30	.51	.54	a		
Rakers	6.25	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.10	.51	.54	a		
Plant:						
Scale mixer and burner men	6.35	.51	.54	a		
Feeders and dust men	6.10	.51	.54	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MIL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (super-hammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), econo-mobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete punping regardless of size), rollers (backtop), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, asphalt spreaders, auto-grade tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, bridge deck finisher, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with hob site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines. ditching machines (small, ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, grader (finish only), graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment [illegible] units used in connection with cement,

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic.

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifiertransformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operations: On all power boats used in conjunction with pipeline, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base)

GROUP XIV: Helicopters (pilot/engineer)

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
GROUP I	$10.73	7%	10%+5%	a	3%	
GROUP II	9.85	7%	10%+5%	a	3%	
GROUP III	9.65	7%	10%+5%	a	3%	
GROUP IV	8.96	7%	10%+5%	a	3%	
GROUP V	8.81	7%	10%+5%	a	3%	
GROUP VI	8.76	7%	10%+5%	a	3%	
GROUP VII	8.05	7%	10%+5%	a	3%	
GROUP VIII	8.41	7%	10%+5%	a	3%	
GROUP IX	7.60	7%	10%+5%	a	3%	
GROUP X	8.91	7%	10%+5%	a	3%	
GROUP XI	7.50	7%	10%+5%	a	3%	
GROUP XII	9.95	7%	10%+5%	a	3%	
GROUP XIII	8.41	7%	10%+5%	a	3%	
GROUP XIV	12.33	7%	10%+5%	a	3%	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE

a. Holidays, A through F plus Washington's Birthday and Presidential Election Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn., subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), rollers (blacktop), scrapers (letourneau, dw's, ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, asphalt spreaders, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, bridge deck finisher, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrators, skimmer machines (boom type), generators, giraffe grinders, grader (finish only), graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading, welder and and repair mechanic

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION CONT'D. :

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, excavators and tractors, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas or flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment, operation & maintenance of grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.73	7%	5% + 10%	a	3%
GROUP II	9.85	7%	5% + 10%	a	3%
GROUP III	8.96	7%	5% + 10%	a	3%
GROUP IV	8.76	7%	5% + 10%	a	3%
GROUP V	8.05	7%	5% + 10%	a	3%
GROUP VI	8.61	7%	5% + 10%	a	3%
GROUP VII	12.33	7%	5% + 10%	a	3%
GROUP VIII	9.95	7%	5% + 10%	a	3%
GROUP IX	8.41	7%	5% + 10%	a	3%
GROUP X	8.91	7%	5% + 10%	a	3%
GROUP XI	8.66	7%	5% + 10%	a	3%
GROUP XII	7.90	7%	5% + 10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Da; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday and Presidential Election Day, provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

STEEL ERECTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$11.53	7%	15%	a	3%	
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.33	7%	15%	a	3%	
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms	10.88	7%	15%	a	3%	
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.31	7%	15%	a	3%	
Air compressors single, welding machines (gasoline electric converter of any type, single)	8.50	7%	15%	a	3%	
Firemen	8.83	7%	15%	a	3%	
Oilers	8.00	7%	15%	a	3%	
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	9.25	7%	15%	a	3%	
Deckhand	7.95	7%	15%	a	3%	

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Winch Trailers	$6.28	a		b		
Euclid, International Haversters, Wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles	6.18	a		b		
Tractor and trailer type vehicles, flat floats, I-Beam, low beds, water sprinkler, bituminous, transit-mix, road oil, fuel, bottom dump hopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit), (tractor trailer), reel trailer, and similar types of vehicles	6.18	a		b		
Straight three-axle materials: Trucks and floats	6.08	a		b		
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumpcrete, transit-mixers, agitator mix, half-track, winch truck, side-o-matic, dynamite, powder, X-ray, welding, skid, jeep, station wagon, stringer, A-Frame, all dual purpose trucks, mechanical tail gates, batch, seeding, mulching, fertilizer, air compressor trucks (in transit), escort scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt-distributor and spreader, nipper, fuel trucks (driver on fuel truck including handling of hose and nozzle-entire unit), team drivers, vacuum or vac-all trucks, skid truck (debris container-entire unit), concrete mobile trucks (entire unit), beltcrete trucks, pumpcrete trucks, line trucks, reel, wreckers or tow trucks, utility, tack trucks, broyhill coal tar epoxy, little ford bituminous distributor, slurry seal truck or vehicle, thiokol track master pick-up (swamp cat pick-up), bucket loader dump, rubber tired tractor used in pulling and towing farm wagon and trailers of any discription	6.03	a		b		

New Jersey 1-TD-1-2-3-F 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS (Cont'd):						
Teamster mechanic	$6.03	a		b		
Mechanic helper	5.80	a		b		

FOOTNOTES:

a. Employer contributes $.89 per hour to a combined Health, Welfare and Pension fund.

b. Employees worked or received pay: 80 days within a year receive one week's vacation, 125 days within a year receive two weeks' vacation, 145 days within a year receive 15 days' vacation, 15 years seniority and 145 days within a year receive four weeks' vacation.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: SUFFOLK

DECISION NO.: AQ-2,112 DATE: DATE OF PUBLICATION

Supersedeas Decision No. AM-1,735 dated August 11,1971 in 36 FR 14980
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

52-New York-1-2-3-W 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.
Asbestos workers	$8.96	13.1%	9%	12%	
Boilermakers	9.95	5%	5% + 10%	7%	.01
Bricklayers:					
Center Moriches on the south shore and following Chichester Avenue, North of Walding River and areas east thereof including the off shore islands:					
Bricklayers, cement masons and plasterers	9.40	.30		.40	
Remainder of County:					
Bricklayers	9.40	.78	2.92	.30	
Cement masons	8.85	.905	.755+.50		.01
Plasterers	8.10	1.00	.40	1.00	.01
Carpenters:					
Fishers Island:					
Carpenters & soft floor layers	8.55	.50	.30		
Remainder of County:					
Carpenters & soft floor layers	9.00	.85	1.23	.80	.11
Piledrivermen	9.00	.85	1.23	.80	.11
Timbermen, wharf & dock builders	9.00	.85	1.23	.80	.11
Carpenters, Heavy:					
Carpenters	9.00	.85	1.23	.80	.11
Dock and wharf carpenters	9.00	.85	1.23	.80	.11
Piledrivermen	9.00	.85	1.23	.80	.11
Electricians and linemen	9.55	6%	.135%		5/8 of1%
Elevator constructors	9.10	.395	.26+b	c+d	.015
Elevator constructors' helpers	6.83	.395	.26+b	c+d	.015
Elevator constructors' helpers (prob.)	4.55				
Elevator constructors repair	7.48	.395	.26+b	c+d	.015
Elevator constructors' repair helpers	5.61	.395	.26+b	c+d	.015
Elevator constructors modernization	8.33	.395	.26+b	c+d	.015
Elevator constructor modernization helper	6.25	.075	.125+b	c+d	.015
Glaziers	7.30	6%	6%+1.20	5%	
Ironworkers:					
Structural	8.40	.655	1.655	.70	.01
Ornamental finisher	8.40	.63	.70+1.335	.76	.03
Reinforcing	9.78	.80	.98+1.10	1.13	.04
Laborers, building:					
Laborers	7.65	.62	.83	.66	
Mason tenders	7.65	.62	.83	.66	
Mortar mixers	7.65	.62	.83	.66	
Plasterers' helpers	7.05	1.25		1.00	
Lathers, Nail on	7.80	11%+.08	20+1.15	1.05	
Lathers, Metal	9.78	.80	.98+1.10	1.13	.04
Lead Burners	8.75	.30		e	.01
Millwrights	9.36	.90	1.53	.50	.02

52-New York-1-2-3-W 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.
Marble carvers	$7.95	.63+.15	.66+.28	o	
Marble setters & cutters	7.80	.63+.15	.66+.28	o	
Marble helpers and crane operator	7.33	.59+.15	.63+.25	o	
Derrick men	7.33	.59+.15	.63+.25	o	
Marble sawers, rubbers and polishers	7.57	.61+.15	.61+.26	o	
Painters:					
Brush	6.30	.33	.40 + a	.25	
Structural steel & spray	7.13	.33	.40 + a	.25	
Plumbers	9.45	.50	1.41	1.20	.135
Roofers:					
Composition damp & waterproofing	7.35	.50	.50+.70	.90	.01
Slate and tile	6.45	8%	.50	5%	
Slate and tile helpers	5.13	8%	.50	5%	
Sheet metal workers:					
Fishers Island	9.30	.50	.51		.05
Remainder of County	9.445	.715	1.37	1.055	½%
Sprinkler fitters	8.655	7%+.85	13%	10%	.04
Steam fitters	8.655	7%+.85	13%	10%	.04
Stone derrickmen and riggers	8.87	7%+.01	7%+.79	.60	.01
Stone masons	8.45	.66	.94+1.60	1.50	
Terrazzo workers	8.70	.78+.45	1.26		
Terrazzo workers' helpers	6.98	.78+.45	1.26		
Terrazzo machine operator	7.13	.78+.45	1.26		
Tile setters	8.10	.60	.50+1.00		
Tile setters' helpers	6.96	.40	.27+1.00		
Truck drivers:					
Ready-mix concrete, sand gravel & asphalt	5.23	.44¼	.55-¼	g+h	
Euclid and tournapulls operator	5.383	.44-¼	.55-¼	g	
Demolition and wrecking:					
Straight jobs	4.76	k	m	n	
Trailers	5.01	k	m	n	
Tuck Pointers:					
Tuckpointers & waterproofers	8.12	.70	.67+.77	.50	.015
Steam cleaners	8.37	.70	.67+.77	.50	.015
Sand-blasters	9.12	.70	.67+.77	.50	.015

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

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 $1.29 per hour to an Annuity Fund.

b. Employer contributes $8.00 per day to Annuity Fund.

c. Holidays: A through F; Lincoln's Birthday, Washington's Birthday; Columbus Day; Armistice Day & Election Day.

d. Employer contributes 6.4% of basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

e. Holidays: A through F; Washington's Birthday, Xmas. 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.

f. Employer contributes $4.00 per day to Annuity Fund.

g. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veteran's Day, (providing employee works two days in the calendar week in which the holiday falls and shape each remaining workday during such calendar week.)

h. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with a maximum vacation of three weeks per year.

i. Employer contributes $4.80 per day to Annuity Fund.

k. Employer contributes $28.86 per month to Health & Welfare.

m. Employer contributes $29.13 per month to Pension Fund.

n. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; Armistice Day; Election Day.

o. Paid Holiday: St. Patricks Day.

N.Y. 10-LAB-2-3-M

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Laborers:						
Concrete & curb form setters, asphalt rakers	$6.85	10%	10%	.75+a		
Asphalt workers & roller boys, asphalt top shovelers and smoothers, asphalt tampers	6.65	10%	10%	.75+a		
Jackhammers, & drill men, hoppermen, carpenters' tenders, pipe jointers and setters, concrete laborers (structures), stone spreading laborers, trackmen, grading & excavating laborers, yard laborers, puddlers on concrete pavement, laborers (other than above) on concrete pavement, landscape laborers, asphalt plants (batchers & hopper men)	6.25	10%	10%	.75+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, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or shapes up the scheduled day before and the scheduled day after the holiday.

N.Y.-5-PEO-1- A 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	$10.63	6%	1.05	a+b	.15
Backhoe, dragline, gradall, piledriver, shovel	10.905	6%	1.05	a+b	.15
Batching plant (on site of Job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)	10.805	6%	1.05	a+b	.15
Bending machine, generator (small), vibrator (1 to 5), dinky locomotive	9.455	6%	1.05	a+b	.15
Boiler, bulldozer, compressor (on crane) compressor (pilework), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drawn), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than stone or steel), pump (double action disphragm), pump (gypsum), pump (hydraulic pump (jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)	10.455	6%	1.05	a+b	.15
Boom truck, crane (crawler or truck), conveyor-multi, plant engineer, stone spreader (self-propelled)	10.655	6%	1.05	a+b	.15
Compressor, compressor (2 or more in battery), generator, mulch machine, pin puller, portable heaters, pump (4 inch or over), track tamper (2 engineers each), welding machine	10.205	6%	1.05	a+b	.15
Crane and boom truck (setting structural or stone)	11.03	6%	1.05	a+b	.15
Bulldozer (used for excavation), fireman, loading machine, powerboom, scoop (carry-all scrapper), vac-all	10.08	6%	1.05	a+b	.15
CMI or maxim spreader, concrete spreader, derrick, sideboom tractor	11.005	6%	1.05	a+b	.15
Compressor (structural steel)	10.605	6%	1.05	a+b	.15
Concrete saw or cutter, mixer (with skip) mixer (2 small, with or without skip), pump (up to 3 inches), tractor-caterpiller or wheel	9.705	6%	1.05	a+b	.15

N.Y.-5-PEO-1 - A 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
Crane with clam shell bucket	$10.905	6%	1.05	a+b	.15
Crane, crawler or truck:					
Boom lengths of 100' (including jib) but less than 150'	11.155	6%	1.05	a+b	.15
Boom lengths of 150' (including jib) but less than 250'	11.405	6%	1.05	a+b	.15
Boom lengths of 250' (including jib) but less than 350'	11.655	6%	1.05	a+b	.15
Boom lengths of 350'	12.155	6%	1.05	a+b	.15
Curb machine (asphalt or concrete), curing machine, pump (submersible), tower crane maintenance man	10.40	7%	.85	a+b	.15
Dredge	10.78	7%	.85	a+b	.15
Elevator, forklift, hoist (1 drum)	10.83	7%	.85	a+b	.15
Forklift (walk-behind, power operated)	10.62	7%	.85	a+b	.15
Grader	10.23	7%	.85	a+b	.15
Hoist (2 and drum)	10.97	7%	.85	a+b	.15
Hoist (multiple platform)	13.50	7%	.85	a+b	.15
Mechanical compactors (hand operated), trench machine (hand)	9.08	7%	.85	a+b	.15
Hoist tandem platform	11.88	7%	.85	a+b	.15
Hydra-hammer, ridge cutter	9.62	7%	.85	a+b	.15
Lead engineer	12.105	7%	.85	a+b	.15
Loading machine (with capacity of 10 yds or over	10.33	6%	1.05	a+b	.15
Oiler, stump chipper	9.105	7%	.85	a+b	.15
Power buggies	9.33	7%	.85	a+b	.15
Roller, trench machine	10.705	7%	.85	a+b	.15
Scoop, carry-all, scraper in tandem	11.08	6%	1.05	a+b	.15
Sideboom tractor (used in tank work)	11.165	7%	.85	a+b	.15
Striping machine	10.13	7%	.85	a+b	.15
Tank work	10.93	7%	.85	a+b	.15
Tower crane (engineer)	11.46	7%	.85	a+b	.15
Tower crane (oiler)	8.955	7%	.85	a+b	.15
Welding machine, structural steel	10.68	7%	.85	a+b	.15

PAID HOLIDAY:
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; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Veterans' Day.
b. Basic hourly rate includes $1.00 vacation fund.

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HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Asphalt spreader, boom truck, boring machine (other than post holes), CMI or maxim spreader, crane (crawler or truck), conveyor (multi), plant engineer, concrete spreader, sideboom tractor, stone spreader, self-propelled	$10.63	6%	1.05	a+b	.15	
Backhoe, crane (stone setting), crane (structural steel), dragline, gradall, piledriver, road paver, shovel	11.00	6%	1.05	a+b	.15	
Batching plant (on site of job), crane (on barge), derrick, sideboom tractor (used in tank work), tank work	10.855	6%	1.05	a+b	.15	
Bending machine, mechanical compactors (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)	8.38	6%	1.05	a+b	.15	
Boiler	10.13	6%	1.05	a+b	.15	
Boring machine (post holes)	10.57	6%	1.05	a+b	.15	
Bulldozer, concrete finishing machine, conveyor, curb machine (asphalt or concrete), curing machine, dinky locomotive, fireman, forklift, hoist (1 drum), loading machine, maintenance engineer, pulvi-mixer, pump (4 inches or over), pump (hydraulic), pump (jet) pump (submersible), pump (well point), roller (5 ton and over), scoop (carry-all, scraper), maintenance man (tower crane), vac-all, welding and burning	9.82	6%	1.05	a+b	.15	
Compressor (on crane), generator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power house, loading machine (front end), compressor (pile work), power winch (truck mounted, used for other than stone or steel), hoist (2 drum)	10.355	6%	1.05	a+b	.15	
Compressor (2 or more in battery)	10.05	6%	1.05	a+b	.15	
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)	10.515	6%	1.05	a+b	.15	
Compressor, mulch machine, pin puller, pump (double action diaphragm), pump (gypsum), pump (single action 1 to 3), striping machine, welding machine	9.445	6%	1.05	a+b	.15	

NY-6-PEO-2-3-G 2 of 2

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (Cont'd.):						
Concrete breaker, concrete saw or cutter, forklift (walk-behind, power operated), hydra hammer, mixer (with skip) mixer (2 small with or without skips), mixer (2 bag or over with or without skip), power buggies, power grinders, ridge cutter	$ 8.73	6%	1.05	a+b	.15	
Dredge	10.465	6%	1.05	a+b	.15	
Generator	9.74	6%	1.05	a+b	.15	
Generator (small)	8.415	6%	1.05	a+b	.15	
Grader	10.035	6%	1.05	a+b	.15	
Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting and structural steel), trench machine	10.845	6%	1.05	a+b	.15	
Lead engineer	12.73	6%	1.05	a+b	.15	
Mechanic	8.435	6%	1.05	a+b	.15	
Mechanic helper	8.095	6%	1.05	a+b	.15	
Mechanical compactors (machine drawn), roller (over 5 tons)	10.17	6%	1.05	a+b	.15	
Oiler, root cutter, stump chipper, tower crane (oiler), track tamper (2 engineers, each)	8.42	6%	1.05	a+b	.15	
Portable heaters	9.995	6%	1.05	a+b	.15	
Powerbroom	8.875	6%	1.05	a+b	.15	
Pump (concrete)	10.09	6%	1.05	a+b	.15	
Scoop (carry-all, scraper in tandem), tower crane (engineer)	11.255	6%	1.05	a+b	.15	
Tractor (caterpilla or wheel)	8.205	6%	1.05	a+b		

FOOTNOTE:

a. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial-Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day and Christmas Day.

b. Basic hourly rate includes $1.00 vacation fund.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: SARATOGA

DECISION NO.: AQ-2,114 DATE: DATE OF PUBLICATION

Supersedeas Decision No. AP-451 dated November 25, 1972 in 37 FR 25099
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HVY. & HWY. CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$ 8.93	.32	.18		.02	
Boilermakers	9.08	.60	10%		.01	
Bricklayers, cement masons, plasterers, and stone masons	8.20	.40	.30		.01	
Carpenters, Building:						
Day, Hadley, Edinburg, Corinth & Moreau Twps.:						
Carpenters and soft floor layers	7.70	.40	.40	g	.005	
Millwrights	7.95	.40	.40	g	.005	
Piledrivermen	7.85	.40	.40	g	.005	
Remainder of County:						
Carpenters and soft floor layers	8.07	.50	.45		.02	
Millwrights	8.47	.50	.45		.02	
Piledrivermen	9.36	.90	.83+.70	.56	.02	
Carpenters, Heavy and Highway:						
Day, Hadley, Edinburg, Corinth & Moreau Twps:						
Carpenters and Piledrivermen	7.82	.40	.40		.025	
Remainder of County:						
Carpenters	7.67	.50	.45		.025	
Piledrivermen, Heavy	9.36	.90	.83+.70	.56	.02	
Cement Masons, Hvy. & Hwy.	7.80	.40	.30			
Electricians:						
Ganseveen, Mt. Gregor, Schuylerville, Victory Mills, Wayville, Still water, Mechanicville, and Waterford	9.30	.50	1% + .25	a	h	
Remainder of County	9.05	.55	1%+.20+i	j	.05	
Elevator Constructors	8.16	.195	.20	½%+b+c	.005	
Elevator Constructors' Helpers	5.71	.195	.20	½%+b+c	.005	
Elevator Constructors' Helpers (Prob.)	4.08					
Ironworkers, structural	8.24	.50	.85		.04	
Ironworkers, ornamental	8.24	.50	.85		.04	
Ironworkers, reinforcing	8.24	.50	.85		.04	
Laborers, Building:						
Twps. of Day, Hadley, Edinburg, Corinth, Moreau, Providence, Greenfield, Wilton, Northampton, Galway, Milton, Saratoga Springs, Charleston, Ballston Malta and Clifton Park:						
Laborers	7.05	.50	.65			
Air Tool Operators (jackhammer, vibrator)	7.20	.50	.65			
Asphalt rakers	6.30	.50	.65			
Mortar mixers (hand or machine)	7.20	.50	.65			
Wagon drill	7.275	.50	.65			
Plasters	7.525	.50	.65			
Acetylene burners	7.325	.50	.65			

46-New York-1-2-3-X 2 of 3

BUILDING, HVY. & HWY. CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers, Building (Cont'd						
Remainder of County:						
Laborers	$ 7.05	.50	.65			
Pipelayers (2 man team), hod carriers, mortar mixers (hand or machine), jackhammer op., well pointing, all air or gas driven tools, vibrators, power driven buggies	7.20	.50	.65			
Asphalt rakers	6.60	.60	.65			
Demolition	7.30	.50	.65			
Form setters (curb)	7.225	.50	.65			
Wagon drill operator	7.275	.50	.65			
Acetylene burners	7.325	.50	.65			
Blasters	7.30	.50	.65			
Lathers	7.035	.275	.10		.01	
Lead burners	8.75	.30		d	.01	
Line Construction:						
Linemen	9.33	.50	1%+.40	e	3/8of1%	
Cable Splicer	10.08	.50	1%+.40	e	3/8of1%	
Groundman digging machine operator	8.80	.50	1%+.40	e	3/8of1%	
Groundman mobile equipment operator	8.30	.50	1%+.40	e	3/8of1%	
Groundman truck driver and mechanic	7.90	.50	1%+.40	e	3/8of1%	
Groundman dynamite man	8.30	.50	1%+.40	e	3/8of1%	
Marble setter, terrazzo workers and tile setters	7.82	.40	.30			
Painters:						
Clifton Park, Half Moon, Malta, Charlton, Galway, Milton & W. Milton:						
Brush	7.40	.48	.12			
Structural steel, bridge	8.15	.48	.12			
Spray	8.50	.48	.12			
Day, Hadley, Corinth, Wilton, N. Umberland & Mt. McGregor in Wilton Twp., Moreau						
Bush	6.90	.25	.20			
Structural steel, swing scaffold and bridge	7.40	.25	.20			
Spray and sandblasting	8.15	.25	.20			
Remainder of County:						
Commercial work	6.60					
Swing scaffold bosun chair, water towers, flag poles, window jacks	7.10					
Bridge, structural steel and sandblasting	7.35					
Spray	7.70					

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46-New York-1-2-3-X 3 of 3

BUILDING, HVY. & HWY. CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Plumbers and Steamfitters:						
Moreau Township	$ 7.74	.35	.50		.03	
South of a line drawn through the Outlet Rd., on R. 50, East & West to the Saratoga Co. Line; including the AEC and Malta Projects	8.80	.45	.75		.10	
Remainder of County	6.60	.30	.25			
Roofers	8.30	.65	.30		.02	
Sheet Metal Workers	8.80	.40	.30		.05	
Sprinkler Fitters	8.75	.30	.50		.05	
Truck Drivers:						
Straight, winch, transit-mix on job site, road oilers, dump, pick-up, panel, water and fuel trucks on site	7.09	.37	.37	f	.02	
Euclids	7.34	.37	.37	f	.02	
Lowboy or lowboy trailers	7.24	.37	.37	f	.02	
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. Holiday: E, provided the employee works the day after the holiday.

b. Holidays: A thru F.

c. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A thru F, Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 days prior to the holiday, and the regularly scheduled work days immediately preceeding and following the holiday.

e. Holidays: A thru F; Washington's Birthday, Election Day for the President of the United States and Election of Governor of New York (provided the employee works the day before and the day after the holiday).

f. One week vacation after one year's work; 2 weeks after 5 years work.

g. Holiday: D, providing employee was on the payroll the week before the holiday or on the payroll the week after the holiday.

h. Employer contributes $15.00 per year to an apprentice training program.

i. Employer contributes $.50 to an annuity fund.

j. Holidays: D & E, plus two hours on Election Day.

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NY-27-IAB-2-3- F

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Laborers and driller helpers	$6.26	.50	.65	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 operators, bull float tamper, pipelayers	6.46	.50	.65	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.66	.50	.65	a		
Blasters, form setters, stone or granite curb setters	6.86	.50	.65	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.

BUILDING CONSTRUCTION

N.Y. 3-PEO-1- H

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apprentice	Other
Power Equipment Operators:						
Oilers	$7.91	.70	.40	a	.10	
Firemen and heavy duty greasers, all boilers and steam generators	7.96	.70	.40	a	.10	
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, belterete power pac (beltcrete system), electric submersible pump 4" and over	8.05	.70	.40	a	.10	
Dinkey locomotives, Barber Greene loaders, Loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers	8.22	.70	.40	a	.10	
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well drillers (one drum), econemobile and similar type machines, elevators, A-L frame winches, power hoisting(single drum)	8.49	.70	.40	a	.10	
LeTourneau graders or scrapers, trenching machines, push cart	8.605	.70	.40	a	.10	
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar machines, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine	8.76	.70	.40	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

HEAVY AND HIGHWAY CONSTRUCTION

NY-23-PEO-2-3-H

	BASIC RATES	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apprentice	Other
POWER EQUIPMENT OPERATORS: Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.15	.70	.40	a	.10	
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.85	.70	.40	a	.10	
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines						

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HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.35	.70	.40	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	6.70	.70	.40	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

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N.Y. 1-TD-2-3 - G

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
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: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: AQ-92

DATE: Date of Publication

Supersedes Decision No. AP-346, dated September 29, 1972, in 37 FR 20497.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$7.25				
CARPENTERS	7.00				
CEMENT MASONS	6.05				
ELECTRICIANS	7.38	.25	1%		1/2%
LABORERS:					
Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Wheeler & Gray Counties:					
Laborers	3.50				
Mason tenders	3.65				
Potter, Carson, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Castro, Swisher & Childress Counties:					
Laborers	3.00				
Mason tenders	3.15				
PAINTERS	5.80		.15		
PLUMBERS	7.03	.25	.30	.35	
SHEET METAL WORKERS	5.08		.10		.04
TILE SETTERS	4.60				

DECISION NO. AQ-92

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$2.50				
Asphalt Heaterman	3.35				
Asphalt Raker	3.70				
Batching Plant Scaleman	4.10				
Carpenter	3.50				
Carpenter Helper	3.05				
Concrete Finisher (Paving)	4.00				
Concrete Finisher Helper (Paving)	3.40				
Concrete Finisher (Structures)	4.15				
Concrete Rubber	3.50				
Electrician	6.90				
Form Builder (Structures)	4.40				
Form Builder Helper (Structures)	2.75				
Form Liner (Paving and Curb)	4.00				
Form Setter (Paving and Curb)	3.50				
Form Setter Helper (Paving and Curb)	3.25				
Form Setter (Structures)	4.55				
Form Setter Helper (Structures)	3.30				
Laborer, Common	2.40				
Laborer, Utility Man	2.85				
Mechanic	3.85				
Oiler	3.50				
Serviceman	3.40				
Painter (Structures)	5.65				
Pipelayer	2.60				
Pipelayer Helper	2.50				
Powderman	3.75				
Reinforcing Steel Setter (Paving)	3.25				
Reinforcing Steel Setter (Structures)	4.00				
Sign Erector	3.00				
Sign Erector Helper	2.50				
Spreader Box Man	3.20				
Swamper	2.40				
Power Equipment Operators:					
Asphalt Distributor	3.75				
Asphalt Paving Machine	4.20				
Broom or Sweeper Operator	2.55				
Bulldozer, 150 HP and Less	3.50				
Bulldozer, over 150 HP	3.95				

DECISION NO. AQ-92

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Concrete Paving Finishing Machine	$4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.60				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	4.55				
Crusher or Screening Plant Operator	3.70				
Foundation Drill Operator (Truck Mounted)	3.90				
Front End Loader (2½ CY and Less)	3.45				
Front End Loader (Over 2½ CY)	4.10				
Motor Grader Operator, Fine Grade	4.55				
Motor Grader Operator	3.95				
Roller, Steel Wheel (Plant-Mix Pavements)	3.45				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	2.95				
Scrapers (17 CY and Less)	3.30				
Scrapers (Over 17 CY)	3.95				
Tractor (Crawler Type) 150 HP and Less	2.90				
Tractor (Crawler Type) over 150 HP	3.35				
Tractor (Pneumatic) 80 HP and Less	2.85				
Tractor (Pneumatic) over 80 HP	3.00				
Traveling Mixer	3.55				
Trenching Machine, Light	3.00				
Trenching Machine, Heavy	4.40				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.15				
Truck Drivers:					
Single Axle, Light	2.75				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	2.40				
Transit-Mix	3.30				
Weighman (Truck Scales)	2.40				
Welder	4.55				

SUPERSEDEAS DECISION

STATE: Utah
COUNTIES: Statewide
DECISION NUMBERS: AQ-1101
DATE: Date of Publication
Supersedes Decision No. AQ-1069 dated January 11, 1974, in 39 FR 17225
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.45	.50	.72		
BOILERMAKERS	7.70	.65	1.00	.50	.02
BRICKLAYERS	8.44	.24	.22		.07
CARPENTERS:					
Zone 1: (40 road miles or less from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	7.24	.45	.45	.25	.03
Zone 2: (Beyond 40 thru 50 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	7.99	.45	.45	.25	.03
Zone 3: (Beyond 50 thru 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	8.115	.45	.45	.25	.03
Zone 4: (Over 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	8.24	.45	.45	.25	.03
Saw filers; Saw operators, and Carpenters handling creosote materials:					
Zone 1	7.365	.45	.45	.25	.03
Zone 2	8.115	.45	.45	.25	.03
Zone 3	8.24	.45	.45	.25	.03
Zone 4	8.365	.45	.45	.25	.03
Millwrights (all zones)	7.49	.45	.45	.25	.03
Acoustical Carpenters (all zones)	7.24	.45	.45	.25	.03
CEMENT MASONS:					
Cement Masons	7.02	.45	.45	.25	
Machine operator; Mastic floor materials; Swing scaffold; Swing stage	7.145	.45	.45	.25	
DRYWALL INSTALLERS:					
Taping, finishing and texturing (hand or machine)	$7.96	.21	.20		.02
ELECTRICIANS:					
Zone I					
Cache-Davis Counties (north of 41st parallel)-Weber County:					
Electricians	8.58	.30	1%+.25		8/10%
Cable Splicers	8.83	.30	1%+.25		8/10%
Zone II					
Box Elder County (east of 112.5° longitude)-Morgan County:					
Electricians	9.08	.30	1%+.25		8/10%
Cable Splicers	9.33	.30	1%+.25		8/10%
Zone III					
Box Elder County (west of 112.5° longitude)-Rich County:					
Electricians	10.58	.30	1%+.25		8/10%
Cable Splicers	10.83	.30	1%+.25		8/10%
On any job or project not exceeding $35,000 electrical, labor and material incl., Zone 1 rates shall apply					
Salt Lake County and that portion of Davis County lying south of 41st parallel; and that portion of Utah County lying north of the 40th parallel.					
10 miles East or West from Interstate Hwy. #15:					
Electricians	8.58	.30	1%+.25		8/10%
Cable Splicers	8.83	.30	1%+.25		8/10%
Over 10 miles East or West from Interstate Hwy. #15:					
Electricians	9.08	.30	1%+.25		8/10%
Cable Splicers	9.33	.30	1%+.25		8/10%
Remainder of State:					
Electricians	10.58	.30	1%+.25		8/10%
Cable Splicers	10.83	.30	1%+.25		8/10%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS	$7.23	.345	.23	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Weber and Davis (North of the 41st parallel) Counties	6.65	.245		.515	
Davis (South of the 41st parallel) and Remaining Counties	6.51	.21		.69	
IRONWORKERS:					
Ornamental-Reinforcing-Fence Erector-Structural	7.53	.50	.65		.05
LATHERS	7.04	.45	.50		.01
MARBLE SETTERS	6.30			b	
PAINTERS:					
Area North of 41st parallel:					
Brush; Roller; Taper	5.84	.16	.12		.01
Spray; Sandblast; Steeple Jack	6.04	.16	.12		.01
Spray (swing stage); Sandblaster (swing stage)	6.24	.16	.12		.01
Remaining part of State:					
Brush; Roller	6.62	.21	.18		.02
Brush (swing stage); Brush, (steel and bridge); Spray; Sandblaster; Steeple jack; Wall covering hanger	6.87	.21	.18		.02
Spray (swing stage); Spray (steel and bridge); Sandblaster (swing stage)	7.12	.21	.18		.02
PILEDRIVERMEN:					
Bridge, Wharf, and Dock Carpenters, Riggers, Boom Men	8.38	.45	.45	.25	.03
PLASTERERS	7.56	.45	.45		.01
PLUMBERS; Pipefitters:					
Zone 1 - 15 miles radius from center of each city, namely Salt Lake City, Ogden and Provo	7.50	.36	.50		.04
Zone 2 - Zone 1 plus 15 miles	7.80	.36	.50		.04
Zone 3 - Zone 2 plus 15 miles	8.15	.36	.50		.04
Zone 4 - All areas beyond Zone 3	9.00	.36	.50		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
REFRIGERATION & AIR CONDITIONING:					
50 tons or over:					
Zone 1 - 15 mi. radius from center of each city, namely Salt Lake City, Ogden and Provo	7.50	.36	.50		.04
Zone 2 - Zone 1 plus 15 miles	7.80	.36	.50		.04
Zone 3 - Zone 2 plus 15 miles	8.15	.36	.50		.04
Zone 4 - All areas beyond Zone 3	9.00	.36	.50		.04
Under 50 tons:					
All Zones	6.45	.36	.50		.04
ROOFERS	6.85	.15	.15		
SHEET METAL WORKERS	7.32	.31	.20		.02
SOFT FLOOR LAYERS	7.30	.21	.12		
SPRINKLER FITTERS	8.30	.30	.50		.05
TERRAZZO WORKERS	6.70			.25	
TILE SETTERS	6.70			.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% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays:

b. 6 Paid Holidays plus Washington's Birthday

UTAH-LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Lineman	$7.03	.25	1%		3/4%	
Cable splicers	7.72	.25	1%		3/4%	
Line equipment operators	6.34	.25	1%		3/4%	
Groundman	5.25	.25	1%		3/4%	
Line equipment mechanic; Line equipment serviceman	6.24	.25	1%		3/4%	

POWER EQUIPMENT OPERATORS (Piledriving)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1-a: Assistant to Engineer (Fireman, Oiler, Deckhand)	$ 6.69	.57	.725	.30	.10	
GROUP 1-b: Compressor Operator (electrically, gas or diesel powered, etc.)	6.96	.57	.725	.30	.10	
GROUP 1-c: Truck Crane Oiler	7.08	.57	.725	.30	.10	
GROUP 2-a: Operator of Tugger Hoist (hoisting materials only)	7.59	.57	.725	.30	.10	
GROUP 2-b: Compressor Operator (2 to 6) (electrically, gas or diesel powered); Generator Operator (electrically, gas or diesel driven, 100 KW; Pump Operator (2 to 6); Welding Machine Operator (2 to 6) (gas or diesel powered)	7.76	.57	.725	.30	.10	
GROUP 3: "A" Frames; Deck Engineer; Fork Lift Operator; Self-propelled Boom Type Lifting Device	8.00	.57	.725	.30	.10	
GROUP 3-a: Heavy Duty Repairman and/or Welder	8.31	.57	.725	.30	.10	
GROUP 4: Operating Engineer in lieu of assistant to engineer tending boiler or compressor attached to crane piledriver; Operator of Piledriving Rigs, Skid or Floating & Derrick Barges; Operator of Diesel or gasoline powered Crane Piledriver (w/o boiler) up to & incl. 1 cu. yd. rating; Truck Crane Op. (up to & incl. 25 tons) (hoisting material only) (Assistant to engineer required) (not driving piles)	8.76	.57	.725	.30	.10	
GROUP 5: Operator of diesel or gasoline powered Crane Piledriver (w/o boiler) over 1 cu. yd. rating; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered crawler or universal type driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (Hoisting material or performing piledriving work)	8.88	.57	.725	.30	.10	

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1 Assistant to Engineer (Oiler)	$ 7.05	.57	.725	.30	.10
Group 2 Assistant to Engineer (Truck Crane Oiler); Compressor; Generator, gasoline or diesel driven (100 KW)	7.36	.57	.725	.30	.10
Group 3 Compressors, Generators and/or Welding Machines or Combination (2 to 6); Deck Engineer; Instrument Man; Signalman (using mechanical equipment); Fork Lift	8.17	.57	.725	.30	.10
Group 4 Heavy Duty Repairman; Tractor Op.	8.29	.57	.725	.30	.10
Group 4-A Combination Heavy Duty Repairman; Welder	8.52	.57	.725	.30	.10
Group 5 "A" Frame or Boom Truck; Boom Cat; Chicago Boom; Crawler Cranes & Truck Cranes (15 tons m.r.c. or less) Self-propelled Boom Type Lifting Device; Single Drum Hoist; Tugger Hoist; Chief of Party	8.91	.57	.725	.30	.10
Group 6 Crawler Cranes & Truck Cranes (over 15 tons m.r.c.); Derricks (2 ops. required when swing engine remote from hoist); Highline Cableway Mobile; Universal Liebher & Tower Cranes (& similar types) (In the erection, dismantling & moving of equipment, there shall be an additional Operating Engineer); Two or more Drum Hoist	9.24	.57	.725	.30	.10

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App.
	AREA I	AREA II				
DUMP TRUCKS - Water Level Capacity (Bottom end or side) (including Dumpster Trucks, Euclid Type trucks, Turnawagons, Turnarockers and Dumpcrete)						
Less than 8 yds.	$6.75	$7.75	.45	.30	.45	.05
8 yds. and less than 14 yds.	6.90	7.90	.45	.30	.45	.05
14 yds. and less than 35 yd .	7.05	8.05	.45	.30	.45	.05
35 yds. and less than 55 yds.	7.25	8.25	.45	.30	.45	.05
55 yds. and less than 75 yds.	7.45	8.45	.45	.30	.45	.05
75 yds. and less than 95 yds.	7.65	8.65	.45	.30	.45	.05
95 yds. and less than 105 yds.	7.85	8.85	.45	.30	.45	.05
Over 105 yds.	7.97	8.97	.45	.30	.45	.05
When doubles are used, the drivers will be paid under the appropriate yardage schedule as outlined plus 25¢ per hour.						
When three (3) or more trailers are put into operation, use the appropriate yardage rate as outlined above plus 25¢ per hour for the third (3rd) and each additional trailer which is pulled by one power unit.						
Whenever additional power units are used and operated by one driver, he shall receive an additional 50¢ per hour for operating such equipment.						
FLAT RACK TRUCKS, Bulk Cement Trucks, Transport Trucks, Semi-Trailer, (carrying capacity);						
Pickup	6.575	7.575	.45	.30	.45	.05
Less than 10 tons	6.65	7.65	.45	.30	.45	.05
10 tons and less than 15 tons	6.80	7.80	.45	.30	.45	.05
15 tons and less than 20 tons	6.90	7.90	.45	.30	.45	.05
20 tons and over	7.05	8.05	.45	.30	.45	.05
Employees driving any of the above on Flat Rack Trucks with Winch, Hoist Attachments or "A" Frames shall receive $.125 additional per hour when such winch hoist or "A" Frame are in use.						

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr
	AREA I	AREA II				
When drivers load and unload sack cement, explosives and/or railroad ties by hand they shall receive $.15 per hour additional for actual hours worked.						
TRANSIT MIX TRUCKS:						
4½ yds. capacity and less	$6.775	$7.775	.45	.30	.45	.05
Over 4½ yds. capacity to & incl. 6½ yds.	6.875	7.875	.45	.30	.45	.05
Over 6½ yds.	6.975	7.975	.45	.30	.45	.05
Concrete Pumping Trucks	6.975	7.975	.45	.30	.45	.05
WATER, FUEL & OIL TANK TRUCKS:						
0 to 1200 gals.	6.625	7.625	.45	.30	.45	.05
1200 to 2500 gals.	6.75	7.75	.45	.30	.45	.05
2500 to 4000 gals.	6.90	7.90	.45	.30	.45	.05
4000 to 6000 gals.	7.20	8.20	.45	.30	.45	.05
6000 gals to less than 10,000 gals.	7.45	8.45	.45	.30	.45	.05
10,000 gals. to less than 15,000 gals.	7.70	8.70	.45	.30	.45	.05
15,000 gals. to less than 20,000 gals.	7.95	8.95	.45	.30	.45	.05
20,000 gals. to less than 25,000 gals.	8.20	9.20	.45	.30	.45	.05
Over 25,000 gals.	8.45	9.45	.45	.30	.45	.05
Whenever two water tanks are pulled, driver will receive 25¢ per hour in addition to the combined water gallonage rates.						
Oil Spreader Operator (on single man operation where boot man is not required)	7.45	8.45	.45	.30	.45	.05
CONSTRUCTION JOB SERVICEMEN:						
Telescopic Manlift Truck	6.95	7.95	.45	.30	.45	.05
Fork Lift (under 6 tons) & Straddle Truck	6.95	7.95	.45	.30	.45	.05
Truck Driver Helper	6.525	7.525	.45	.30	.45	.05
Chauffeurs	6.525	7.525	.45	.30	.45	.05
Bunkers and Truck Loaders	6.65	7.65	.45	.30	.45	.05
Warehousemen (Counter Clerk)	6.70	7.70	.45	.30	.45	.05
Warehousemen	6.575	7.575	.45	.30	.45	.05
Washers, Greasers and Tiremen	6.725	7.725	.45	.30	.45	.05
Gas Station Attendants	6.525	7.525	.45	.30	.45	.05
Fork Lift (Over 6 tons)	7.05	8.05	.45	.30	.45	.05
Material Engineer	6.87	7.87	.45	.30	.45	.05
Teamster Mechanic	7.76	8.76	.45	.30	.45	.05
Teamster Mechanic Helper	7.51	8.51	.45	.30	.45	.05
Teamster Welder	7.76	8.76	.45	.30	.45	.05
Teamster Driving Two Horses	7.525	8.525	.45	.30	.45	.05
Teamster Driving Three or more Horses	7.625	8.625	.45	.30	.45	.05
Sweeper or Vacuum Truck	6.90	7.90	.45	.30	.45	.05

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefi. Payments			
			H & W	Pensions	Vacation	App. Tr.
	AREA 1	AREA 2				
LABORERS*						
GROUP 1:	$ 5.255	$ 6.005	.25	.25	.30	.04
GROUP 2:	5.38	6.13	.25	.25	.30	.04
GROUP 3:	5.505	6.255	.25	.25	.30	.04
GROUP 4:	5.63	6.38	.25	.25	.30	.04
GROUP 5:	5.98	6.78	.25	.25	.30	.04
LABORERS** (Tunnel and Shaft Work)						
GROUP 1:	5.38	6.13	.25	.25	.30	.04
GROUP 2:	5.48	6.23	.25	.25	.30	.04
GROUP 3:	5.58	6.33	.25	.25	.30	.04
GROUP 4:	5.68	6.43	.25	.25	.30	.04
GROUP 5:	5.98	6.73	.25	.25	.30	.04
POWER EQUIPMENT OPERATORS*** (Except Piledriving & Steel Erection)						
GROUP 1:	6.01	7.01	.57	.725	.30	.10
GROUP 2:	6.26	7.26	.57	.725	.30	.10
GROUP 3:	6.58	7.58	.57	.725	.30	.10
GROUP 4:	6.74	7.74	.57	.725	.30	.10
GROUP 5:	6.84	7.84	.57	.725	.30	.10
GROUP 6:	7.25	8.25	.57	.725	.30	.10
GROUP 7:	7.38	8.38	.57	.725	.30	.10
GROUP 7-A:	7.48	8.48	.57	.725	.30	.10
GROUP 8:	7.75	8.75	.57	.725	.30	.10
GROUP 8-A:	7.80	8.80	.57	.725	.30	.10
GROUP 9:	7.85	8.85	.57	.725	.30	.10
GROUP 10:	8.00	9.00	.57	.725	.30	.10
GROUP 11:	8.39	9.39	.57	.725	.30	.10
GROUP 11-A:	9.25	10.25	.57	.725	.30	.10
GROUP 11-B:	9.65	10.65	.57	.725	.30	.10

* LABORERS

GROUP I: Boxman; Carpenter Tender; Cement Finisher Helper; Chat Boxman; Choker Setter; Clearing and Grading; Cleaning of equipment and parts in connection with concrete; Concrete Crew; Dock-hand and Cleaning Man; Fence Erector and Installer (includes installation and erection of fences, guard rails, median rails, reference post, guide post, and right-of-way markers); Flagman; Form Stripper; Gardener Helper; General Laborer; Grizzley Op. (whether by power or hand); Group Pump Op.; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking and Demolition; Nurseryman Helper; Prewaterman; Riprap man (hand placed); Sloper, Spreader and Weighman; Stake Jumper; Stripping and Cleaning of steel and pans; Tool Dispatcher and Checker (full time); Unloading and packing of reinforcing steel rods and mesh

GROUP II: Air-track Helper; Asphalt Rakers and Ironers; Dumpman; Gunnite Reboundman; Metal Form Setter (airport paving and highway); Pipe Wrapper; Pot Tender and Joint Maker; Rollers; Screen and Clean-up Man; Signal and Dumpman on Concrete Construction; Tunnel and Belt Man

GROUP III: Barko Vibratory Roller and similar type compacting machines; Concrete Cutting Torch; Hand and Chain Saw Op. (Bucking and Falling Timbers); High Pressure Water Nozzleman; J Tampers and similar type tampers; Jackhammer and Pavement Breaker; Mortar and Grout Mixer; Multi-plate Installer; Op. of pneumatic and electric tools and compressors and concrete saw; Op. of Power-Type Form Cleaner and Oiling Machine; Pipelayer; Powderman Helper; Power Type Buggies; Pumpcrete Op.; Refinery Tank and Vessel Cleaners; Sand-Blasters; Sandblaster Pot Tender; Vibrator Op.; Work of all type using cutting torches and tools needed in wrecking

GROUP IV: Air-track and Core Diamond Drillers; Drill Mechanic (on job site); High Scaler operating jackhammer or breaker; Mailn Vibrators and similar types 70 lbs.; Multiple Side Boom Driller; Wagon Driller

GROUP V: Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman; Powderman

** TUNNEL AND SHAFT WORK

GROUP I: Underground Laborers

GROUP II: Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler

GROUP III: Nipper; Screedman; Vibrator; Tapman

GROUP IV: Cutting Machine Op.; Drill Doctor Finisher; Gunnite Gunman; Miners; Powder Make-up Man; Spader and Tuggers; Steelman; Timberman

GROUP V: Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman

*** POWER EQUIPMENT OPERATORS

GROUP 1: Chainman; Rodman

GROUP 2: Asphalt Plant Fireman; Brakeman - Locomotive; Elevator Operator; Oiler, Boxman; Rear Chainman; Fireman; Hydraulic Monitor; Material Loader or Conveyor; Partsman - Field; Gradesetter - Repairman Helper - Field

GROUP 3: Air Compressor Operator: Concrete Mixer Operator (skip type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinkey Operator; Generator (100 KW or over); Mixer Box Operator (Concrete or Asphalt Plant) (continuous mix or similar); Pump Operator; Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Screedman; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper - Multiple Purpose; Front End Loader up to and including 1 c.y. Struck MRC; Hoist Operator 1 Drum; Line Master; Lubrication & Service Engineer (Mobile & Grease Rack); Slip Form Pumps

GROUP 5: Air Compressor Operator (two or more Compressors); Batch Operator (Asphalt Plant); Motorman; Pavement Breaker Operator (Emsco & similar type); Signalman; Shuttlecar; Small Rubber Tired Tractors; Small Self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more)

GROUP 6: A-Frame Truck & Tugger Hoist; Concrete Saws (self-propelled unit on streets, highways, airports and canals)1 Engineer, Locomotive; Fork lift (construction job site); Kolman Loader (and similar); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Road Mixing Machine Operator; Ross Carrier, or similar type; Small Rubber Tired Tractor (with attachments, including backhoe); Small Tractor with Boom; Surface Heater (self-propelled); Loader Operator (over 1 c.y. up to and including 2 c.y. struck MRC); Power Jumbo Operator (setting slip forms, etc. in tunnels); Small Rubber Tired Trenching Machine

GROUP 7: Bridge Crane; Chip Box Spreader (Flaherty type and similar); Concrete Mixer Operator (paving or batch plant); Deck Engineers (Marine); Drilling Machine Operator (well or diamond); Dual Drum Mixers; Elevating Grader Oper.; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as quarry master, joy drills or equal; Hoist Operator - 2 drums; Instrument Man; Mechanical Finisher Operator (Asphalt or concrete); Mine or Shaft Hoist; Pavement Breaker (Pavement Breaker with compressor combination); Pavement Breaker, Truck mounted, compressor combination; Refrigeration Plant; Self-propelled Pipeline, Wrapping Machine Perault, CRC, or similar types); Slusher Operator; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine, Tractor-Compressor Drill Combination; No-Joint Pipe Laying Machine, Lull High Lift (40 ft. or similar); Roller Operator or self-propelled compactor

POWER EQUIPMENT OPERATORS (Cont'd)

GROUP 7A: Side Boom Operator; Asphalt Plant Engineer; Engineer Crushing Plant; Tractor Operator (Bulldozer, Scraper or drag-type shovel or boom attachment) (up to and including D-7 or similar)

GROUP 8: Do-Mor Loader and Adams Elegrader; Euclid Loader and similar types; Chicago Boom (including Stiff Leg and Sheer Pole); Chief of Party; Combination Slusher and Motor Operator; Concrete Batch Plant Multiple unit); Koehring Skooper (or similar, up to 5 c.y. Struck MRC); Loader Operator over 2 c.y. up to and including 5 c.y. Struck MRC; Mucking Machine Operator; Saurman Type Dragline (under 5 c.y. Struck MRC); Self-propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Subgrader (automatic subgrader - fine - grader); Self-propelled Boom Type lifting device; Mechanical Trench Shield; Rubber Tired Scraper (under 35 c.y. Struck MRC); Tri-Batch Paver; Tunnel (Mole or similar)

GROUP 8A: Heavy Duty Repairman or Welder; Tractor Operator Bulldozer, Scraper or Drag Type Shovel or Boom Attachment Larger than D-7 or similar

GROUP 9: Combination Mixer & Compressor (Gunnite) Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity) (in the erection, dismantling and moving of equipment there shall be additional Operator Engineer)

GROUP 10: High Cableway Operator (Signalman required); Lift Slab Machine (Vagtborg and similar types); Locomotive (over 100 tons) (single or multiple units); Pre-Stress wire Wrapping Machine; Saurman type dragline (5 c.y. Struck MRC and over; Tractor Tandem Scrapers; DW 10, 20 etc. (Tandem Scraper); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell crane, gradeall, etc. (up to and including 5 c.y.) Struck MRC; Loader (over 5 c.y. up to and including 12 c.y. Struck MRC)

GROUP 11: Automatic Concrete Slip Form Paver (Gradesetter, Screedman); Koehring Skooper (or similar) (5 cu. yds. and over Struck MRC); Multiple Propulsion Power Unit Earth Movers (up to and including 75 c.y. Struck MRC); Remote Controlled Cranes and Derricks; Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. Struck MRC; Rubber Tired Scraper (35 cu. yds. and over Struck MRC); Self-propelled Compactor (with multiple propulsion power units); Slip Form Paver (Concrete or asphalt) (1 operator and 2 screedmen when required); Tandem Tractors, Tower Cranes Mobile

GROUP 11A: Multi-Purpose Earth Moving Machines: (two (2) or more scrapers (over 75 c.y. Struck MRC); Power Shovels and Draglines (over 7 c.y. Struck MRC; Loader over 12 c.y. Struck MRC)

GROUP 11B: Operator of Helicopter (when used in erection work)

Power Equipment Operators and Truck Drivers

AREA 1: All areas included in the description defined below which is based upon township and range-lines as referenced to the Salt Lake City Base and Meridian:

Commencing at the intersection of the Utah-Nevada border and the northerly line of township 36S, thence easterly along the northerly lines of township 36S to the northeast corner of township 36S, range 17W;
Thence northerly to the N.W. corner of township 35S, range 16W;
Thence easterly to the N.E. corner of township 35S, range 16W;
Thence northerly to the N.W. corner of township 31S, range 15W;
Thence easterly to the N.E. corner of township 31S, range 15W;
Thence northerly to the N.W. corner of township 26S, range 14W;
Thence easterly to the N.E. corner of township 26S, range 14W;
Thence northerly to the N.W. corner of township 25S, range 13W;
Thence easterly to the N.E. corner of township 25S, range 13W;
Thence northerly to the N.W. corner of township 24S, range 12W;
Thence easterly to the N.E. corner of township 24S, range 12W;
Thence northerly to the N.W. corner of township 19S, range 11W;
Thence easterly to the N.E. corner of township 19S, range 11W;
Thence northerly to the N.W. corner of township 17S, range 10W;
Thence easterly to the N.E. corner of township 17S, range 10W;
Thence northerly to the N.W. corner of township 16S, range 9W;
Thence easterly to the N.E. corner of township 16S, range 9W;
Thence northerly to the N.W. corner of township 15S, range 8W;
Thence easterly to the N.E. corner of township 15S, range 8W;
Thence northerly to the S.W. corner of township 7S, range 7W;
Thence westerly to the S.W. corner of township 7S, range 10W;
Thence northerly crossing the Salt Lake Base Line to the N.W. corner of township 6N, range 10W;
Thence easterly to the N.W. corner of township 6N, range 8W;
Thence northerly to the N.W. corner of township 12N, range 8W;
Thence easterly to the N.E. corner of township 12N, range 8W;
Thence northerly along the westerly line of range 7W to the Utah-Idaho Border
Thence easterly along the Utah-Idaho Border crossing the Salt Lake Meridian to the intersection of the Utah-Idaho-Wyoming Borders
Thence southerly along the Utah-Wyoming Border
Thence easterly along the Utah-Wyoming Border to the easterly line of range 11E;
Thence southerly along the east line of range 11E, crossing the Salt Lake Base Line to the N.E. corner of township 4S, range 11E;
Thence easterly to the N.W. corner of township 4S, range 18E;
Thence northerly to the N.W. corner of township 1S, range 18E;
Thence easterly along the Salt Lake Base Line to the N.E. corner of township 1S, range 24E;
Thence southerly to the N.E. corner of township 3S, range 24E;
Thence easterly along the northern line of township 3S to the Utah-Colorado border;
Thence southerly along the Utah-Colorado Border, to the southerly line of township 6S;
Thence westerly to the N.E. corner of township 7S, range 23E;
Thence southerly to the S.E. corner of township 7S, range 23E;
Thence westerly to the S.W. corner of township 7S, range 20E;

Power Equipment Operators and Truck Drivers

AREA 1: (Cont'd)

Thence southerly to the S.E. corner of township 8S, range 19E;
Thence westerly to the S.E. corner of township 8S, range 16E;
Thence southerly to the S.E. corner of township 11S, range 16E;
Thence westerly to the S.E. corner of township 11S, range 14E;
Thence southerly to the S.E. corner of township 16S, range 14E;
Thence westerly to the S.E. corner of township 16S, range 12E;
Thence southerly to the S.E. corner of township 20S, range 12E;
Thence westerly to the S.E. corner of township 20S, range 8E;
Thence southerly to the S.E. corner of township 21S, range 8E;
Thence westerly to the S.E. corner of township 21S, range 6E;
Thence southerly to the S.E. corner of township 23S, range 6E;
Thence westerly to the S.E. corner of township 23S, range 5E;
Thence southerly to the N.E. corner of township 27S, range 5E;
Thence easterly to the N.E. corner of township 27S, range 7E;
Thence southerly to the S.E. corner of township 30S, range 7E;
Thence westerly to the S.E. corner of township 30S, range 4E;
Thence southerly to the S.E. corner of township 31S, range 4E;
Thence westerly to the S.W. corner of township 31S, range 4E;
Thence southerly to the S.E. corner of township 35S, range 3E;
Thence westerly to the S.W. corner of township 35S, range 3E;
Thence southerly to the S.E. corner of township 37S, range 2E;
Thence westerly to the S.W. corner of township 37S, range 2E;
Thence southerly to the S.E. corner of township 39S, range 1E;
Thence westerly crossing the Salt Lake Meridian to the S.E. corner of township 39S, range 2W;
Thence southerly to the S.E. corner of township 41S, range 2W;
Thence westerly to the S.E. corner of township 41S, range 4W;
Thence southerly along the easterly line of range 4W, to the Utah-Arizona Border;
Thence westerly along the Utah-Arizona Border to the S.W. corner of Utah;
Thence northerly along the Utah-Nevada Border to the point of beginning;
Commencing at the intersection of the Utah-Colorado Border and the southerly line of township 34S,
Thence westerly to the S.W. corner of township 34S, range 21E;
Thence northerly to the S.W. corner of township 29S, range 21E;
Thence westerly to the S.W. corner of township 29S, range 19E;
Thence northerly to the N.W. corner of township 23S, range 19E;
Thence easterly to the N.W. corner of township 23S, range 22E;
Thence northerly to the N.W. corner of township 21S, range 22E;
Thence easterly to the N.E. corner of township 21S, range 24E;

AREA 2: All areas not included within Area 1 as defined above.

LABORERS

AREA 1: That area of Utah within 45 road miles of the County seats excluding Daggett County.

AREA 2: That area in Utah beyond 45 miles of the County Seats including Daggett County.

SUPERSEDEAS DECISION

STATE: Virginia

COUNTIES: Amelia, Brunswick, Charles City, Chesterfield, Dinwiddie, Goochland, Hanover, Henrico, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan and Prince George

DECISION NO.: AQ-2108

DATE: Date of Publication

Supersedes Decision No. AM-1871, dated August 20, 1971, in 36 FR 16339.

DESCRIPTION OF WORK: Highway Construction

4-VA-3-C 1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt raker	$2.25					
Carpenter structure	3.00					
Carpenter structure helper	2.37					
Concrete finisher	3.00					
Concrete finisher helper	2.50					
Electrician	4.00					
Fireman	2.25					
Form setter road	2.75					
Guardrail erector	2.38					
Ironworkers:						
Reinforcing	2.58					
Reinforcing helper	2.17					
Structural	3.08					
Structural helper	2.58					
Laborers unskilled	2.00					
Landscape worker	2.28					
Mason structure	2.80					
Mechanic	3.40					
Mechanic helper	2.25					
Painter	2.17					
Painter bridge	2.82					
Pile driver leadsman	2.42					
Powderman blaster	2.67					
Powderman helper	2.17					
Sign erector and pipelayer	2.00					
Truck Drivers:						
Heavy duty 7 cy. and under	2.00					
Heavy duty over 7 cy.	2.25					
Multi-rear axle	2.13					
Single-rear axle	2.00					
Welders - Rate for crafts.						
POWER EQUIPMENT OPERATORS:						
Air compressor	2.32					
Asphalt distributor	2.00					
Asphalt paver	2.50					
Backhoe	2.94					
Bulldozer	2.90					
Bulldozer utility	2.33					
Concrete finishing machine	2.63					
Concrete finishing machine utility	2.50					
Concrete paving machine	2.53					
Cranes, derricks, draglines:						
1 yard and under	3.00					
over 1 yard	3.50					

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POWER EQUIPMENT OPERATORS CONT'D:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Crusher feeder	2.00					
Drill operator	2.25					
Loaders:						
2 yards and under	2.97					
Over 2 yards	3.00					
Mixer box	2.10					
Motor graders:						
Fine grade	3.56					
Rough grade	3.05					
Oiler greaser	2.21					
Pile driver	2.83					
Power tool operator	2.33					
Roller	2.36					
Roller finish	2.46					
Scraper-pan	2.71					
Shovels:						
1 yard and under	2.67					
Over 1 yard	3.00					
Stabilizer operator	2.18					
Stone spreader	2.27					
Subgrade machine	2.90					
Tractor crawler	2.52					
Tractor utility	2.05					
Transit mix truck	2.10					
Trenching machine	2.43					

SUPERSEDEAS DECISION

STATE: Virginia

LOCATION: The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia

DECISION NO.: AQ-2109

DATE: Date of Publication

Supersedes Decision No. AQ-2038, dated December 28, 1973, in 38 FR 35585.

DESCRIPTION OF WORK: Building Construction (excluding all residential construction).

65-VA-Zone-1 C 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.00	.30	.25			
Boilermakers	7.55	.40	.70		.01	
Bricklayers & stone masons	6.90	.35	.20		.02	
Bricklayers and stone masons on stack or chimneys 50' and over	7.15	.35	.20		.02	
Carpenters	6.20	.20	.20		.01	
Cement Masons:						
Cement Masons	5.80					
Cement masons, machine and scaffold men	5.90					
Electricians:						
Electricians	6.945	.5%	1%+3%		1%	
Cable splicers	6.945	.5%	1%+3%		1%	
Linemen	6.90	.25	1%		1%	
Elevator constructors	5.09	.145	.17	½+a+b	.005	
Elevator constructors' helpers	3.56	.145	.17	½+a+b	.005	
Elevator constructors' helpers (prob)	2.545					
Glaziers	5.95	.30	.10		.01	
Ironworkers:						
Structural, ornamental, machinery movers, riggers & fence erectors and reinforcing	7.10	.45	.40		.04	
Laborers:						
Common	3.90	.10	.10		.03	
Tenders, concrete saw op., air tool vibrator, nozzlemen (gunnite & sandblasting), motorized buggy op.	4.00	.10	.10		.03	
Mortar mixers, hod carriers, pipelayer and/or caulkers	4.15	.10	.10		.03	
Burners on wrecking	4.25	.10	.10		.03	
Lathers	6.59		.25		.01	
Marble setters	5.55	.35	.20			
Marble setters' helpers	4.15	.10	.10		.03	
Millwrights	7.25	.20	.20		.01	
Painters:						
Brush and roller	6.45		.20			
Structural steel from ground to 74 feet	6.95		.20			
Spray, paperhangers & glove work	6.80		.20			
Any work over 74 feet from the ground	7.75		.20			
Bituminous coating & hot creosote	8.10		.20			
Swing stage under 40 ft.	6.70		.20			
Swing stage over over 40 ft. up to 74 ft.	6.95		.20			
Sandblasting	7.20		.20			
Epoxy - brushed or rolled	6.70		.20			
Rollers with handles 6' and over	6.70		.20			

65-VA-Zone-1 C 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Piledrivermen & dock builders	$5.65	.20	.20			
Plasterers	7.45				.01	
Plumbers & Steamfitters	6.51	.40	.35		.05	
Roofers:						
Composition	4.85					
Helpers	3.45					
Sheet metal workers	6.10	.35	.20			
Soft floor layers	6.20	.20	.20		.01	
Sprinkler fitters	7.37	.40	.60		.07	
Terrazzo workers	5.55	.35	.20			
Floor grinders	4.30	.10	.10		.03	
Base grinders	4.30	.10	.10		.03	
Terrazzo workers; helpers	4.15	.10	.10		.03	
Tile setters	5.55	.35	.20			
Tile setters' helpers	4.15	.10	.10		.03	

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% 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

b. Holidays: A through F.

AA-2102 P. 3 65-VA-PEO-1- F

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
HEAVY DUTY OPERATORS						
Tunnel machine, cranes, derricks, pile drivers, pavers, two or more drum hoist, finish motor grader, mechanic, batch plant, gradall, quad	$7.05	.225	.10		.05	
MEDIUM DUTY OPERATORS						
Cableways, tractors with attachments, combiantion front end loader and back-hoe, front end loader, rubber tired scraper and pans, rough motor grader, 20-ton locomotive, bulldozers, pump crete, trenching machine, mixer larger than 16'S, fork lift	5.64	.225	.10		.05	
LIGHT DUTY OPERATORS						
Compressor over 125 cu. ft., bottom and end dumps, tractors without attachments, 1 drum hoist, rollers, welding machines (gas or diesel), locomotive under 20-tons power plant, generator (1200 KW or larger), pumps (over 2 inches, including welpoints), A-frame trucks, trucks, mechanic's helper	4.76	.225	.10		.05	
Firemen	4.58	.225	.10		.05	
Oilers	4.41	.225	.10		.05	

SUPERSEDEAS DECISION

STATE: Washington, D. C. DATE: Date of Publication
DECISION NO.: AQ-2110
Supersedes Decision No. AQ-2035, dated December 21, 1973, in 38 FR 35218.
TYPES OF CONSTRUCTION: Building Construction (excluding single family houses and garden type apartments up to and including 4-stories), Highway Construction and Sewer and Water Lines.

1-DC-1-2 F 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	8.65	.60	.70		.02	
Bricklayers	9.55	.45	.45		.10	
Carpenters	8.50	.35	.39		.07	
Cement Masons:						
Cement Masons	8.05	.255	.28		.05	
Grinding Machine	8.25	.255	.28		.05	
Electricians	9.25	.35	1%+.35		.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	8.70	.47	.50		.03	
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	.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	6.57	.28	.35		.05	
Lathers	8.42	.40	.40		.025	
Lead Burners	8.75	.30		d	.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	8.81	.35	.39		.07	
Painters:						
Brush, Spray, Paperhangers, Tapers	8.03	.41	.18		.06	
Steel, Sandblasting, Swing Stage, Power Brushing	8.36	.41	.18		.06	
Carpet layers	5.75	.25			.05	

1-DC-1-2 F 2 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Piledrivermen	$8.655	.35	.39		.07	
Plasterers	8.50	.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		.10	
Soft Floor Layers	8.50	.35	.39		.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	8.81	.40	.30			
Terrazzo Workers' Helpers	7.10	e	.20			
Tile Setters	8.81	.40	.30			
Tile Setters Helpers	7.10	e	.20			
Truck Drivers:						
Boom Trucks	6.40	.25	f	g+J		
Small Dump, Water Sprinkler, Grease & Oil	6.15	.25	f	g+J		
Flat, Pick-up Hauling Materials, Small Euclids, Dump Over 8 Wheels	6.25	.25	f	g+J		
Trailers, Low-Boys, Tractor Pulls	6.45	.25	f	g+J		
Helpers	6.00	.25	f	g+J		
Carryalls, Large Euclids, Euclid Water Sprinkler, Tunnel Work Under Ground	6.55	.25	f	g+J		
Mechanics	6.30	.25	f	g+j		
Riggers & Welders- Receive rates prescribed for crafts performing operations to which rigging & welding are incidental.		•				

NOTICES

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. $8.00 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.

j. One week's paid vacation providing employee has worked 3 years and a minimum of 1450 hours during any calendar year.

2-D.C.-PEO-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 platns, 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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$9.55	.45	.45		.10	
Carpenters	8.50	.35	.39		.07	
Cement masons	8.05	.255	.28		.05	
Ironworkers, reinforcing	7.95	.35	.25		.03	
Piledrivermen	8.655	.35	.39		.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, cableways, cranes derricks, draglines, tunnel shovels, tunnel mucking machines up to 1 c.y., boom cats, elevating graders, hoists, paving mixers, piledriving engines, batch plants, concrete pumps	7.04	.35	.35		.05	
Trenching machines (above 8'3")	6.84	.35	.35		.05	
Backhoes (hydraulic, under ½ 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, jackhammer, rammers and spaders	$ 5.78	.28	.25		.03	
Timbermen, sheeting-men, shoring-men, caulkers, pipelayers' helpers	5.93	.28	.25		.03	
Bottom man	5.83	.28	.25		.03	
Wagon drillers, air track drillers	6.13	.28	.25		.03	
Pipelayers	6.13	.28	.25		.03	
Rock drillers	5.88	.28	.25		.03	
Tunnel:						
Brakeman, tull gang, dumper, trackman, concrete man	6.415	.28	.25		.03	
Chuck tender, powder in prime house, form setters and movers, nippers, cablemen, hosemen, grout men, bell or signal men, top or bottom, vibrator operator, caulkers' helpers	6.715	.28	.25		.03	
Miners, rodmen, re-bar underground, concrete or gunite nozzlemen, powermen, timberman and re-timbermen wood or steel including liner plate or any other support material, motorman, caulkers, diamond drill, riggers, cement finishers (underground), welders and burners, shield driver	7.365	.28	.25		.03	
Mucking machine operator (air)	7.615	.28	.25		.03	

COMPRESSED AIR: (all rates per day)

Gauge Pressure Pounds	Work Period					
From 1 to 14	7 hours	72.74	a	b		.03
From 14 to 18	6 hours	76.08	a	b		.03
From 18 to 22	5½ hours	79.41	a	b		.03
From 22 to 26	5 hours	82.76	a	b		.03
From 26 to 32	4 hours	86.09	a	b		.03
From 32 to 38	3 hours	89.44	a	b		.03
From 38 to 44	2½ hours	92.77	a	b		.03

FOOTNOTES:

a. Employer contributes $2.24 per day to Health & Welfare.

b. Employer contributes $2.00 per day to Pension.

c. $4.00 per week when employee has worked 90 days and works three days in any work week.

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asphalt shoveler	$5.15	.22	.20			
Asphalt raker	5.35	.22	.20			
Asphalt tamper	5.25	.22	.20			
Bricklayers	9.55	.45	.45		.10	
Carpenters	8.50	.35	.39		.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.74-9898 Filed 5-2-74;8:45 am]

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF APRIL 5, 1974

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and county.

An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction
(D)—Dredging Construction
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification
(HE)—Heavy Engineering
(LE)—Light Engineering
(U)—Utility
(S)—Streets
(W&S)—Water and Sewer Lines

Signed at Washington, D.C. this 26th day of April 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Mod. #1 - 39 FR 4264 = 2/1/74
AUTAUGA COUNTY
Decision #AQ-4088 (Hw)(Excluding Airport Construction)
39 FR 10085 - 3/15/74
(D) - See Statewide
BALDWIN COUNTY
Decision #AQ-4060 (R)
39 FR 3374 - 1/25/74
Decision #AQ-4038 (Hw)
38 FR 33215 - 11/30/73
(D) - See Statewide
(Hw) - See Autauga County
BARBOUR COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BIBB COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BLOUNT COUNTY
Decision #AM-448 (R)
36 FR 16359 - 8/20/71
(D) - See Statewide
(Hw) - See Autauga County
BULLOCK COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BUTLER COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CALHOUN COUNTY
(Hw) - See Autauga County
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CHAMBERS COUNTY
(D) - See Statewide
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CHEROKEE COUNTY
(D) - See Statewide
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CHILTON COUNTY
(D) - See Statewide
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CHOCTAW COUNTY
(D) - See Statewide
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ALABAMA (Cont'd)

CLARKE COUNTY
(D) - See Statewide
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CLAY COUNTY
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CLEBURNE COUNTY
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COFFEE COUNTY
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COLBERT COUNTY
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CONECUH COUNTY
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(R) - See Baldwin County
COOSA COUNTY
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COVINGTON COUNTY
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CRENSHAW COUNTY
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CULLMAN COUNTY
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DALE COUNTY
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DALLAS COUNTY
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DE KALB COUNTY
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ELMORE COUNTY
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ESCAMBIA COUNTY
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ALABAMA (Cont'd)

ETOWAH COUNTY
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FAYETTE COUNTY
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FRANKLIN COUNTY
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GENEVA COUNTY
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GREENE COUNTY
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HALE COUNTY
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HENRY COUNTY
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HOUSTON COUNTY
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(Hw) - See Autauga County
JACKSON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
JEFFERSON COUNTY
Decision #AQ-4095 (B)
39 FR 11817 - 3/29/74
(D) - See Statewide
(R) - See Blount County
LAMAR COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LAUDERDALE COUNTY
(D) - See Statewide
LAWRENCE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LEE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LIMESTONE COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALABAMA (cont'd)

LOWNDES COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MACON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MADISON COUNTY
(D) - See Statewide
(Hw) - See Colbert County
MARENGO COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MARION COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MARSHALL COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MOBILE COUNTY
Decision #AQ-4096 (B)
39 FR 11819 - 3/29/74
(D) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MONTGOMERY COUNTY
Decision #AP-184 (B)
38 FR 11244 - 5/4/73
Mod. # 1 - 38 FR 13103 - 5/18/73
Decision #AQ-4082 (R)
39 FR 8100 - 3/1/74
(D) - See Statewide
(Hw) - See Baldwin County
MORGAN COUNTY
(D) - See Statewide
(Hw) - See Colbert County
PERRY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
PICKENS COUNTY
(D) - See Statewide
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ALABAMA (Cont'd)

PIKE COUNTY
(D) - See Statewide
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RANDOLPH COUNTY
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RUSSELL COUNTY
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(H) - See Autauga County
SAINT CLAIR COUNTY
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(R) - See Blount County
SHELBY COUNTY
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SUMTER COUNTY
(D) - See Statewide
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TALLADEGA COUNTY
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TALLAPOOSA COUNTY
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TUSCALOOSA COUNTY
(D) - See Statewide
(Hw) - See Calhoun County
WALKER COUNTY
(D) - See Statewide
(Hw) - See Calhoun County
WASHINGTON COUNTY
(D) - See Statewide
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(R) - See Baldwin County
WILCOX COUNTY
(D) - See Statewide
(Hw) - See Autauga County
WINSTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALASKA

STATEWIDE
Decision #AP-902 (B, Hw, H, D)
38 FR 13127 - 5/18/73
Mod. #1 - 38 FR 24407 - 9/7/73
Mod. #2 - 38 FR 27704 - 10/5/73
Mod. #3 - 39 FR 4264 - 2/1/74
Decision #AP-903 (R)
38 FR 13133 - 5/18/73
Mod. #1 - 38 FR 24407 - 9/7/73
Mod. #2 - 38 FR 27704 - 10/5/73
Mod. #2 - 39 FR 4265 - 2/1/74

ARIZONA

STATEWIDE
Decision #AQ-1085 (B,H,Hw)
39 FR 5952 - 2/15/74
Mod. #1 - 39 FR 12582 - 4/5/74
APACHE COUNTY
Decision #AQ-1086 (R)
(Navajo and Hopi Indian Reservations Only)
39 FR 6987 - 2/22/74
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AQ-1073 (R)
39 FR 4288 - 2/1/74
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AQ-1074 (R)
39 FR 4295 - 2/1/74
Mod. #1 - 39 FR 12582 - 4/5/74
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AQ-89 (Construction, Alteration, and/or repair of streets, highways, runways, and Water & Sewer Utilities)
39 FR 11822 - 3/29/74
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Mod. #1 - 39 FR 4264 - 2/1/74
ARKANSAS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
ASHLEY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
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BENTON COUNTY
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BOONE COUNTY
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BRADLEY COUNTY
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CALHOUN COUNTY
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CARROLL COUNTY
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CHICOT COUNTY
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ARKANSAS (Cont'd)

CLARK COUNTY
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CLEBURNE COUNTY
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CLEVELAND COUNTY
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COLUMBIA COUNTY
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CONWAY COUNTY
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CRAIGHEAD COUNTY
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CRAWFORD COUNTY
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CRITTENDEN COUNTY
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CROSS COUNTY
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DALLAS COUNTY
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DESHA COUNTY
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ARKANSAS (Cont'd)

DREW COUNTY
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FAULKNER COUNTY
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FRANKLIN COUNTY
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FULTON COUNTY
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GARLAND COUNTY
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GRANT COUNTY
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GREENE COUNTY
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HEMPSTEAD COUNTY
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HOT SPRING COUNTY
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HOWARD COUNTY
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INDEPENDENCE COUNTY
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IZARD COUNTY
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ARKANSAS (Cont'd)

JACKSON COUNTY
(H,Hw) - See Statewide
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JEFFERSON COUNTY
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JOHNSON COUNTY
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LAFAYETTE COUNTY
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LAWRENCE COUNTY
(H,Hw) - See Statewide
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LEE COUNTY
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(F) - See Arkansas County
LINCOLN COUNTY
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LITTLE RIVER COUNTY
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(F) - See Arkansas County
LOGAN COUNTY
(H,Hw) - See Statewide
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(F) - See Arkansas County
LENOKE COUNTY
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(F) - See Arkansas County
MADISON COUNTY
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MARION COUNTY
(H,Hw) - See Statewide
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(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
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MISSISSIPPI COUNTY
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MONROE COUNTY
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MONTGOMERY COUNTY
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NEVADA COUNTY
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NEWTON COUNTY
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OUACHITA COUNTY
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(F) - See Arkansas County
PERRY COUNTY
(H,Hw) - See Statewide
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(F) - See Arkansas County
PHILLIPS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

POPE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PRAIEIE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
Decision #AQ-7 (B)
38 FR 19631 - 7/20/73
Mod. #1 - 38 FR 29132 - 10/19/73
Mod. #2 - 38 FR 31094 - 11/9/73
Mod. #3 - 39 FR 3373 - 1/25/74
Decision #AP-356 (R)
37 FR 23489 - 11/3/72
RANDOLPH COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
SEVIER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

SHARP COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
STONE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
UNION COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
Decision #AQ-2 (B)
38 FR 18330 - 7/13/73
Mod. #1 - 38 FR 23648 - 8/31/73
Mod. #2 - 38 FR 29132 - 10/19/73
Mod. #3 - 38 FR 31753 - 11/16/73
Mod. #4 - 39 FR 3373 - 1/25/74
VAN BUREN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #AQ-1088 (B,H,Hw,D)
39 FR 8103 - 3/1/74
Mod. #1 - 39 FR 10998 - 3/22/74
Decision #AQ-1087 (R)
39 FR 7021 - 2/22/74
Mod. #1 - 39 FR 10998 - 3/22/74
ALPINE COUNTY
(B,H,Hw,D,R) - See Alameda County
AMADOR COUNTY
(B,H,Hw) - See Alameda County
(R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALVARAS COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
DELNORTE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ELDORADO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
FRESNO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
IMPERIAL COUNTY
Decision #AQ-1094 (B,H,Hw,D)
39 FR 11004 - 3/22/74
Decision #AQ-1095 (R)
39 FR 11013 - 3/22/74
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County

CALIFORNIA (Cont'd)

MARIPOSA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NAPA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NEVADA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ORANGE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
PLACER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SACRAMENTO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BERNARDINO COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SAN DIEGO COUNTY
Decision #AQ-1092 (B,H,Hw,D)
39 FR 10086 - 3/15/74

CALIFORNIA (Cont'd)

SAN DIEGO COUNTY (Cont'd)
Decision #AQ-1093 (R)
39 FR 10092 - 3/15/74
SAN FRANCISCO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN JOAQUIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D,R) - See Imperial County
SAN MATEO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA BARBARA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SANTA CLARA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA CRUZ COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SHASTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SIERRA COUNTY
(B,H,Hw,D) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SONOMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TEHAMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County

CALIFORNIA (Cont'd)

TULARE COUNTY
(B,H,Hw,D) - See Alamada County
TUOLUMNE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
VENTURA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County

COLORADO

STATEWIDE
Decision #AQ-1013 (Hw)
38 FR 22328 - 8/17/73
ADAMS COUNTY
(Hw) - See Statewide
Decision #AQ-1061 (B,H)
38 FR 33242 - 11/30/73
Mod. #1 - 38 FR 35141 - 12/21/73
Mod. #2 - 39 FR 11811 - 3/29/74
Decision #AM-6,723 (R)
37 FR 7921 - 4/21/72
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPHOE COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHYENNE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

CLEAR CREEK
(B,H) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
EAGLE COUNTY
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
EL PASO COUNTY
(Hw) - See Statewide
Decision #AQ-1012 (B,H)
38 FR 22322 - 8/17/73
Mod. #1 - 38 FR 31097 - 11/9/73
Mod. #2 - 38 FR 32333 - 11/23/73
Mod. #3 - 38 FR 35141 - 12-21-73
Mod. #4 - 39 FR 11811 - 3/29/74
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
Decision #AQ-1062 (B,H)
38 FR 33881 - 12/7/73
Mod. #1 - 38 FR 35141 - 12-21-73
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
GRAND COUNTY
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HEURFANO COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

JACKSON COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(Hw) - See Statewide
LAPLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #AO-1063 (B,H)
38 FR 33888 - 12/7/73
Mod. #1 - 38 FR 35141 - 12/21/73
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
OTERO COUNTY
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

PARK COUNTY
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H)- See Garfield County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County
RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(B,H,Hw) - See Adams County
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #AQ-3149 (B,H,Hw,R)
39 FR 11021 - 3/22/74
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
Decision #AQ-3035 (R)
38 FR 31088 - 11/9/73
Mod. #1 - 38 FR 34571 - 12/14/73
Mod. #2 - 39 FR 4270 - 2/1/74
HARTFORD COUNTY
Decision #AQ-3015 (B,H,Hw)
38 FR 28480 - 10/12/73
Mod. #1 - 38 FR 32334 - 11/23/73
Mod. #2 - 38 FR 34569 - 12/14/73
Mod. #3 - 39 FR 4267 - 2/1/74
Decision #AQ-3096 (R)
39 FR 5961 - 2/15/74
(D) - See Fairfield County
LITCHFIELD COUNTY
Decision #AQ-3016 (B,H,Hw)
38 FR 28485 - 10/12/73
Mod. #1 - 38 FR 32334 - 11/23/73
Mod. #2 - 38 FR 34569 - 12/14/73
Mod. #3 - 39 FR 4268 - 2/1/74
MIDDLESEX COUNTY
Decision #AQ-3097 (B,H,Hw)
39 FR 5962 - 2/15/74
(D) - See Fairfield County
NEW HAVEN COUNTY
Decision #AQ-3098 (B,H,Hw)
39 FR 5966 - 2/15/74
(D) - See Fairfield County
NEW LONDON COUNTY
Decision #AQ-3019 - (B,H,Hw)
38 FR 28499 - 10/12/73
Mod. #1 - 38 FR 32335 - 11/23/73
Mod. #2 - 38 FR 34570 - 12/14/73
Mod. #3 - 39 FR 4269 - 2/1/74
(D) - See Fairfield County
TOLLAND COUNTY
Decision #AQ-3020 (B,H,Hw)
38 FR 28503 - 10/12/73
Mod. #1 - 38 FR 32355 - 11/23/73
Mod. #2 - 38 FR 35142 - 12/21/73
Mod. #3 - 39 FR 5047 - 2/8/74
WINDHAM COUNTY
Decision #AQ-3021 - (B,H,Hw)
38 FR 28507 - 10/12/73
Mod. #1 - 38 FR 32335 - 11/23/73
Mod. #2 - 38 FR 34571 - 12/14/73
Mod. #3 - 39 FR 4270 - 2/1/74

DELAWARE

STATEWIDE
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
Decision #AQ-2029 (B,H,Hw)
38 FR 31774 - 11/16/73
Mod. #1 - 38 FR 35570 - 12/28/73
Mod. #2 - 39 FR 3373 - 1/25/74
Mod. #3 - 39 FR 10074 - 3/15/74
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide
SUSSEX COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #AQ-4070 (B)
39 FR 5971 - 2/15/74
Mod. #1 - 39 FR 9344 - 3/8/74
Mod. #2 - 39 FR 12583 - 4/5/74
Decision #AQ-4031 (Hw)
38 FR 31092 - 11/9/73
BAKER COUNTY
Decision #AQ-4004 (Hw)
38 FR 22841 - 8/24/73
BAY COUNTY
Decision #AP-196 (B)
38 FR 15229 - 6/8/73
Mod. #1 - 38 FR 27163 - 9/28/73
Mod. #2 - 38 FR 27707 - 10/5/73
Mod. #3 - 38 FR 31753 - 11/16/73
Mod. #4 - 38 FR 35142 - 12/21/73
Mod. #5 - 39 FR 5047 - 2/8/74
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Mod. #1 - 39 FR 4264 - 2/1/74
Decision #AQ-4030 (Hw)
38 FR 29727 - 10/26/73
Mod. #1 - 38 FR 31098 - 11/9/73
BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy Kennedy Space Flight Center & Patrick AFB only)
Decision #AQ-4056 (B,H,Hw)
39 FR 3390 - 1/25/74
Mod. #1 - 39 FR 4271 - 2/1/74
Mod. #2 - 39 FR 5047 - 2/8/74
Decision #AQ-4067 (D)
39 FR 5069 - 2/8/74
(Remainder of County)
Decision #AQ-4006 (Hw)
38 FR 22842 - 8/24/73
Mod. #1 - 39 FR 5047 - 2/8/74
BROWARD COUNTY
Decision #AQ-4003 (Hw)
38 FR 22841 - 8/24/73
Decision #AQ-4091 (D)
39 FR 10091 - 3/22/74
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Bay County
CHARLOTTE COUNTY
Decision #AQ-4019 (Hw)
38 FR 27703 - 10/5/73
(D) - See Brevard County
CITRUS COUNTY
Decision #AQ-4039 (Hw)
38 FR 33203 - 11/30/73
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County

FLORIDA (cont'd)

COLUMBIA COUNTY
(Hw) - See Alachua County
DADE COUNTY
Decision #AQ-4033 (B)
38 FR 31778 - 11/16/73
Mod. #1 - 39 FR 5948 - 2/15/74
(D) - See Brevard County
(Hw) - See Broward County
DESOTO COUNTY
Decision #AQ-4017 (Hw)
38 FR 27718 - 10/5/73
DIXIE COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
DUVAL COUNTY
Decision #AQ-4071 (B)
39 FR 5973 - 2/15/74
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #AQ-4055 (B)
39 FR 3388 - 1/25/74
Mod. #1 - 39 FR 12583 - 4/5/74
Decision #AP-178 (R)
38 FR 11259 - 5/4/73
(D) - See Bay County
Decision #AQ-4005 (Hw)
38 FR 22842 - 8/24/73
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D,Hw) - See Bay County
GADSDEN COUNTY
Decision #AP-179 (R)
38 FR 11260 - 5/4/73
(Hw) - See Bay County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
Decision #AQ-4040 (R)
38 FR 34565 - 12/14/73
(Hw) - See De Soto County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D)-See Brevard County
(Hw)-See Citrus County
HIGHLANDS COUNTY
(Hw) - See De Soto County

FLORIDA (cont'd)

HILLSBOROUGH COUNTY
Decision #AQ-4054 (B)
39 FR 3386 - 1/25/74
Mod. #1 - 39 FR 5948 - 2/15/74
Mod. #2 - 39 FR 9344 - 3/8/74
Decision #AQ-4018 (Hw)
38 FR 27703 - 10/5/73
(D) - See Brevard County
(Hw) - See DeSoto County
HOLMES COUNTY
(Hw) - See Bay County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Bay County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(Hw) - See Bay County
LAFAYETTE COUNTY
(Hw) - See Alachua County
LAKE COUNTY
Decision #AP-181 (R)
38 FR 11261 - 5/4/73
(Hw) - See Brevard County (Remainder of Co.)
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #AQ-4050 (B)
39 FR 1689 - 1/11/74
Mod. #1 - 39 FR 12583 - 4/5/74
(Hw) - See Bay County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Citrus County
LIBERTY COUNTY
(Hw) - See Bay County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
MARION COUNTY
(Hw) - See Citrus County
MARTIN COUNTY
Decision #AQ-4092 (B)
39 FR 10993 - 3/22/74
(D) - See Brevard County
(Hw) - See Broward County
MONROE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County

FLORIDA (cont'd)

OKALOOSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Escambia County
Decision #AP-180 (R)
38 FR 11260 - 5/4/74
OKEECHOBEE COUNTY
(Hw) - See DeSoto County
ORANGE COUNTY
Decision #AQ-4053 (B)
39 FR 3384 - 1/25/74
Mod. #1 - 39 FR 5948 - 2/15/74
(Hw) - See Brevard County (Remainder of Co.)
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard County (Remainder of Co.)
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
PINELLAS COUNTY
Decision #AQ-4057 (B)
39 FR 3392 - 1/25/74
Mod. #1 - 39 FR 9344 - 3/8/74
Decision #AP-182 (R)
38 FR 11261 - 5/4/73
(D) - See Brevard County
(Hw) - See Hillsborough County
POLK COUNTY
(Hw) - See DeSoto County
(R) - See Hardee County
PUTNAM COUNTY
(Hw) - See Baker County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
SANTA ROSA COUNTY
(B) - See Escambia County;
(D) - See Bay County
(Hw) - See Escambia County
(R) - See Okaloosa County
SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard County (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(Hw) - See Citrus County
SUWANNEE COUNTY
(Hw) - See Alachua County

FLORIDA (Cont'd)

TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
(Hw) - See Alachua County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY (Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only)
(B,H,Hw) - See Brevard County
(D) - See Brevard County
(Hw) - See Brevard County
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Bay County
WALTON COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Bay County

GEORGIA

APPLING COUNTY
Decision #AM-473 (Hw)
36 FR 16421 - 8/20/71
Mod. #1 - 39 FR 5048 - 2/8/74
ATKINSON COUNTY
(Hw) - See Appling County
BACON COUNTY
(Hw) - See Appling County
BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
(Hw) - See Appling County
BALDWIN COUNTY
Decision #AM-472 (Hw)
36 FR 16420 - 8/20/71
Mod. #1 - 39 FR 5048 - 2/8/74
BANKS COUNTY
Decision #AM-471 (Hw)
36 FR 16419 - 8/20/71
BARROW COUNTY
(Hw) - See Banks County
BARTOW COUNTY
(Hw) - See Banks County
BEN HILL COUNTY
(Hw) - See Appling County
BERRIEN COUNTY
(Hw) - See Appling County
BIBB COUNTY
(Hw) - See Baldwin County
BLECKLEY COUNTY
(Hw) - See Appling County
BRANTLEY COUNTY
(Hw) - See Appling County
BROOKS COUNTY
(Hw) - See Appling County
BRYAN COUNTY
Decision #AM-475 (Hw)
36 FR 16424 - 8/20/71
Mod. #1 - 39 FR 5048 - 2/8/74
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
BULLOCH COUNTY
(Hw) - See Appling County
BURKE COUNTY
Decision #AQ-4085 (R)
39 FR 9333 - 3/8/74
(Hw) - See Baldwin County
BUTTS COUNTY
(Hw) - See Baldwin County
CALHOUN COUNTY
(Hw) - See Appling County
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Appling County
CANDLER COUNTY
(Hw) - See Appling County
CARROLL COUNTY
(Hw) - See Baldwin County

GEORGIA (Cont'd)

CATOOSA COUNTY
(Hw) - See Banks County
CHARLTON COUNTY
(Hw) - See Appling
CHATHAM COUNTY
Decision #AQ-4069 (H,Hw)
39 FR 5979 - 2/15/74
Mod. #1 - 39 FR 9345 - 3/8/74
Decision #AQ-4058 (R)
39 FR 3394 - 1/25/74
(D) - See Bryan County
CHATTAHOOCHEE COUNTY
Decision #AQ-4086 (R)
39 FR 9334 - 3/8/74
(Hw) - See Baldwin County
CHATTOOGA COUNTY
(Hw) - See Banks County
CHEROKEE COUNTY
(Hw) - See Banks County
CLARKE COUNTY
(Hw) - See Baldwin County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Appling County
CLAYTON COUNTY
Decision #AM-474 (Hw)
36 FR 16423 - 8/20/71
Mod. #1 - 39 FR 5048 - 2/8/74
CLINCH COUNTY
(Hw) - See Appling County
COBB COUNTY
(B,H,Hw) - See Fulton County
(R) - See Fulton County
COFFEE COUNTY
(Hw) - See Appling County
COLQUITT COUNTY
(Hw) - See Appling County
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Baldwin County
COOK COUNTY
(Hw) - See Appling County
COWETA COUNTY
(Hw) - See Baldwin County
CRAWFORD COUNTY
(Hw) - See Baldwin County
CRISP COUNTY
(Hw) - See Baldwin County
DADE COUNTY
(Hw) - See Banks County
DAWSON COUNTY
(Hw) - See Banks County
DECATUR COUNTY
(Hw) - See Appling County
(R) - See Baker County
DEKALB COUNTY
(B,H,Hw) - See Fulton County
(R) - See Fulton County

GEORGIA (Cont'd)

DODGE COUNTY
(Hw) - See Appling County
DOOLY COUNTY
(Hw) - See Baldwin County
DOUGHERTY COUNTY
(Hw) - See Appling County
(R) - See Baker County
DOUGLAS COUNTY
(Hw) - See Banks County
EARLY COUNTY
(Hw) - See Appling County
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Appling County
EFFINGHAM COUNTY
(Hw) - See Appling County
ELBERT COUNTY
(Hw) - See Banks County
EMANUEL COUNTY
(Hw) - See Baldwin County
EVANS COUNTY
(Hw) - See Appling County
FANNIN COUNTY
(Hw) - See Banks County
FAYETTE COUNTY
(Hw) - See Baldwin County
FLOYD COUNTY
(Hw) - See Banks County
FORSYTH COUNTY
(Hw) - See Banks County
FRANKLIN COUNTY
(Hw) - See Banks County
FULTON COUNTY
Decision #AQ-4068 (B,H,Hw)
39 FR 5975 - 2/15/74
Mod. #1 - 39 FR 9344 - 3/8/74
Mod. #2 - 39 FR 11814 - 3/29/74
Decision #AQ-4052 (R)
39 FR 2328 - 1/18/74
GILMER COUNTY
(Hw) - See Banks County
GLASCOCK COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Appling County
GORDON COUNTY
(Hw) - See Banks County
GRADY COUNTY
(Hw) - See Appling COunty
(R) - See Baker County
GREENE COUNTY
(Hw) - See Appling County

GEORGIA (Cont'd)

GWINNETT COUNTY
(Hw) - See Banks County
HABERSHAM COUNTY
(Hw) - See Banks County
HALL COUNTY
(Hw) - See Banks County
HANCOCK COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Banks County
HARRIS COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Banks County
HEARD COUNTY
(Hw) - See Baldwin County
HENRY COUNTY
(Hw) - See Clayton County
HOUSTON COUNTY
(Hw)-See Baldwin County
IRWIN COUNTY
(Hw) - See Appling County
JACKSON COUNTY
(Hw) - See Banks County
JASPER COUNTY
(Hw) - See Baldwin County
JEFF DAVIS COUNTY
(Hw) - See Appling County
JEFFERSON COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Baldwin County
(R) - See Burke County'
JOHNSON COUNTY
(Hw) - See Baldwin County
JONES OCUNTY
(Hw) - See Baldwin County
LAMAR COUNTY
(Hw) - See Baldwin County
LANIER COUNTY
(Hw) - See Appling County
LAURENS COUNTY
(Hw) - See Appling County
LEE COUNTY
(Hw) - See Appling County
(R) - See Baker County
LIBERTY COUNTY
(D) - See Bryan County
(Hw) - See Bryan County
LINCOLN COUNTY
(Hw) - See Baldwin County
(R) - See Burke County

GEORGIA (Cont'd)

LONG COUNTY
(Hw) - See Appling County
LOWNDES COUNTY
(Hw) - See Appling County
LUMPKIN COUNTY
(Hw) - See Banks County
MCDUFFIE COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Appling County
MACON COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Banks County
MARION COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
MERIWETHER COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
MILLER COUNTY
(Hw) - See Appling County
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Appling County
(R) - See Baker County
MONROE COUNTY
(Hw) - See Baldwin County
MONTGOMERY COUNTY
(Hw) - See Appling County
MORGAN COUNTY
(Hw) - See Baldwin County
MURRAY COUNTY
(Hw) - See Banks County
MUSCOGEE COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
NEWTON COUNTY
(Hw) - See Baldwin County
OCONEE COUNTY
(Hw) - See Baldwin County
OGLETHORPE COUNTY
(Hw) - See Baldwin County
PAULDING COUNTY
(Hw) - See Banks County
PEACH COUNTY
(Hw) - See Baldwin County
PICKENS COUNTY
(Hw) - See Banks County
PIERCE COUNTY
(Hw) - See Appling County
PIKE COUNTY
(Hw) - See Baldwin County

GEORGIA (Cont'd)

POLK COUNTY
(Hw) - See Banks County
PULASKI COUNTY
(Hw) - See Baldwin County
PUTNAM COUNTY
(Hw) - See Baldwin County
QUITMAN COUNTY
(Hw) - See Appling County
(R) - See Baker County
RABUN COUNTY
(Hw) - See Banks County
RANDOLPH COUNTY
(Hw) - See Appling County
(R) - See Baker County
RICHMOND COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Baldwin County
SCHLEY COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
SCREVEN COUNTY
(Hw) - See Baldwin County
SEMINOLE COUNTY
(Hw) - See Appling County
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Baldwin County
STEPHENS COUNTY
(Hw) - See Banks County
STEWART COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Appling County
TAYLOR COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Appling County
TERRELL COUNTY
(Hw) - See Appling County
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Appling County
TIFT COUNTY
(Hw) - See Appling County
TOOMBS COUNTY
(Hw) - See Appling County

GEORGIA (Cont'd)

TOWNS COUNTY
(Hw) - See Banks County
TREUTLEN COUNTY
(Hw) - See Appling County
TROUP COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Appling County
TWIGGS COUNTY
(Hw) - See Baldwin County
UNION COUNTY
(Hw) - See Banks County
UPSON COUNTY
(Hw) - See Baldwin County
WALKER COUNTY
(Hw) - See Banks County
WALTON COUNTY
(Hw) - See Baldwin County
WARE COUNTY
Decision #AP-155 (R)
38 FR 4073 - 2/9/73
Mod. #1 - 38 FR 5088 - 2/23/73
Decision #AP-160 (R)
38 FR 5083 - 2/23/73
Mod. #1 - 38 FR 10573 4/27/73
(Hw) - See Appling County
WARREN COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Appling County
WEBSTER COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Appling County
WHITE COUNTY
(Hw) - See Banks county
WHITFIELD COUNTY
(Hw) - See Banks County
WILCOX COUNTY
(Hw) - See Baldwin County
WILKES COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
WILKINSON COUNTY
(Hw) - See Baldwin County
WORTH COUNTY
(Hw) - See Appling County

GUAM

GUAM
Decision #AQ-1034 (B,R,H,Hw)
38 FR 25848 - 9/14/73

HAWAII

STATEWIDE
Decision #AQ-1040 (R)
38 FR 26571 - 9/21/73
Mod. #1 - 38 FR 31753 - 11/16/73
Decision #AQ-1039 (B,Hw,H)
38 FR 26565 - 9/21/73
Mod. #1 - 38 FR 31753 - 11/16/73

IDAHO

STATEWIDE
Decision #AO-1054 (B,H,Hw)
38 FR 31119 - 11/9/73
Mod. #1 - 38 FR 33878 - 12/7/73
Mod. #2 - 39 FR 4271 - 2/1/74
ADA COUNTY
Decision #AO-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd)

FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODLING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide
KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #AQ-3090 (H,Hw)
39 FR 5112 - 2/8/74
ALEXANDER COUNTY
Decision #AQ-3093 (H,Hw)
39 FR 5127 - 2/8/74
Decision #AO-3094 (D)
39 FR 5070 - 2/8/74
BOND COUNTY
Decision #AO-3092 (H,Hw)
39 FR 5122 - 2/8/74
Mod. #1 - 39 FR 9346 - 3/8/74
BOONE COUNTY
Decision #AO-3086 (H,Hw)
39 FR 5087 - 2/8/74
Mod. #1 - 39 FR 12584 - 4/5/74
BROWN COUNTY
(H)(Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #AQ-3087 (H,Hw)
39 FR 5094 - 2/8/74
Mod. #1 - 39 FR 12584 - 4/5/74
CALHOUN COUNTY
(H)(Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H)(Hw) - See Bureau County
CASS COUNTY
(H)(Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #AP-689 (B)
38 FR 15247 - 6/8/73
Mod. #1 - 38 FR 18811 - 7/13/73
Mod. #2 - 38 FR 22304 - 8/17/73
Mod. #3 - 38 FR 29139 - 10/19/73
Mod. #4 - 38 FR 32336 - 11/23/73
Mod. #5 - 39 FR 5048 - 2/8/74
Decision #AO-3089 (H,Hw)
39 FR 5108 - 2/8/74
CHRISTIAN COUNTY
(H)(Hw) - See Adams County
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #AO-3091 (H,Hw)
39 FR 5117 - 2/8/74
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #AP-690 (B,H,Hw)
38 FR 15250 - 6/8/73
Mod. #1 - 38 FR 20162 - 7/27/73
Mod. #2 - 38 FR 22304 - 8/17/73
Mod. #3 - 38 FR 29139 - 10/19/73
Mod. #4 - 39 FR 5050 - 2/8/74

ILLINOIS

COOK COUNTY (Cont'd)
Decision #AP-1003 (R)
38 FR 15302 - 6/8/73
Mod. #1 - 38 FR 20162 - 7/27/73
Mod. #2 - 38 FR 22308 - 8/17/73
Mod. #3 - 38 FR 29142 - 10/19/73
Mod. #4 - 39 FR 5059 - 2/8/74
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
CRAWFORD COUNTY
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #AP-691 (B)
38 FR 15256 - 6/8/73
Mod. #1 - 38 FR 20162 - 7/27/73
Mod. #2 - 38 FR 22305 - 8/17/73
Mod. #3 - 38 FR 29139 - 10/19/73
Mod. #4 - 39 FR 5050 - 2/8/74
Decision #AP-1004 (R)
38 FR 15305 - 6/8/73
Mod. #1 - 38 FR 20162 - 7/27/73
Mod. #2 - 38 FR 22309 - 8/17/73
Mod. #3 - 38 FR 29142 - 10/19/73
Mod. #4 - 39 FR 5059 - 2/8/74
(H,Hw) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
None
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #AQ-3088 (H,Hw)
39 FR 5102 - 2/8/74
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
None
HAMILTON COUNTY
(H,Hw) - See Clay County

ILLINOIS (Cont'd)

HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(H,Hw) - See Fulton County
HENRY COUNTY
(H)(Hw) - See Bureau County
IROQUOIS COUNTY
None
JACKSON COUNTY
(H)(Hw) - See Alexander County
(D) - See Alexander
JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander
JO DAVIESS COUNTY
(H)(Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
Decision #AP-692 (B)
38 FR 15260 - 6/8/73
Mod. #1 - 38 FR 18811 - 7/13/73
Mod. #2 - 38 FR 22305 - 8/17/73
Mod. #3 - 38 FR 29139 - 10/19/73
Mod. #4 - 39 FR 5051 - 2/8/74
Decision #AP-1005 (R)
38 FR 15309 - 6/8/73
Mod. #1 - 38 FR 18812 - 7/13/73
Mod. #2 - 38 FR 22309 - 8/17/73
Mod. #3 - 38 FR 29143 - 10/19/73
Mod. #4 - 39 FR 5060 - 2/8/74
(H,Hw) - See Boone County
KANKAKEE COUNTY
None
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
Decision #AP-693 (B)
38 FR 15312 - 6/8/73
Mod. #1 - 38 FR 22305 - 8/17/73
Mod. #2 - 38 FR 29140 - 10/19/73
Mod. #3 - 39 FR 5051 - 2/8/74
Decision #AP-1006 - (R)
38 FR 15263 - 6/18/73
Mod. #1 - 38 FR 22309 - 8/17/73
Mod. #2 - 38 FR 29143 - 10/19/73
Mod. #3 - 39 FR 5060 - 2/8/74
(D) - See Cook County
(H,Hw) - See Boone County

ILLINOIS (Cont'd)

LA SALLE COUNTY
None
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
None
LOGAN COUNTY
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Boone County
McCLEAN COUNTY
None
MACON COUNTY
(H,Hw) - See Champaign County
MACOUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #AQ-3077 (B)
39 FR 5071 - 2/8/74
Decision #AQ-3079 (R)
39 FR 5079 - 2/8/74
(H,Hw) - See Bond County
MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
None
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #AP-695 (B) (D)
38 FR 15270 - 6/8/73
Mod. #1 - 38 FR 18811 - 7/13/73
Mod. #2 - 38 FR 29140 - 10/19/73
Mod. #3 - 39 FR 5051 - 2/8/74
Decision #AP-1008 (R)
38 FR 15319 - 6/8/73
Mod. #1 - 38 FR 18812 - 7/13/73
Mod. #2 - 38 FR 29143 - 10/19/73

ILLINOIS (Cont'd)

PEORIA COUNTY (Cont'd)
Mod. #3 - 39 FR 5060 - 2/8/74
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(H,Hw) - See Champaign County
PIKE COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
None
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #AP-696 (B)
38 FR 15276 - 6/8/73
Mod. #1 - 38 FR 29140 - 10/19/73
Mod. #2 - 39 FR 5052 - 2/8/74
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
Decision #AQ-3078 (B)
39 FR 5075 - 2/8/74
Decision #AQ-3080 (R)
39 FR 5083 - 2/8/74
(H,Hw) - See Bond County
(D) - See Alexander County
SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #AP-698 (B)
38 FR 15284 - 6/8/73
Mod. #1 - 38 FR 18812 - 7/13/73
Mod. #2 - 38 FR 29141 - 10/19/73
Mod. #3 - 39 FR 5053 - 2/8/74
Decision #AP-1010 (R)
38 FR 15203 - 6/8/73
Mod. #1 - 38 FR 18812 - 7/13/73
Mod. #2 - 38 FR 29144 - 10/19/73
Mod. #3 - 39 FR 5061 - 2/8/74
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County

ILLINOIS (Cont'd)

TAZEWELL COUNTY
(B,R) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
Decision #AP-699 (B)
38 FR 15287 - 6/18/73
Mod. #1 - 38 FR 29141 - 10/19/73
Mod. #2 - 39 FR 5054 - 2/8/74
(H,Hw) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITEWIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
Decision #AP-1001 (B)
38 FR 15294 - 6/8/73
Mod. #1 - 38 FR 22306 - 8/17/73
Mod. #2 - 38 FR 29141 - 10/19/73
Mod. #3 - 39 FR 5059 - 2/8/74
Mod. #4 - 39 FR 10074 - 3/15/74
Decision #AP-1011 (R)
38 FR 15329 - 6/8/73
Mod. #1 - 38 FR 22310 - 8/17/73
Mod. #2 - 38 FR 29144 - 10/19/73
Mod. #3 - 39 FR 5062 - 2/8/74
Mod. #4 - 39 FR 10074 - 3/15/74
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #AP-1000 (B)
38 FR 15291 - 6/8/73
Mod. #1 - 38 FR 29141 - 10/19/73
Mod. #2 - 39 FR 5056 - 2/8/74
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
Decision #AP-1002 (B)
38 FR 15298 - 6/8/73
Mod. #1 - 38 FR 22308 - 8/17/73
Mod. #2 - 38 FR 29142 - 10/19/73
Mod. #3 - 39 FR 5059 - 2/8/74
(H,Hw) - See Bureau County
WOODFORD COUNTY
None

INDIANA

ADAMS COUNTY
Decision #AQ-3139 (H,Hw)
39 FR 11026 - 3/22/74
ALLEN COUNTY
Decision #AQ-3125 (B)
39 FR 12593 - 4/5/74
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Adams County
BARTHOLOMEW COUNTY
Decision #AQ-3126 (B)
39 FR 12596 - 4/5/74
Decision #AQ-3143 (H,Hw)
39 FR 11048 - 3/22/74
BENTON COUNTY
Decision #AQ-3127 (B)
39 FR 12599 - 4/5/74
Decision #AQ-3140 (H,Hw)
39 FR 11032 - 3/22/74
BLACKFORD COUNTY
Decision #AQ-3141 (H,Hw)
39 FR 11038 - 3/22/74
BOONE COUNTY
Decision #AM-658 (R)
38 FR 13247 - 5/18/73
Decision #AQ-3142 (H,Hw)
39 FR 11043 - 3/22/74
BROWN COUNTY
(H,Hw) - See Bartholomew County
CARROLL COUNTY
(H,Hw) - See Benton County
CASS COUNTY
(H,Hw) - See Benton County
CLARK COUNTY
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Bartholomew County
CLAY COUNTY
(H,Hw) - See Boone County
CLINTON COUNTY
(H,Hw) - See Benton County
CRAWFORD COUNTY
Decision #AQ-3144 (H,Hw)
39 FR 11054 - 3/22/74
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Boone County
DEARBORN COUNTY
Decision #AQ-3128 (B)
39 FR 12603 - 4/5/74
(D) - See Clark County
(H,Hw) - See Bartholomew County

INDIANA (cont'd)

DECATUR COUNTY
(H,Hw) - See Bartholomew County
DEKALB COUNTY
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #AQ-3129 (B)
39 FR 12606 - 4/5/74
(H,Hw) - See Blackford County
DUBOIS COUNTY
(H,Hw) - See Crawford County
ELKHART COUNTY
(H,Hw) - See Adams County
FAYETTE COUNTY
(H,Hw) - See Blackford County
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
FOUNTAIN COUNTY
(H,Hw) - See Boone County
FRANKLIN COUNTY
(H,Hw) - See Bartholomew County
FULTON COUNTY
(H,Hw) - See Benton County
GIBSON COUNTY
(H,Hw) - See Crawford County
GRANT COUNTY
Decision #AQ-3130 (B)
39 FR 12609 - 4/5/74
(H,Hw) - See Blackford County
GREENE COUNTY
(H,Hw) - See Boone County
HAMILTON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
HENDRICKS COUNTY
(H,Hw) - See Boone County
(R) - See Boone County
HENRY COUNTY
(H,Hw) - See Blackford County
HOWARD COUNTY
(H,Hw) - See Benton County
HUNTINGTON COUNTY
(H,Hw) - See Adams County
JACKSON COUNTY
(H,Hw) - See Bartholomew County
JASPER COUNTY
(H,Hw) - See Benton County

INDIANA (Cont'd)

JAY COUNTY
(H,Hw) - See Blackford County
JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
JENNINGS COUNTY
(H,Hw) - See Bartholomew County
JOHNSON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
KNOX COUNTY
(H,Hw) - See Boone County
KOSCIUSKO COUNTY
(H,Hw) - See Adams County
LAGRANGE COUNTY
(H,Hw) - See Adams County
LAKE COUNTY
Decision #AQ-3131 (B,H,Hw)
39 FR 12612 - 4/5/74
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
LAPORTE COUNTY
Decision #AQ-3132 (B,H,Hw)
39 FR 12617 - 4/5/74
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Bartholomew County
MADISON COUNTY
(H,Hw) - See Blackford County
MARION COUNTY
Decision #AQ-3133 (B)
39 FR 12622 - 4/5/74
(R) - See Boone County
(H,Hw) - See Blackford County
MARSHALL COUNTY
(H,Hw) - See Adams County
MARTIN COUNTY
(H,Hw) - See Bartholomew County
MIAMI COUNTY
(H,Hw) - See Benton County
MONROE COUNTY
Decision #AQ-3134 (B)
39 FR 12625 - 4/5/74
(H,Hw) - See Bartholomew County
MONTGOMERY COUNTY
(H,Hw) - See Boone County
MORGAN COUNTY
(R) - See Boone County
(H,Hw) - See Boone
NEWTON COUNTY
(H,Hw) - See Benton County
NOBLE COUNTY
(H,Hw) - See Adams County

INDIANA (Cont'd)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
ORANGE COUNTY
(H,Hw) - See Bartholomew County
OWEN COUNTY
(H,Hw) - See Boone County
PARKE COUNTY
(H,Hw) - See Boone County
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PIKE COUNTY
(H,Hw) - See Crawford County
PORTER COUNTY
Decision #AQ-3135 (B,H,Hw)
39 FR 12628 - 4/5/74
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PULASKI COUNTY
(H,Hw) - See Benton County
PUTNAM COUNTY
(H,Hw) - See Boone County
RANDOLPH COUNTY
(H,Hw) - See Blackford County
RIPLEY COUNTY
(H,Hw) - See Bartholomew County
RUSH COUNTY
(H,Hw) - See Blackford County
SAINT JOSEPH COUNTY
Decision #AQ-3136 (B,H,Hw)
39 FR 12633 - 4/5/74
SCOTT COUNTY
(H,Hw) - See Bartholomew County
SHELBY COUNTY
(R) - See Boone County
(H,Hw) - See Blackford County
SPENCER COUNTY
(D) - See Clark County
(H,Hw) See Crawford County

INDIANA (Cont'd)

STARKE COUNTY
(H,Hw) - See Adams County
STEUBEN COUNTY
(H,Hw) - See Adams County
SULLIVAN COUNTY
(H,Hw) - See Boone County
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
TIPPECANOE COUNTY
(B,H,Hw) - See Benton County
TIPTON COUNTY
(H,Hw) - See Benton County
UNION COUNTY
(H,Hw) - See Blackford County
VANDERBURGH COUNTY
Decision #AQ-3137 (B)
39 FR 12638 - 4/5/74
(D) - See Clark County
(H,Hw) - See Crawford County
VERMILLION COUNTY
(H,Hw) - See Boone County
VIGO COUNTY
Decision #AQ-3138 (B)
39 FR 12641 - 4/5/74
(H,Hw) - See Boone County
WABASH COUNTY
(H,Hw) - See Benton County
WARREN COUNTY
(H,Hw) - See Boone County
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
WASHINGTON COUNTY
(H,Hw) - See Bartholomew County
WAYNE COUNTY
(H,Hw) - See Blackford County
WELLS COUNTY
(H,Hw) - See Adams County
WHITE COUNTY
(H,Hw) - See Benton County
WHITLEY COUNTY
(H,Hw) - See Adams County

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
None
AUDUBON COUNTY
None
BENTON COUNTY
None
BLACK HAWK COUNTY
Decision #AQ-17 (B,H,Hw) (City of Waterloo & abutting Municipalities
38 FR 21078 - 8/3/73
Mod. #1 - 38 FR 22849 - 8/24/73
Mod. #2 - 38 FR 26545 - 9/21/73
Mod. #3 - 38 FR 29145 - 10/19/73
Mod. #4 - 38 FR 31754 - 11/16/73
Mod. #5 - 39 FR 10074 - 3/15/74
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #AM-6,712 (H,Hw)
37 FR 7429 - 4-14-72
CASS COUNTY
(H,Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #AM-2,448 (B,H,Hw)
36 FR 16796 - 8-25-71
Mod. #1-36 FR 18985 - 9-24-71
Mod. #2-37 FR 4465 - 3-3-72
Mod. #3-38 FR 16579 - 6/22/73
Mod. #4-38 FR 18115 - 7/6/73
Mod. #5-38 FR 20163 - 7/27/73
Mod. #6-38 FR 22843 - 8/24/73
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #AQ-12 (B,H,Hw)
38 FR 21059 - 8/3/73
Mod. #1 - 38 FR 22846 - 8/24/73
Mod. #2 - 38 FR 26544 - 9/21/73
Mod. #3 - 38 FR 29144 - 10/19/73
Mod. #4 - 38 FR 30313 - 11/2/73
Mod. #5 - 38 FR 31754 - 11/16/73
Mod. #6 - 39 FR 11814 - 3/29/74
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
None
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities: and Burlington Ordnance Plant)
Decision #AQ-16 (B,H,Hw)
38 FR 21074 - 8/3/73
Mod. #1 - 38 FR 22849 - 8/24/73
Mod. #2 - 38 FR 26545 - 9/21/73
Mod. #3 - 38 FR 29145 - 10/19/73
Mod. #4 - 38 FR 31097 - 11/9/73
Mod. #5 - 39 FR 11814 - 3/29/74
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #AQ-13 (B,H,Hw)
38 FR 21062 - 8/3/73
Mod. #1 - 38 FR 22846 - 8/24/73
Mod. #2 - 38 FR 26544 - 9/21/73
Mod. #3 - 38 FR 29144 - 10/19/73
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
None
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None
HOWARD COUNTY
(H,Hw) - See Carroll County
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
None
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
None
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #AQ-20 (B,H,Hw)
38 FR 22861 - 8/24/73
Mod. #1 - 38 FR 26545 - 9/21/73
Mod. #2 - 38 FR 29145 - 10/19/73
Mod. #3 - 38 FR 31754 - 11/16/73
JONES COUNTY
None
KEOKUK COUNTY
None
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY (City of Cedar Rapids and Abutting Municipalities)
Decision #AQ-19 (B,H,Hw)
38 FR 22857 - 8/24/73
Mod. #1 - 38 FR 26545 - 9/21/73
Mod. #2 - 38 FR 29145 - 10/19/73
Mod. #3 - 38 FR 31754 - 11/16/73
LINN COUNTY (Except City of Cedar Rapids and Abutting Municipalities)
Decision #AP-536 (H,Hw)
38 FR 18139 - 7/6/73

IOWA (Cont'd)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
None
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
None
MITCHELL COUNTY
None
MONONA COUNTY
(H,Hw) - See Carroll County
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,Hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY (City of Des Moines and Abutting Municipalities)
Decision #AQ-15 (B,H,Hw)
38 FR 21070 - 8/3/73
Mod. #1 - 38 FR 22848 - 8/24/73
Mod. #2 - 38 FR 26545 - 9/21/73
Mod. #3 - 38 FR 29145 - 10/19/73
Mod. #4 - 38 FR 30313 - 11/2/73
Mod. #5 - 38 FR 31097 - 11/9/73
POLK COUNTY (Except City of Des Moines and Abutting Municipalities)
Decision #AP-215 (H,Hw)
37 FR 16266 - 8-11-72

IOWA (Cont'd)

POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City limits)
Decision #AM-2,455 (B,H,Hw)
36 FR 16820 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
POWESHIEK COUNTY
None
RINGGOLD COUNTY
(H,Hw) - See Carroll County
SAC COUNTY
None
SCOTT COUNTY
Decision #AO-3 (B,H,Hw)
38 FR 19641 - 7/20/73
Mod. #1 - 38 FR 26544 - 9/21/73
Mod. #2 - 38 FR 29144 - 10/19/73
Mod. #3 - 38 FR 30313 - 11/2/73
Mod. #4 - 39 FR 11814 - 3/29/74
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #AO-14 (B,H,Hw)
38 FR 21066 - 8/3/73
Mod. #1 - 38 FR 22847 - 8/24/73
Mod. #2 - 38 FR 26545 - 9/21/73
Mod. #3 - 38 FR 29145 - 10/19/73
Mod. #4 - 38 FR 30313 - 11/2/73
Mod. #5 - 38 FR 31097 - 11/9/73
TAMA COUNTY
None
TAYLOR COUNTY
(H,Hw) - See Carroll County
UNION COUNTY
None
VAN BUREN COUNTY
(H,Hw) - See Carroll County
WAPELLO COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
None
WEBSTER COUNTY (FORT DODGE)
Decision #AM-2,458 (B,H,Hw)
36 FR 16830 - 8-25-71
Mod. #1 - 37 FR 4466 - 3/3/72
Mod. #2 - 37 FR 11117 - 6/2/72
Mod. #3 - 38 FR 15787 - 6/15/73
Mod. #4 - 38 FR 17337 - 6/29/73
Mod. #5 - 38 FR 18115 - 7/6/73
Mod. #6 - 38 FR 18817 - 7/13/73
Mod. #7 - 38 FR 22844 - 8/24/73

IOWA (Cont'd)

WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None
WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #AQ-11 (B)
38 FR 21055 - 8/3/73
Mod. #1 - 38 FR 22845 - 8/24/73
Mod. #2 - 38 FR 23653 - 8/31/73
Mod. #3 - 38 FR 26544 - 9/21/73
Mod. #4 - 38 FR 29144 - 10/19/73
Mod. #5 - 38 FR 31097 - 11/9/73
Mod. #6 - 39 FR 11814 - 3/29/74
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #AP-519 (Hw)
38 FR 7732 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
ANDERSON COUNTY
(Hw) - See Allen County
ATCHISON COUNTY
Decision #AO-21 (D)
38 FR 23647 - 8/31/73
(Hw) - See Allen County
BARBER COUNTY
Decision #AP-521 (Hw)
38 FR 7734 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
BARTON COUNTY
(Hw) - See Barber County
BOURBON COUNTY
(Hw) - See Allen County
BROWN COUNTY
(Hw) - See Allen County
BUTLER COUNTY
(Hw) - See Allen County
CHASE COUNTY
(Hw) - See Allen County
CHAUTAUQUA COUNTY
(Hw) - See Allen County
CHEROKEE COUNTY
(Hw) - See Allen County
CHEYENNE COUNTY
(Hw) - See Barber County
CLARK COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

CLAY COUNTY
(Hw) - See Allen County
CLOUD COUNTY
(Hw) - See Allen County
COFFEY COUNTY
(Hw) - See Allen County
COMANCHE COUNTY
(Hw) - See Barber County
COWLEY COUNTY
(Hw) - See Allen County
CRAWFORD COUNTY
(Hw) - See Allen County
DECATUR COUNTY
(Hw) - See Barber County
DICKINSON COUNTY
(Hw) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw) - See Allen County
DOUGLAS COUNTY
Decision #AP-503 (Hw)
37 FR 17349 - 8-25-72
Mod. #1-37 FR 20389 - 9-29-72
Mod. #2-38 FR 6523 - 3/9/73
Mod. #3-38 FR 9389 - 4/13/73
Mod. #4-38 FR 20164 - 7/27/73
Mod. #5-38 FR 22850 - 8/24/73
EDWARDS COUNTY
(Hw) - See Barber County
ELK COUNTY
(Hw) - See Allen County
ELLIS COUNTY
(Hw) - See Barber County
ELLSWORTH COUNTY
(Hw) - See Barber County
FINNEY COUNTY
(Hw) - See Barber County
FORD COUNTY
(Hw) - See Barber County
FRANKLIN COUNTY
(Hw) - See Allen County
GEARY COUNTY
Decision #AQ-88 (B)
39 FR 11791 - 3/29/74
(Hw) - See Allen County
GOVE COUNTY
(Hw) - See Barber County
GRAHAM COUNTY
(Hw) - See Barber County
GRANT COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

GRAY COUNTY
(Hw) - See Barber County
GREELEY COUNTY
(Hw) - See Barber County
GREENWOOD COUNTY
(Hw) - See Allen County
HAMILTON COUNTY
(Hw) - See Barber County
HARPER COUNTY
(Hw) - See Allen County
HARVEY COUNTY
(Hw) - See Allen County
HASKELL COUNTY
(Hw) - See Barber County
HODGEMAN COUNTY
(Hw) - See Barber County
JACKSON COUNTY
(Hw) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw) - See Barber County
JOHNSON COUNTY
Decision #AQ-44 (B,H,Hw)
38 FR 31780 - 11/16/73
Decision #AQ-62 (R)
38 FR 32388 - 11/23/73
KEARNY COUNTY
(Hw) - See Barber County
KINGMAN COUNTY
(Hw) - See Allen County
KIOWA COUNTY
(Hw) - See Barber County
LABETTE COUNTY
(Hw) - See Allen County
LANE COUNTY
(Hw) - See Barber County
LEAVENWORTH COUNTY
Decision #AQ-36 (B)
38 FR 28511 - 10/24/73
Mod. #1 - 38 FR 31754 - 11/16/73
(Hw) - See Douglas County
(D) - See Atchison County

KANSAS (Cont'd)

LINCOLN COUNTY
(Hw) - See Barber County
LINN COUNTY
(Hw) - See Allen County
LOGAN COUNTY
(Hw) - See Barber County
LYON COUNTY
(Hw) - See Allen County
McPHERSON COUNTY
(Hw) - See Allen County
MARION COUNTY
(Hw) - See Allen County
MARSHALL COUNTY
(Hw) - See Allen County
MEADE COUNTY
(Hw) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw) - See Barber County
MONTGOMERY COUNTY
(Hw) - See Allen County
MORRIS COUNTY
(Hw) - See Allen County
MORTON COUNTY
(Hw) - See Barber County
NEMAHA COUNTY
(Hw) - See Allen County
NEOSHO COUNTY
(Hw) - See Allen County
NESS COUNTY
(Hw) - See Barber County
NORTON COUNTY
(Hw) - See Barber County
OSAGE COUNTY
(Hw) - See Allen County
OSBORNE COUNTY
(Hw) - See Barber County
OTTAWA COUNTY
(Hw) - See Allen County
PAWNEE COUNTY
(Hw) - See Barber County
PHILLIPS COUNTY
(Hw) - See Barber County
POTTAWATOMIE COUNTY
(Hw) - See Allen County
PRATT COUNTY
(Hw) - See Barber County
RAWLINS COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

RENO COUNTY
(Hw) - See Allen County
REPUBLIC COUNTY
(Hw) - See Allen County
RICE COUNTY
(Hw) - See Barber County
RILEY COUNTY
(Hw) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw) - See Barber County
RUSH COUNTY
(Hw) - See Barber County
RUSSELL COUNTY
(Hw) - See Barber County
SALINE COUNTY
(Hw) - See Allen County
SCOTT COUNTY
(Hw) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #AP-532 (B)
38 FR 13922 - 5/25/73
Mod. #1 - 38 FR 20166 - 7/27/73
Mod. #2 - 38 FR 27163 - 9/28/73
Decision #AP-520 (Hw)
38 FR 7733 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
SEWARD COUNTY
(Hw) - See Barber County
SHAWNEE COUNTY
Decision #AQ-32 (B)
38 FR 27169 - 9/28/73
(Hw) - See Douglas County
Decision #AQ-33 (R)
38 FR 27172 - 9/28/73

KANSAS (Cont'd)

SHERIDAN COUNTY
(Hw) - See Barber County
SHERMAN COUNTY
(Hw) - See Barber County
SMITH COUNTY
(Hw) - See Barber County
STAFFORD COUNTY
(Hw) - See Barber County
STANTON COUNTY
(Hw) - See Barber County
STEVENS COUNTY
(Hw) - See Barber County
SUMNER COUNTY
(Hw) - See Allen County
THOMAS COUNTY
(Hw) - See Barber County
TREGO COUNTY
(Hw) - See Barber County
WABAUNSEE COUNTY
(Hw) - See Allen County
WALLACE COUNTY
(Hw) - See Barber County
WASHINGTON COUNTY
(Hw) - See Allen County
WICHITA COUNTY
(Hw) - See Barber County
WILSON COUNTY
(Hw) - See Allen County
WOODSON COUNTY
(Hw) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw) - See Johnson County
(R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #AQ-4075 (H,Hw)
39 FR 5983 - 2/15/74
Mod. #1 - 39 FR 8102 - 3/1/74
ALLEN COUNTY
Decision #AQ-4084 (H,Hw)
39 FR 8118 - 3/1/74
ANDERSON COUNTY
Decision #AQ-4063 (H,Hw)
39 FR 4301 - 2/1/74
Mod. #1 - 39 FR 7016 - 2/22/74
BALLARD COUNTY
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Mod. #1 - 39 FR 4264 - 2/1/74
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #AQ-4066 (R)
39 FR 4305 - 2/1/74
BELL COUNTY
(H,Hw) - See Adair County
BOONE COUNTY
Decision #AQ-4013 (B)
38 FR 27175 - 9/28/73
Decision #AQ-4036 (H,Hw)
38 FR 32349 - 11/23/73
Mod. #1 - 38 FR 33879 - 12/7/73
Mod. #2 - 39 FR 1189 - 1/4/74
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
BOURBON COUNTY
(Hw,H) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #AQ-4020 (B)
38 FR 28516 - 10/12/73
(H,Hw) - See Anderson County
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
Decision #AQ-4076 (H,Hw)
39 FR 5987 - 2/15/74
Mod. #1 - 39 FR 8102 - 3/1/74

KENTUCKY (Cont'd)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County
FAYETTE COUNTY
Decision #AQ-4021 (B)
38 FR 28519 - 10/12/73
Mod. #1 - 39 FR 10075 - 3/15/74
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
(H,Hw) - See Breathitt County
FRANKLIN COUNTY
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd)

HARDIN COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #AQ-4093 (B)
39 FR 10994 - 3/22/74
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #AQ-4022 (B)
38 FR 28522 - 10/12/73
Mod. #1 - 39 FR 10075 - 3/15/74
Mod. #2 - 39 FR 12585 - 4/5/74
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County

KENTUCKY (Cont'd)

JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
JOHNSON COUNTY
Decision #AQ-4080 (H,Hw)
39 FR 7033 - 2/22/74
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Breathitt County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Johnson County
LEE COUNTY
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Breathitt County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCRACKEN COUNTY
Decision #AQ-4023 (B)
38 FR 28525 - 10/12/73
(D) - See Boone County
(H,Hw) - See Allen County
McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Breathitt County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Breathitt County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County
NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Breathitt County
PIKE COUNTY
(H,Hw) - See Breathitt County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County
RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

RUSSELL COUNTY
(Hw,H) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AQ-4024 (B,H,Hw)
38 FR 28527 - 10/12/73
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Mod. #1 - 39 FR 4264 - 2/1/74
Decision #AQ-90 (Hw, Roads, Streets, Parking Area (Except those with a building contract and Earthen Dams)
39 FR 11792 - 3/29/74
ACADIA PARISH
(D) - See Statewide
(Hw, Earthen Dams) - See Statewide
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Decision #AQ-76 (B)
39 FR 4306 - 2/1/74
Mod. #1 - 39 FR 10075 - 3/15/74
ALLEN PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
ASCENSION PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw,Earthen Dams) - See Statewide
ASSUMPTION PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
AVOYELLES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
BEAUREGARD PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
BIENVILLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
BOSSIER PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
Decision #AQ-83 (B,R)
39 FR 7037 - 2/22/74
CADDO PARISH
(D) - See Statewide
(B,R) - See Bossier Parish
(Hw, Earthen Dams) - See Statewide
CALCASIEU PARISH
(D) - See Statewide
(B) - See Acadia Parish
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide

LOUISIANA (Cont'd)

CALCASIEU PARISH (cont'd)
Decision #AQ-77 (R)
39 FR 4321 - 2/1/74
Mod. #1 - 39 FR 10077 - 3/15/74
CALDWELL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
CAMERON PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
CATAHOULA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
CLAIBORNE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
CONCORDIA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
DE SOTO PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
EAST BATON ROUGE PARISH
(D) - See Statewide
(B) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
EAST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
EAST FELICIANA PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
EVANGELINE PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
FRANKLIN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide

LOUISIANA (Cont'd)

GRANT PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
IBERIA PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
IBERVILLE PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
JACKSON COUNTY
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
JEFFERSON PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
JEFFERSON DAVIS PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
LAFAYETTE PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
LAFOURCHE PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
LA SALLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
LINCOLN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
LIVINGSTON PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
MADISON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
MOREHOUSE EARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
NATCHITOCHES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
ORLEANS EARISH
(D) - See Statewide
(B) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide

LOUISIANA (Cont'd)

OUACHITA PARISH
(D) - See Statewide
Decision #AP-317 (R)
37 FR 17305-8/25/72
(Hw, Earthen Dams) - See Statewide
PLAQUEMINES PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
POINTE COUPEE PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
RAPIDES PARISH
(D) - See Statewide
(Hw, Earthen Dams) - See Statewide
Decision #AQ-39 (B)
38 FR 29752 - 10/26/73
Mod. #1 - 38 FR 35570 - 12/28/73
Mod. #2 - 39 FR 4273 - 2/1/74
Mod. #3 - 39 FR 5062 - 2/8/74
RED RIVER PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
RICHLAND PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
SABINE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
ST. BERNARD PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
ST. CHARLES PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
ST. HELENA PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
ST. JAMES PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
ST. JOHN THE BAPTIST PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
ST. LANDRY PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
ST. MARTIN PARISH
(D) - See Statewide

LOUISIANA (Cont'd)

ST. MARTIN PARISH (Cont'd)
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
ST. MARY PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
ST. TAMMANY PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
TANGIPAHOA PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
TENSAS PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
TERREBONE PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
UNION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
VERMILLION PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
VERNON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
WASHINGTON PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
WEBSTER PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
WEST BATON ROUGE PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
WEST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
WEST FELICIANA PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide
WINN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw, Earthen Dams) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
None
ANNE ARUNDEL COUNTY
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
Decision #AQ-2040 (E,H,Hw)
39 FR 3396 - 1/25/74
Mod. #1 - 39 FR 10078 - 3/15/74
Mod. #2 - 39 FR 10999 - 3/22/74
BALTIMORE CITY & BALTIMORE COUNTY
Decision #AQ-2022 (B,H)
38 FR 29182 - 10/19/73
Mod. #1 - 38 FR 31756 - 11/16/73
Mod. #2 - 38 FR 35570 - 12/28/73
Mod. #3 - 39 FR 10077 - 3/15/74
Decision #AQ-2072 (R)
39 FR 8122 - 3/1/74
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
CALVERT COUNTY
(D) - See Anne Arundel County
CAROLINE COUNTY
None
CARROLL COUNTY
None
CECIL COUNTY
(R) - See Baltimore County
CHARLES COUNTY
(D) - See Anne Arundel County
DORCHESTER COUNTY
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
GARRETT COUNTY
None
HARFORD COUNTY
(R) - See Baltimore County
(D) - See Anne Arundel County
HOWARD COUNTY
(R) - See Baltimore County
KENT COUNTY
(D) - See Anne Arundel County

MARYLAND (cont'd)

MONTGOMERY COUNTY
Decision #AQ-2036 (B)
38 FR 35143 - 12/21/73
Mod. #1 - 39 FR 2327 - 1/18/74
Mod. #2 - 39 FR 7019 - 2/22/74
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
PRINCE GEORGES COUNTY
(B)-See Montgomery County
(R) - See Montgomery County
(D) - See Anne Arundel County
QUEEN ANNES COUNTY
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D) - See Anne Arundel County
SOMERSET COUNTY
(D) - See Anne Arundel County
TALBOT COUNTY
(D) - See Anne Arundel County
WASHINGTON COUNTY
None
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
(D) - See Anne Arundel County
WORCESTER COUNTY
(D) - See Baltimore County

MASSACHUSETTS

BARNSTABLE COUNTY
Decision AQ-3038 (B,H,Hw, & Marine)
38 FR 32352 - 11/23/73
Mod. #1 - 38 FR 34572 - 12/14/73
Mod. #2 - 39 FR 1191 - 1/4/74
Mod. #3 - 39 FR 2325 - 1/18/74
Mod. #4 - 39 FR 4275 - 2/1/74
Decision #AP-803 - (D)
38 FR 10580 - 4/27/73
BERKSHIRE COUNTY
None
BRISTOL COUNTY
Decision AQ-3039 (B,H,Hw, & Marine)
38 FR 32356 - 11/23/73
Mod. #1 - 38 FR 34572 - 12/14/73
Mod. #2 - 39 FR 1191 - 1/4/74
Mod. #3 - 39 FR 2325 - 1/18/74
Mod. #4 - 39 FR 4275 - 2/1/74
Decision #AQ-3071 (R)
38 FR 34566 - 12/14/73
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision AQ-3040 (B,H,Hw & Marine)
38 FR 32361 - 11/23/73
Mod. #1 - 38 FR 34572 - 12/14/73
Mod. #2 - 39 FR 1191 - 1/4/74
Mod. #3 - 39 FR 2325 - 1/18/74
Mod. #4 - 39 FR 4276 - 2/1/74
(D) - See Barnstable County
FRANKLIN COUNTY
None
HAMPDEN COUNTY
Decision #AQ-3031 (B,H,Hw)
38 FR 30357 - 11/2/73
Mod. #1 - 38 FR 33205 - 11/30/73
Mod. #2 - 39 FR 1192 - 1/4/74
Mod. #3 - 39 FR 4274 - 2/1/74
Decision #AQ-3032 (R)
38 FR 30361 - 11/2/73
Mod. #1 - 38 FR 33205 - 11/30/73
Mod. #2 - 39 FR 4274 - 2/1/74
HAMPSHIRE COUNTY
None
MIDDLESEX COUNTY
Decision AQ-3041 (B,H,Hw & Marine)
38 FR 32366 - 11/23/73
Mod. #1 - 38 FR 34572 - 12/14/73
Mod. #2 - 39 FR 1192 - 1/4/74
Mod. #3 - 39 FR 2325 - 1/18/74
Mod. #4 - 39 FR 4274 - 2/1/74
(D) - See Barnstable County
Decision AQ-3042 (R)
38 FR 32372 - 11/23/73

MASSACHUSETTS (CONT'D)

MIDDLESEX COUNTY (CONT'D)
Decision #AQ-3042 (R)
Mod. #1 - 38 FR 34573 - 12/14/73
Mod. #2 - 39 FR 1193 - 1/4/74
Mod. #3 - 39 FR 2325 - 1/18/74
Mod. #4 - 39 FR 4277 - 2/1/74
NANTUCKET COUNTY
(D) - See Barnstable County
NORFOLK COUNTY
Decision AQ-3043 (B,H,Hw)
38 FR 32376 - 11/23/73
Mod. #1 - 38 FR 34573 - 12/14/73
Mod. #2 - 39 FR 1194 - 1/4/74
Mod. #3 - 39 FR 2326 - 1/18/74
Mod. #4 - 39 FR 4277 - 2/1/74
Decision AQ-3044 (R)
38 FR 32380 - 11/23/73
Mod. #1 - 38 FR 34573 - 12/14/73
Mod. #2 - 39 FR 1190 - 1/4/74
Mod. #3 - 39 FR 2326 - 1/18/74
Mod. #4 - 39 FR 4278 - 2/1/74
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #AQ-3083 (B,H,Hw)
39 FR 4323 - 2/1/74
Decision #AQ-3084 (R)
39 FR 4327 - 2/1/74
(D) - See Barnstable County
SUFFOLK COUNTY
Decision AQ-3045 (B,H,Hw,Marine & D)
38 FR 32383 - 11/23/73
Mod. #1 - 38 FR 34574 - 12/14/73
Mod. #2 - 39 FR 1191 - 1/4/74
Mod. #3 - 39 FR 2326 - 1/18/74
Mod. #4 - 39 FR 4278 - 2/1/74
Decision #AQ-3072 (R)
39 FR 1195 - 1/4/74
Mod. #1 - 39 FR 4278 - 2/1/74
WORCESTER COUNTY
Decision #AQ-3160 (B,H,Hw)
39 FR 12645 - 4/5/74

MICHIGAN

ALCONA COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Decision #AP-78 (Highway, Bridge, Airport & Sewer Cons, excl. of Bldgs.)
37 FR 28377 - 12/22/72
Mod. #1 - 38 FR 936 - 1/5/73
Mod. #2 - 38 FR 4629 - 2/16/73
ALGER COUNTY
(Hw) (D) - See Alcona County
ALLEGAN COUNTY
Decision #AQ-3049 (B,H)
38 FR 35145 - 12/21/73
Mod. #1 - 39 FR 5063 - 2/8/74
Mod. #2 - 39 FR 9347 - 3/8/74
Mod. #3 - 39 FR 12585 - 4/5/74
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
Decision #AP-77 (Highway, Bridge, Airport & Sewer Cons, excl. of Bldg.)
37 FR 28374 - 12/22/72
Mod. #1 - 38 FR 4629 - 2/16/73
Mod. #2 - 38 FR 21012 - 8/3/73
(D) - See Alcona County
ALPENA COUNTY
Decision #AQ-3050 (B,H)
39 FR 4330 - 2/1/74
(Hw,D) - See Alcona County
ANTRIM COUNTY
(Hw,D) - See Alcona County
ARENAC COUNTY
(Hw,D) - See Alcona County
BARAGA COUNTY
Decision #AQ-3051 (B,H)
38 FR 35149 - 12/21/73
Mod. #1 - 39 FR 5063 - 2/8/74
(Hw,D) - See Alcona County
BARRY COUNTY
(Hw) - See Allegan County
BAY COUNTY
(D) - See Alcona County
(Hw) - See Allegan County

MICHIGAN (Cont'd)

BENZIE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
BERRIEN COUNTY
Decision #AQ-3052 (B,H)
39 FR 1691 - 1/11/74
Mod. #1 - 39 FR 9348 - 3/8/74
MOd. #2 - 39 FR 12585 - 4/5/74
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw) - See Allegan County
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw) - See Allegan County
CALHOUN COUNTY
Decision #AQ-3053 (B,H)
38 FR 35152 - 12/21/73
Mod. #1 - 39 FR 5064 - 2/8/74
Mod. #2 - 39 FR 9348 - 3/8/74
Mod. #3 - 39 FR 12586 - 4/5/74
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw) - See Allegan County
CASS COUNTY
(Hw) - See Allegan County
(R) - See Branch County
CHARLEVOIX COUNTY
Decision #AQ-3054 (B,H)
38 FR 35156 - 12/21/73
Mod. #1 - 39 FR 5948 - 2/15/74
(Hw,D) - See Alcona County
CHEBOYGAN COUNTY
(Hw,D) - See Alcona County
CHIPPEWA COUNTY
Decision #AQ-3055 (B,H)
39 FR 1695 - 1/11/74
Mod. #1 - 39 FR 9349 - 3/8/74
(Hw,D) - See Alcona County
CLARE COUNTY
(Hw) - See Alcona County
CLINTON COUNTY
(Hw) - See Allegan County

MICHIGAN (cont'd)

CRAWFORD COUNTY
(Hw) - See Alcona County
DELTA COUNTY
(Hw,D) - See Alcona County
DICKINSON COUNTY
(Hw) - See Alcona County
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(Hw) - See Allegan County
EMMET COUNTY
Decision #AQ-3056 (B,H)
39 FR 4334 - 2/1/74
(Hw,D) - See Alcona County
GENESEE COUNTY
Decision #AQ-3057 (B,H)
39 FR 4338 - 2/1/74
Decision AP-76 (Highway, Bridge, Airport & Sewer Cons, excl. of Bldgs.)
37 FR 28372 - 12/22/72
Mod. #1 - 38 FR 4628 - 2/16/73
GLADWIN COUNTY
(Hw) - See Alcona County
GOGEBIC COUNTY
Decision #AQ-3058 (B,H)
38 FR 35159 - 12/21/73
Mod. #1 - 39 FR 5949 - 2/15/74
Mod. #2 - 39 FR 12586 - 4/5/74
(Hw,D) - See Alcona County
GRAND TRAVERSE COUNTY
Decision #AQ-3059 (B,H)
39 FR 1698 - 1/11/74
(Hw,D) - See Alcona County
GRATIOT COUNTY
(Hw) - See Allegan County
HILLSDALE COUNTY
(Hw) - See Allegan County
HOUGHTON COUNTY
(B,H) - See Baraga County
(Hw,D) - See Alcona County
HURON COUNTY
Decision #AQ-3060 (B,H)
38 FR 35162 - 12/21/73
Mod. #1 - 39 FR 12587 - 4/5/74
(D) - See Alcona County
(Hw) - See Allegan County
INGHAM COUNTY
Decision #AQ-3061 (B,H)
38 FR 35166 - 12/21/73
Mod. #1 - 39 FR 5064 - 2/8/74
(Hw) - See Allegan County
(R) - See Eaton County

MICHIGAN (Cont'd)

IONIA COUNTY
(Hw) - See Allegan County
IOSCO COUNTY
(D,Hw) - See Alcona County
IRON COUNTY
(Hw) - See Alcona County
ISABELLA COUNTY
(Hw) - See Alcona County
JACKSON COUNTY
(Hw) - See Allegan County
KALAMAZOO COUNTY
Decision #AQ-3062 (B,H)
38 FR 35170 - 12/21/73
Mod. #1 - 39 FR 5065 - 2/8/74
Mod. #2 - 39 FR 9349 - 3/8/74
Mod. #3 - 39 FR 12586 - 4/5/74
(Hw) - See Allegan County
(R) - See Branch County
KALKASKA COUNTY
(Hw) - See Alcona County
KENT COUNTY
Decision #AP-23 (B,H)
37 FR 20443 - 9/29/72
Mod. #1 - 38 FR 22704 - 10/20/72
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw) - See Allegan County
KEWEENAW COUNTY
(B,H) - See Baraga County
(Hw) - See Alcona County
LAKE COUNTY
(Hw) - See Alcona County
LAPEER COUNTY
(Hw) - See Allegan County
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw) - See Alcona County
LENAWEE COUNTY
(Hw) - See Allegan County
LIVINGSTON COUNTY
(Hw) - See Allegan County
LUCE COUNTY
(Hw,D) - See Alcona County
MACKINAC COUNTY
(B,H) - See Chippewa County
(Hw) - See Alcona County
MACOMB COUNTY
Decision #AQ-3069 (B,H)
39 FR 1707 - 1/11/74
(D) - See Alcona County
(Hw) - See Genessee County
Decision #AQ-3070 (R)
39 FR 4351 - 2/1/74

MICHIGAN (CONT'D)

MANISTEE COUNTY
(Hw,D) - See Alcona County
MARQUETTE COUNTY
Decision #AQ-3122 (B,H)
39 FR 9359 - 3/8/74
(Hw,D) - See Alcona County
MASON COUNTY
Decision #AQ-3064 (B,H)
39 FR 1704 - 1/11/74
(Hw,D) - See Alcona County
MECOSTA COUNTY
(Hw) - See Alcona County
MENOMINEE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
MIDLAND COUNTY
(Hw) - See Allegan County
MISSAUKEE COUNTY
(Hw) - See Alcona County
MONROE COUNTY
(D) - See Alcona County
(Hw) - See Genessee County
MONTCALM COUNTY
(Hw) - See Allegan County
(R) - See Kent County
MONTMORENCY COUNTY
(Hw) - See Alcona County
MUSKEGON COUNTY
Decision #AQ-3066 (B,H)
38 FR 35178 - 12/21/73
Mod. #1 - 39 FR 5066 - 2/8/74
Mod. #2 - 39 FR 9350 - 3/8/74
Decision #AM-403 (R)
36 FR 15896 - 8/18/71
(D) - See Alcona County
(Hw) - See Allegan County
NEWAYGO COUNTY
(Hw) - See Alcona County
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw) - See Genessee County
OCEANA COUNTY
(B,H,R) - See Muskegon County
(D) - See Alcona County
(Hw) - See Allegan County
OGEMAW COUNTY
(Hw) - See Alcona County
ONTONAGON COUNTY
(B,H) - See Baraga County
(Hw,D) - See Alcona County
OSCEOLA COUNTY
(Hw) - See Alcona County

MICHIGAN (Cont'd)

OSCODA COUNTY
(Hw) - See Alcona County
OTSEGO COUNTY
(Hw) - See Alcona County
OTTAWA COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
(R) - See Allegan County
PRESQUE ISLE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
ROSCOMMON COUNTY
(Hw) - See Alcona County
SAGINAW COUNTY
Decision #AQ-3065 (B,H)
38 FR 35174 - 12/21/73
Mod. #1 - 39 FR 5065 - 2/8/74
(Hw) - See Allegan County
SAINT CLAIR COUNTY
Decision #AQ-3067 (B,H)
39 FR 4342 - 2/1/74
Mod. #1 - 39 FR 12587 - 4/5/74
(Hw) - See Allegan County
SAINT JOSEPH COUNTY
(Hw) - See Allegan County
(R) - See Branch County
SANILAC COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
SHIAWASSEE COUNTY
(Hw) - See Allegan County
TUSCOLA COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
VAN BUREN COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
WASHTENAW COUNTY
Decision #AQ-3068 (B,H)
39 FR 4346 - 2/1/74
Mod. #1 - 39 FR 12588 - 4/5/74
(Hw) - See Genessee County
WAYNE COUNTY
(B,h,R) - See Macomb County
(D) - See Alcona County
(Hw) - See Genesee County
WEXFORD COUNTY
(Hw) - See Alcona County

MINNESOTA

AITKIN COUNTY
(H,Hw) - See Anoka County
ANOKA COUNTY
Decision #AQ-3099 (B,R)
39 FR 7039 - 2/22/74
Decision #AQ-3103 (H,Hw)
39 FR 9362 - 3/8/74
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
None
BENTON COUNTY
(H,Hw) - See Anoka County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
(H,Hw) - See Anoka County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Anoka County
CARVER COUNTY
Decision #AQ-3100 (B,R)
39 FR 7043 - 2/22/74
(H,Hw) - See Anoka County
CASS COUNTY
(H,Hw) - See Becker County
CHIPPEWA COUNTY
(H,Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Anoka County
CLAY COUNTY
(H,Hw) - See Becker County
CLEAR WATER COUNTY
None
COOK COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
(H,Hw) - See Anoka County
COTTONWOOD COUNTY
Decision #AQ-3124 (H,Hw)
39 FR 9335 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Anoka County
DAKOTA COUNTY
Decision #AQ-3101 (B,R)
39 FR 7047 - 2/22/74
(H,Hw) - See Anoka County

MINNESOTTA (Cont'd)

DODGE COUNTY
(H,Hw) - See Anoka County
DOUGLAS COUNTY
(H,Hw)-See Big Stone County
FAIRIBAULT COUNTY
(H,Hw) - See Anoka County
FILLMORE COUNTY
(H,Hw) - See Anoka County
FREEBORN COUNTY
(H,Hw) - See Anoka County
GOODHUE COUNTY
(H,Hw) - See Anoka County
GRANT COUNTY
(H,Hw)-See Big Stone County
HENNEPIN COUNTY
(B,R) - See Carver County
(H,Hw) - See Anoka County
HOUSTON COUNTY
(H,Hw) - See Anoka County
HUBBARD COUNTY
(H,Hw)-See Becker County
ISANTI COUNTY
(H,Hw) - See Anoka County
ITASKA COUNTY
(H,Hw) - See Anoka County
JACKSON COUNTY
(H,Hw) - See Anoka County
KANABEC COUNTY
(H,Hw) - See Anoka County
KANDIYOHI COUNTY
(H,Hw)-See Big Stone County
KITTSON COUNTY
None
KOOCHICHING COUNTY
(H,Hw) - See Anoka County
LAC QUI PARLE COUNTY
(H,Hw)-See Big Stone County
LAKE COUNTY
(H,Hw) - See Anoka County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
None
LE SUEUR COUNTY
(H,Hw) - See Anoka County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County

MINNESOTA (Cont'd)

LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Anoka County
MAHNOMEN COUNTY
None
MARSHALL COUNTY
None
MARTIN COUNTY
(H,Hw) - See Anoka County
MEEKER COUNTY
(H,Hw) - See Anoka County
MILLE LACS COUNTY
(H,Hw) - See Anoka County
MORRISON COUNTY
(H,Hw) - See Anoka County
MOWER COUNTY
(H,Hw) - See Anoka County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Anoka County
NOBLES COUNTY
(H,Hw) - See Anoka County
NORMAN COUNTY
None
OLMSTEAD COUNTY
(H,Hw) - See Anoka County
OTTER TAIL COUNTY
(H,Hw)-See Becker County
PENNINGTON COUNTY
None
PINE COUNTY
(H,Hw) - See Anoka County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
None
POPE COUNTY
(H,Hw)-See Big Stone County
RAMSEY COUNTY
(B,R) - See Dakota County
(H,Hw) - See Anoka County

MINNESOTA (Cont'd)

RED LAKE COUNTY
None
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Anoka County
ROCK COUNTY
(H,Hw) - See Anoka County
ROSEAU COUNTY
None
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Anoka County
CITY OF DULUTH
Decision #AQ-3102 (B,R)
39 FR 7051 - 2/22/74
SCOTT COUNTY
(H,Hw) - See Anoka County
(B,R) - See Carver County
SHERBURNE COUNTY
(H,Hw) - See Anoka County
SIBLEY COUNTY
(H,Hw) - See Anoka County
STEARNS COUNTY
(H,Hw) - See Anoka County
STEELE COUNTY
(H,Hw) - See Anoka County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big STone County
TODD COUNTY
(H,Hw) - See Becker County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Anoka County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Anoka County
WASHINGTON COUNTY
(B,R) - See Dakota County
(H,Hw) - See Anoka County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Anoka County
WRIGHT COUNTY
(H,Hw) - See Anoka County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Mod. #1 - 39 FR 4264 - 2/1/74
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
ADAMS COUNTY
Decision #AQ-4046 (Hw)
38 FR 35186 - 12/21/73
Mod. #1 - 39 FR 4279 - 2/1/74
(D) - See Statewide
(F) - See Statewide
ALCORN COUNTY
Decision #AQ-4042 (Hw)
38 FR 35182 - 12/21/73
Mod. #1 - 39 FR 4279 - 2/1/74
(D) - See Statewide
(F) - See Statewide
AMITE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
ATTALA COUNTY
Decision #AQ-4045 (Hw)
38 FR 35185 - 12/21/73
Mod. #1 - 39 FR 4279 - 2/1/74
(D) - See Statewide
(F) - See Statewide
BENTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
BOLIVAR COUNTY
Decision #AQ-4043 (Hw)
38 FR 35188 - 12/21/73
Mod. #1 - 39 FR 4279 - 2/1/74
(D) - See Statewide
(F) - See Statewide
CALHOUN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
CARROLL COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
CHICKASAW COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
CHOCTAW COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County

MISSISSIPPI (cont'd)

CLAIBORNE COUNTY
Decision #AQ-4044 (Hw)
38 FR 35184 - 12/21/73
Mod. #1 - 39 FR 4269 - 2/1/74
(D) - See Statewide
(F) - See Statewide
CLARKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
CLAY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
COAHOMA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
COPIAH COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
COVINGTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
DE SOTO COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
FORREST COUNTY
Decision #AM-8264 (R)
37 FR 13017 - 6/30/72
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
FRANKLIN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
GEORGE COUNTY
Decision #AQ-4047 (Hw)
38 FR 35187 - 12/21/73
Mod. #1 - 39 FR 4279 - 2/1/74
(D) - See Statewide
(F) - See Statewide
(R) - See Harrison County
GREENE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County

MISSISSIPPI (cont'd)

GRENADA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
HANCOCK COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See George County
(R) - See Harrison County
HARRISON COUNTY
Decision #AQ-4081 (B,H,Water & Sewer)
39 FR 7054 - 2/22/74
Mod. #1 - 39 FR 10999 - 3/22/74
Decision #AP-174 (R)
38 FR 10584 - 4/27/73
Mod. #1 - 39 FR 8102 - 3/1/74
(D,F) - See Statewide
(Hw) - See George County
HINDS COUNTY
Decision #AQ-4090 (B,H)
39 FR 10097 - 3/15/74
Mod. #1 - 39 FR 12588 - 4/5/74
Decision #AQ-4048 (R)
38 FR 35573 - 12/28/73
(D,F) - See Statewide
(Hw) - See Claiborne County
HOLMES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
HUMPHREYS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
ISSAQUENA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
ITAWAMBA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
JACKSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See George County
(R) - See Harrison County
JASPER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County

MISSISSIPPI (cont'd)

JEFFERSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
JEFFERSON DAVIS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
JONES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
(R) - See Forest County
KEMPER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
LAFAYETTE COUNTY
(D) - See Statewide
(R) - See Statewide
(Hw) - See Alcorn County
LAMAR COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LAUDERDALE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
LAWRENCE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LEAKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
LEE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
LEFLORE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
LINCOLN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LOWNDES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County

MISSISSIPPI (Cont'd)

MADISON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
MARSHALL COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
MONROE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
MONTGOMERY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
NESHOBA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
NEWTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
NOXUBEE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
OKTIBBEHA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
PANOLA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
PEARL RIVER COUNTY
(B,H) - See Hinds County
(D) - See Statewide
(F) - See Statewide
(Hw) - See Statewide
(R) - See Harrison County
PERRY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
PIKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County

MISSISSIPPI (Cont'd)

PONTOTOC COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
PRENTISS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
QUITMAN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
RANKIN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
SCOTT COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
SHARKEY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
SIMPSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
SMITH COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
STONE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Georgia County
(R) - See Harrison County
SUNFLOWER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
TALLAHATCHIE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County

MISSISSIPPI (Cont'd)

TATE COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
TIPPAH COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
TISHOMINGO COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
TUNICA COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
UNION COUNTY
(D,F,)-See Statewide
(Hw)-See Alcorn County
WALTHALL COUNTY
(D,F)-See Statewide
(Hw)-See Adams County
WARREN COUNTY
(D,F)-See Statewide
(Hw)-See Claiborne County
WASHINGTON COUNTY
Decision #AQ-4072 (B)
39 FR 5933 - 2/15/74
(D,F)-See Statewide
(Hw)-See Bolivar County
WAYNE COUNTY
(D,F)-See Statewide
(Hw)-See Adams
WEBSTER COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
WILKINSON COUNTY
(D,F)-See Statewide
(Hw)-See Adams County
WINSTON COUNTY
(D,F)-See Statewide
(Hw)-See Attalo County
YALOBUSHA COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
YAZOO COUNTY
(D,F)-See Statewide
(Hw)-See Claiborne County
(R)-See Hinds County

MISSOURI

ADAIR COUNTY
Decision #AQ-85 (H,Hw)
39 FR 9371 - 3/8/74
Mod. #1 - 39 FR 11815 - 3/29/74
ANDREW COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/73
(H,Hw) - See Adair County
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
AUDRAIN COUNTY
(H,Hw) - See Adair County
BARRY COUNTY
(H,Hw) - See Adair County
BARTON COUNTY
(H,Hw) - See Adair County
BATES COUNTY
(H,Hw) - See Adair County
BENTON COUNTY
(H,Hw) - See Adair County
BOLLINGER COUNTY
(H,Hw) - See Adair County
BOONE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
BUTLER COUNTY
(H,Hw) - See Adair County
CALDWELL COUNTY
(H,Hw) - See Adair County
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CAMDEN COUNTY
(H,Hw) - See Adair County
CAPE GIRARDEAU COUNTY
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Adair County
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CARTER COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

CASS COUNTY
Decision #AQ-44 (H,Hw)
38 FR 31780 - 11/16/73
Decision AQ-62 (R)
38 FR 32388 - 11/23/73
CEDAR COUNTY
(H,Hw) - See Adair County
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(Hw) - See Adair County
CLARK COUNTY
(H,Hw) - See Adair County
CLAY COUNTY
(H,Hw) - See Cass County
(D) - See Andrew County
(R) - See Cass County
CLINTON COUNTY
(H,Hw) - See Adair County
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CRAWFORD COUNTY
(H,Hw) - See Adair County
DADE COUNTY
(H,Hw) - See Adair County
DALLAS COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
(H,Hw) - See Adair County
DE KALB COUNTY
(H,Hw) - See Adair County
DENT COUNTY
(Hw) - See Adair County
DOUGLAS COUNTY
(Hw) - See Adair County
DUNKLIN COUNTY
(Hw) - See Adair County
FRANKLIN COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
GENTRY COUNTY
(H,Hw) - See Adair County
GREENE COUNTY
(H,Hw) - See Adair County
GRUNDY COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

HENRY COUNTY
(H,Hw) - See Adair County
HICKORY COUNTY
(H,Hw) - See Adair County
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
HOWELL COUNTY
(Hw) - See Adair County
IRON COUNTY
(Hw) - See Adair County
JACKSON COUNTY
(H,Hw) - See Cass County
(D) - See Andrew County
(R) - See Cass County
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Adair County
JOHNSON COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LACLEDE COUNTY
(Hw) - See Adair County
LAFAYETTE COUNTY
(D) - See Andrew County
(Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Adair County
LINCOLN COUNTY
(H,Hw) - See Adair County
LINN COUNTY
(H,Hw) - See Adair County
LIVINGSTON COUNTY
(H,Hw) - See Adair County
MC DONALD COUNTY
None
MACON COUNTY
(H,Hw) - See Adair County
MADISON COUNTY
(H,Hw) - See Adair County
MARIES COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Adair County
MILLER COUNTY
(H,Hw) - See Adair County
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Adair County
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
MORGAN COUNTY
(H,Hw) - See Adair County
NEW MADRID COUNTY
(Hw) - See Adair County
NEWTON COUNTY
(H,Hw) - See Adair County
NODAWAY COUNTY
(H,Hw) - See Adair County
OREGON COUNTY
(Hw) - See Adair County
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
OZARK COUNTY
(Hw) - See Adair County
PEMISCOT COUNTY
(Hw) - See Adair County
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Adair County
PETTIS COUNTY
(H,Hw) - See Adair County
PHELPS COUNTY
(H,Hw) - See Adair County
PIKE COUNTY
(H,Hw) - See Adair County
PLATTE COUNTY
(H,Hw) - See Cass County
(D) - See Andrew County
(R) - See Cass County
POLK COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
PUTNAM COUNTY
(H,Hw) - See Adair County
RALLS COUNTY
(H,Hw) - See Adair County
RANDOLPH COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

RAY COUNTY
(H,Hw) - See Cass County
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Adair County
RIPLEY COUNTY
(Hw) - See Adair County
ST. CHARLES COUNTY
Decision #AP-534 (H,Hw)
38 FR 18141 - 7/6/73
Mod. #1 - 38 FR 20177 - 7/27/73
Mod. #2 - 38 FR 28473 - 10/12/73
Mod. #3 - 38 FR 31756 - 11/16/73
(D) - See Andrew County
Decision #AP-504 (R)
37 FR 17881 - 9/1/72
Mod. #1 - 38 FR 4078 - 2/9/73
Mod. #2 - 38 FR 6524 - 3/9/73
Mod. #3 - 38 FR 13917 - 5/25/73
Mod. #4 - 38 FR 18124 - 7/6/73
Mod. #5 - 38 FR 20173 - 7/27/73
Mod. #6 - 38 FR 28473 - 10/12/73
Mod. #7 - 38 FR 34575 - 12/14/73
(D) - See Cape Girardeau County
ST. CLAIR COUNTY
(H,Hw) - See Adair County
ST. FRANCOIS COUNTY
(H,Hw) - See Adair County
ST. LOUIS COUNTY
(H,Hw,R) - See St. Charles County
(D) - See Cape Girardeau County
(D) - See Andrew County
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Adair County
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
SCHUYLER COUNTY
(H,Hw) - See Adair County
SCOTLAND COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(D) - See Cape Girardeau County
(Hw) - See Adair County
SHANNON COUNTY
(Hw) - See Adair County
SHELBY COUNTY
(H,Hw) - See Adair County
STODDARD COUNTY
(Hw) - See Adair County

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Adair County
SULLIVAN COUNTY
(H,Hw) - See Adair County
TANEY COUNTY
(Hw) - See Adair County
TEXAS COUNTY
(Hw) - See Adair County
VERNON COUNTY
(H,Hw) - See Adair County
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
WASHINGTON COUNTY
(H,Hw) - See Adair County
WAYNE COUNTY
(Hw) - See Adair County
WEBSTER COUNTY
(Hw) - See Adair County
WORTH COUNTY
(H,Hw) - See Adair County
WRIGHT COUNTY
(Hw) - See Adair County

MONTANA

STATEWIDE
Decision #AQ-1071 (B)
39 FR 3399 - 1/25/74
Mod. #1 - 39 FR 5949 - 2/15/74
Mod. #2 - 39 FR 9351 - 3/8/74
Mod. #3 - 39 FR 12588 - 4/5/74
Decision #AQ-1070 (H,Hw)
39 FR 2329 - 1/18/74
Mod. #1 - 39 FR 4280 - 2/1/74
Mod. #2 - 39 FR 9350 - 3/8/74
Mod. #3 - 39 FR 12588 - 4/5/74
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #AQ-1076 (R)
39 FR 4361 - 2/1/74
Mod. #1 - 39 FR 5949 - 2/15/74
Mod. #2 - 39 FR 9351 - 3/8/74
Mod. #3 - 39 FR 12588 - 4/5/74
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEERLODGE COUNTY
(B,H,Hw) - See Statewide
Decision #AQ-1075 (R)
39 FR 4354 - 2/1/74
Mod. #1 - 39 FR 5949 - 2/15/74
(R) - See Silverbow County
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Deerlodge County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd)

GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOURLA COUNTY
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Beaverhead County
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd)

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVERBOW COUNTY
(R) - See Deerlodge County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEETGRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOW STONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

ADAMS COUNTY
Decision #AQ-80 (Hw)
39 FR 5990 - 2/15/74
ANTELOPE COUNTY
(Hw) - See Adams County
ARTHUR COUNTY
(Hw) - See Adams County
BANNER COUNTY
Decision #AQ-79 (B)
39 FR 5933 - 2/15/74
(Hw) - See Adams County
BLAINE COUNTY
(Hw) - See Adams County
BOONE COUNTY
(Hw) - See Adams County
BOX BUTTE COUNTY
(B) - See Banner County
(Hw) - See Adams County
BOYD COUNTY
(Hw) - See Adams County
BROWN COUNTY
(Hw) - See Adams County
BUFFALO COUNTY
(Hw) - See Adams County
BURT COUNTY
(Hw) - See Adams County
BUTLER COUNTY
(Hw) - See Adams County
CASS COUNTY
(Hw) - See Adams County
CEDAR COUNTY
Decision #AQ-86 (B)
39 FR 9336 - 3/8/74
(Hw) - See Adams County
CHASE COUNTY
(Hw) - See Adams County
CHERRY COUNTY
(Hw) - See Adams County
CHEYENNE COUNTY
(B) - See Banner County
(Hw) - See Adams County
CLAY COUNTY
(Hw) - See Adams County
COLFAX COUNTY
(Hw) - See Adams County
CUMING COUNTY
(B) - See Cedar County
(Hw) - See Adams County
CUSTER COUNTY
(Hw) - See Adams County
DAKOTA COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

DAWES COUNTY
(B) - See Banner County
(Hw) - See Adams County
DAWSON COUNTY
(Hw) - See Adams County
DEUEL COUNTY
(B) - See Banner County
(Hw) - See Adams County
DIXON COUNTY
(Hw) - See Adams County
DODGE COUNTY
(Hw) - See Adams County
DOUGLAS COUNTY
Decision AQ-63 (B,H,Hw)
38 FR 33895 - 12/7/73
Mod. #1 - 38 FR 35570 - 12/28/73
Decision #AQ-25 (R)
38 FR 24540 - 9/7/73
Mod. #1 - 38 FR 31099 - 11/9/73
Mod. #2 - 38 FR 33879 - 12/7/73
DUNDY COUNTY
(Hw) - See Adams County
FILLMORE COUNTY
(Hw) - See Adams County
FRANKLIN COUNTY
(Hw) - See Adams County
FRONTIER COUNTY
(Hw) - See Admas County
FURNAS COUNTY
(Hw) - See Adams County
GAGE COUNTY
(Hw) - See Adams County
GARDEN COUNTY
(B) - See Banner County
(Hw) - See Adams County
GARFIELD COUNTY
(Hw) - See Adams County
GOSPER COUNTY
(Hw) - See Admas County
GRANT COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

GREELEY COUNTY
(Hw) - See Adams County
HALL COUNTY
Decision #AQ-24 - (B)
38 FR 24486 - 9/7/73
Mod. #1 - 38 FR 30330 - 11/2/73
(Hw) - See Adams County
HAMILTON COUNTY
(Hw) - See Adams County
HARLAN COUNTY
(Hw) - See Adams County
HAYES COUNTY
(Hw) - See Adams County
HITCHCOCK COUNTY
(Hw) - See Adams County
HOLT COUNTY
(Hw) - See Adams County
HOOKER COUNTY
(Hw) - See Adams County
HOWARD COUNTY
(Hw) - See Adams County
JEFFERSON COUNTY
(Hw) - See Adams County
JOHNSON COUNTY
(Hw) - See Adams County
KEARNEY COUNTY
(Hw) - See Adams County
KEITH COUNTY
(Hw) - See Adams County
KEYAPAHA COUNTY
(Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(Hw) - See Adams County
KNOX COUNTY
(Hw) - See Adams County
LANCASTER COUNTY
Decision #AQ-65 (B)
38 FR 34597 - 12/14/73
Decision #AM-6,140 (R)
36 FR 21736 - 11/12/71
(Hw) - See Adams County
LINCOLN COUNTY
(Hw) - See Admas County
LOGAN COUNTY
(Hw) - See Adams County
LOUP COUNTY
(Hw) - See Adams County
MC PHERSON COUNTY
(Hw) - See Admas County
MADISON COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

MERRICK COUNTY
(Hw) - See Adams County
MORRILL COUNTY
(B) - See Banner County
(Hw) - See Adams County
NANCE COUNTY
(Hw) - See Adams County
NEMAHA COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/73
(Hw) - See Adams County
NUCKOLLS COUNTY
(Hw) - See Adams County
OTOE COUNTY
(Hw) - See Adams County
PAWNEE COUNTY
(Hw) - See Adams County
PERKINS COUNTY
(Hw) - See Adams County
PHELPS COUNTY
(Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(Hw) - See Adams County
PLATTE COUNTY
(Hw) - See Adams County
POLK COUNTY
(Hw) - See Adams County
RED WILLOW COUNTY
(Hw) - See Adams County
RICHARDSON COUNTY
(D) - See Neemaha County
(Hw) - See Adams County
ROCK COUNTY
(Hw) - See Adams County
SALINE COUNTY
(Hw) - See Adams County
SARPY COUNTY
(B,H,Hw) - See Douglas County
SAUNDERS COUNTY
(Hw) - See Adams County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(Hw) - See Adams County
SEWARD COUNTY
(Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(Hw) - See Adams County
SHERMAN COUNTY
(Hw) - See Adams County
SIOUX COUNTY
(Hw) - See Adams County
(B) - See Banner County
STANTON COUNTY
(B) - See Cedar County
(Hw) - See Adams County
THAYER COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

THOMAS COUNTY
(Hw) - See Adams County
THURSTON COUNTY
(Hw) - See Adams County
VALLEY COUNTY
(Hw) - See Adams County
WASHINGTON COUNTY
(Hw) - See Adams County
WAYNE COUNTY
(B) - See Cedar County
(Hw) - See Adams County
WEBSTER COUNTY
(Hw) - See Adams County
WHEELER COUNTY
(Hw) - See Adams County
YORK COUNTY

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #AQ-1080 (B,H,Hw)
39 FR 5131 - 2/8/74
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #AQ-1081 (R) (Excluding the Nevada Test Site)
39 FR 5992 - 2/15/74
(B,H,Hw) - See Statewide
Decision #AQ-1083 (B,H,Hw) (Nevada Test Site including the Tonopah Test Range
39 FR 6001 - 2/15/74
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark County (Nevada Test Site)
(B,H,Hw) - See Statewide

NEVADA (Cont'd)

ORMSBY COUNTY
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #AO-1082 (R)
39 FR 5996 - 2/15/74
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #AQ-3029 (B)
38 FR 30362 - 11/2/73
Mod. #1 - 39 FR 5950 - 2/15/74
Mod. #2 - 39 FR 9352 - 3/8/74
Decision AQ-3033 (R)
38 FR 31130 - 11/9/73
Mod. #1 - 39 FR 5950 - 2/15/74
Mod. #2 - 39 FR 9353 - 3/8/74
MERRIMACK COUNTY
None
ROCKINGHAM COUNTY
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
Decision #AQ-3074 (B)
39 FR 3415 - 1/25/74
Mod. #1 - 39 FR 7017 - 2/22/74
Mod. #2 - 39 FR 9354 - 3/8/74
Decision #AO-3075 (R)
39 FR 3418 - 1/25/74
Mod. #1 - 39 FR 7017 - 2/22/74
Mod. #2 - 39 FR 9354 - 3/8/74
STRAFFORD COUNTY
None
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #AQ-2094 (B,H,Hw)
39 FR 12657 - 4/5/74
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
BERGEN COUNTY
Decision #AP-810 (B,H,Hw)
38 FR 12567 - 5/11/73
Mod. #1 - 38 FR 21705 - 8/10/73
Mod. #2 - 38 FR 31760 - 11/16/73
(D) - See Atlantic County
BURLINGTON COUNTY
Decision #AP-829 (B,H,Hw)
38 FR 13272 - 5/18/73
Mod. #1 - 38 FR 21707 - 8/10/73
Mod. #2 - 38 FR 29740 - 10/26/73
Mod. #3 - 38 FR 31762 - 11/16/73
Mod. #4 - 38 FR 35142 - 12/21/73
(D) - See Atlantic County
CAMDEN COUNTY
Decision #AQ-2093 (B,H,Hw)
39 FR 12651 - 4/5/74
(D) - See Atlantic County
CAPE MAY COUNTY
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
Decision #AP-837 (B,H,Hw)
38 FR 13957 - 5/25/73
Mod. #1 - 38 FR 31763 - 11/16/73
(D) - See Atlantic County
ESSEX COUNTY
Decision #AP-826 (B,H,Hw)
38 FR 13252 - 5/18/73
Mod. #1 - 38 FR 21705 - 8/10/73
Mod. #2 - 38 FR 31761 - 11/16/73
GLOUCESTER COUNTY
(B,H,Hw) - See Camden County
(D) - See Atlantic County
HUDSON COUNTY
Decision #AQ-2090 (B,H,Hw)
39 FR 11823 - 3/29/74
(D) - See Atlantic County
HUNTERDON COUNTY
None
MERCER COUNTY
Decision #AP-827 (B,H,Hw)
38 FR 13258 - 5/18/73
Mod. #1 - 38 FR 21706 - 8/10/73
(D) - See Atlantic County

NEW JERSEY (Cont'd)

MIDDLESEX COUNTY
Decision #AP-838 (B,H,Hw)
38 FR 13963 - 5/25/73
Mod. #1 - 38 FR 31763 - 11/16/73
Mod. #2 - 38 FR 34575 - 12/14/73
(D) - See Atlantic County
MONMOUTH COUNTY
Decision #AP-839 (B,H,Hw)
38 FR 13971 - 5/25/73
Mod. #1 - 38 FR 31764 - 11/16/73
(D) - See Atlantic County
MORRIS COUNTY
Decision #AP-840 (B,H,Hw)
38 FR 13978 - 5/25/73
Mod. #1 - 38 FR 31765 - 11/16/73
(D) - See Atlantic County
OCEAN COUNTY
Decision #AP-841 (B,H,Hw)
38 FR 13985 - 5/25/73
Mod. #1 - 38 FR 31766 - 11/16/73
(D) - See Atlantic County
PASSAIC COUNTY
Decision #AO-2077 (B,H,Hw)
39 FR 10100 - 3/15/74
(D) - See Atlantic County
SALEM COUNTY
(D) - See Atlantic County
SOMERSET COUNTY
Decision #AO-2091 (B,H,Hw)
39 FR 11830 - 3/29/74
(D) - See Atlantic County
SUSSEX COUNTY
None
UNION COUNTY
Decision #AP-846 (B,Hw,H)
38 FR 15333 - 6/8/73
Mod. #1 - 38 FR 31766 - 11/16/73
(D) - See Atlantic County
WARREN COUNTY
None

NEW MEXICO

STATEWIDE
Decision #AQ-18 (Streets, Highways, Utilities and Light Engineering Construction)
38 FR 21714 - 8/10/73
Mod. #1 - 38 FR 22853 - 8/24/73
Decision #AQ-32 (Building & Heavy Engineering Construction
39 FR 9398 - 3/8/74
Mod. #1 - 39 FR 10999 - 3/22/74
BERNALILLO COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CATRON COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CHAVES COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
COLFAX COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CURRY COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
DE BACA COUNTY
(B,He,S,Hw,U,LE) - See Statewide
DONA ANA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
Decision #AP-340 (R)
37 FR 19869 - 9/22/72
EDDY COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
GRANT COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
GUADALUPE COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
HARDING COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
HIDALGO COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
LEA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
LINCOLN COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
LOS ALAMOS COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
LUNA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
McKINLEY COUNTY
(B,HE,S,Hw,U,LE) - See STatewide
MORA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide

NEW MEXICO (Cont'd)

OTERO COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
QUAY COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
RIO ARRIBA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
ROOSEVELT COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
SANDOVAL COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
SAN JUAN COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
SAN MIGUEL COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
SANTA FE COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SIERRA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SOCORRO COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
TAOS COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
TORRANCE COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
UNION COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
VALENCIA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #AP-452 (H,B,Hw)
37 FR 26782 - 12/15/72
Mod. #1 - 38 FR 9397 - 4/13/73
Mod. #2 - 38 FR 18819 - 7/13/73
Mod. #3 - 38 FR 21016 - 8/3/73
Mod. #4 - 38 FR 26549 - 9/21/73
Mod. #5 - 39 FR 4280 - 2/1/74
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #AP-487 (B,H,Hw)
38 FR 6608 - 3/9/73
Mod. #1 - 38 FR 8872 - 4/6/73
Mod. #2 - 38 FR 12514 - 5/11/73
Mod. #3 - 38 FR 22854 - 8/24/73
Decision #AP-400 (R)
37 FR 13913 - 7/14/72
Mod. #1 - 37 FR 23510 - 11/3/72
Mod. #2 - 38 FR 5097 - 2/23/73
Mod. #3 - 38 FR 12514 - 5/11/73
Mod. #4 - 38 FR 22854 - 8/24/73
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
BROOME COUNTY
Decision #AP-469 (B,H,Hw)
38 FR 4169 - 2/9/73
Mod. #1 - 38 FR 9397 - 4/13/73
Mod. #2 - 38 FR 18126 - 7/6/73
Mod. #3 - 38 FR 21022 - 8/3/73
Mod. #4 - 38 FR 22854 - 8/24/73
Mod. #5 - 38 FR 24491 - 9/7/73
Mod. #6 - 39 FR 4280 - 2/1/74
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
CHAUTAUGUA COUNTY
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None

NEW YORK (Cont'd)

CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None
DUTCHESS COUNTY
Decision AO-2028 (B,H,Hw)
36 FR 31135 - 11/9/73
Mod. #1 - 39 FR 5066 - 2/8/74
(D) - See Bronx County
ERIE COUNTY
Decision #AP-800 (B,H,Hw)
38 FR 8404 - 3/30/73
Mod. #1 - 38 FR 9398 - 4/13/73
Mod. #2 - 38 FR 18820 - 7/13/73
Mod. #3 - 38 FR 22854 - 8/24/73
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #AP-807 (B,H,Hw)
38 FR 12582 - 5/11/73
Mod. #1 - 38 FR 18820 - 7/13/73
Mod. #2 - 38 FR 21023 - 8/3/73
(D) - See Cayuga County

NEW YORK (Cont'd)

KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None
MONROE COUNTY
Decision #AQ-2037 (B,H,Hw)
38 FR 35188 - 12/21/73
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #AQ-2001 (B,H,Hw)
38 FR 18845 - 7/13/73
Mod. #1 - 38 FR 24491 - 9/7/73
Mod. #2 - 39 FR 5950 - 2/15/74
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #AQ-2048 (B,H,Hw)
39 FR 4368 - 2/1/74
(D) - See Cayuga County
ONEIDA COUNTY
Decision #AP-844 (B,H,Hw)
38 FR 15341 - 6/8/73
Mod. #1 - 38 FR 18822 - 7/13/73
Mod. #2 - 38 FR 21026 - 8/3/73
Mod. #3 - 38 FR 29149 - 10/19/73
Mod. #4 - 38 FR 35571 - 12/28/73
ONONDAGA COUNTY
Decision #AP-808 (B,H,Hw)
38 FR 12587 - 5/11/73
Mod. #1 - 38 FR 18821 - 7/13/73
Mod. #2 - 38 FR 21025 - 8/3/73
Mod. #3 - 38 FR 29148 - 10/19/73
ONTARIO COUNTY
None

NEW YORK (Cont'd)

ORANGE COUNTY
Decision #AP-845 (B,H,Hw)
38 FR 15346 - 6/8/73
Mod. #1 - 38 FR 18820 - 7/13/73
Mod. #2 - 39 FR 5950 - 2/15/74
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGA COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R,D) - See Bronx County
RENSSELAER COUNTY
Decision #AP-860 (B,H,Hw)
38 FR 18160 - 7/6/73
Mod. #1 - 38 FR 21030 - 8/3/73
Mod. #2 - 38 FR 22854 - 8/24/73
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Albany County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
Decision #AP-451 (B,H,Hw)
37 FR 25099 - 11/25/72
Mod. #1 - 38 FR 21014 - 8/3/73
SCHENECTADY COUNTY
Decision #AP-859 (B,H,Hw)
38 FR 18156 - 7/6/73
Mod. #1 - 38 FR 21028 - 8/3/73
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None

NEW YORK (cont'd)

STEUBEN COUNTY
Decision #AP-486 (B,H,Hw)
38 FR 6516 - 3/9/73
Mod. #1 - 38 FR 20184 - 7/27/73
SUFFOLK COUNTY
Decision #AM-1,735 (B,H,Hw)
36 FR 14890 - 8/11/71
Mod. #1 - 36 FR 18988 - 9/24/71
Mod. #2 - 37 FR 4021 - 2/2 /72
Mod. #3 - 37 FR 22706 - 10/20/72
Mod. #4 - 37 FR 23973 - 11/10/72
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None
TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #AQ-2041 (B,H,Hw)
39 FR 3421 - 1/25/74
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #AQ-4064 (H,Hw)
39 FR 4371 - 2/1/74
Mod. #1 - 39 FR 7018 - 2/22/74
Decision #AP-156 (Sewer & Water)
38 FR 4618 - 2/16/73
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #AQ-4079 (R)
39 FR 7010 - 2/22/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
BUNCOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #AQ-4083 (R)
39 FR 8101 - 3/1/74
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(R) - See Carteret County

(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
Decision #AQ-4087 (R)
39 FR 9337 - 3/8/74
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DARE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
FORSYTH COUNTY
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County

NORTH CAROLINA (Cont'd)

HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
HARNETT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Cumberland County
HAYWOOD COUNTY
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
JONES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
LEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
MCDOWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #AP-161 (B)
38 FR 5753 - 3/2/73
Mod. #1 - 38 FR 7166 - 3/16/73
Mod. #2 - 38 FR 31770 - 11/16/73
(Sewer & Water, H,Hw) - See Statewide
MITCHELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

NASH COUNTY
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
(Sewer & Water, H,Hw) - See Statewide
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
PASQUOTANK COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(D) - See Beaufort County
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
PORT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
RUTHERFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Cumberland County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
(Sewer & Water, H,Hw) - See Statewide
TYRRELL COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #AQ-4032 (B)
38 FR 31093 - 11/9/73
Mod. #1 - 39 FR 5066 - 2/8/74
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
WILKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #AQ-1000 (Hw)
38 FR 18849 - 7/13/73
Mod. #1 - 38 FR 33800 - 12/7/73
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
(Hw) - See Statewide
Decision AQ-1066 (B)
38 FR 33899 - 12/7/73
Mod. #1 - 39 FR 12589 - 4/5/74
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LAMOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

ADAMS COUNTY
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
ALLEN COUNTY
None
ASHLAND COUNTY
None
ASHTABULA COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
ATHENS COUNTY
(D) - See Adams County
AUGLAIZE COUNTY
None
BELMONT COUNTY
None
BROWN COUNTY
(D) - See Adams County
BUTLER COUNTY
Decision #AP-669 (B)(H,Hw)
38 FR 13991 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 38 FR 22316 - 8/17/73
Mod. #3 - 38 FR 27712 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30334 - 11/2/73
Mod. #6 - 38 FR 31100 - 11/9/73
Mod. #7 - 39 FR 9355 - 3/8/74
Decision #AP-683 (R)
38 FR 14049 - 5/25/73
CARROLL COUNTY
None
CHAMPAIGN COUNTY
None
CLARK COUNTY
Decision #AP-670 (B,H,Hw)
38 FR 13996 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 38 FR 22316 - 8/17/73
Mod. #3 - 38 FR 27712 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30334 - 11/2/73
Mod. #6 - 38 FR 31100 - 11/9/73
Mod. #7 - 39 FR 9355 - 3/8/74
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
CLERMONT COUNTY
Decision #AM-685 (R)
38 FR 14050 - 5/25/73
(D) - See Adams County
CLINTON COUNTY
None
COLUMBIANA COUNTY
None
COSHOCTON COUNTY
None
CRAWFORD COUNTY
None

OHIO (Cont'd)

CUYAHOGA COUNTY
Decision #AP-671 (B,H,Hw)
38 FR 14000 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 38 FR 22317 - 8/17/73
Mod. #3 - 38 FR 27713 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30335 - 11/2/73
Mod. #6 - 39 FR 9356 - 3/8/74
Decision #AP-686 (R)
38 FR 14050 - 5/25/73
Mod. #1 - 38 FR 14537 - 6/1/73
Mod. #2 - 38 FR 22319 - 8/17/73
Mod. #3 - 38 FR 27716 - 10/5/73
Mod. #4 - 38 FR 31100 - 11/9/73
DARKE COUNTY
None
DEFIANCE COUNTY
None
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
ERIE COUNTY
(D) - See Ashtabula County
FAIRFIELD COUNTY
(R) - See Delaware County
FAYETTE COUNTY"
None
FRANKLIN COUNTY
Decision #AP-672 (B,H,Hw)
38 FR 14004 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 38 FR 22317 - 8/17/73
Mod. #3 - 38 FR 27713 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30335 - 11/2/73
Mod. #6 - 39 FR 9355 - 3/8/74
(D) - See Delaware County
FULTON COUNTY
None
GALLIA COUNTY
(D) - See Adams County
GEAUGA COUNTY
None
GREENE COUNTY
Decision #AP-673 (B,H,Hw)
38 FR 14008 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 38 FR 22317 - 8/17/73
Mod. #3 - 38 FR 27713 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30336 - 11/2/73
Mod. #6 - 38 FR 31100 - [illegible]
Mod. #7 - 39 FR 9356 - [illegible]
Decision #AM-422 (R)
36 FR 15965 - 8/18/71
Mod. #1 - 37 FR 8619 - 4/28/72
GUERNSEY COUNTY
None

OHIO (Cont'd)

HAMILTON COUNTY
Decision #AO-3022 (B,H,Hw)
38 FR 27726 - 10/5/73
Mod. #1 - 38 FR 30340 - 11/2/73
Mod. #2 - 38 FR 31101 - 11/9/73
Mod. #3 - 39 FR 9356 - 3/8/74
(D) - See Adams County
(R) - See Clermont County
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None
HIGHLAND COUNTY
None
HOCKING COUNTY
None
HOLMES COUNTY
None
HURON COUNTY
None
JACKSON COUNTY
None
JEFFERSON COUNTY
None
KNOX COUNTY
None
LAKE COUNTY
(D) - See Ashtabula County
LAWRENCE COUNTY
(D) - See Adams County
LICKING COUNTY
Decision #AP-675 (B,Hw,H)
38 FR 14017 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
Mod. #2 - 38 FR 22317 - 8/17/73
Mod. #3 - 38 FR 27713 - 10/5/73
Mod. #4 - 38 FR 30336 - 11/2/73
Mod. #5 - 39 FR 9356 - 3/8/74
(R) - See Delaware County
LOGAN COUNTY
None
LORAIN COUNTY
(D) - See Ashtabula County
LUCAS COUNTY
Decision #AQ-3036 (B,H,Hw)
38 FR 31142 - 11/9/73
(D) - See Ashtabula County
MADISON COUNTY
(R) - See Delaware County
MAHONING COUNTY
Decision #AM-687 (R)
38 FR 13903 - 5/25/73
Mod. #1 - 38 FR 22319 - 8/17/73
Mod. #2 - 38 FR 27716 - 10-5/73
Mod. #3 - 38 FR 31100 - 11/9/73
Mod. #4 - 38 FR 35572 - 12/28/73

OHIO (Cont'd)

MAHONING COUNTY (Cont'd)
Decision #AP-677 (B,H,Hw)
38 FR 14026 - 5/25/73
Mod. #1 - 38 FR 15792 - 6/15/73
Mod. #2 - 38 FR 22318 - 8/17/73
Mod. #3 - 38 FR 27714 - 10/5/73
Mod. #4 - 38 FR 30337 - 11/2/73
Mod. #5 - 38 FR 31100 - 11/9/73
Mod. #6 - 38 FR 35571 - 12/28/73
MARION COUNTY
None
MEDINA COUNTY
None
MEIGS COUNTY
(D) - See Adams County
MERCER COUNTY
None
MIAMI COUNTY
(R) - See Greene County
MONROE COUNTY
(D) - See ADams County
MONTGOMERY COUNTY
(B,H,Hw) - See Greene County
(R) - See Greene County
MORGAN COUNTY
None
MORROW COUNTY
None
MUSKINGUM COUNTY
Decision #AP-678 (B,H,Hw)
38 FR 14029 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
Mod. #2 - 38 FR 22318 - 8/17/73
Mod. #3 - 38 FR 27714 - 10/5/73
Mod. #4 - 38 FR 30338 - 11/2/73
Mod. #5 - 38 FR 31100 - 11/9/73
Mod. #6 - 39 FR 9356 - 3/8/74
NOBLE COUNTY
None
OTTAWA COUNTY
(D) - See Ashtabula County
PAULDING COUNTY
None
PERRY COUNTY
None
PICKAWAY COUNTY
(B,H,Hw) - See Franklin County
(R) - See Delaware County
PIKE COUNTY
None
PORTAGE COUNTY
Decision #AO-3118 (B,H,Hw)
[illegible]
PREBLE COUNTY
(R) - See Greene County
PUTNAM COUNTY
None

OHIO (Cont'd)

RICHLAND COUNTY
None
ROSS COUNTY
None
SANDUSKY COUNTY
(D) - See Ashtabula County
SCIOTO COUNTY
(D) - See Adams County
SENECA COUNTY
NOne
SHELBY COUNTY
None
STARKE COUNTY
Decision #AQ-3037 (B,H,Hw)
38 FR 31147 - 11/9/73
SUMMITT COUNTY
Decision #AP-681 (B,H,Hw)
38 FR 14042 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
Mod. #2 - 38 FR 22318 - 8/17/73
Mod. #3 - 38 FR 27715 - 10/5/73
Mod. #4 - 38 FR 29742 - 10/26/73
Mod. #5 - 38 FR 30339 - 11/2/73
Mod. #6 - 38 FR 31100 - 11/9/73
Mod. #7 - 39 FR 9356 - 3/8/74
TRUMBULL COUNTY
Decision #AQ-3082 (R)
39 FR 4375 - 2/1/74
Decision #AQ-3081 (B,H,Hw)
39 FR 4372 - 2/1/74
TUSCARAWAS COUNTY
None
UNION COUNTY
None
VAN WERT COUNTY
None
VINTON COUNTY
None
WARREN COUNTY
(R) - See Butler County
WASHINGTON COUNTY
(D) - See Adams County
WAYNE COUNTY
None
WILLIAMS COUNTY
None
WOOD COUNTY
None
WYANDOT COUNTY
None

OKLAHOMA

ADAIR COUNTY
Decision #AM-3603 (Hw)
36 FR 16761 - 8/25/71
ALFALFA COUNTY
DEcision #AM-3608 (Hw)
36 FR 16766 - 8/25/71
ATOKA COUNTY
Decision #AM-3604 (Hw)
36 FR 16763 - 8/25/71
BEAVER COUNTY
(Hw) - See Alfalfa County
BECKHAM COUNTY
Decision #AM-3606 (Hw)
36 FR 16764 - 8/25/71
BLAINE COUNTY
(Hw) - See Beckham County
BRYAN COUNTY
(Hw) - See Atoka County
Decision #AP-341 (R)
37 FR 19870 - 9/22/72
CADDO COUNTY
Decision #AM-3609 (Hw)
36 FR 16767 - 8/25/71
CANADIAN COUNTY
Decision #AM-3607 (Hw)
36 FR 16765 - 8/25/71
(B) - See Oklahoma County
(R) - See Oklahoma County
CARTER COUNTY
(Hw) - See Caddo County
CHEROKEE COUNTY
(Hw) - See Adair County
CHOCTAW COUNTY
(Hw) - See Atoka County
CIMARRON COUNTY
(Hw) - See Alfalfa County
CLEVELAND COUNTY
Decision #AM-3605 (Hw)
36 FR 16762 - 8/25/71
(R) - See Oklahoma County
(B) - See Oklahoma County
COAL COUNTY
(Hw) - See Cleveland County
COMANCHE COUNTY
(Hw) - See Caddo County
Decision #AP-741 (R)
38 FR 18164 - 7/6/73
COTTON COUNTY
(Hw) - See Caddo County
CRAIG COUNTY
Decision #AM-3610 (Hw)
36 FR 16768 - 8/25/71
CREEK COUNTY
(Hw) - See Canadian County
CUSTER COUNTY
(Hw) - See Beckham County

OKLAHOMA (cont'd)

DELAWARE COUNTY
(Hw) - See Craig County
DEWEY COUNTY
(Hw) - See Beckham County
ELLIS COUNTY
(Hw) - See Alfalfa County
GARFIELD COUNTY
(Hw) - See Canadian County
GARVIN COUNTY
(Hw) - See Cleveland County
GRADY COUNTY
(Hw) - See Caddo County
GRANT COUNTY
(Hw) - See Canadian County
GREER COUNTY
(Hw) - See Beckham County
HARMON COUNTY
(Hw) - See Beckham County
HARPER COUNTY
(Hw) - See Alfalfa County
HASKELL COUNTY
(Hw) - See Adair County
HUGHES COUNTY
(Hw) - See Cleveland County
JACKSON COUNTY
(Hw) - See Beckham County
JEFFERSON COUNTY
(Hw) - See Caddo County
JOHNSTON COUNTY
(Hw) - See Cleveland County
KAY COUNTY
(Hw) - See Canadian County
KINGFISHER COUNTY
(Hw) - See Canadian County
KIOWA COUNTY
(Hw) - See Beckham County
LATIMER COUNTY
(Hw) - See Atoka County
LEFLORE COUNTY
(Hw) - See Atoka County
LINCOLN COUNTY
(Hw) - See Canadian County
(R) - See Oklahoma County
(B) - See Oklahoma County
LOGAN COUNTY
(Hw) - See Canadian County
LOVE COUNTY
(Hw) - See Caddo County
McCLAIN COUNTY
(Hw) - See Cleveland County
McCURTAIN COUNTY
(Hw) - See Atoka County

OKLAHOMA (cont'd)

MCINTOSH COUNTY
(Hw) - See Adair County
MAJOR COUNTY
(Hw) - See Alfalfa County
MARSHALL COUNTY
(Hw) - See Atoka County
MAYES COUNTY
(Hw) - See Craig County
MURRAY COUNTY
(Hw) - See Cleveland County
MUSKOGEE COUNTY
(Hw) - See Adair County
NOBLE COUNTY
(Hw) - See Canadian County
NOWATA COUNTY
(Hw) - See Craig County
OKFUSKEE COUNTY
(Hw) - See Cleveland County
OKLAHOMA COUNTY
Decision #AQ-22 (B)
38 FR 23735 - 8/31/73
Mod. #1 - 38 FR 277166 - 9/28/73
Mod. #2 - 38 FR 29150 - 10/19/73
Mod. #3 - 38 FR 33211 - 11/30/73
Mod. #4 - 38 FR 34575 - 12/14/73
Mod. #5 - 39 FR 10078 - 3/15/74
Mod. #6 - 39 FR 11000 - 3/22/74
Decision #AM-3,612 (Hw)
36 FR 16770 - 8/25/71
Mod. #1 - 37 FR 1435 - 1/28/72
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1-37 FR 28799-12/29/72
Mod. #2-38 FR 4078-2/9/73
OKMULGEE COUNTY
(Hw) - See Adair County
OSAGE COUNTY
(Hw) - See Craig County
(R) - See Tulsa County
OTTAWA COUNTY
(Hw) - See Craig County
PAWNEE COUNTY
(Hw) - See Craig County
PAYNE COUNTY
(Hw) - See Canadian County
PITTSBURG COUNTY
(Hw) - See Adair County

OKLAHOMA (Cont'd)

PONTOTOC COUNTY
(Hw) - See Cleveland County
POTTAWATOMIE COUNTY
(Hw) - See Cleveland County
(R) - See Oklahoma County
(B) - See Oklahoma County
PUSHMATAHA COUNTY
(Hw) - See Atoka County
ROGER MILLS COUNTY
(Hw) - See Beckham County
ROGERS COUNTY
(Hw) - See Craig County
SEMINOLE COUNTY
(Hw) - See Cleveland County
SEQUOYAH COUNTY
(Hw) - See Adair County
STEPHENS COUNTY
(Hw) - See Caddo County
TEXAS COUNTY
(Hw) - See Alfalfa County
TILLMAN COUNTY
(Hw) - See Beckham County
TULSA COUNTY
Decision #AQ-64 (B)
38 FR 33904 - 12/7/73
Mod. #1 - 38 FR 35572 - 12/28/73
Mod. #2 - 39 FR 9357 - 3/8/74
Mod. #3 - 39 FR 10078 - 3/15/74
Mod. #4 - 39 FR 11815 - 3/29/74
Decision #AM-3611 (Hw)
36 FR 16769 - 8/25/71
Mod. #1-37 FR 1435 - 1/28/72
Decision #AP-320 (R)
37 FR 17899 - 9/1/72
Mod. #1 - 38 FR 5099 - 2/23/73
WAGONER COUNTY
(Hw) - See Adair County
WASHINGTON COUNTY
(Hw) - See Craig County
WASHITA COUNTY
(Hw) - See Beckham County
WOODS COUNTY
(Hw) - See Alfalfa County
WOODWARD COUNTY
(Hw) - See Alfalfa County

OREGON

STATEWIDE
Decision #AQ-1079 (B,H,Hw,D)
39 FR 5152 - 2/8/74
Mod. #1 - 39 FR 12589 - 4/5/74
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(H,Hw,B,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD COUNTY
(Hw,H,B,D) - See Statewide
JACKSON COUNTY
(H,Hw,B,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide

OREGON (Cont'd)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
Decision #AQ-1053 (R)
38 FR 31152 - 11/9/73
Mod. #1 - 38 FR 32343 - 11/23/73
Mod. #2 - 39 FR 4281 - 2/1/74
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #AP-489 (H,Hw)
38 FR 6622 - 3/9/73
Mod. #1 - 38 FR 18826 - 7/13/73
Mod. #2 - 39 FR 10079 - 3/15/74
Decision #AQ-2042 (B)
39 FR 5044 - 2/8/74
ALLEGHENY COUNTY
Decision #AQ-2065 (B,H,Hw)
39 FR 6022 - 2/15/74
Decision #AQ-2049 (R)
39 FR 5043 - 2/8/74
ARMSTRONG COUNTY
Decision #AQ-2058 (H,Hw)
39 FR 9410 - 3/8/74
Decision #AQ-2082 (B)
39 FR 12574 - 4/5/74
BEAVER COUNTY
Decision #AQ-2059 (H,Hw)
39 FR 6004 - 2/15/74
Decision #AQ-2057 (B)
39 FR 5943 - 2/15/74
BEDFORD COUNTY
Decision #AP-832 (H,Hw)
38 FR 14058 - 5/25/73
Mod. #1 - 38 FR 22856 - 8/24/73
Decision #AQ-2084 (B)
39 FR 11808 - 3/29/74
BERKS COUNTY
Decision #AQ-2025 (B)
38 FR 29184 - 10/19/73
Mod. #1 - 39 FR 1688 - 1/11/74
Mod. #2 - 39 FR 5067 - 2/8/74
(Hw) - See Adams County
BLAIR COUNTY
Decision #AQ-2083 (B)
39 FR 12578 - 4/5/74
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #AQ-2015 (R)
38 FR 22353 - 8/17/73
Mod. #1 - 38 FR 27167 - 9/28/73
Mod. #2 - 39 FR 5067 - 2/8/74
Decision #AQ-2011 (H,Hw)
38 FR 22341 - 8/17/73
BUTLER COUNTY
Decision #AQ-2062 (H,Hw)
39 FR 6011 - 2/15/74
CAMBRIA COUNTY
Decision #AQ-2081 (B)
39 FR 11805 - 3/29/74
(H,Hw) - See [illegible]
CAMERON COUNTY
(H,Hw) - See Bedford County
CARBON COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd)

CENTRE COUNTY
Decision #AQ-2061 (H,Hw)
39 FR 6008 - 2/15/74
CHESTER COUNTY
(H,Hw) - See Bucks County
CLARION COUNTY
Decision #AQ-2078 (B)
39 FR 11800 - 3/29/74
(H,Hw) - See Bedford County
CLEARFIELD COUNTY
(H,Hw) - See Centre County
CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #AQ-2053 (B)
39 FR 5159 - 2/8/74
Mod. #1 - 39 FR 7018 - 2/22/74
(Hw) - See Adams County
DAUPHIN COUNTY
(Hw) - See Adams County
DELAWARE COUNTY
Decision #AQ-2014 (B,H,Hw)
38 FR 22350 - 8/17/73
Mod. #1 - 38 FR 27167 - 9/28/73
Mod. #2 - 38 FR 33800 - 12/7/73
Mod. #3 - 39 FR 5067 - 2/8/74
(R,H,Hw) - See Bucks County
ELK COUNTY
Decision #AQ-2046 (B)
39 FR 9338 - 3/8/74
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #AQ-2067 (H,Hw,B)
39 FR 6030 - 2/15/74
FAYETTE COUNTY
(H,Hw) - See Butler County
FOREST COUNTY
(H,Hw) - See Bedford County
FRANKLIN COUNTY
Decision #AQ-2071 (B,H,Hw)
39 FR 9416 - 3/8/74
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
(H,Hw) - See Centre County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
Decision #AQ-2045 (B)
[illegible]
(B,Hw) - See Armstrong County
JEFFERSON COUNTY
(H,Hw) - See Centre County
JUNITA COUNTY
(H,Hw) - See Adams County
(B) - See Cumberland County

PENNSYLVANIA (Cont'd)

LACKAWANNA COUNTY
Decision #AP-488 (B)
38 FR 6620 - 3/9/73
Mod. #1 - 38 FR 18825 - 7/13/73
Mod. #2 - 38 FR 21032 - 8/3/73
Mod. #3 - 38 FR 22320 - 8/17/73
LANCASTER COUNTY
Decision #AQ-2055 (B)
39 FR 5940 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
(Hw) - See Adams County
LAWRENCE COUNTY
Decision #AQ-2068 (B,H,Hw)
39 FR 6034 - 2/15/74
LEBANON COUNTY
Decision #AQ-2080 (B)
39 FR 12571 - 4/5/74
(Hw) - See Adams County
LEHIGH COUNTY
Decision #AP-835 (B)
38 FR 14066 - 5/25/73
Mod. #1 - 38 FR 18128 - 7/6/73
Mod. #2 - 38 FR 19611 - 7/20/73
Mod. #3 - 38 FR 22321 - 8/17/73
Mod. #4 - 38 FR 31101 - 11/9/73
Mod. #5 - 39 FR 4281 - 2/1/74
Mod. #6 - 39 FR 5067 - 2/8/74
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #AQ-2069 (B)
39 FR 6038 - 2/15/74
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #AQ-2079 (B)
39 FR 11803 - 3/29/74
(Hw) - See Adams County
MC KEAN COUNTY
(Hw) - See Adams County
MERCER COUNTY
Decision #AQ-2066 (B,H,Hw)
39 FR 6026 - 2/15/74
MIFFLIN COUNTY
(H,Hw) - See Adams County
MONROE COUNTY
(Hw, H) - See Adams County
MONTGOMERY COUNTY
Decision #AQ-2013 - (B)
38 FR 22347 - 8/17/73
Mod. #1 - 38 FR 27166 - 9/28/73
Mod. #2 - 39 FR 5067 - 2/8/74
(H,Hw) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #AQ-2016 (B)
38 FR 22356 - 8/17/73
Mod. #1 - 39 FR 4281 - 2/1/74
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd)

NORTHUMBERLAND COUNTY
Decision #AQ-2044 (B)
39 FR 7014 - 2/22/74
Mod. #1 - 39 FR 10079 - 3/15/74
(H,Hw) - See Adams County
PERRY COUNTY
(Hw) - See Adams County
(B) - See Cumberland County
PHILADELPHIA COUNTY
Decision #AQ-2012 (B)
38 FR 22344 - 8/17/73
Mod. #1 - 38 FR 27166 - 9/28/73
Mod. #2 - 39 FR 5067 - 2/8/74
Decision #AP-803 (D)
38 FR 10580 - 4/27/72
(H,Hw) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
Decision #AQ-2050 (B)
39 FR 5938 - 2/15/74
Mod. #1 - 39 FR 10079 - 3/15/74
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #AQ-2070 (B)
39 FR 10070 - 3/15/74
(H,Hw) - See Adams County
SUSQUEHANNA COUNTY
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
Decision #AQ-2043 (B)
39 FR 7011 - 2/22/74
(H,Hw) - See Armstrong County
WARREN COUNTY
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
Decision #AQ-2064 (B,H,Hw)
39 FR 6018 - 2/15/74
WAYNE COUNTY
(H,Hw) - See Adams County
WESTMORELAND COUNTY
Decision #AQ-2063 (B,H,Hw)
39 FR 6044 - 2/15/74
WYOMING COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams County
(B)-See Cumberland County

PUERTO RICO

PUERTO RICO
Decision #AQ-2052 (B)
39 FR 5161 - 2/8/74
Decision #AQ-2019 (H,Hw)
38 FR 24847 - 9/14/73

RHODE ISLAND

STATEWIDE
Decision #AP-803 (D)
38 FR 10580 - 4/23/73
BRISTOL COUNTY
(D) - See Statewide
(B,H,Hw, & Marine) - See Providence Co.
KENT COUNTY
(B,H,Hw, & Marine) - See Providence Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #AQ-3120 (B,H,Hw,R,&Marine)
39 FR 8133 - 3/1/74
(D) - See Statewide
PROVIDENCE COUNTY
Decision #AQ-3119 (B,H,Hw,R & Marine)
39 FR 8129 - 3/1/74
Mod. #1 - 39 FR 12589 - 4/5/74
(D) - See Statewide
WASHINGTON COUNTY
Decision #AQ-3121 (B,H,Hw,R & Marine)
39 FR 8138 - 3/1/74
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #AQ-4065 (H,Hw)
39 FR 4381 - 2/1/74
Mod. #1 - 39 FR 7018 - 2/22/74
Decision #AP-157 (Sewer & Water)
38 FR 4619 - 2/16/73
ABBEVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLENDALE COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AQ=2039 (D)
39 FR 3395 - 1/25/74
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #AQ-4029 (R)
38 FR 31153 - 11/9/73
CALHOUN COUNTY
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Berkeley County
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
CHESTER COUNTY
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
DARLINGTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGEFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd)

GEORGETOWN COUNTY
(D) - See Beaufort
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide
LANCASTER COUNTY
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
PICKENS COUNTY
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #AQ-4097 (B)
39 FR 12581 - 4/5/74
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
WILLIAMSBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #AP-908 (Hw)
38 FR 15807 - 6/15/73
AURORA COUNTY
(Hw) - See Statewide
BEADLE COUNTY
Decision #AQ-1084 (H)
39 FR 5162 - 2/8/74
(Hw) - See Statewide
BENNETT COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BON HOMME COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BROOKINGS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BROWN COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BRULE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BUFFALO COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BUTTE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CHARLES COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CLAY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CLARK COUNTY
(Hw) - See Statewide
CODINGTON COUNTY
(Hw) - See Statewide
(H) - See Beadle County
CORSON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CUSTER COUNTY
(H) - See Beadle County
(Hw) - See Statewide
DAVISON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
DAY COUNTY
(Hw) - See Statewide
DEUEL COUNTY
(Hw) - See Statewide
DEWEY COUNTY
(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

DOUGLAS COUNTY
(Hw) - See Statewide
EDMUNDS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
FALL RIVER COUNTY
(H) - See Beadle County
(Hw) - See Statewide
FAULK COUNTY
(Hw) - See Statewide
GRANT COUNTY
(H) - See Beadle County
(Hw) - See Statewide
GREGORY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HAAKON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HAMLIN COUNTY
(Hw) - See Statewide
HAND COUNTY
(Hw) - See Statewide
HANSON COUNTY
(Hw) - See Statewide
HARDING COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HUGHES COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HUTCHINSON COUNTY
(Hw) - See Statewide
HYDE COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
JERAULD COUNTY
(Hw) - See Statewide
JONES COUNTY
(H) - See Beadle County
(Hw) - See Statewide
KINGSBURY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LAKE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LAWRENCE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LINCOLN COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LYMAN COUNTY
(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

Mc COOK COUNTY
(Hw) - See Statewide
Mc PHERSON COUNTY
(Hw) - See Statewide
MARSHALL COUNTY
(Hw) - See Statewide
MEADE COUNTY
Decision #AQ-1090 (B,H)
39 FR 8144 - 3/1/74
(Hw) - See Statewide
MELLETTE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
MINER COUNTY
(Hw) - See Statewide
MINNEHAHA COUNTY
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Decision #AQ-1089 (B,H)
39 FR 8142 - 3/1/74
(Hw) - See Statewide
MOODY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
PENNINGTON COUNTY
(B,H) - See Meade County
(Hw) - See Statewide
PERKINS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
POTTER COUNTY
(H) - See Beadle County
(Hw) - See Statewide
ROBERTS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SANBORN COUNTY
(Hw) - See Statewide
SHANNON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SPINK COUNTY
(H) - See Beadle County
(Hw) - See Statewide
STANLEY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SULLY COUNTY
(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

TODD COUNTY
(H) - See Beadle County
(Hw) - See Statewide
TRIPP COUNTY
(H) - See Beadle County
(Hw) - See Statewide
TURNER COUNTY
(Hw) - See Statewide
UNION COUNTY
(H) - See Beadle County
(Hw) - See Statewide
WALWORTH COUNTY
(H) - See Beadle County
(Hw) - See Statewide
WASHABOUGH COUNTY
(H) - See Beadle County
(Hw) - See Statewide
YANKTON COUNTY
(H) - See Beadle County
(H) - See Statewide
ZIEBACH COUNTY
(H) - See Beadle County
(Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Decision #AQ-4049 (Hw)
39 FR 1712 - 1/11/74
Mod. #1 - 39 FR 3373 - 1/25/74
ANDERSON COUNTY
Decision #AQ-4011 (B)
38 FR 26589 - 9/21/73
Mod. #1 - 38 FR 34577 - 12/14/73
Mod. #2 - 39 FR 2326 - 1/18/74
Mod. #3 - 39 FR 11815 - 3/29/74
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F) - See Statewide
(Hw) - See Statewide
BENTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Statewide
(Hw) - See Statewide
BRADLEY COUNTY
(F) - See Statewide
(Hw) - See Statewide
CAMPBELL COUNTY
(F) - See Statewide
(Hw) - See Statewide
CANNON COUNTY
(F) - See Statewide
(Hw) - See Statewide
CARROLL COUNTY
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Mod. #1 - 39 FR 4264 - 2/1/74
(F) - See Statewide
(Hw) - See Statewide
CARTER COUNTY
Decision #AP-104 (B)
37 FR 13915 - 7/14/72
(F) - See Statewide
(Hw) - See Statewide
CHEATHAM COUNTY
(F) - See Statewide
(Hw) - See Statewide
CHESTER COUNTY
(F) - See Statewide
(Hw) - See Statewide
CLAIBORNE COUNTY
(F) - See Statewide
(Hw) - See Statewide
CLAY COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (Cont'd)

COCKE COUNTY
(F) - See Statewide
(Hw) - See Statewide
COFFEE COUNTY
(F) - See Statewide
(Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
CUMBERLAND COUNTY
(F) - See Statewide
(Hw) - See Statewide
DAVIDSON COUNTY
Decision #AP-169 (B)
38 FR 7782 - 3/23/73
Decision #AQ-4061 (R)
39 FR 3426 - 1/25/74
(F) - See Statewide
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Statewide
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Statewide
(Hw) - See Statewide
DYER COUNTY
Decision #AQ-4073 (B)
39 FR 5947 - 2/15/74
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FAYETTE COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
(B) - See Dyer County
GILES COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRAINGER COUNTY
(F) - See Statewide
(Hw) - See Statewide
GREENE COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRUNDY COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (Cont'd)

HAMBLEN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMILTON COUNTY
Decision #AQ-4015 (B,H)
38 FR 27734 - 10/5/73
Mod. #1 - 38 FR 34578 - 12/14/73
Mod. #2 - 39 FR 2326 - 1/18/74
Mod. #3 - 39 FR 11815 - 3/29/74
(F) - See Statewide
(Hw) - See Statewide
HANCOCK COUNTY
(F) - See Statewide
(Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(Hw) - See Statewide
(F) - See Statewide
HARDIN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAWKINS COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
HENDERSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
HICKMAN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HOUSTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
HUMPHREYS COUNTY
(F) - See Statewide
(Hw) - See Statewide
JACKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
KICKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
JEFFERSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
JOHNSON COUNTY
(B) - See Statewide
(Hw) - See Statewide

TENNESSEE (CONT'D)

KNOX COUNTY
Decision #AQ-4014 (B)
38 FR 27731 - 10/5/73
Mod. #1 - 38 FR 34577 - 12/14/73
Mod. #2 - 39 FR 2326 - 1/18/74
Mod. #3 - 39 FR 11815 - 3/29/74
Decision #AQ-4051 (R)
39 FR 2321 - 1/18/74
(F) - See Statewide
(Hw) - See Statewide
LAKE COUNTY
Decision #AQ-4074 (R)
39 FR 5947 - 2/15/74
(F) - See Statewide
(Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F) - See Statewise
(Hw) - See Statewide
LAWRENCE COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
LEWIS COUNTY
(F) - See Statewide
(Hw) - See Statewide
LINCOLN COUNTY
(F) - See Statewide
(Hw) - See Statewide
LOUDON COUNTY
(F) - See Statewide
(Hw) - See Statewide
MC MINN COUNTY
(F) - See Statewide
(Hw) - See Statewide
MC NAIRY COUNTY
(F) - See Statewide
(Hw) - See Statewide
MACON COUNTY
(F) - See Statewide
(Hw) - See Statewide
MADISON COUNTY
Decision #AQ-4094 (B)
39 FR 10997 - 3/22/74
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Statewide
MARSHALL COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County

TENNESSEE (cont'd)

MAURY COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
MEIGS COUNTY
(F) - See Statewide
(Hw) - See Statewide
MONROE COUNTY
(F) - See Statewide
(Hw) - See Statewide
MONTGOMERY COUNTY
(F) - See Statewide
(Hw) - See Statewide
MOORE COUNTY
(F) - See Statewide
(Hw) - See Statewide
MORGAN COUNTY
(F) - See Statewide
(Hw) - See Statewide
OBION COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
OVERTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
PENTRESS COUNTY
(F) - See Statewide
(Hw) - See Statewide
PERRY COUNTY
(F) - See Statewide
(Hw) - See Statewide
PICKETT COUNTY
(F) - See Statewide
(Hw) - See Statewide
POLK COUNTY
(F) - See Statewide
(Hw) - See Statewide
PUTNAM COUNTY
(F) - See Statewide
(Hw) - See Statewide
RHEA COUNTY
(F) - See Statewide
(Hw) - See Statewide
ROANE COUNTY
(B) - See Anderson County
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (Cont'd)

ROBERTSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
RUTHERFORD COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
SCOTT COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEQUATCHIE COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEVIER COUNTY
(F) - See Statewide
(Hw) - See Statewide
SHELBY COUNTY
Decision #AQ-4016 (B,H,Utility)
38 FR 27737 - 10/5/73
Mod. #1 - 38 FR 34578 - 12/14/73
Mod. #2 - 39 FR 4282 - 2/1/74
Mod. #3 - 39 FR 11815 - 3/29/74
Decision #AP-152 (R)
38 FR 4176 - 2/9/73
(D) - See Carroll County
(Hw) - See Statewide
SMITH COUNTY
(F) - See Statewide
(Hw) - See Statewide
STEWART COUNTY
(F) - See Statewide
(Hw) - See Statewide
SULLIVAN COUNTY
Decision #AM-8623 (B)
37 FR 12013 - 6/16/72
Mod. #1 - 37 FR 23065 - 10/27/72
Mod. #2 - 39 FR 11815 - 3/29/74
Decision #AQ-4062 (R)
39 FR 3427 - 1/25/74
(F) - See Statewide
(Hw) - See Statewide
SUMNER COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
TIPTON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (cont'd)

TROUSDALE COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
UNICOI COUNTY
(F) - See Statewide
(Hw) - See Statewide
UNION COUNTY
(F) - See Statewide
(Hw) - See Statewide
VAN BUREN COUNTY
(F) - See Statewide
(Hw) - See Statewide
WARREN COUNTY
(F) - See Statewide
(Hw) - See Statewide
WASHINGTON COUNTY
Decision #AP-100 (B)
37 FR 13419 - 7/7/72
Mod. #1 - 37 FR 17316 - 8/25/72
Mod. #2 - 37 FR 22708 - 10/20/72
Decision #AQ-4059 (R)
39 FR 3426 - 1/25/74
(F) - See Statewide
(Hw) - See Statewide
WAYNE COUNTY
(F) - See Statewide
(Hw) - See Statewide
WEAKLEY COUNTY
(D) - See Carroll County
(F) - See Statewide
WHITE COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
WILLIAMSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #AQ-100 (Streets, Highways, Runways, Water & Sewer Lines and Paving & Utilities Incidental to General Building Construction)
39 FR 12663 - 4/5/74
ANDERSON COUNTY
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Mod. #1 - 39 FR 4264 - 2/1/74
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #AQ-75 (B)
39 FR 4384 - 2/1/74
Mod. #1 - 39 FR 7018 - 2/22/74
Mod. #2 - 39 FR 12591 - 4/5/74
(H,Hw) - See Statewide
Decision #AP-346 (R)
37 FR 20497 - 9/29/72
Mod. #1 - 38 FR 4080 - 2/9/73
Mod. #2 - 38 FR 17354 - 6/29/73
Mod. #3 - 38 FR 18129 - 7/6/73
Mod. #4 - 38 FR 19612 - 7/20/73
Mod. #5 - 38 FR 31101 - 11/9/73
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #AP-352 (R)
37 FR 21786 - 10/13/72
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
(H,Hw) - See Statewide
Decision #AM-7705 (R)
36 FR 22117 - 11/19/71
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

BEXAR COUNTY
Decision #AQ-74 (B)
39 FR 4382 - 2/1/74
Mod. #1 - 39 FR 12591 - 4/5/74
(H,Hw) - See Statewide
Decision #AQ-84 (R)
39 FR 7062 - 2/22/74
BLANCO COUNTY
(H,Hw) - See Statewide
(P) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
(H,Hw) - See Statewide
BOWIE COUNTY
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AM-7488 (R)
36 FR 21737 - 11/12/71
Mod. #1 - 37 FR 10695 - 5/26/72
(D) - See Aransas County
BRAZOS COUNTY
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide
CAMERON COUNTY
Decision #AQ-68 (B)
38 FR 35580 - 12/28/73
Mod. #1 - 39 FR 4282 - 2/1/74
Mod. #2 - 39 FR 10080 - 3/15/74
Mod. #3 - 39 FR 12590 - 4/5/74
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #AQ-72 (R)
39 FR 1719 - 1/11/74
Mod. #1 - 39 FR 4283 - 2/1/74
Mod. #2 - 39 FR 10082 - 4/5/74

TEXAS (Cont'd)

CAMP COUNTY
(H,Hw) - See Statewide
CARSON COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
CLAY COUNTY
(H,Hw) - See STatewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AQ-73 (B-excluding Dallas-Fort Worth Regional Airport)
39 FR 1720 - 1/11/74
Mod. #1 - 39 FR 4283 - 2/1/74
Mod. #2 - 39 FR 10082 - 3/15/74
Mod. #3 - 39 FR 12591 - 4/5/74
Decision #AM-7487 (R)
36 FR 21736 - 11/12/71
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

COTTLE COUNTY
(H,Hw) - See Statewide
CRANE COUNTY
(H,Hw) - See Statewide
Decision #AP-347 (R)
37 FR 20499 - 9/29/72
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(R) (B) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(H,Hw) - See Statewide
DENTON COUNTY
(R) (B) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
(H,Hw) - See Statewide
DONLEY COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B&R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #AQ-71 (B)
39 FR 1716 - 1/11/74
Mod. #1 - 39 FR 10080 - 3/15/74
Mod. #2 - 39 FR 12590 - 4/5/74
(H,Hw) - See Statewide

TEXAS (Cont'd)

ERATH COUNTY
(H,Hw) - See Statewide
FALLS COUNTY
(H,Hw) - See Statewide
FANNIN COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FREESTONE COUNTY
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
Decision #AQ-66 (B)
38 FR 35574 - 12/28/73
Mod. #1 - 39 FR 4282 - 2/1/74
Mod. #2 - 39 FR 10080 - 3/15/74
Mod. #3 - 39 FR 12590 - 4/5/74
(H,Hw) - See Statewide
Decision #AP-348 (R)
37 FR 20501 - 9/29/72
(D) - See Aransas County
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R&B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See BAiley County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R&B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
Decision #AQ-67 (B)
38 FR 35577 - 12/28/73
Mod. #1 - 39 FR 4282 - 2/1/74
Mod. #2 - 39 FR 7018 - 2/22/74
Mod. #3 - 39 FR 10080 - 3/15/74
Mod. #4 - 39 FR 12590 - 4/5/74
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HARTLEY COUNTY
(R&B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R&B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(H,Hw) - See Statewide
HIDALGO COUNTY
(R&B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See BAiley County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #AP-301 (R)
37 FR 15232 - 7/28/72
Mod. #1 - 37 FR 20395 - 9/29/72
(H,Hw) - See Statewide

TEXAS (Cont'd)

HOPKINS COUNTY
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AQ-41 (B)
38 FR 29786 - 10/26/73
Mod. #1 - 38 FR 31102 - 11/9/73
Mod. #2 - 38 FR 31771 - 11/16/73
Mod. #3 - 38 FR 34578 - 12/14/73
Mod. #4 - 39 FR 4282 - 2/1/74
Mod. #5 - 39 FR 10080 - 3/15/74
(Hw) - See Statewide
Decision #AQ-40 (R)
38 FR 29784 - 10/26/73
Mod. #1 - 38 FR 31102 - 11/9/73
Mod. #2 - 38 FR 31771 - 11/16/73
Mod. #3 - 38 FR 34578 - 12/14/73
Mod. #4 - 39 FR 4282 - 2/1/74
Mod. #5 - 39 FR 10080 - 3/15/74
(D) - See Aransas County
JIM HOGG COUNTY
(H,Hw) - See Statewide
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County

TEXAS (Cont'd)

JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide
KAUFMAN COUNTY
(R&B) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
Decision #AQ-69 (B)
38 FR 35582 - 12/28/73
Mod. #1 - 39 FR 7018 - 2/22/74
Mod. #2 - 39 FR 12590 - 4/5/74
(R) - See Bailey County
(H,Hw) - See Statewide
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

NUECES COUNTY
Decision #AQ-78 (B)
39 FR 4388 - 2/1/74
Mod. #1 - 39 FR 12591 - 4/5/74
(D) - See Aransas County
(H,Hw) - See Statewide
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(H,Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See STatewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AM-11423 (R)
37 FR 11617 - 6/9/72
Mod. #1 - 37 FR 20394 - 9/29/72
TAYLOR COUNTY
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(H,Hw) - See Statewide
TOM GREEN COUNTY
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #AQ-70 (B)
39 FR 1713 - 1/11/74
Mod. #1 - 39 FR 4283 - 2/1/74
Mod. #2 - 39 FR 10080 - 3/15/74
Mod. #3 - 39 FR 11816 - 3/29/74
Mod. #4 - 39 FR 12590 - 4/5/74
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See STatewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County
WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(H,Hw) - See STatewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(H,Hw) - See Statewide
ZAVALA COUNTY
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #AQ-1069 (B,H,Hw)
39 FR 1725 - 1/11/74
Mod. #1 - 39 FR 5068 - 2/8/74
Mod. #2 - 39 FR 9357 - 3/8/74
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE OCUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UNITAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #AQ-3085 (Hw)
39 FR 4391 - 2/1/74
Mod. #1 - 39 FR 7019 - 2/22/74
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
ALBERMARLE COUNTY
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
ALEXANDRIA CITY
Decision #AQ-2036 (B)
38 FR 35143 - 12/21/73
Mod. #1 - 39 FR 2327 - 1/18/74
Mod. #2 - 39 FR 7019 - 2/22/74
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
ALLEGHENY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
AMELIA COUNTY
Decision #AM-1871 (Hw)
36 FR 16339 - 8/20/71
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 32259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
AGUSTA COUNTY
Decision #AM-9320 (R)
37 FR 10267 - 5/19/72
(Hw) - See Allegheny County
BATH COUNTY
(Hw) - See Allegheny County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73

VIRGINIA (Cont'd)

BOTECOURT COUNTY
(Hw) - See Bedford County
BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA COUNTY
(Hw) - See Allegheny County
CAMPBELL COUNTY
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #AQ-2038 (B)
38 FR 35585 - 12/28/73
Mod. #1 - 39 FR 9358 - 3/8/74
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
(Hw) - See Allegheny County
CLIFTON FORGE CITY
(Hw) - See Allegheny County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Allegheny County
CRAIG COUNTY
(Hw) - See Bedford County

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
(R) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
(R) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Accomack County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County

FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Allegheny County
FREDERICKSBURG CITY
(hw) - See Caroline County
GALAX CITY
(Hw) - See Bland County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Allegheny County
HENRICO COUNTY
Decision #AO-2024 (E)
38 FR 29195 - 10/19/73
Mod. #1 - 38 FR 35143 - 12/21/73
Mod. #2 - 38 FR 35572 - 12/28/73
Mod. #3 - 39 FR 3373 - 1/25/74
(Hw) - See Amelia County

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Allegheny County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
JAMES CITY COUNTY
Decision #AP-407 (R)
37 FR 15235 - 7/28/72
(Hw) - See Accomack County
(D) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albemarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County

MADISON COUNTY
(Hw) - See Albemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County
MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County

VIRGINIA (Cont'd)

NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albemarle County
PAGE COUNTY
(Hw) - See Allegheny County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albermarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
(Hw) - See Bedford County
RAPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Allegheny County
ROCKINGHAM COUNTY
(R) - See Clarke County
(Hw) - See Allegheny County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Allegheny County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County

VIRGINIA (Cont'd)

SOUTHAMPTON COUNTY
(Hw) - See Accomack County
SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Allegheny County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #AM-9321 (R)
37 FR 10266 - 5/19/72
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(R) - See Clarke County
(Hw) - See Allegheny County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Allegheny County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #AQ-2074 (B,H,S&W)
39 FR 9341 - 3/8/74
(R) - See James County
(Hw) - See Accomack County
(D) - See Accomack County

WASHINGTON

STATEWIDE
Decision #AQ-1067 (B,H,Hw,D)
38 FR 35194 - 12/21/73
Mod. #1 - 39 FR 2327 - 1/18/74
Mod. #2 - 39 FR 4284 - 2/1/74
Mod. #3 - 39 FR 12592 - 4/5/74
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #AQ-1077 (R)
39 FR 4393 - 2/1/74
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw,D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D)-See Statewide
LINCOLN COUNTY
(B,H,Hw,D)-See Statewide
MASON COUNTY
(B,H,Hw,D)-See Statewide
OKANOGAN COUNTY
(B,H,Hw,D)-See Statewide
PACIFIC COUNTY
(B,H,Hw,D)-See Statewide
PEND OREILLE COUNTY
(B,H,Hw,D)-See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D)-See Statewide
SAN JUAN COUNTY
(B,H,Hw,D)-See Statewide
SKAGIT COUTNY
(B,H,Hw,D)-See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D)-See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D)-See Statewide
SPOKANE COUNTY
(B,H,Hw,D)-See Statewide
STEVENS COUNTY
(B,H,Hw,D)-See Statewide
THURSTON COUNTY
(B,H,Hw,D)-See Statewide
WAHKIAKUM COUNTY
(B,H,Hw,D)-See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D)-See Statewide
WHATCOM COUNTY
(B,H,Hw,D)-See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D)-See Statewide
YAKIMA COUNTY
(B,H,Hw,D)-See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #AQ-2035 (B,Hw,Sewer & Water)
38 FR 35218 - 12/21/73
Mod. #1 - 39 FR 2327 - 1/18/74
Mod. #2 - 39 FR 4286 - 2/1/74
Mod. #3 - 39 FR 7220 - 2/22/74
Mod. #4 - 39 FR 10082 - 3/15/74
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74

WEST VIRGINIA

STATEWIDE
Decision #AQ-2086 (H,Hw)
39 FR 11838 - 3/29/74
BARBOUR COUNTY
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BRAXTON COUNTY
(H,Hw) - See Statewide
BROOKE COUNTY
(H,Hw) - See Statewide
CABELL COUNTY
Decision #AQ-2087 (B)
39 FR 11843 - 3/29/74
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Statewide
CALHOUN COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
GILMER COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREENBRIER COUNTY
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
HARDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
Decision #AQ-2088 (B)
39 FR 11845 - 3/29/74
(H,Hw) - See Statewide
Decision #AQ-2089 (R)
39 FR 11847 - 3/29/74
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

MC DOWELL COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MASON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MINERAL COUNTY
(H,Hw) - See Statewide
MINGO COUNTY
(H,Hw) - See Statewide
MONOGALIA COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NICHOLAS COUNTY
(H,Hw) - See Statewide
OHIO COUNTY
(H,Hw) - See Statewide
PENDLETON COUNTY
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALEIGH COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
ROANE COUNTY
(H,Hw) - See Statewide
SUMMERS COUNTY
(H,Hw) - See Statewide
TAYLOR COUNTY
(H,Hw) - See Statewide
TUCKER COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

UPSHUR COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
Decision #AQ-2051 (B)
39 FR 10072 - 3/15/74
(H,Hw) - See Statewide
WEBSTER COUNTY
(H,Hw) - See Statewide
WETZEL COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WYONING COUNTY
(H,Hw) - See Statewide

WISCONSIN

ADAMS COUNTY
Decision #AP-72 (Hw)
37 FR 26273 - 12/8/72
Mod. #1-38 FR 2019 - 1/9/73
Mod. #2-38 FR 12524 - 5/11/73
ASHLAND COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Decision #AP-70 (Hw)
37 FR 26269 - 12/8/72
Mod. #1-38 FR 2018 - 1/19/73
Mod. #2-38 FR 12523 - 5/11/73
BARRON COUNTY
Decision #AP-71 (Hw)
37 FR 26271 - 12/8/72
Mod. #1-38 FR 2018-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
BAYFIELD COUNTY
(D) - See Ashland County
(Hw) - See Ashland County
BROWN COUNTY
Decision #AQ-3106 (B,H,Hw)
39 FR 7066 - 2/22/74
(D) - See Ashland County
BUFFALO COUNTY
(Hw) - See Barron County
BURNETT COUNTY
(Hw) - See Ashland County
CALUMET COUNTY
Decision #AP-74 (Hw)
37 FR 26277 - 12/8/72
Mod. #1-38 FR 2019-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
CHIPPEWA COUNTY
(Hw) - See Barron County
CLARK COUNTY
(Hw) - See Barron County
COLUMBIA COUNTY
Decision #AP-73 (Hw)
37 FR 26275 - 12/8/72
Mod. #1-38 FR 2019-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
CRAWFORD COUNTY
(Hw) - See Columbia County
DANE COUNTY
Decision #AQ-3107 (B,H,Hw,R)
39 FR 7069 - 2/22/74
DODGE COUNTY
(Hw) - See Columbia County
DOOR COUNTY
(D) - See Ashland County
(Hw) - See Calumet County

WISCONSIN (Cont'd)

DOUGLAS COUNTY
(D) - See Ashland County
(Hw) - See Ashland County
DUNN COUNTY
(Hw) - See Barron County
EAU CLAIRE COUNTY
Decision #AQ-3108 (B,H,Hw)
39 FR 7073 - 2/22/74
FLORENCE COUNTY
(Hw) - See Calumet County
FOND DU LAC COUNTY
Decision #AP-75 (Hw)
37 FR 26279 - 12/8/72
Mod. #1-38 FR 2019-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
FOREST COUNTY
(Hw) - See Ashland County
GRANT COUNTY
(Hw) - See Columbia County
GREEN COUNTY
(Hw) - See Columbia County
GREEN LAKE COUNTY
(Hw) - See Adams County
IOWA COUNTY
(Hw) - See Columbia County
IRON COUNTY
(D) - See Ashland County
(Hw) - See Ashland County
JACKSON COUNTY
(Hw) - See Columbia County
JEFFERSON COUNTY
(Hw) - See Columbia County
JUNEAU COUNTY
Decision #AQ-3109 (B,H,Hw)
39 FR 7077 - 2/22/74
KENOSHA COUNTY
Decision #AQ-3110 (B,H,Hw)
39 FR 7082 - 2/22/74
KEWAUNEE COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
LA CROSSE COUNTY
Decision AQ-3111 (B,H,Hw,R)
39 FR 7086 - 2/22/74
LA FAYETTE COUNTY
(Hw) - See Columbia County
LANGLADE COUNTY
(Hw) - See Adams County
LINCOLN COUNTY
(Hw) - See Ashland County
MANITOWOC COUNTY
(D) - See Ashland County
(Hw) - See Calumet County

WISCONSIN (Cont'd)

MARATHON COUNTY
Decision #AQ-3112 (B,H,Hw)
39 FR 7091 - 2/22/74
MARINETTE COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
MARQUETTE COUNTY
(Hw) - See Adams County
MENOMINEE COUNTY
(Hw) - See Adams County
MILWAUKEE COUNTY
Decision #AQ-3113 (B,H,Hw,R)
39 FR 7095 - 2/22/74
(D) - See Ashland County
MONROE COUNTY
(Hw) - See Columbia County
OCONTO COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
ONEIDA COUNTY
(Hw) - See Ashland County
OUTAGAMIE COUNTY
(Hw) - See Calumet County
OZAUKEE COUNTY
(B,H,Hw) - See Milwaukee County
(D) - See Ashland County
(Hw) - See Fond du Lac County
(R) - See Milwaukee County
PEPIN COUNTY
(Hw) - See Barron County
PIERCE COUNTY
(Hw) - See Barron County
POLK COUNTY
Decision #AQ-3114 (B,H,Hw)
39 FR 7100 - 2/22/74
PORTAGE COUNTY
(Hw) - See Adams County
PRICE COUNTY
(Hw) - See Ashland County
RACINE COUNTY
Decision #AQ-3115 (B,H,Hw)
39 FR 7104 - 2/22/74
(D) - See Ashland County
RICHLAND COUNTY
(Hw) - See Columbia County
ROCK COUNTY
Decision #AQ-3116 (B,H,Hw)
39 FR 7108 - 2/22/74
RUSK COUNTY
(Hw) - See AShland County
SAINT CROIX COUNTY
(Hw) - See Barron County
SAUK COUNTY
(Hw) - See Columbia County
SAWYER COUNTY
(Hw) - See Ashland County

WISCONSIN (Cont'd)

SHAWANO COUNTY
(Hw) - See Adams County
SHEBOYGAN COUNTY
(D) - See Ashland County
(Hw) - See Fond du Lac County
TAYLOR COUNTY
(Hw) - See Ashland County
TREMPEALEAU COUNTY
(Hw) - See Barron County
VERNON COUNTY
(Hw) - See Columbia County
VILAS COUNTY
(Hw) - See Ashland County
WALWORTH COUNTY
(Hw) - See Fond du Lac County
WASHBURN COUNTY
(Hw) - See Ashland County
WASHINGTON COUNTY
(B,H,Hw) - See Milwaukee County
(Hw) - See Fond du Lac County
(R) - See Milwaukee County
WAUKESHA COUNTY
(B,H,Hw) - See Milwaukee County
(R) - See Milwaukee County
WAUPACA COUNTY
(Hw) - See Adams County
WAUSHARA COUNTY
(Hw) - See Adams County
WINNEBAGO COUNTY
Decision #AQ-3117 (B,H,Hw)
39 FR 7112 - 2/22/74
WOOD COUNTY
(Hw) - See Adams County

WYOMING

STATEWIDE
Decision #AO-1078 (Hw)
39 FR 5163 - 2/8/74
Mod. #1 - 39 FR 11003 - 3/22/74

ALBANY COUNTY
(Hw) - See Statewide

BIG HORN COUNTY
(Hw) - See Statewide

CAMPBELL COUNTY
(Hw) - See Statewide

CARBON COUNTY
(Hw) - See Statewide

CONVERSE COUNTY
Decision #AO-1043 (B,H)
39 FR 27745 - 10/5/73
Mod. #1 - 39 FR 11003 - 3/22/74
(Hw) - See Statewide

CROOK COUNTY
(Hw) - See Statewide

FREMONT COUNTY
(Hw) - See Statewide

GOSHEN COUNTY
(B,H) - See Converse County
(Hw) - See Statewide

HOT SPRINGS COUNTY
(Hw) - See Statewide

JOHNSON COUNTY
(Hw) - See Statewide

LARAMIE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide

LINCOLN COUNTY
(Hw) - See Statewide

NATRONA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide

NIOBRARA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide

PARK COUNTY
(Hw) - See Statewide

PLATTE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide

SHERIDAN COUNTY
(Hw) - See Statewide

SUBLETTE COUNTY
(Hw) - See Statewide

SWEETWATER COUNTY
(Hw) - See Statewide

TETON COUNTY
(Hw) - See Statewide

UINTA COUNTY
(Hw) - See Statewide

WASHAKIE COUNTY
(Hw) - See Statewide

WESTON COUNTY
(Hw) - See Statewide

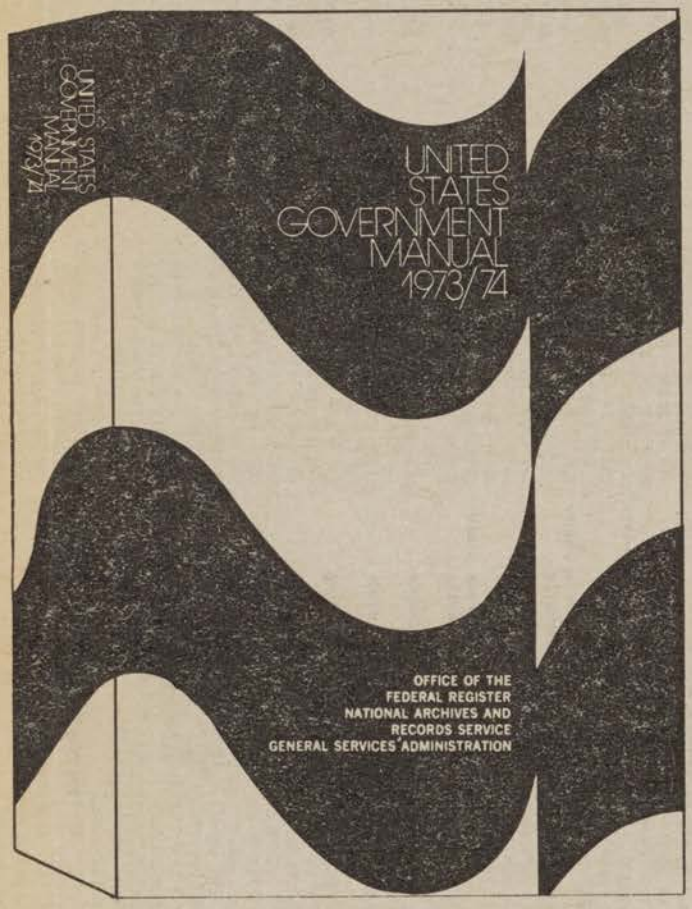
YELLOWSTONE NATIONAL PARK COUNTY
(Hw) - See Statewide

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United States Government Manual

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