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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 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 2]

PART 102—DISCLOSURE OF INFORMATION

On August 30, 1973, there was published in the FEDERAL REGISTER (38 FR 23422) a notice of proposed rulemaking to revise the Small Business Administration Regulation which, among other things, implements the Freedom of Information Act, 5 U.S.C. 552.

The revision reflects changes in the designation of agency offices, in the official authorized to make final agency decisions on requests for the release of agency records and information, and in the source for summaries of decisions of SBA's Size Appeals Board, and additions to SBA programs. A new paragraph (j) in § 102.3 sets forth the agency determination that its mailing lists are not considered public information and are not usually to be made available for commercial or other solicitations.

The revision also includes a new paragraph (d) in § 102.4 to cover the specificity required in identifying requested records as well as the manner in which categorical requests will be handled. Section 102.5 has been changed to allow appeals to the Assistant Administrator for Congressional and Public Affairs of requests for records and information which have not been acted upon within a reasonable time (20 days in normal circumstances) and to provide that appeals will be deemed to include in the case of information exempt from disclosure, a request that the exemption be waived. Added to paragraph (e) of this section is a requirement that the agency decision on appeals include advice to the appellant on the availability of judicial review.

A new paragraph (d) has also been added to § 102.6 to authorize the waiver of fees when in the public interest to do so and to describe some of the circumstances when it will be so considered. The copying charge imposed by this section has been reduced from 25 cents to 10 cents per page.

Only one comment was received. It suggested that the identity of the participating institution on SBA loans be made available to the public. The present agency position is based upon the view that the identification of a participating bank or other lending institution with a specific loan can be considered with some justification as the disclosure of the participating institution's customers, information traditionally confidential. The success of SBA's lending programs depends to a very large extent on the willingness of banks and other lending institutions to participate in its lending activities. It is, therefore, in the public interest not to change the agency's rule as suggested by the comment in the absence of evidence of substantial sentiment to the contrary on the part of participating lending institutions.

Nevertheless, while the agency is not adopting the suggested change at this time, it is interested in receiving public comment on the suggestion, particularly from participating banks and other lending institutions, and from potential participants. No time limit is being imposed for the receipt of such comments; but in the event that comments at any time suggest there is substantial sentiment for a change from affected persons and organizations, SBA will reconsider the matter. Such comments shall be addressed to Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

For the purpose of clarifying SBA's longstanding position regarding public information on pending applications for assistance, section 102.3 has been changed by adding the word "pending" in paragraph (b) (2) (i) and deleting the words "applicant or" in paragraph (b) (2) (ii).

Since the revision reflects internal organizational matters, less restrictive procedures for the public, and clarification of longstanding interpretations by SBA, no useful purpose would be served by delaying its effective date for 30 days.

Accordingly, the proposed revision is adopted subject to the foregoing changes, effective October 15, 1973.

Dated October 4, 1973.

THOMAS S. KLEPPE,
Administrator.

Sec.
102.1 Purpose and policy.
102.2 Scope.
102.3 Information and records available to the public and exempt from disclosure.
102.4 Public access to information and records.
102.5 Administrative appeal of refusal to disclose.
102.6 Fees.
102.7 Appearances and testimony by SBA officers and employees.

AUTHORITY: Sec. 5, 72 Stat. 385, (15 U.S.C. 634).

§ 102.1 Purpose and policy.

(a) This part establishes policy and procedures governing public access to information contained in the files, documents, and records of the Small Business Administration (SBA). In keeping with the spirit as well as the letter of the Freedom of Information Act, 5 U.S.C. 552, it reflects SBA policy that disclosure is the general rule rather than the exception. This policy in favor of disclosure will be extended to information technically exempt from disclosure under the law where such disclosure would not adversely affect some legitimate public or private interest the protection of which is desirable, would not otherwise violate law or other authority, and would not impose an unreasonable burden upon SBA.

(b) This part is also a recognition that the soundness of many SBA programs depends in large measure upon the reliability of commercial, technical, financial and business information relating to the affairs of applicants for SBA assistance. Much of this information would, if made public, jeopardize the credit and competitive business position of an applicant. It is essential therefore, that applicants be assured that information of this kind is considered confidential. Thus they will be encouraged to make complete disclosure of material bearing upon an application and SBA decisions on whether financial or other assistance should be approved will be made with greater assurance that the interests of the United States will be protected.

§ 102.2 Scope.

(a) This part applies to all files, documents, records, and information obtained or produced by officers and employees of SBA in the course of their official duties as well as all files, documents, records, and other information in the custody or control of any SBA officer or employee. It does not purport to describe or set forth every Agency file, document, record, or item of information which may or may not be disclosed or to incorporate every exemption from disclosure provided by law. Material described is illustrative rather than exclusive.

(b) Moreover, this part deals with the availability of information to the public, including parties involved in litigation affecting the Agency. It does not apply to the disclosure of information to persons, organizations, or institutions participating in SBA programs or activities, or to the executive and legislative branches of the Federal Government.

§ 102.3 Information and records available to the public and exempt from disclosure.

(a) *General.*—(1) All SBA information and records not exempt by law are available for public inspection and copying in, or through, facilities described in § 102.4. Exempt materials may also be made available where disclosure would not adversely affect some legitimate public or private interest, would not otherwise violate law or other authority, and would not impose an unreasonable burden on SBA. Reasonable requests for material not in existence may also be honored where their compilation will not unduly interfere with SBA activities and programs. Requests for information will be answered as promptly as practicable.

(2) SBA Standard Operating Procedure (SOP) 40 03 "Disclosure of Information," which is available in the facilities described in § 102.4, sets forth in detail the information, records, and other data which are, or may be, available to the public as well as those exempt from disclosure. Specific examples of information routinely available in SBA facilities are listed in § 102.4. Examples of information and other materials, available and exempt, in which there should be general interest are discussed in succeeding paragraphs of this section.

(b) *Information and records relating to SBA assistance programs.*—(1) Although SBA assistance programs typically involve the consideration of material constituting in large part trade secrets, commercial or financial information, information submitted in confidence, or information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, the following kinds of information are nevertheless available to the public:

(i) Names of recipients of loans, small business investment company licenses, certificates of competency, grants, lease guarantees, surety bond guarantees, and other assistance.

(ii) Names of officers, directors, stockholders, or partners of recipient firms.

(iii) The kind and amount of assistance.

(iv) The purpose of the approved assistance in general terms.

(v) The extent of outside participation, if any.

(vi) Statistical data on assistance programs.

(vii) Decisions, rulings, and records showing Agency actions in specific factual situations where identifying details exempt from disclosure may be effectively deleted.

(2) Information exempt from disclosure to the public includes:

(i) Information other than statistical on pending, declined, withdrawn, or canceled applications for assistance.

(ii) Financial or other confidential information about borrowers obtained from any source.

(iii) Individual case files relating to such activities as loans, licenses, lease guarantees, surety bond guarantees, size determinations, facilities inventory, prime and subcontracting, and Service Corps of Retired Executives (SCORE), and other volunteer organizations.

(iv) Internal Agency communications showing, for example, recommendations on applications for assistance.

(v) Information concerning losses, delinquencies and defaults in individual cases.

(vi) Names of participating lending institutions without their consent.

(vii) Information regarding the character of applicants, borrowers, or other persons.

(viii) Financial reports (including the names of portfolio concerns) of small business investment companies and divestiture plans of such companies

(ix) Examination, audit, investigation, and litigation reports.

(c) *Opinion Digest.*—(1) *Description.*—This Digest which is available for inspection and copying in the facilities described in § 102.4, is largely a compilation of selected advisory legal opinions involving specific facts and specific parties. As such they do not necessarily reflect final Agency opinions, interpretations, or decisions in any given cases. Moreover, the opinions are based on authority in effect at the time the opinions were rendered and such authority may no longer be controlling because of a change in law, regulation, or other directive pertaining to the matter. They do, however, provide guides to the reasoning utilized in analyzing given problems and questions which may have widespread implications and are made available to the public primarily on this basis rather than as authoritative statements of continuing precedent.

(2) *Identifying details omitted.*—Identifying details have been omitted in most cases to avoid the possibility of violations of 18 U.S.C. 1905 which imposes criminal penalties for the disclosure of trade secrets, financial data, and other confidential information. Also avoided is the disclosure of other information exempt from disclosure. Absence of identifying details has no bearing or effect on the general public and does not affect the validity of the opinion disclosed.

(d) *Size decisions.*—Agency determinations of the size status of business concerns resulting from appeals to the Size Appeals Board, as provided in Part 121 of this chapter, have been summarized and indexed in the Digest of the Decisions of the Size Appeals Board, available for inspection and copying in the facilities described in § 102.4. Complete decisions will be available on request except that in cases which contain trade secrets, commercial or financial information, or other confidential information, they will be available if identifying details can be deleted without compromising the confidential information.

(e) *Minutes of the Loan Policy Board.*—These are available for inspection and copying in the National Office. The Loan Policy Board was terminated by Reorganization Plan No. 4 of 1965, effective July 27, 1965, and its functions transferred to the SBA Administrator. Despite the Board's abolition, policies adopted by the Board remain in effect until affirmative action by the Administrator changes them. The minutes provide guides to the reasons for many such policies. Part 120 of this chapter contains a statement of SBA's loan policies.

(f) *Personnel and similar files.*—The names, position titles, grades, salaries, and duty stations of SBA employees are public information but their home addresses are not so considered. The disclosure of private or personal information contained in other Agency files, for example, in the files relating to members of SBA advisory boards, committees, or councils and Service Corps of Retired Executives (SCORE) and to applicants for SBA assistance would normally amount to a clearly unwarranted invasion of privacy and thus would be considered exempt.

(g) *Agency staff directives, standard operating procedures, and other instructions to staff.*—All are considered public information except those relating to audits and investigations, internal financial management and fiscal operations, and portions of directives containing confidential standards and instructions, as, for example, instructions concerning negotiations or bargaining in connection with the disposition and liquidation of loans and loan collateral held by SBA.

(h) *Litigation materials.*—Copies of pleadings, motions, orders, transcripts of testimony, and documentary evidence introduced in pending or closed litigation are available once such items are a matter of public record.

(i) *Internal communications.*—Interagency or intra-agency communications not routinely available to a party in litigation with SBA are exempt from disclosure. These would include, among other things, drafts, memoranda between officials or agencies, opinions and interpretations prepared by SBA attorneys and other staff members or consultants for use of the Agency (except as made available in the Opinion Digest referred to in paragraph (c) of this section), research studies performed internally or under contract for internal management purposes, and internal management reports, which relate to the policymaking and decisional processes of the Agency and its officials. However, the exemption does not apply to nonexempt material contained in such communications if severable in such a way as not to compromise the policymaking and decisional processes intended to be protected by this exemption.

(j) *Mailing lists.*—The Agency considers exempt from public disclosure as an unwarranted invasion of privacy mailing lists of its clientele, employees, advisory councils, and other persons and organizations involved or dealing with the Agency. The Agency will not distribute, sell, or otherwise make available the names and addresses of such persons and organizations for purposes of commercial or other solicitation not clearly in the public interest.

§ 102.4 Public access to information and records.

(a) *Facilities.*—Facilities in SBA regional and district offices are available to the public during normal business hours for requesting, inspecting and copying information and records. Reproduction machines will also be available in, or through, such facilities. The Washington, D.C. District Office facilities are available to members of the public in the District of Columbia Metropolitan Area and that office will make necessary referrals to the National Office in appropriate cases. A list of these offices is included in Part 101 of this chapter or may be obtained by writing to the Small Business Administration, Washington, D.C. 20416. Addresses and telephone numbers of SBA offices are also included in the telephone directories for the many cities in which the offices are located.

(b) *Materials routinely available in field office facilities.*—(1) For the convenience of the public certain Agency materials will be maintained and readily available in or through these facilities. These will include:

(i) All SBA directives, policy and procedural issuances, and other staff instructions not exempt from disclosure.

(ii) SBA Rules and Regulations (including Interpretations).

(iii) Opinion Digest.

(iv) Digest of the Decisions of the Size Appeals Board which summarizes decisions resulting from appeals of small business size decisions to SBA's Size Appeals Board.

(v) Public Index of Agency materials and lists of directives, policy and procedural issuances, forms, and reports.

(vi) Names of recipients of SBA assistance, and related information not exempt from disclosure.

(2) Examples of other kinds of materials which, in addition to the above, may also be available, through the field office facilities or in the National Office:

(i) Minutes of the Loan Policy Board (National Office only).

(ii) Management and technical assistance publications issued on a free or for-sale basis, as listed on SBA Forms 115 A and B.

(iii) SBA's Annual Reports to the President and the Congress.

(iv) SBIC Digest and policy procedural releases sent to all small business investment companies.

(v) Press releases.

(vi) Routine statistical reports on Agency activities.

(vii) Pamphlets describing SBA programs.

(viii) Sample SBA forms.

(ix) Comments on proposed rulemaking received from the public (National Office only).

(c) *Other materials.*—Requests for information, records, and other materials not readily available in the field office facilities may be requested through such facilities. Requests will be referred to the proper SBA office and the person making the request will be notified of the availability of the material and any charges involved. If the material requested is the exclusive concern of another agency the request will be referred to that agency. If the material is of concern to more than one agency, the request will be referred to the agency whose interest is paramount for a decision to disclose or withhold the material.

(d) *Identifiable records.*—(1) *Specificity required.*—Requests shall include a reasonably specific description of the particular record sought in order to facilitate its location. A request shall not be denied on the sole ground that the record has not been properly identified if the description and the knowledge Agency personnel have of the contents of their files, together enable the record to be located without unduly burdening the Agency.

(2) *Categorical requests.*—Requests calling for all records falling within a reasonably specific category shall be regarded as "identifiable records" if the Agency can reasonably determine which particular records come within the request, and can retrieve them without undue burden on its operations because of the staff time consumed or the resulting disruption of files. If the Agency determines that there is such an undue burden, the requester shall nevertheless have the opportunity to discuss his request with Agency staff in order to reduce it to manageable proportions.

(e) *Forms for requesting information.*—(1) SBA Form 774, "Request for SBA Forms, Documents, Records and Other Information" is used for processing requests. Any person desiring information or records may be asked to complete Part 1 of the form identifying the material requested and the copies, if any, desired. If requests are received by mail or telephone, Part I will be completed by SBA.

(2) SBA Form 778 is a form letter or notice which will advise the requester of the availability of the material, any charges involved, or the referral of the request to another office or agency.

(3) SBA Form 772 will be used to record transactions involving charges and a copy thereof will serve as a receipt to the purchaser.

§ 102.5 Administrative appeal of refusal to disclose.

(a) *Who may appeal.*—Any person whose request for information or records has been denied, or has not been acted upon within a reasonable time, shall be entitled to submit a written appeal to the Agency. A request shall not have been acted upon within a reasonable time if a decision is not made within 20 working days of receipt of any such request, unless the Agency shall have notified the requester in writing that special circumstances warrant a more extended deadline.

(b) *Form of appeal.*—While no particular form is prescribed, the letter or other written statement utilized for such purpose shall contain a description of the information or record requested, the name and place of employment of the SBA official or employee who denied the request, the reason, if any, given for the denial, and such other pertinent facts and statements as the appellant may deem appropriate. SBA may request additional details where the information submitted is insufficient to support a decision.

(c) *Where to appeal.*—Appeals shall be addressed to the Assistant Administrator for Congressional and Public Affairs, Small Business Administration, Washington, D.C. 20416.

(d) *Nature of appeal.*—An appeal shall be deemed by SBA to constitute a request that the information or records sought are not exempt from disclosure under the law but, if exempt, that they should nevertheless be disclosed in accordance with the policy stated in § 102.1(a).

(e) *Agency decision.*—Final Agency decision on appeals from refusals to disclose information or records shall be made by the Assistant Administrator for Congressional and Public Affairs. He shall promptly review each appeal and provide appellant and other interested parties, if any, with a written notification of the decision. If the decision upholds the refusal to disclose, the notification shall set forth the exemptions from disclosure under the Freedom of Information Act which form the basis of the decision. The notification shall also advise that judicial review is available on complaint to the district court of the United States in the district in which the appellant resides or has his principal place of business, or in which the Agency records are located.

§ 102.6 Fees.

(a) *Basis.*—Factors taken into account in establishing fees for reproducing copies of documents, records search, and compilation of materials include reproduction cost, average salary of employees involved, and overhead cost.

(b) *Method of payment.*—Fees may be paid in cash, by personal check, or by other form of remittance suitable to SBA. Payment shall normally be due at the time the service is rendered. However, where extensive record searches or compilations are involved the person requesting the service shall pay whatever is estimated by SBA to be appropriate before any search or compilation is undertaken. Fees paid in advance shall be held in suspense pending completion of the search or compilation and adjusted when final charges have been determined.

(c) *Prices.*—(1) For documents readily available in SBA facilities the charge for reproduction will be ten (10) cents per page.

(2) For requests requiring a search of SBA records but no compilation, there will be a minimum charge of $2 plus the regular charge of 10 cents per page for reproduction. In addition, the total charge will include a charge based upon employees' time required for the search.

(3) For information which has to be compiled the charge will include the cost of employees' time, cost of computer runs or other equipment use, and other overhead expense. Since there is no obligation on the part of the Agency to com-

pile records or data, requests for compilations must be reasonable and not unduly interfere with normal SBA operations or program activities.

(4) Persons may inspect and copy documents by their own means in the SBA facilities without charge except for search or compilation charges which may be otherwise payable.

(d) *Waiver of fees.*—Fees will be waived when less than $1.00 or when it is in the public interest to do so. Such a waiver will be in the public interest, for example, when in the determination of the Agency the request will not impose an undue burden or expense upon it *and* the request is (1) from another Government organization, Federal, State or local; (2) for the purpose of obtaining information primarily for the benefit of the general public rather than for the primary benefit of the requester, as will be the case with certain requests from news media and from organizations engaged in a nonprofit activity designed for public safety, health, welfare, or education; (3) from employees and former employees seeking information from their own personnel records; (4) from or on behalf of the defending party in connection with a proceeding against such party by the Federal Government; (5) from a low-income person and the fee would impose a financial hardship.

§ 102.7 Appearances and testimony by SBA officers and employees.

Whenever an officer or employee of SBA is served with a subpoena demanding the disclosure of the information or the production of files, documents, and records described in this part, or is requested by any court, committee or other body to disclose such information, the officer or employee shall promptly inform his superior of the requirements of the subpoena or request and shall ask for instructions from the Assistant Administrator for Congressional and Public Affairs with respect thereto. Such officer or employee shall appear before the court, committee or body and, if the Assistant Administrator has not authorized disclosure, the employee shall respectfully decline to disclose the information or produce the files, documents and records demanded or requested, basing such refusal upon this part.

Dated August 23, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-21791 Filed 10-11-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-CE-7]

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

Alteration of Transition Area; Correction

In FR Doc. 73-16314 appearing on pages 21393 and 21394 of the issue for Wednesday, August 8, 1973, the Lee Bird Field longitude coordinate recited in the North Platte, Nebraska, transition area alteration as "longitude 101°41'47" W." is changed to read "longitude 100°41'47" W.".

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

A. L. COULTER,
Director, Central Region.

[FR Doc.73-21639 Filed 10-11-73;8:45 am]

[Airspace Docket No. 73-CE-18]

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

Alteration of Transition Area

On pages 21181 and 21182 of the FEDERAL REGISTER dated August 6, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal aviation regulations so as to alter the transition area at Cape Girardeau, Missouri.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 GMT, December 6, 1973.

(Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in Kansas City, Missouri, on September 28, 1973.

JOHN R. WALLS,
Acting Director, Central Region.

In § 71.181 (38 FR 435) the following transition area is amended to read:

CAPE GIRARDEAU, MISSOURI

That airspace extending upward from 700 feet above the surface within a 10 mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30"N, longitude 89°84'10"W) within 4½ miles east and 9½ miles west of the Cape Girardeau VOR 194° radial, extending from the 10 mile radius area to 18½ miles south of the VOR; and within 4½ miles north and 9½ miles south of the Cape Girardeau VOR 279° radial, extending from the 10 mile radius area to 18½ miles west of the VOR, excluding the portion which overlies the Sikeston, Missouri transition area; and that airspace extending from 1,200 feet above the surface within 4.5 miles north and 9.5 miles south of the Cape Girardeau ILS localizer west course, extending from the LOM to 18.5 miles west of the LOM.

[FR Doc.73-21640 Filed 10-11-73;8:45 am]

[Airspace Docket No. 73-CE-14]

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

Alteration of Control Zone and Transition Area

On pages 21795 and 21796 of the FEDERAL REGISTER dated August 13, 1973, the Federal Aviation Administration published a Notice of Proposed rulemaking which would amend §§ 71.171 and 71.181 of Part 71 of the Federal aviation regulations so as to alter the transition area at Kansas City, Missouri.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 GMT, December 6, 1973.

(Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on September 28, 1973.

JOHN R. WALLS,
Acting Director, Central Region.

In § 71.171 (38 FR 351), the following control zones are amended to read:

KANSAS CITY, MISSOURI
(INTERNATIONAL AIRPORT)

Within a 5 mile radius of the Kansas City International Airport (latitude 39°18'05" N, longitude 94°43'37" W) and within 2 miles either side of the Rwy 9 ILS Localizer West Course extending from the 5 mile radius zone to the Rondell OM; and within 2 miles either side of the Rwy 19 ILS Localizer North Course extending from the 5 mile radius zone to 12 miles north of the Wyandotte OM; and within 1.5 miles either side of the 268° radial of the Kansas City VORTAC extending from the 5 mile radius zone to the VORTAC; and within 2 miles either side of the Rwy 1 ILS Localizer South Course extending from the 5 mile radius zone to 1.5 miles south of the Wyandotte OM.

KANSAS CITY, MISSOURI

Within a 5 mile radius of the Kansas City Municipal Airport (latitude 39°07'27" N., longitude 94°35'31" W) and within 1.5 miles either side of the 031° radial of the Riverside, Missouri VOR extending from the 5 mile radius zone to 6 miles NE of the VOR; and within 1.5 miles either side of the 215° radial of the Riverside, Missouri VOR extending from the 5 mile radius zone to 6 miles SW of the VOR; and within 2 miles either side of the 353° radial of the Riverside, Missouri VOR extending from the 5 mile radius zone to 10.5 miles N of the VOR, excluding that area which overlies the Kansas City International Airport control zone..

In § 71.181 (38 FR 435), the following transition area is amended to read:

KANSAS CITY, MISSOURI

That airspace extending upwards from 700 feet above the surface within a 10 mile radius of the Kansas City Municipal Airport (latitude 39°07'20" N, longitude 94°35'30" W) and within a 7 mile radius of Sherman AAF (latitude 39°22'05" N, longitude 94°54'45" W); and that airspace extending from 700 feet above the surface within an 8.5 mile radius of the Kansas City International Air port (latitude 39°18'05" N., longitude 94° 43'47" W) and within 5 miles either side of the Rwy 19 ILS Localizer North Course extending from the 8.5 mile radius zone to 25 miles N of the Wyandotte OM; and within 5 miles either side of the 088° radial of the Kansas City VORTAC extending from the

8.5 mile radius zone to 11.5 miles E of the VORTAC; and within 5 miles either side of the Rwy 1 ILS Localizer South Course extending from the 8.5 mile radius zone to 11 miles S of the Wyandotte OM; and that airspace extending upward from 1,200 feet above the surface bounded by the southeast by the arc of a 42 mile radius circle centered on the Kansas City Municipal Airport, beginning at the west boundary of V-159 and extending counter clockwise to the south boundary of V-12 to longitude 93°30'00" W, thence north along longitude 93°30'00" W, to the southeast boundary of V-10 thence direct to latitude 93°47'45" N, longitude 93°34'00" W, thence southwest along the northwest boundary of V-10 to the east boundary of V-161, thence west to latitude 39°44'00" N, longitude 94°43'20" W, thence southwest to latitude 39°30'00" N, longitude 94°49'00" W, thence west along latitude 39°30'00" N, to the southwest boundary of V-71, thence northwest along the southwest boundary of V-71 to longitude 95°09'00" W, thence south along longitude 95°09'00" W, to the southeast boundary of V-10 to the arc of a 10 mile radius circle centered on the Kansas City Municipal Airport, thence clockwise to the west boundary of V-159, thence south along the west boundary of V-159 to the point of beginning; and that airspace extending upward from 5,000 feet MSL bounded on the west by longitude 93°30'00" W, on the south by V-4; on the east by V-424; on the north by V-116 and on the northwest by V-206; and on the north by V-10; and within an area bounded on the west by V-161; on the southeast by V-10 and on the north by V-50.

[FR Doc.73-21641 Filed 10-11-73;8:45 am]

Title 32—National Defense

CHAPTER XIV—RENEGOTIATION BOARD

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1464—CONSOLIDATED RENEGOTIATION OF AFFILIATED GROUPS AND RELATED GROUPS

Court of Claims; Correction

Section 1464.7(b) is amended by changing the words "Tax Court" in the last sentence to "Court of Claims".

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. Sec. 1219.)

Dated October 5, 1973.

W. S. WHITEHEAD,
Chairman.

[FR Doc.73-21629 Filed 10-11-73;8:45 am]

Title 29—Labor

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

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

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

In FEDERAL REGISTER document 73-20706, published at pages 27047, 27048 and 27049 in the issue of Friday, September 28, 1973, the effective date statement was inadvertently omitted. The document is therefore corrected by inserting immediately before the citation of authority the following statement:

Effective date.—These amendments shall become effective on October 29, 1973.

Signed at Washington, D.C. this 5th day of October 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-21804 Filed 10-11-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2440]

PART 13—PROHIBITED TRADE PRACTICES

Auto Brokers Corporation, et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act; — Prices; § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605.) [Cease and desist order, Auto Brokers Corporation, et al., Docket C-2440, September 11, 1973.]

In the Matter of Auto Brokers Corporation, a Corporation, Trading and Doing Business as Auto Broker Corporation, and Earl M. McGee, Individually and as an Officer of Said Corporation

Consent order requiring a Falls Church, Virginia, retailer and distributor of used cars, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is ordered, That respondents Auto Brokers Corporation, a corporation, trading and doing business as Auto Broker Corporation, or under any other name or names, its successors and assigns, and its officers, and Earl M. McGee, 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 any extension of consumer credit or any advertisements to aid, promote, or assist, directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the annual percentage rate with an accuracy at least to the nearest quarter of one percent in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

2. Failing to disclose the number of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

3. Failing to disclose the sum of the payments scheduled to repay the indebtedness, using the term "total of payments", as required by § 226.8(b)(3) of Regulation Z.

4. Failing to identify the amount or method of computing the amount of any default, delinquency or similar charge payable in the event of late payments, as required by § 226.8(b)(4) of Regulation Z.

5. Failing to disclose the downpayment in property using the term "trade-in", as required by § 226.8(c)(2) of Regulation Z.

6. Failing to disclose the sum of the "cash downpayment" and the "trade-in" using the term "total downpayment", as required by § 226.8(c)(2) of Regulation Z.

7. Failing to disclose the difference between the cash price and the total downpayment using the term "unpaid balance of cash price", as required by § 226.8(c)(3) of Regulation Z.

8. Failing to disclose the amount of credit extended using the term "amount financed", as required by § 226.8(c)(7) of Regulation Z.

9. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, describing that sum as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

10. Failing in any consumer credit transaction or advertising to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That the respondents delivery a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising and that respondents secure a signed statement acknowledging receipt of said order from each such person.

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 busi-

ness 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 thirty (30) days prior to any proposed change in the corporate respondents, such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

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

By the Commission.

Issued September 11, 1973.

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

[FR Doc.73-21713 Filed 10-11-73;8:45 am]

[Docket C-2443]

PART 13—PROHIBITED TRADE PRACTICES

Center Motors, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act; —Prices; § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act; Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905—*Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719; as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605.) [Cease and desist order, Center Motors, Inc., et al., Docket C-2443, September 11, 1973.]

In the Matter of Center Motors, Inc., a Corporation, and Bernard L. Gordon, Individually and as an Officer of said Corporation

Consent order requiring a Marlow Heights, Maryland, retailer and distributor of used cars, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It Is Ordered, That respondents Center Motors, Inc., a corporation, or under any other name or names, its successors and assigns, and its officers, and Bernard L. Gordon, 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 any extension of consumer credit or advertisement to aid, promote or assist, directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, describing the sum of these as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

2. Failing to include in the finance charge the amount of charges or premiums for credit life or credit accident and health insurance written in connection with a credit transaction unless:

(a) such insurance coverage is not required by the respondents and this fact is clearly and conspicuously disclosed in writing to the customer; and

(b) any customer desiring such insurance coverage gives specific dated and separately signed affirmative written indication of such desire after written disclosure of the cost of such coverage, as required by § 226.4(a)(5) of Regulation Z; and in those instances, failing to accurately disclose the amount financed or required by § 226.8(c)(7) of Regulation Z, by including the aforementioned charges in the amount financed.

3. Failing to compute and disclose accurately the finance charge, accurately in accordance with § 226.4 of Regulation Z, as required by § 226.8(c)(8)(i) of Regulation Z.

4. Failing to compute and disclose accurately the annual percentage rate, computed in accordance with § 226.5(b) of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

5. Failing in any consumer credit transaction or advertisement to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

6. Failing to promptly notify the Commission of the discontinuance of respondents' present business or employment and of their affiliation with a new business or employment; and to include in such notice, the respondents' current business address and a statement as to the nature of the business or employment in which they are engaged, as well as a description of their duties and responsibilities.

It is further ordered, That the respondents deliver a copy of this order to cease and desist to all present and future personnel of the respondents engaged in the computation, preparation or execution of consumer credit documents or in any aspect of preparation, creation or placing of advertising and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents 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 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 with which they have complied with this order.

By the Commission.

Issued September 11, 1973.

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

[FR Doc.73-21712 Filed 10-11-73;8:45 am]

[Docket C-2454]

PART 13—PROHIBITED TRADE PRACTICES

Consolidated Foods Corporation

Subpart—Discriminating in price under Sec. 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials.*

(Sec. 6, Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13.) [Cease and desist order, Consolidated Foods Corporation, Chicago, Illinois, Docket C-2454, Sept. 12, 1973.]

In the Matter of Consolidated Foods Corporation, a Corporation.

Consent order requiring a widely diversified company based in Chicago, Illinois, which, through its Conso Products Company Division, is extensively engaged in the manufacture and distribution of decorative fabric trimmings and accessories, among other things to cease discriminating in price by charging some purchasers higher and less favorable prices for their products than it charges their competitors.

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

It is ordered, That respondent Consolidated Foods Corporation, a corporation, its successors and assigns and respondent's officers, agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of decorative fabric trimmings and trimmings accessories products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Discriminating, directly or indirectly, in the price of such products of like grade and quality by selling to any purchaser at net prices higher than the net prices charged to

any other purchaser competing in facts in the resale or distribution of such products.

"Net price" as used in this order shall mean the ultimate cost to the purchaser, and, for purposes of determining such cost, there shall be taken into account all rebates, allowances, commissions, discounts, credit arrangements, terms and conditions of sale, and other forms of direct and indirect price reductions, by which ultimate cost to the purchaser is affected.

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

It is further ordered, That respondent 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 respondent 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 it has complied with this order.

By the Commission.

Issued September 12, 1973.

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

[FR Doc.73-21714 Filed 10-11-73;8:45 am]

[Docket C-2441]

PART 13—PROHIBITED TRADE PRACTICES

Franklin D. Lewark Trading as Auto Buying Service

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.55-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act; —Prices; § 13.-1823 *Terms and conditions;* § 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605.) [Cease and desist order, Auto Buying Service, et al., Docket C-2441, September 11, 1973.]

In the Matter of Franklin D. Lewark, an individual, trading and doing business as Auto Buying Service

Consent order requiring a Fairfax, Virginia, retailer and distributor of used cars, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is ordered, That respondent Franklin D. Lewark, an individual, trading and doing business as Auto Buying Service, or under any other name or names, and respondent's agents, representatives, and employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist, directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the cash price of the property or service purchased, using the term "cash price", as required by § 226.8(c)(1) of Regulation Z.

2. Failing to disclose the sum of payments scheduled to repay the indebtedness using the term "total of payments", as required by § 226.8(b)(3) of Regulation Z.

3. Failing to disclose the downpayment in money, using the term "cash downpayment", the downpayment in property, using the term "trade-in", and the sum of these downpayments using the term "total downpayment", as required by § 226.8(c)(2) of Regulation Z.

4. Failing to disclose in the amount of credit extended, using the term "amount financed", as required by § 226.8(c)(7) of Regulation Z.

5. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, describing the sum of these as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

6. Failing to disclose the annual percentage rate with an accuracy at least to the nearest quarter of one percent, in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

7. Failing in any consumer credit transaction or advertising to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That the respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging the receipt of said order from each such person.

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 respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth, in detail, the manner and form with which he has complied with this order.

By the Commission.

Issued September 11, 1973.

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

[FR Doc.73-21715 Filed 10-11-73;8:45 am]

[Docket C-2444]

PART 13—PROHIBITED TRADE PRACTICES

G. B. Enterprises, Inc., Trading as Lee Used Ford Sales

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act—Prices; § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* C-2444, Sept. 11, 1973.]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605.) [Cease and desist order, G. B. Enterprises, Inc., trading as Lee Used Ford Sales, Docket S-2444, Sept. 11, 1973.]

In the Matter of G. B. Enterprises, Inc., a Corporation, Trading and Doing Business as Lee Used Ford Sales

Consent order requiring a Washington, D.C., retailer and distributor of used cars, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is ordered, That respondent G. B. Enterprises, Inc., a corporation, trading and doing business as Lee Used Ford Sales, or under any name or names, its successors and assigns and its officers,

and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the annual percentage rate, with an accuracy at least to the nearest quarter of one percent, in accordance with § 226.5(b) of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

2. Failing in any published advertisement, as "advertisement" is defined in Regulation Z, to print the term "annual percentage rate" more conspicuously than other required terminology, as required by § 226.6(a) of Regulation Z.

3. Failing in any published advertisement, as "advertisement" is defined in Regulation Z, to use the term "annual percentage rate" to describe the rate of a finance charge, as required by § 226.10 (d)(1) of Regulation Z.

4. Failing in any published advertisement, as "advertisement" is defined in Regulation Z, to use the term "deferred payment price" to describe the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, as required by § 226.10(d)(2)(v) of Regulation Z.

5. Representing, directly or by implication, in an advertisement, as "advertisement" is defined in Regulation Z, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z:

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount, and due dates or periods of payments scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

6. Failing in any consumer credit transaction or advertising to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the computation, preparation or execution of consumer credit documents or in any aspect of preparation, creation, or placing of advertising and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondent 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 respondent 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 it has complied with this order.

By the Commission.

Issued September 11, 1973.

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

[FR Doc.73-21716 Filed 10-11-73;8:45 am]

[Docket C-2436]

PART 13—PROHIBITED TRADE PRACTICES

Giant Enterprises, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-5 Additional charges unmentioned; 13.155-50 Forced or sacrificed sales; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act; 13.155-98 Two-for-one sales; 13.155-100 Usual as reduced, special, etc.; § 13.225 *Services.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051-20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act. Prices: § 13.1778 *Additional costs unmentioned;* § 13.1813 *Forced or sacrifice sales;* § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act; § 13.1825 *Usual as reduced or to be increased.* Promotional Sales Plans: § 13.1830 *Promotional sales plans.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1857 *Instruments' sale to finance companies;* § 13.1876 *Notice of third party sale of contract;* § 13.1882 *Prices;* § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605.) [Cease and desist order, Giant Enterprises, Inc., et al., Dallas, Texas, Atlanta, Georgia, Jacksonville, Florida, Docket C-2436, September 11, 1973.]

In the Matter of Giant Enterprises, Inc., a corporation, and Texas Giant Furniture Warehouse, Inc., a corporation, and Furniture City, USA, a corporation, and Hilbert Margol, Melvin Margol and Howard Margol, individually and as officers of said corporation.

Consent order requiring three affiliated furniture and appliance firms located in Dallas, Texas, Atlanta, Georgia, and Jacksonville, Florida, among other things to cease using misleading or deceptive sales plans; failing to make full disclosure as to any additional costs for services advertised; misrepresenting prices as special for reduced; misrepresenting forced or sacrifice sales; failing to give notice as to the possibility of third party holder of notes of indebtedness; failing to maintain adequate records; failing to disclose to customers, in connection with the extension of consumer credit, such information as is required by Regulation Z of the Truth in Lending Act.

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

I. *It is ordered,* That respondents Giant Enterprises, Inc., Texas Giant Furniture Warehouse, Inc., and Furniture City, USA, corporations, and their officers and directors, Hilbert Margol, Melvin Margol, and Howard Margol, individually and as officers of said corporations, their agents, representatives, employees, successors and assigns, directly or through any corporate, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution of household furniture, appliances, and any other products, or services in connection therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, any advertising, sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the sale of other merchandise or services.

2. Failing to make full disclosure either in its advertising or at the time of sale and prior to consummation of the sale that in addition to the price quoted in respondents' advertising, certain other charges, as applicable, are made, such as, delivery, set-up or assembly, service, and warranty charges.

3. Representing, directly or by implication, that a bonus, gift, award or other consideration consisting of a pool table, stereo set, used car or pony, or any other products or services will be included in a "2 for 1" sale, or any other sale, for 9¢ additional, or any other nominal amount, or at no charge, with any single major furniture or appliance purchase of $149 or more, or for any amount, unless in each instance said bonus, gift, "award or

other consideration is given to the purchaser as advertised and the advertised price or prices quoted by respondents' salesmen does not exceed the price at which the same merchandise has been sold, or offered for sale without said bonus, gift, or award or other consideration, in the recent and regular course of respondents' business.

4. Representing, directly or by implication, that any price for respondents' products is a special or reduced price, unless such price constitutes a significant reduction from the regular selling price at which such products have been sold or offered for sale by respondents for a reasonably substantial period of time in the recent and regular course of their business; or misrepresenting, in any manner, the savings available to purchasers.

5. Making representations purporting to offer merchandise for sale when the sole purpose of the representations is not to sell the offered merchandise at the advertised prices but to obtain leads or prospects for the sale of other merchandise at higher prices, unless sufficient quantities of the offered merchandise are on hand to meet the reasonably anticipated demand at the offered price.

6. Using the words, "Prices slashed for selling out", "For most shocking sacrifice in history", "Emergency, Forced to sell", "—forced to sell $250,000 worth—from our Georgia warehouse", "$100,000—ordered sold—Florida's Greatest Sale", or other words or symbols importing circumstances of distress, unless the merchandise so described or alluded to has been reduced in price, by an amount or proportion of practical significance to respondents' customers and prospective customers, from the actual bona fide price or prices at which it has been sold, or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent and regular course of their business.

7. Failing, prior to consummation of the sale, to incorporate or stamp the following statement on the face of all sales contracts, or all customer's copies of invoices, or all notes or other instruments of indebtedness executed by or on behalf of respondent's customers with such conspicuousness and clarity as is likely to be read and understood by the purchaser:

"NOTICE"

If you are required to sign a promissory note, sales contract or other instrument of indebtedness and if this instrument is sold, you may be required to make your payments to someone other than the Seller, even if your purchase contract is not fulfilled.

8. Failing to maintain adequate records:

(a) For a period of three (3) years which disclose the factual basis for any representations or statements as to special or reduced prices, as to usual and customary retail prices, as to savings afforded to purchasers, and as to similar representations of the type described in paragraphs 3, 4, 5, and 6 of this Order.

(b) For a period of three (3) years invoices, notices for payment, and all similar documents which respondents receive in the conduct of their business from suppliers, distributors, and other persons, and for a period of three (3) years copies of all sales invoices, to include retail installment contracts entered into between respondents and their customers.

II. *It is further ordered,* That respondents Giant Enterprises, Inc., Texas Giant Furniture Warehouse, Inc., and Furniture City, USA, corporations, and their officers and directors, Hilbert Margol, Melvin Margol, and Howard Margol, individually and as officers of said corporations, their agents, representatives, employees, successors and assigns, directly, or through any corporate, subsidiary, division, or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C., 1601 et seq.) do forthwith cease and desist from:

1. Failing to make all disclosures required by § 226.8 of Regulation Z before the consummation of the contract as required by § 226.8(a)(1) or (2) of Regulation Z.

2. Failing to disclose the conditions entitling a customer to a partial refund of the finance charge as required by § 226.8 (b)(7) of Regulation Z.

3. Stating the amount of the downpayment required and the amount of weekly installment payments which can be arranged in connection with a consumer credit transaction, without also stating all of the following items, in terminology prescribed under § 226.8 of Regulation Z as required by § 226.10(d)(2) thereof:

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

4. Failing in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with § 226.4 and § 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, and 226.10 of Regulation Z.

It is Further Ordered, That respondents prominently display no less than two signs on the premises which will clearly and conspicuously state that a customer must receive a complete copy of the consumer credit cost disclosures, as required by the Truth in Lending Act, in any transaction which is financed, before the transaction is consummated.

III. *It is Further Ordered,* That respondents shall forthwith show a copy of this order to cease and desist to all of its operating divisions and to all present and future employees or other persons engaged in the offering for sale, or sale of any product and in the consummation of any extension of consumer credit or in any aspect of preparation, creation or placing of advertising, and respondents will secure a signed statement from each such employee or person as applicable acknowledging that he has read and understands such order.

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

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

By the Commission.

Issued September 11, 1973.

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

[FR Doc.73-21717 Filed 10-11-73;8:45 am]

[Docket C-2437]

PART 13—PROHIBITED TRADE PRACTICES

Goldblatt Bros., Inc.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act.—Prices: § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1892 *Sales contract right-to-cancel provisions;* 13.1892-10 Recording liens or executing judgments on same;[1] 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605.) [Cease and desist order, Goldblatt Bros., Inc., Chicago, Illinois, Docket C-2437, September 11, 1973.]

In the Matter of Goldblatt Bros., Inc. a Corporation.

Consent order requiring a Chicago, Illinois, seller of retail merchandise, among other things to cease violating the Truth in Lending Act by failing to disclose to

[1] New.

consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act. Respondent is further required to publish for a period of seven consecutive days in seven newspapers a waiver of lien rights arising from confessions of judgment in credit transactions.

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

It is ordered, That respondent Goldblatt Bros., Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with any extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.) do forthwith cease and desist from:

1. Failing to print the terms "Finance Charge" and "Annual Percentage Rate", where required to be used, more conspicuously than other required terminology in the periodic statements sent to customers, as required by § 226.6(a) of Regulation Z.

2. Failing in any transaction in which a security interest is acquired or retained in real property which is used or is expected to be used as the principal resident of the customer to provide such customer with notice of the right to rescind, in the form and manner specified by §§ 226.9(b) and 226.9(f) of Regulation Z.

3. Failing to disclose the Annual Percentage Rate computed with an accuracy at least to the nearest quarter of one percent, as required by §§ 226.5(b) and 226.8(b)(2) of Regulation Z.

4. Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness, and the sum of such payments using the term "Total of Payments", as required by § 226.8(b)(3) of Regulation Z.

5. Failing to disclose the "Amount Financed", using that term, as required by § 226.8(b) of Regulation Z.

6. Failing to correctly disclose as the "Deferred Payment Price", using that term, the sum of the cash price, all other charges which are included in the amount financed but which are not part of the Finance Charge, and the Finance Charge, as required by § 226.8(c)(8)(ii) of Regulation Z.

7. Failing to disclose the amount of the "finance charge", as required by § 226.8(c)(i) of Regulation Z.

8. Failing in any credit sale to provide the customer with a copy of the disclosures required by § 226.8 of Regulation Z prior to consummation of the transaction, except as provided in §§ 226.8(g) and 226.8(h).

9. Failing in any credit sale to preserve evidence of compliance for a period of not less than two years as required by § 226.6(i) of Regulation Z.

10. Failing in any consumer credit transaction or advertising to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondent shall not, with respect to any judgment obtained against a customer who purchased merchandise from respondent in any credit transaction consummated on or after July 1, 1969, by confession of judgment executed by the customer in connection with the extension of credit, and who did not contemporaneously receive in connection therewith notice of the right to rescind as required by § 226.9(b) if Regulation Z, record or register the judgment or any memorandum or record thereof so as to create a lien on any real property which the customer uses or expects to use as the customer's principal residence, nor levy execution of any such judgment on any such real property.

It is further ordered, That respondent shall, within thirty (30) days after service upon it of this order publish notice, by the insertion of a display ad on each of seven consecutive days in one daily newspaper of general circulation published within each metropolitan area in the State of Illinois in which respondent has a retail store or other retail facility. An exact copy of the advertisement to be so published is attached to this order as Exhibit A and is incorporated herein in reference. A list of the newspapers of general circulation in which such advertisement is to be published is attached hereto as Exhibit B and is incorporated herein by reference.

It is further ordered, That respondent 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 creating or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future supervisory personnel of respondent responsible for the consummation of any extension of consumer credit and that respondent secure a signed statement acknowledging receipt of said order from each such person.

By the Commission.[2]

Issued September 11, 1973.

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

EXHIBIT A

NOTICE TO CERTAIN OWNERS OF REAL PROPERTY WHO HAVE INCURRED DEBT ON OR AFTER JULY 1, 1969 TO GOLDBLATT BROS., INC. UNDER ITS TIME PAYMENT PLAN

On—1972, Goldblatt Bros., Inc., entered into an agreement with the Federal Trade Commission for the entry of a consent order with respect to certain requirements of the Truth-in-Lending Act in consumer credit transactions.

The agreement with the Federal Trade Commission expressly provides that it is for settlement purposes only and does not constitute an admission by Goldblatt's of any violation of law, nor does it constitute an adjudication of any such violation.

There are certain transactions which are subject to the provisions of Section 226.9(b) of Regulation Z requiring certain disclosures with respect to a lien on the real property of a customer which is used or intended to be used as his principal residence where such lien may be obtained by the recording or registering of a judgment, or memorandum or record thereof, that was obtained through a confession of judgment executed in connection with an extension of credit. In that regard, the consent order provides that Goldblatt's shall not, with respect to any judgment obtained by confession against a customer who purchased merchandise from Goldblatt's in any credit transaction consummated on or after July 1, 1969, by confession of judgment executed by the customer in connection with the extension of credit and who did not receive in connection therewith notice of the right to rescind as required by Section 226.9(b) of Regulation Z, record or register the judgment or any memorandum or record thereof so as to create a lien on any such real property nor levy execution of any such judgment on any such real property.

As a matter of principle, Goldblatt's has not proceeded to execute judgments in a manner which would be prohibited by this consent order. Goldblatt's is pleased to be able to assure its customers that its collection policies in this regard will continue in effect.

EXHIBIT B

NEWSPAPERS

Chicago Sun Times	Illinois State Journal
Champaign Courier	Decatur Herald
Joliet News	Danville Com. News
Rockford Star	

[FR Doc.73-21718 Filed 10-11-73;8:45 am]

[2] Complaint filed as part of original document.

[Docket C-2446]

PART 13—PROHIBITED TRADE PRACTICES

Herson's, Inc., Trading as Herson's and Herson's Auto & Appliance Co., and Gerald Herson

Subpart—Advertising falsely or misleadingly; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act; —Prices; § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605.) [Cease and desist order, Herson's Inc., trad-

ing as Herson's and Herson's Auto & Appliance Co., Docket C-2446, September 11, 1973.]

In the Matter of Herson's, Inc., a Corporation, trading and doing business as Herson's and Herson's Auto & Appliance Co., and Gerald Herson, individually and as an officer of said corporation

Consent order requiring a Washington, D.C., retailer and distributor of used cars, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is Ordered, That respondents Herson's Inc., a corporation, trading and doing business as Herson's and Herson's Auto & Appliance Co., or under any name or names, its successors and assigns and its officers, and Gerald Herson, 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 any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the annual percentage rate, with an accuracy of at least to the nearest quarter of one percent, in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

2. Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

3. Failing in any consumer credit transaction or advertising to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is Further Ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

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

By the Commission.

Issued September 11, 1973.

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

[FR Doc.73-21719 Filed 10-11-73;8:45 am]

[Docket C-2438]

PART 13—PROHIBITED TRADE PRACTICES

Howard Furniture & Carpeting Company, Inc. t/as Howard Furniture Company

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act.—Prices: § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 49. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605.) [Cease and desist order, Howard Furniture & Carpeting Company, Inc. trading as Howard Furniture Company, Baltimore, Maryland, Docket C-2438, September 11, 1973.]

In the Matter of Howard Furniture & Carpet Company, Inc., a corporation, trading and doing business as Howard Furniture Company.

Consent order requiring a Baltimore, Maryland, retailer of furniture and appliances, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is ordered, That respondent Howard Furniture & Carpet Company, Inc., a corporation, trading and doing business as Howard Furniture Company, or under any other name or names, its successors and assigns, and its officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose, on the instrument evidencing the obligation on the same side of the page and above or adjacent to the place for the customer's signature or on a separate statement which identifies the transaction as required by § 226.8(a) of Regulation Z the following:

(a) The amount, or method of computing the amount, of any default, delinquency, or similar charges payable in the event of late payments, in accordance with § 226.8(b)(4) of Regulation Z.

(b) A description or identification of the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, in accordance with § 226.8(b)(5) of Regulation Z.

2. Failing to disclose the annual percentage rate with an accuracy of one fourth of one percent computed in accordance with § 226.5(b) of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

3. Failing to disclose the due dates of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

4. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

5. Failing to accurately disclose the amount financed, as required by § 226.8(c)(7) of Regulation Z.

6. Failing to accurately disclose the deferred payment price, as required by § 226.8(c)(8)(ii) of Regulation Z.

7. Failing in any consumer credit transaction or advertising to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.7, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

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

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in respondent's business such as dissolution,

assignment or sale resulting in the emergence of a successor business, corporate or otherwise, the creation of subsidiaries or any other change which may affect compliance obligations arising out of this order.

By the Commission.

Issued September 11, 1973.

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

[FR Doc.73-21720 Filed 10-11-73;8:45 am]

[Docket C-2453]

PART 13—PROHIBITED TRADE PRACTICES

The Kroger Co.

Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.892 *Knowingly inducing or receiving discriminatory payments.*

(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, the Kroger Co., Docket C-2453, September 12, 1973.]

Consent order requiring a Cincinnati, Ohio, operator of a chain of retail grocery stores selling a variety of food, grocery, and nonedible household products, among other things to cease inducing or receiving promotional allowances. Respondent is further required to establish and maintain, for a period of five (5) years, a file containing each offered promotional allowance induced and received. Further, respondent must refund all payments solicited from suppliers for its 1968 Atlanta Division's Revolution Anniversary.

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

I. *It is ordered,* That respondent Kroger, a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the purchase in commerce, or receipt of consigned merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, of products for resale by Kroger in its retail grocery stores, do forthwith cease and desist, for a period of five years from the effective date of this Order, from:

Inducing and receiving promotional allowances, payments or other things of value, solicited by respondent, from any supplier, including consignors as well as vendors, as compensation for or in consideration of advertising and promotional services furnished by or through respondent in connection with special promotions originating with or sponsored by respondent, and involving the sale or offering for sale of such supplier's products, including consigned products, except to the extent that such promotional allowances, payments or other things of value do not exceed the amounts made available to respondent as cooperative advertising or promotional allowances pursuant to the cooperative advertising and promotional plans of such supplier offered in the regular course of such supplier's business.

II. *It is further ordered,* That, for a period of five years from the effective date of this Order, respondent Kroger shall establish and maintain at its General Office in Cincinnati, Ohio a separate file containing each offered promotional allowance, payment or other thing of value, induced and received, within the meaning of Paragraph I of this Order. The file shall be maintained alphabetically, according to suppliers, with all offers and related materials pertaining to each supplier filed chronologically, within that supplier's portion of the file. The information shall be maintained for the effective period of this Order. The file shall be made available to employees of the Federal Trade Commission for inspection and copying, upon written notice of 10 calendar days.

III. *It is further ordered,* That, within 60 days of the effective date of this Order, respondent Kroger shall refund to each supplier granting it an allowance, payment or other thing of value for its 1968 Atlanta Division's Kroger Revolution Anniversary the amount of such allowance, payment or other thing of value.

IV. *It is further ordered,* That respondent Kroger shall forthwith distribute a copy of this Order to the vice-president in charge of each of its retail grocery divisions.

V. *It is further ordered,* That respondent Kroger 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 that may affect compliance obligations arising out of the Order.

VI. *It is further ordered,* That within 60 days after service upon it of this Order, respondent Kroger shall file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order and such other reports as may, from time to time, be required.

By the Commission.

Issued September 12, 1973.

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

[FR Doc.73-21721 Filed 10-11-73;8:45 am]

[Docket C-2448]

PART 13—PROHIBITED TRADE PRACTICES

Market Motors, Inc., Trading as Auto Market, and Abe Mason

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act; —Prices; § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 83 Stat. 146, 147; 15 U.S.C. 45, 1601-1605.) [Cease and desist order, Market Motors, Inc., trading as Auto Market, et al, Docket C-2448, September 11, 1973.]

In the Matter of Market Motors, Inc., a Corporation, Trading and Doing Business as Auto Market, and Abe Mason, Individually and as an Ofcer of said Corporation.

Consent order requiring a Washington, D.C., retailer and distributor of used cars, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is ordered, That respondents Market Motors, Inc., a corporation, trading and doing business as Auto Market, or under any name or names, its successors and assigns, and its officers, and Abe Mason, 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 any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the annual percentage rate accurately to the nearest quarter of one percent in accordance with § 226.5(b) of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

2. Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z as required by § 226.8(b)(2) of Regulation Z.

3. Failing to accurately disclose the sum of the cash price, all charges which are included in the amount financed but which are not a part of the finance charge, and the finance charge, as required by § 226.8(c)(8)(ii) of Regulation Z.

4. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future per-

sonnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

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 thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergnce of a sucessor 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 a service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued. September 11, 1973.

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

[FR Doc.73-21722 Filed 10-11-73;8:45 am]

[Docket C-2442]

PART 13—PROHIBITED TRADE PRACTICES

Ralph K. Chrisner Trading as Car City Used Cars

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act—Prices; § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45 1601-1605.) [Cease and desist order, Ralph K. Chrisner trading as Car City Used Cars, Docket C-2442, September 11, 1973.]

In the Matter of Ralph K. Chrisner, an Individual, Trading and Doing Business as Car City Used Cars

Consent order requiring a Fairfax, Virginia, retailer and distributor of used cars, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of said Act.

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

It is ordered, That respondent Ralph K. Chrisner, an individual, trading and doing business as Car City Used Cars, or under any other name or names, and respondent's agents, representatives, and employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the number of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

2. Failing in any consumer credit transaction or advertising to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form and amount required by §§ 226.6, 226.8, and 226.10 of Regulation Z.

It Is Further Ordered, That the respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging the receipt of said order from each such person.

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 respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail, the manner and form with which he has complied with this order.

By the Commission.

Issued September 11, 1973.

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

[FR Doc.73-21723 Filed 10-11-73;8:45 am]

[Docket C-2449]

PART 13—PROHIBITED TRADE PRACTICES

Ralph M. Sutherland Trading as New Auto Land

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act; —Prices; § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 33 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, New Auto Land, et al, Docket C-2449, September 11, 1973.]

In the Matter of Ralph M. Sutherland, an Individual Trading and Doing Business as New Auto Land.

Consent order requiring a Fairfax, Virginia, retailer and distributor of used cars, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is ordered, That respondent, Ralph M. Sutherland, an individual trading and doing business as New Auto Land, or under any other name or names, and respondent's agents, representatives, and employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement to aid, promote, or assist, directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

2. Failing to disclose the number, amount and due dates of payments, scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

3. Failing to disclose the "unpaid balance of cash price" in the manner and form required by § 226.8(c)(3) of Regulation Z.

4. Failing to disclose the amount of the "amount financed", as required by § 226.8(c)(7) of Regulation Z.

5. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which

are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

6. Failing, in any consumer credit transaction or advertising, to make all disclosures determined in accordance with § 226.4 and § 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

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 respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth, in detail, the manner and form in which he has complied with the order to cease and desist contained herein.

By the Commission.

Issued September 11, 1973.

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

[FR Doc.73-21724 Filed 10-11-73;8:45 am]

[Docket C-2450]

PART 13—PROHIBITED TRADE PRACTICES

Ray's Used Cars, Inc., and Wilbur R. Cummings

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act; — Prices; § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605.) [Cease and desist order, Ray's Used Cars, Inc., et al., Docket C-2450, September 11, 1973.]

In the Matter of Ray's Used Cars, Inc., a Corporation, and Wilbur R. Cummings, Individually and as an Officer of Said Corporation.

Consent order requiring a Beltsville, Md., retailer and distributor of used cars, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is Ordered, That respondents Ray's Used Cars, Inc., a corporation, its successors and assigns, and its officers, and Wilbur R. Cummings, 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 any extension or arrangement for the extension of consumer credit or any advertisement to aid, promote, or assist, directly or indirectly in the extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to make disclosures clearly and conspicuously and in the form and manner prescribed under § 226.6(a) of Regulation Z, as required by § 226.10(d) of Regulation Z.

2. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

3. Failing to state, in its advertisements, the rate of any finance charge expressed as an "annual percentage rate", as required by § 226.10(d)(1) of Regulation Z.

4. Failing to use the term "cash price", as defined in § 226.2(i) of Regulation Z, to describe the purchase price of the automobile, as required by § 226.8(c)(1) of Regulation Z.

5. Failing, in any consumer credit transaction or advertising, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the form, manner and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

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

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

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

By the Commission.

Issued September 11, 1973.

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

[FR Doc.73-21725 Filed 10-11-73;8:45 am]

[Docket C-2445]

PART 13—PROHIBITED TRADE PRACTICES

Sons Auto Center, Inc., Trading as Monroe's Automotive Center and Monroe Lenoff

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act—Prices; § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601, 1605.) [Cease and desist order, Sons Auto Center, Inc., trading as Monroe's Automotive Center, et al., Docket C-2445, September 11, 1973.]

In the Matter of Sons Auto Center, Inc., a Corporation, Trading and Doing Business as Monroe's Automotive Center, and Monroe Lenoff, Individually and as an Officer of Said Corporation

Consent order requiring a Washington, D.C., retailer and distributor of used cars, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit,

such information as required by Regulation Z of the said Act.

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

It is ordered, That respondents Sons Auto Center, Inc., a corporation, trading and doing business as Monroe's Automotive Center, or under any name or names, its successors and assigns and its officers, and Monroe Lenoff, 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 any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.); do forthwith cease and desist from:

1. Failing to disclose the "annual percentage rate", in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

2. Failing in any published advertisement, as "advertisement" is defined in Regulation Z, to disclose the annual percentage rate with an accuracy at least to the nearest quarter of one percent, in accordance with § 226.5 of Regulation Z, as required by § 226.10 (d)(1) of Regulation Z.

3. Failing in any published advertisement, as "advertisement" is defined in Regulation Z, to use the term "annual percentage rate" to describe the rate of a finance charge, as required by § 226.10 (d)(1) of Regulation Z.

4. Failing in any published advertisement, as "advertisement" is defined in Regulation Z, to print the term "annual percentage rate" more conspicuously than other required terminology, as required by § 226.6(a) of Regulation Z.

5. Failing in any published advertisement, as "advertisement" is defined in Regulation Z, to use the term "deferred payment price" to describe the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, as required by § 226.10(d)(2)(v) of Regulation Z.

6. Failing in any consumer credit transaction or advertising to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

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

By the Commission.

Issued September 11, 1973.

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

[FR Doc.73-21726 Filed 10-11-73;8:45 am]

[Docket C-2451]

PART 13—PROHIBITED TRADE PRACTICES

Vernon Wolverton Trading as Suburban Motors

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart — Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act; —Prices; § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605.) [Cease and desist order, Vernon Wolverton trading as Suburban Motors, Docket C-2451, September 11, 1973.]

In the Matter of Vernon Wolverton, an Individual, Trading, and Doing Business as Suburban Motors.

Consent order requiring a Hyattsville, Md., retailer and distributor of used cars, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is Ordered, That respondent Vernon Wolverton, an individual trading and doing business as Suburban Motors, or under any other name or names, his successors and assigns, and respondent's officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement for the extension of consumer credit or any advertisement to aid, promote, or assist, directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to make disclosures clearly, conspicuously, and in a meaningful sequence, and in the form and manner prescribed under § 226.6(a) of Regulation Z, as required by § 226.10(d) of Regulation Z.

2. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment in the manner and form required by § 226.8(c)(3) of Regulation Z.

3. Failing to disclose the sum of the cash price, charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as "deferred payment price" as required by § 226.8(c)(8)(ii) of Regulation Z.

4. Stating, in any advertisement, the rate of any finance charge unless it is expressed as an "annual percentage rate" as required by § 226.10(d)(1) of Regulation Z.

5. Failing, in any consumer credit transaction or advertising, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

It is Further Ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

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 as responsibilities..

It is Further Ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Com-

mission a report, in writing, setting forth in detail, the manner and form in which he has complied with the order to cease and desist contained therein.

By the Commission.

Issued September 11, 1973.

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

[FR Doc.73-21727 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Rescission and/or Revocation of Advisory Opinions Concerning Tripartite Advertising Allowances and Other Merchandising Payments and Services

Pursuant to the provisions of the Federal Trade Commission Act (sec. 6, 38 Stat. 721; 15 U.S.C. 46), and the provisions of subpart A of Part I of the Commission's General Procedures, 32 FR 844 (June 13, 1967) as amended 34 FR 17432 (October 29, 1969) and 36 FR 24213 (December 21, 1971), notice is hereby given that the Federal Trade Commission has reconsidered and rescinded and/or revoked the following opinions for the reason that the advice given in these matters no longer conforms to the Commission's view of the law as expressed in the recently amended Guides for Advertising Allowances and Other Merchandising Payments and Services (specifically Guide 9 [§ 240.9, 34 FR 8285, May 29, 1969, as amended at 37 FR 15700, August 4, 1972] and/or Guide 11 [§ 240.11, 34 FR 8285, May 29, 1969, as amended at 37 FR 15700, August 4, 1972]):

16 CFR	FEDERAL REGISTER reference	FTC volume reference
15.103	31 FR 14772, Nov. 22, 1966	70 FTC 1886.
15.195	33 FR 3336, Feb. 24, 1968	73 FTC 1310.
15.346	34 FR 7278, May 3, 1969	75 FTC 1123.
15.356	34 FR 11492, July 11, 1969	76 FTC 1098.
15.367	34 FR 14467, Sept. 17, 1969	76 FTC 1104.
15.354	34 FR 11418, July 10, 1969	76 FTC 1096.
15.397	34 FR 18353, Nov. 18, 1969	76 FTC 1116.
15.379	34 FR 17385, Oct. 28, 1969	76 FTC 1112.
15.418	35 FR 10268, June 24, 1970	77 FTC 1709.
15.423	35 FR 10950, July 8, 1970	77 FTC 1713.

By direction of the Commission dated September 11, 1973.

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

[FR Doc.73-21737 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Advertising Synthetic Diamonds

§ 15.428 Unqualified use of the word "Jewel" disapproved for advertising synthetic diamond.

The Commission issued an advisory opinion on May 19, 1970 (File No. 703 7098), to the effect that use of the term "Flare-Jewel" in advertising a synthetic diamond would violate Section 5 of the Federal Trade Commission Act unless there also was a clear disclosure that the stones were not natural stones or jewels.

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

Released July 7, 1970.

By direction of the Commission.

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

[FR Doc.73-21738 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Flammability Standards

§ 15.429 Applicability of flammability standards to rental mats.

(a) The Commission issued an advisory opinion on June 2, 1970 (File No. 703 7105), with respect to whether mats rented by laundries must continually conform to the standard of flammability for carpets and rugs (DOC FF-1-70) promulgated by the Department of Commerce. The question arose as a result of a request by these laundries to the Secretary of Commerce to include a specific exemption for rental mats in the standard. The Department of Commerce notified the laundries that the standard was not intended to apply to rental mats, therefore, a specific exemption was not necessary. Applicants then requested an advisory opinion to determine whether the Commission agreed with the Commerce Department's determination.

(b) The Commission advised that the mats in question were within the scope of section 3(a) of the Flammable Fabrics Act and therefore must conform to the applicable flammability standard. The Commission also advised that the mat rentals in question were within the scope of section 5 of the Federal Trade Commission Act.

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

Released July 17, 1970.

By direction of the Commission.

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

[FR Doc.73-21736 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Advertising in Retailer's Catalog

§ 15.430 Advertising in retailer's catalog by suppliers disapproved.

(a) The Commission issued an advisory opinion on June 4, 1970 (File No. 703 7108), disapproving a proposed plan for suppliers' of products to advertise in retailers' catalogs.

(b) Under the plan, a retailer proposed to purchase products from manufacturers for resale to consumers by means of a catalog. Manufacturers of these products would be offered advertising space in the catalog at the rate of $3000 per half page and $6000 for a full page. Manufacturers who did not sell to the retailer would not be eligible to advertise.

(c) The Commission disapproved the plan as being violative of section 2(d) of the Clayton Act unless the manufacturers participating in the plan offered promotional assistance on proportionally equal terms to all of their other customers competing with the retailer in the distribution of their products. The Commission also said that knowing inducement of promotional assistance in violation of Section 2(d) of the Clayton Act would be a violation of section 5 of the Federal Trade Commission Act.

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

Released June 22, 1970.

By direction of the Commission.

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

[FR Doc.73-21735 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Tripartite Advertising Plan

§ 15.431 Tripartite advertising plan disapproved.

(a) The Federal Trade Commission issued an advisory opinion on June 10, 1970 (File No. 703, 7096), disapproving a tripartite advertising plan using grocery carts.

(b) The company proposed to lease advertising space on bascarts or similar equipment from supermarkets and other establishments. The company would then rent such space to third parties for the advertising of products supplied by them to the stores.

(c) The company proposed to inform all competing customers that if they took part in the plan they would receive the larger of a fixed amount per cart or a fixed percent of the total amount paid by the customer to any of its suppliers participating in this plan. The same payments would apply for equivalent space on a counter or wall if the participant had no carts or similar equipment.

(d) Reasonable action, including mail and personal solicitation, would be taken by the company to inform all competing customers of the availability of the plan.

(e) The Commission advised that implementation of the proposed plan would probably violate Section 2(d) of the amended Clayton Act because the plan did not insure that all competing customers would receive payments on proportionally equal terms.

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

Released June 22, 1970.

By the direction of the Commission.

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

[FR Doc.73-21734 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proposed Statistical Program

§ 15.432 Proposed statistical program.

(a) The Commission issued an advisory opinion on June 10, 1970 (File No. 703 7107), with respect to the legality of a statistical reporting program to be implemented by firms in the plant food industry. Under the program, companies would confidentially provide specified data to a third party who would assemble the information and derive specified ratios and aggregate figures. This information, without disclosing names of individual companies, would be made available on a non-discriminatory basis to all who would have need for it. All United States and Canadian firms in the industry would be invited to participate whether or not members of the Institute.

(b) The Commission advised that there was nothing inherently illegal in the proposed plans and that it would not object to its implementation. The Commission cautioned, however, that an unlawful restraint of trade would result if the information collected with respect to individual companies was improperly used to restrict industry members' ability to buy and sell.

(38 Stat. 717, as amended; 15 U.S.C. 41–58.)

Released June 26, 1970.

By direction of the Commission.

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

[FR Doc.73-21733 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Fish Hooks

§ 15.433 Disclosure of foreign origin of fish hooks.

(a) The Commission issued an advisory opinion on June 16, 1970 (File No. 703 7101), regarding the necessity of disclosing the foreign country of origin of imported treble hooks used in the manufacture of fishing lures. The hooks were to be imported from Norway and Sweden, and would represent less than 10 percent of the cost of producing the finished lures. The remaining 90 percent would represent the cost of American-made components.

(b) The Commission advised that in the absence of any affirmative representation that the fishing lures were made in their entirety in the United States, or any other misrepresentation that might mislead purchasers as to the country of origin, the failure to disclose the origin of the imported hooks would not be deceptive.

(38 Stat. 717, as amended (15 U.S.C. 41–58).)

Released August 24, 1970.

By direction of the Commission.

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

[FR Doc.73-21790 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Replacement Glass Dealers

§ 15.434 Proposed franchise program for replacement glass dealers.

(a) The Commission issued an advisory opinion on June 16, 1970 (File No. 703 7102), concerning a proposed franchise operation to conduct an automobile replacement glass business.

(b) A firm proposed to franchise qualified persons (principally existing automobile replacement glass businesses) to conduct an automobile replacement glass business, incorporating the firm's methods and procedures including its mobile installation service, trade names and service marks. In its franchise agreement, the firm would place no restrictions upon the franchisee's pricing policies, operating territory or customers to be served. The firm further proposed to charge an initial franchise fee, an advertising fee to be spent for advertising and promotion, plus a royalty and service fee for the use of its trade names and trade and service marks, in addition to various training, consulting, accounting and other services to be rendered by the firm. Franchises would be completely free to purchase part or all of their glass requirements from other sources, provided minimum specifications were met.

(c) The firm also proposed to reduce the royalty and service fees payable to a franchisee in proportion to the volume of his purchases of replacement glass from the firm. The proportionate reduction in royalty and service fees would be available to all franchisees on the same basis, though it was not intended that these reductions would be based on any "cost justification" formula.

(d) The Commission advised that implementation of the proposed program in the manner described would be in violation of Section 3 of the Clayton Act, and possibly of Section 2 of the Clayton Act, as amended by the Robinson-Patman Act. Provisions in the franchise agreement whereby the franchisee would be precluded from dealing freely in the goods of competitors under pain of higher royalty and service fees are subject to section 3 of the Clayton Act. Insofar as such royalty and service fees were reduced to some purchasers, a price discrimination under Section 2 of the Clayton Act, as amended, might result as to other competing purchasers.

(38 Stat. 717, as amended; 15 U.S.C. 41–58.)

Released August 19, 1970.

By direction of the Commission.

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

[FR Doc.73-21741 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Suppliers of Metal Fabrications

§ 15.435 Publication of a monthly bulletin for circulation to suppliers of metal fabrications approved.

(a) The Commission issued an advisory opinion on June 23, 1970 (File No. 703 7112), regarding publication of a monthly bulletin for circulation on a subscription basis to suppliers to metal fabricators.

(b) The proposed publication would list the names of original equipment manufacturers of ranges, refrigerators, etc. and a brief description of their monthly requirements for metal fabrications including sizes, shapes, quality, quantity, engineering difficulty or sophistication, and closing dates for accepting quotations on these requirements.

(c) The Commission advised that the publication would not violate any law administered by the Commission.

(38 Stat. 717, as amended; 15 U.S.C. 41–58.)

Released September 17, 1970.

By direction of the Commission.

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

[FR Doc.73-21740 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Origin of Seam Ripper Blades

§ 15.436 Disclosure of origin of seam ripper blades.

(a) The Commission issued an advisory opinion on July 11, 1970 (File No. 703 7111), concerning the proper marking of the origin of seam ripper blades imported from West Germany. The imported blades would be assembled with plastic handles and sheaths of domestic origin and attached to display cards for resale to the general public.

(b) The Commission advised that it would be improper to label the seam rippers as "Made in U.S.A." and that it would be necessary to clearly and conspicuously disclose the country of origin of the imported blades on the front panel of the display cards.

(38 Stat. 717, as amended; 15 U.S.C. 41–58.)

Released August 21, 1970.

By direction of the Commission.

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

[FR Doc.73-21739 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Denture Cleanser

§ 15.437 Proposed method of selling denture cleanser disapproved.

(a) The Commission issued an advisory opinion on July 22, 1970 (File No. 703 7115), regarding a proposal for selling denture cleanser to grocery wholesalers

and related outlets at higher prices than those at which the product was being sold to drug wholesalers.

(b) The product was being sold directly to drug wholesalers at suggested consumer and retail prices published in the Drug Topics' Red Book and the American Druggist's Blue Book.

(c) The firm proposed to expand distribution by selling to wholesale grocers and others through brokers while continuing direct sales to drug wholesalers. Because of the difference in selling costs as between direct and brokerage house sales, the firm proposed to increase prices in the amount of such increased costs to all purchasers other than drug wholesalers, such increase to reflect only the fees paid to brokerage houses for their services in selling the product.

(d) The Commission was of the view that to the extent the higher prices to be charged grocery wholesalers and related outlets included an amount paid brokers by the firm for their services in connection with the sale of the product, that an unlawful discount or allowance in lieu of brokerage to the drug wholesaler recipients of the lower prices would result.

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

Released September 18, 1970.

By direction of the Commission.

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

[FR Doc.73-21785 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Tripartite Promotional Assistance Plan

§ 15.438 Intermediary's tripartite promotional assistance plan approved.

(a) The Commission issued a favorable advisory opinion on August 3, 1970 (File No. 703 7106), concerning the advertising on delivery trucks belonging to food store chains and grocery product wholesalers, of products produced and sold by suppliers to the chains and wholesalers.

(b) Chains and wholesalers who did not own trucks would be given a cash allowance for in-store signs, handbills, local advertising or the like. All competing retailers would be offered equal terms based on the number of trucks operated or dollar volume of business done by the retailers in the advertised product.

(c) Notice of the plan's availability would be given by direct mail and advertising in trade journals.

(d) The Commission cautioned that the alternative methods of participating must be truly of equivalent value and appropriately communicated to the retailers.

(e) Subsequently, on September 11, 1973, the Commission rescinded the advisory opinion because it did not conform to the provisions of the Guides for Advertising Allowances and Other Merchandising Payments and Services, as amended August 4, 1972 (16 CFR Part 240).

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

Released October 2, 1970.

By direction of the Commission.

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

[FR Doc.73-21750 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Products on Grocery Shelves

§ 15.439 Promotional plan involving pictures of products on grocery shelves qualifiedly approved.

(a) The Commission issued an advisory opinion on August 7, 1970 (File No. 703 7117), concerning an intermediary's proposed promotional assistance plan which would place product pictures on the shelves of retail stores.

(b) Under the plan, all competing retailers in the grocery, variety, drug, hardware, stationery, discount and department store fields would be offered a free service, which would supply pictures of products authorized by the retailer for display and sale. These pictures would be mounted on metal hooks and/or gondola shelving. If a retailer wished to pay for the service, he would be charged a specific rate for each picture installed. In return for the service, each retailer would be offered one-half of one cent per picture.

(c) In addition, in return for making the offer known and forwarding all orders to the intermediary, each jobber, wholesaler, voluntary and/or cooperative would be offered the same amount paid to each account for installation of the pictures. The payment would be in return for securing orders.

(d) Since the plan required the intermediary to assume certain obligations normally performed by a supplier, the Commission advised that it would be necessary to comply with Guide 13 of the "Guides for Advertising Allowances and other Merchandising Payments and Services" (15 CFR 240.13).

(e) The Commission also advised that if the cooperatives were retailer-owned, the intermediary could compensate the headquarters of such cooperatives, but could not compensate directly those retailers who owned the cooperatives. This would amount to double compensation and discriminate against those who produced directly or through jobbers or wholesalers.

(f) To avoid misunderstanding, the Commission suggested that the free offer and option to pay actual costs of the pictures be clearly explained in all promotional literature. This would insure that all prospective participants clearly understood the exact terms and conditions of the plan.

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

Released November 6, 1970.

By direction of the Commission.

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

[FR Doc.73-21748 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Distribution of Weekly Magazine

§ 15.440 Distribution of a weekly magazine through retail outlets qualifiedly approved.

(a) The Commission issued an advisory opinion on August 12, 1970 (File No. 703 7116), giving qualified approval to a revised plan to distribute a weekly magazine through retail stores. A different plan, previously submitted to the Commission, was disapproved on June 22, 1970 (File No. 703 7096).

(b) (1) In the first plan the requesting company proposed to enter into a series of agreements with wholesale distributors of grocery products and retail sellers of grocery products that act as their own wholesalers for advertisements in a weekly television magazine to be distributed free through retail outlets. Magazines would be distributed to each retail outlet in numbers proportional to their annual dollar volume of sales.

(2) The company proposed to grant certain retailers individualized styling of the magazine and varying amounts of free advertising. Retail chains with higher annual sales would receive greater benefits.

(3) The Commission stated that implementation of the proposed course of action in the manner described would be in violation of the statutes administered by it for the reason that the plan was not considered functionally available to all classes of customers competing in the distribution of the advertiser's goods.

(c) Under the revised plan, a weekly television magazine would be distributed through retail outlets. The company would solicit advertisements for products sold in the retail outlets from the producers or suppliers of the products. The number of copies which a participating retail outlet received would be based on annual dollar volume of sales.

(d) Retailers would be notified of the availability of the plan in various ways designed to insure that each eligible retailer would have an opportunity to participate, including direct contact and regular advertisements in trade newspapers. Each participating retailer would be entitled to have its own trademark, symbol or other identification imprinted on the cover of the magazine, without charge. In addition, each retailer would receive a page in the body of the magazine to use for its own advertising purposes. The retailer would be required, however, to furnish the necessary layout

at its own expense. Provision was made for those retailers unable, in a practical business sense, to take advantage of this offer to participate in an alternative way.

(e) The Commission advised that the revised plan would not warrant initiation of proceedings under laws administered by the Commission.

(f) The Commission added a caution, however, that suppliers should not include "special" offers such as coupons redeemable for a particular product in their advertisements. This, because resellers not stocking such products, would be placed improperly in the position of promoting such products. The Commission further directed the company to submit a written report to the Commission six months after initiation of the program, indicating the manner and extent to which it is being implemented.

(g) The Commission also advised the company that the promotional plan was to make it clear to each supplier and each retailer that even though the intermediary had been employed to implement the plan, it remained the supplier's responsibility to take all reasonable steps so that each of his customers who competes with another in reselling the supplier's products was offered either an opportunity to participate in the plan on proportionally equal terms or was offered a suitable alternative if the customer is unable as a practical matter to participate in the primary plan. If this was not done, the supplier, the retailer and the intermediary might be acting in violation of sections 2(d) or (e) of the Clayton Act and/or Section 5 of the Federal Trade Commission Act.

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

Released October 12, 1970.

By direction of the Commission.

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

[FR Doc.73-21746 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Marking on Certain Imported Items

§ 15.441 Disapproval of the marking "Made in U.S.A." on finished items machined and assembled in U.S. from imported components.

(a) The Commission issued an advisory opinion on August 14, 1970, (File No. 713 7001) disapproving the marking "Made in U.S.A." for finished ball bearings when the bearing races in unfinished form are to be imported. All other parts and components would be produced in the U.S. In addition, all printing, finishing and assembly of the bearing would be done in the U.S. and the majority of the cost of the finished product would be expended in the United States.

(b) The Commission stated that the packaged bearing could not be marked "Made in U.S.A." since such marking would constitute an affirmative representation that the finished product was made entirely in the U.S.

(c) The Commission also advised that the failure to mark the origin of the packaged bearings would not be regarded as deceptive in the absence of any affirmative representation that the bearings were made in the U.S. or any other representation that might mislead the public as to the country of origin, and in the absence of any other facts indicating actual deception.

(38 Stat. 717, as amended (15 U.S.C. 41-53).)

Released September 21, 1970.

By direction of the Commission.

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

[FR Doc.73-21743 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Tripartite Promotional Plan

§ 15.442 Tripartite promotional plan approved.

(a) The Commission issued an advisory opinion on August 28, 1970 (File No. 703 7109), relative to a proposed tripartite promotional plan involving in-store audio advertising.

(b) Under the plan an intermediary would promote to participating retail outlets in-store audio advertising through the use of taped background music with intermittent commercial announcements regarding products of the advertising manufacturer or supplier found in the store.

(c) Under the basic plan, compensation to each store would be computed according to a formula based on a fixed sum per 1,000 persons (customers) exposed to the promotional announcements, less a determinable portion of the expenses of producing the announcements. The computation of expenses would be based upon a formula per thousand persons plus the monthly charges for audio equipment, servicing, tapes, and music.

(d) In addition, the intermediary proposed to offer two alternative plans to retailers. Alternate Plan No. 1 would be designed for those outlets already providing background music, or those who wished a different music system. Alternative Plan No. 2 would be designed to make a plan functionally available to all competing retail outlets by providing them with in-store promotional material such as window banners, posters, handbills and shelf displays, as well as the assistance of merchandising specialists.

(e) Compensation under both alternative plans also would be a fixed sum for each 1,000 persons exposed to each promotional announcement, less a determinable portion of the expense for producing the promotional announcement or providing the merchandising aides.

(f) With the understanding that the complete details of the basic plan and the alternates would be fully and appropriately communicated to all competing retailers, the Commission was of the view that implementation of the proposed course of action in the manner described would not violate the laws administered by the Commission.

(g) Subsequently, on September 11, 1973, the Commission rescinded the advisory opinion because it did not conform to the provisions of the Guides for Advertising Allowances and Other Merchandising Payments and Services, as amended August 4, 1972 (16 CFR Part 240).

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

Released October 12, 1970.

By direction of the Commission.

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

[FR Doc.73-21784 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Designation of Country of Origin

§ 15.443 Dual designation of country of origin disapproved.

The Commission issued an advisory opinion on October 13, 1970 (File No. 713 7003), to the effect that designation of the country of origin by only using the words "Switzerland or Japan" would be confusing, misleading and possibly deceptive. The manufacturers, who utilize some musical units made in Switzerland and some made in Japan, sought to use the dual marking as a description of the country of origin of its musical toys.

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

Released November 12, 1970.

By direction of the Commission.

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

[FR Doc.73-21783 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Games of Chance

§ 15.444 Game of chance promotion given qualified approval.

(a) The Commission issued a qualified advisory opinion on November 13, 1970 (File No. 703 7113), regarding a game of chance promotion.

(b) Under the plan, customers over a wide geographic area would receive numbered game pieces each time they went to a participating retailer, whether they made a purchase or not. Periodically a drawing would be held to identify winning game pieces.

(c) The Commission advised that the game pieces should not be mixed together in batches of 5,000 and thereafter distributed to retailers because that would not be random distribution as required by the Commission's Trade Regulation Rule for Games of Chance in the Food Retailing and Gasoline Industries (15 CFR 419.1). The Rule requires that such mixing is to be on a totally and solely random basis throughout the game program and throughout the geographic area covered by the game.

(d) The Commission added that if the game was truthfully advertised on an outlet-by-outlet basis and if the game pieces for each outlet were mixed together and at the same time, the requirements of the Trade Regulation Rule would be met.

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

Released February 4, 1971.

By direction of the Commission.

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

[FR Doc.73-21782 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Foreign Origin

§ 15.445 Location of disclosure of foreign origin.

(a) The Commission issued an advisory opinion on November 23, 1970 (File No. 713 7004), as to the proper location on imported items of a disclosure of the country of origin.

(b) The firm imports vinyl baby apparel bearing a label containing the words "Made in Taiwan." The apparel is sold in individual, clear poly bags containing no printing and the label is clearly visible through the bag.

(c) The Commission advised that failure to disclose the country of origin on the clear poly bags would not be deceptive.

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

Released January 25, 1971.

By direction of the Commission.

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

[FR Doc.73-21781 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Former Names of Magazines

§ 15.446 Disclosure of former name of magazine unnecessary.

(a) The Commission issued a favorable advisory opinion on November 23, 1970 (File No. 713 7007), as to whether it was necessary to disclose the former title of a magazine on issues carrying the new title.

(b) Without approving or disapproving in anyway the propriety of the use of the title, the Commission advised that the magazine probably would not violate any law administered by the Commission by failing to disclose the former title on issues containing the new title.

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

Released January 21, 1971.

By direction of the Commission.

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

[FR Doc.73-21780 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Advertising of Milk

§ 15.447 Cooperative advertising by milk producers approved.

(a) The Commission issued a favorable advisory opinion on December 23, 1970 (File No. 713 7010), to a cooperative milk marketing organization covered by Milk Marketing Order No. 50 for the central Illinois area, which is administered by the Secretary of Agriculture.

(b) The cooperative proposed to establish a committee to promote brand name advertising of milk of a particular producer or handler as compared to the promotion of milk or milk products generally.

(c) The committee would receive funds from dairy farmers and/or dairy cooperatives. The funds would be used for research regarding milk and milk products. It also would be used for advertising and promoting milk on a brand name basis by means of cooperative advertising in accord with the Commission's Guides for Advertising Allowances, promulgated on May 29, 1969 (amended August 4, 1972).

(d) The Commission advised that the proposed plan probably would not result in violation of Commission administered statutes but that the feature of the plan restricting price announcements could not be approved. The plan must make it clear that reimbursement for advertising is not contingent on the price at which milk was offered.

(e) The Commission limited its approval solely to the proposed joint advertising program and cautioned that it was not to be construed as approval of any predatory practices or practices which might result in unlawful monopolization, unduly enhance prices or effect unlawful combinations or conspiracies between members of the cooperative and nonmembers. The Commission also advised that approval would be rescinded or revoked should subsequent facts indicate a failure on the part of the Committee to conform the advertising program with sections 2(d) and 2(e) of the Clayton Act, as amended.

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

Released March 1, 1971.

By direction of the Commission.

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

[FR Doc.73-21778 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Use of Alleged Credit Cards

§ 15.448 Commission disapproves use of card which appeared to be a credit card but was not.

(a) The Commission issued an unfavorable advisory opinion on December 31, 1970 (File No. 713 7015), regarding a plan to send a card in size and appearance like a credit card together with a loan application to addressees whose names were obtained from chattel mortgage lists and lists of creditors obtained from credit bureaus.

(b) The recipient of the card would be treated the same as any other applicant for a loan.

(c) The Commission advised that the plan raised serious questions under Section 5 of the Federal Trade Commission Act because cardholders might be deceived as to their eligibility for loans and the cards might be used to mispresent the credit worthiness of the holder to third parties.

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

Released March 2, 1971.

By direction of the Commission.

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

[FR Doc.73-21776 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Advertising Imitation Diamonds

§ 15.449 Term "Diamonflare" disapproved for advertising a product which is not a natural diamond.

The Commission issued an advisory opinion on January 8, 1971 (File No. 713 7014), to the effect that use of the term "Diamonflare" for a product, which is not a natural diamond, would violate Section 5 of the Federal Trade Commission Act unless there also was a clear and equally conspicuous disclosure immediately preceding the word "Diamonflare" that the product was not a natural diamond.

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

Released March 3, 1971.

By direction of the Commission.

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

[FR Doc.73-21760 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Recipe Coupon Promotional Plan

§ 15.450 Tripartite promotional plan using recipe coupons approved.

(a) The Commission issued a favorable advisory opinion on January 11, 1971 (File No. 713 7006), regarding a proposed promotional plan involving a weekly menu-receipe-coupon featuring supplier advertising which would be offered to all food retailers in a given trade area for distribution to their customers.

(b) The Commission advised that the plan would not violate any law administered by the Commission provided:

(1) Guide 13 of the Guides for Advertising Allowances, promulgated May 29,

1969 (amended August 4, 1972), was observed;

(2) the plan was made available to all retailers competing in resale of advertisers' products;

(3) the advertising was limited to products normally sold by a retailer participating in the plan; and

(4) a report was submitted to the Commission every six months indicating the manner and extent to which the promotional plan was being implemented.

Subsequently, the Commission lifted the six month report requirement.

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

Released February 25, 1971.

By direction of the Commission.

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

[FR Doc.73-21758 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Marking of Foreign Origin

§ 15.451 Marking of foreign origin on electrical relay devices.

(a) The Commission issued an advisory opinion on January 12, 1971 (File No. 713 7016), that no further markings relating to foreign origin would be required than those imposed in this instance by United States Customs.

(b) The company imported electrical relay devices from Germany. Each item was separately boxed by the foreign manufacturer. The Bureau of Customs advised the company that the name of the country of origin should be marked directly on the devices in a legible, conspicuous and permanent manner but that the boxes did not have to be marked with the name of the country of origin. If the boxes contained the name and address of the company, however, the boxes had to be marked with such words as "Made in Germany" in proximity to the name and address.

(c) The Commission cautioned that catalogs and all other advertising and samples used to solicit orders must clearly and conspicuously disclose the names of the country of origin.

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

Released: March 4, 1971.

By direction of the Commission.

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

[FR Doc.73-21756 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Tripartite Promotional Assistance Plan

§ 15.452 Intermediary's tripartite promotional assistance plan qualifiedly approved.

(a) The Commission issued a favorable advisory opinion on January 14, 1971 (File No. 713 7017), regarding the legality of an advertising promotional plan but declined to render an opinion regarding the reporting of prices and volume of product movement aspect of the plan.

(b) Under the basic plan, the intermediary would rent space from retail outlets, paying each the same rental fee for the space. Frames to hold advertising cards would be installed and manufacturers and suppliers of products sold in the outlets would be solicited by the intermediary to buy advertising on the cards. All eligible retailers would be invited to participate and smaller signs would be offered retailers desiring them.

(c) The plan also called for participating retailers to report the price and the volume of movement of the advertised product.

(d) The Commission approved the basic plan with the understanding that suppliers would be informed that they were still responsible for compliance with the Robinson-Patman Act, even though the intermediary was positioned between them and retailers selling their products. The Commission also expressed the view that, since implementation of the exchange of price or quantity information might bring about a lessening of competition, it would be inappropriate under Commission Rule 1.1(c) to issue an advisory opinion as to that aspect of the plan.

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

Released: March 11, 1971.

By direction of the Commission.

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

[FR Doc.73-21755 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Promotional Games

§ 15.453 Commission declines to issue an advisory opinion on promotional game.

(a) The Commission declined to issue an advisory opinion on January 15, 1971 (File No. 713 7013), regarding a promotional game involving the stock market.

(b) The proposed plan consisted of a weekly game or contest distributed through participating retail gasoline stations. Each contestant would receive an entry card entitling him to participate in that week's contest. The card listed fifty New York Stock Exchange corporations from which the contestant must choose the five most likely to appreciate in the coming week. Winners were then chosen by computer on the basis of each stock's performance.

(c) The Commission advised that the request for an advisory opinion was inappropriate under Section 1.1(b) of the Rules of Practice because the plan was substantially the same as several others that were under investigation by the Commission.

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

Released: May 6, 1971.

By direction of the Commission.

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

[FR Doc.73-21754 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Free Balloons

§ 15.454 Offer of a "free" balloon disapproved.

(a) The Commission issued an advisory opinion to an advertising company on February 17, 1971 (File No. 713 7011), that copy offering a "free" balloon would violate Section 5 of the Federal Trade Commission Act.

(b) The copy proposed to advertise an offer for a "free" balloon in connection with the purchase of a soft drink. The front side of the bottle hanger, on which the advertising copy appeared, advertised a "free" balloon. On the reverse side, however, appeared the requirement that ten cents be remitted to pay for postage.

(c) The Commission advised that the advertising would be misleading unless the requirement that the consumer submit ten cents were disclosed clearly on the front side of the bottle hanger and in any other advertisements. Otherwise, if the word "free" were used in the promotion, the company and not the consumer would have to pay the cost of return postage.

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

Released March 25, 1971.

By direction of the Commission.

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

[FR Doc.73-21789 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Reciprocal Advertising Plan

§ 15.455 Commission declines to issue advisory opinion on reciprocal advertising plan.

(a) The Commission declined on February 17, 1971 (File No. 713 7019), to issue an advisory opinion to an intermediary regarding a proposed reciprocal advertising plan.

(b) Under the plan, supermarkets would use space on their private-label packaging and on shopping bags for advertising of local television and radio stations. The number and type of packages and bags distributed would determine how much television and radio time the supermarket would earn to advertise the store and its private-label merchandise. The intermediary would be paid by the supermarkets.

(c) The Commission advised that it would be inappropriate under Commission Rule 1.1(c) to render the advisory opinion because an informed decision could be made only after extensive investigation or collateral inquiry. The Commission stated that its action implied neither approval nor disapproval of the plan.

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

Released March 29, 1971.

By direction of the Commission.

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

[FR Doc.73-21783 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Newspaper Advertising

§ 15.456 Disclosure of foreign origin of products in newspaper advertising.

(a) The Commission issued an advisory opinion on February 26, 1971 (File No. 713 7020), concerning the disclosure of the foreign origin of products advertised in newspapers.

(b) The products advertised were labeled so as to disclose the country of foreign origin and the advertisements did not promote mail-order or catalog purchases.

(c) The Commission advised that the name of the foreign country of origin need not appear in the newspaper advertisements and that it would be permissible simply to use the word "imported" in the advertisements, provided that the products were not imported furs or fur products containing imported furs.

(d) The Commission also advised that Section 5(a)(6) of the Fur Products Labeling Act requires disclosure of the name of the country of origin imported in advertising imported fur products.

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

Released March 23, 1971.

By direction of the Commission.

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

[FR Doc.73-21787 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Standard Certification Program

§ 15.457 Legality of proposed standard certification program.

(a) The Commission issued an advisory opinion on March 8, 1971 (File No. 713 7002), in regard to a proposed certification program.

(b) Under the proposal, any manufacturer of a product covered by an industry developed standard could apply to have the product certified as conforming to the standard. The fees for submittal of a product to be certified would be designed to support the program but to avoid placing participating manufacturers at a disadvantage in competing with nonparticipating manufacturers.

(c) An independent qualified laboratory, selected by the producer's trade association or by the producer, and approved by the institute coordinating development of the standard, would determine whether the product complied with the standard. An approved certification mark could be placed on products submitted which were found to comply. Also, a public information program to inform consumers regarding the certification and what it meant would be in use, and periodically a listing of certified products would be issued.

(d) To check on continued compliance of a certified product with the standard, there would be continuing inspection and follow-up by the testing laboratory, using procedures tailored for each standard and administered by the appropriate trade association, all to be monitored by the coordinator.

(e) In order to balance the need for development of self-regulation plans against the possible anticompetitive potentialities of such plans, the Commission set out some of the matters which must be considered in an evaluation of any program, as follows:

(1) Standardization and certification programs must not be used as devices for fixing prices or otherwise lessening competition. See, e.g., *Milk and Ice Cream Can Institute* v. *F.T.C.*, 152 F.2d 478 (7th Cir. 1946).

(2) Standardization and certification programs must not have the effect of boycotting or excluding competitors. See, e.g., *Silver* v. *New York Stock Exchange*, 373 U.S. 341 (1963).

(3) Standardization and certification programs must not have the effect of withholding or controlling products. See, e.g., *Standard Sanitary Mfg. Co.* v. *United States*, 226 U.S. 20 (1912); *National Macaroni Manufacturers Ass'n* v. *F.T.C.*, 345 F.2d 421 (7th Cir. 1965).

(4) Construction or specification standards should not be used except in exceptional circumstances and never when performance standards can be developed.

(5) Any organization sponsoring, adopting, administering, or enforcing standards must insure that its standards reflect existing technology and are kept current and adequately up-graded to allow for technological innovation.

(6) When certification is involved, no applicant for certification may be denied certification for any of the following reasons: (i) That he is a nonmember of any association or organization; (ii) that he is a foreign competitor; or (iii) that he is unable to pay the fee or cost charged for certification. See Advisory Opinion Digest No. 152, 1 CCH Trade Reg., Rep. Para. 1718.10 (December 13, 1967), 16 CFR 15.152.

(7) Fees charged in connection with participation in a standardization or certification program must be reasonable as related to the direct or indirect cost involved.

(8) Membership in groups or organizations sponsoring, promulgating or administering standardization or certification programs must be open to all competitors, domestic or foreign.

(9) Due process must be accorded all parties interested in or affected by a standardization or certification program, including suppliers, manufacturers, distributors, customers, and users. Due process includes, but is not limited to, the conduct of timely hearings with prompt decisions on claims representing standards or the denial of certification.

(10) Standards and certification programs, unless otherwise clearly required by considerations of safety, may not be used to reduce, restrict or limit in any manner, the kinds, quantities, sizes, styles or qualities of products. See, e.g., the consent decree in *United States* v. *General Electric Co.*, 1954 Trade Cas. paras. 67,714, 67,794, 67,795, 67,796 (D. N.J. 1954).

(11) The exercise of the responsibility of validating any proposed standard should include a determination by a laboratory or other appropriate entity independent of those immediately affected by the proposed standard that the criteria set forth in such standard are meaningful and relevant. See, e.g., the consent decree in *United States* v. *Southern Pine Ass'n*, 1940-43 Trade Cas. para. 56,007 (E.D. La. 1940).

(12) The function and responsibility of determining whether any product is to be certified under any program involving certification should be performed by an appropriate organization independent of those immediately affected by such program. *United States* v. *Southern Pine Ass'n, supra.*

(13) Representations made by standards organizations with respect to testing procedures, standards, etc., must be truthful. See, e.g., *In the Matter of Parents' Magazine Enterprises, Inc.*, FTC Dkt. No. C-1133 (1966), 70 F.T.C. 1116.

(14) In cases involving a challenge to standards, the burden of proof respecting reasonableness is upon those who develop and enforce the standards. *Kestenbaum, Antitrust Questions In Voluntary Industry Standards*, p. 10, address prepared for delivery before the National Association of Manufacturers Marketing Conference (October 9, 1969).

(15) All standards must be voluntary.

(16) Certification programs should avoid the use of single standard, "pass/fail" systems and, in lieu thereof, employ graded systems which preserve consumer and user options.

(f) The Commission stated that the listed criteria were by no means exhaustive, but demonstrated the many factors which make it difficult to approve a standard certification program. The Commission directed its staff to commence an in-depth study of the subject to determine whether it is possible for the Commission to make a meaningful contribution to the development of a satisfactory and legal program.

(g) For these reasons, the Commission felt it was not in possession of sufficient information to enable it to make all of the determination essential to an evaluation of the program. It therefore declined to act on the request for an advisory opinion.

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

Released: March 22, 1971.

By direction of the Commission.

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

[FR Doc.73-21786 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Purchase Stimulation Plan

§ 15.458 Commission declines to issue an advisory opinion re manufacturer's dealer purchase stimulation plan.

(a) The Commission declined on March 11, 1971 (File No. 713 7021), to

issue an advisory opinion concerning a purchase stimulation plan whereby dealers might earn points in order to qualify for an expenses paid trip to Rio de Janeiro or London.

(b) Under the plan, photo equipment and accessories sold by the firm which requested the opinion would be given varying point values. Dealers could accumulate points by purchasing various items. An aggregate of purchases ranging between $14,000 and $20,000 would earn the dealer enough points for a trip. Points earned would be credited toward qualifying for one or more trips by groups of dealers.

(c) The Commission advised that an advisory opinion would be inappropriate under Commission Rule 1.1(c) because an informed decision could be made only after extensive investigation and collateral inquiry.

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

Released: March 30, 1971.

By direction of the Commission.

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

[FR Doc.73-21742 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Advisory Opinion Regarding Merger

§ 15.459 Request for advisory opinion re merger declined.

(a) The Commission issued an advisory opinion on March 12, 1971 (File No. 713 7008), regarding the proposed acquisition by a cement aggregate producer and supplier of aggregate to the corporation to be acquired. The corporation proposed to acquire all of the physical assets except mixing trucks located in certain cities.

(b) The acquisition came within the purview of the Commission's Enforcement Policy with respect to Vertical Mergers in the Cement Industry dated January 3, 1967.

(c) The Commission advised that the corporation which proposed to make the acquisition had failed to supply sufficient information to enable the Commission to determine whether it had jurisdiction in the matter, due to the intrastate character of the firm's operations. However, the Commission said that if the acquisition were consummated an investigation would ensue to determine whether it had jurisdiction and whether the acquisition was legal.

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

Released: March 23, 1971.

By direction of the Commission.

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

[FR Doc.73-21744 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Tripartite Promotion Plan

§ 15.460 Intermediary's tripartite promotional assistance plan approved.

(a) The Commission issued a favorable advisory opinion on March 12, 1971 (File No. 713 7022), regarding a proposed tripartite promotional assistance plan.

(b) Under the plan, the intermediary would rent space and slide projectors, which would carry advertising of packagers of food and grocery products. The projectors would be installed in retail outlets. Outlets unable to utilize the projectors would be provided photographic prints or color slides as an alternative. No retailer would be obliged to display an advertisement for a product he did not stock.

(c) All competing retailers would be solicited to participate. Those participating would be paid rentals on the basis of sales transactions in their stores as determined by statistics compiled by Progressive Grocer Magazine.

(d) The Commission advised that implementation of the plan would not warrant proceedings under the laws it administers provided: (1) Guide 13 of the Commission's Guides for Advertising Allowances (promulgated May 29, 1969) were observed; (2) all types of competing retail outlets were offered the plan; (3) retailers were not obliged to carry advertisements for products they did not stock; and (4) a report on the plan's operation was submitted six months after its institution.

(e) Subsequently, on September 11, 1973, the Commission recinded the advisory opinion because it did not conform to the provisions of the Guides for Advertising Allowances and Other Merchandising Payments and Services, as amended August 4, 1972 (16 CFR Part 240).

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

Released: March 31, 1971.

By direction of the Commission.

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

[FR Doc.73-21745 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Debt Collection Agency

§ 15.461 Advisory opinion on debt collection agency withheld.

(a) The Commission declined to issue an advisory opinion on March 22, 1971 (File No. 713 7023), pursuant to Section 1.1(b) of the Rules of Practice, because substantially the same program was currently being investigated; hence, the request for an advisory opinion was inappropriate under Commission Rule 1.1(b).

(b) The requesting party had proposed to provide a debt collection service available at a set fee per account. The service involved the sending of a series of nine progressively stronger collection letters, with possible referral to an attorney or agency for collection.

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

Released: April 15, 1971.

By direction of the Commission.

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

[FR Doc.73-21747 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Promotional Assistance Plan

§ 15.462 Promotional assistance plan using shopping carts disapproved.

(a) The Commission issued an advisory opinion on April 2, 1971 (File No. 713 7024), disapproving a plan to sell advertising space on shopping carts and to provide advertising placards if the retailer had no carts.

(b) Each retailer would be placed in one of five categories depending upon his monthly dollar volume of business. Retailers would be compensated on the basis of the monthly volume per store and the number of carts or placards rented for advertising purposes.

(c) The Commission advised that implementation of this plan would result in discriminatory promotional allowances being granted to customers competing in the resale of a participating supplier's product in violation of section 2(d) or 2(e) of the amended Clayton Act and/or section 5 of the Federal Trade Commission Act.

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

Released April 16, 1971.

By direction of the Commission.

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

[FR Doc.73-21749 Filed 10-11-73; 8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Mail Order Acne Remedies

§ 15.463 Advisory opinion declined on mail order business to sell acne remedy.

The Commission declined to issue an advisory opinion on April 14, 1971 (File No. 713 7009), as to whether advertising for certain products designed as a remedy for acne would violate any of the statutes which the Commission enforces because it was impractical for it to make an informed decision on the plan. The advertising pertained to dietary information and use of calamine lotion as acne remedies.

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

Released June 17, 1971.

By direction of the Commission.

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

[FR Doc.73-21751 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Sales of Promotional Assistance Device

§ 15.464 Sale of promotional assistance device approved.

(a) The Commission issued an advisory opinion on May 5, 1971 (File No. 713 7025), regarding a proposal to sell a patented electric operated advertising device to suppliers for them to furnish to retailers to promote the sale of the suppliers' products in the retailers' stores.

(b) The machines would be sold outright to the suppliers and no action to promote use of or to place the machines on behalf of the purchasers was contemplated.

(c) The Commission advised that implementation of the plan would not warrant initiation of proceedings by the Commission. The Commission also pointed out that the opinion did not relate to the legality of the patent or the right to use the patent.

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

Released June 18, 1971.

By direction of the Commission.

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

[FR Doc. 73-21752 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Advertising Investing Book

§ 15.465 Advertising of a book on investing approved.

(a) The Commission issued a favorable advisory opinion on May 25, 1971 (File No. 713 7012), regarding an advertisement for a book on investing. The advertisement set forth some of the claims of the book and also used the words "satisfaction guaranteed."

(b) As to the words "satisfaction guaranteed," the Commission advised that their use would violate the Commission's Guides Against Deceptive Advertising of Guarantees" (16 CFR 239.1, 239.3 (1970)) because the advertisement failed to disclose that refund of the full purchase price, under the guarantee, is subject to the condition that the book be returned within ten days of receipt by the purchaser.

(c) The Commission also advised that proceedings by it would not be warranted provided the advertising only purports to express the opinion of the author or to quote the contents of the book; the advertising discloses the source of statements quoted or derived from the contents of the book; the advertising discloses the source of opinions expressed about the book; and, the book is not promoting another product as part of a commercial scheme.

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

Released: June 28, 1971.

By direction of the Commission.

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

[FR Doc.73-21753 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Product Quality Certification Program

§ 15.466 Legality of proposed product quality certification program.

(a) The Commission denied a request for an advisory opinion on June 4, 1971 (File No. 713 7026), concerning a proposed quality certification program because the Commission had directed an in-depth study of the subject of industry self-regulation through standard certification.

(b) The Commission advised that it would be inappropriate for it to act in this area until the results of the study were known.

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

Released: July 9, 1971.

By direction of the Commission.

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

[FR Doc.73-21757 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Automotive Parts Manufacturers

§ 15.467 Legality of distribution to automotive parts manufacturers of information on interchangeability of parts manufactured by different companies.

(a) The Commission issued an advisory opinion on June 25, 1971 (File No. 713 7028), as to the legality of distributing to competing manufacturers of automobile parts, which are sold in the automotive aftermarket, a "composite interchange" showing by part number only, the interchangeability of their products with parts produced by original equipment manufacturers and with each other.

(b) Original equipment manufacturers assign part numbers to those parts which they manufacture. Likewise, the many manufacturers of automotive parts sold in the automotive aftermarket assign their own numbers to parts, many of which are interchangeable with each other and with those of the original equipment manufacturers. The requesting party's proposal was to provide listings of interchangeable parts, by part number, to any manufacturers who wished to receive them.

(c) The Commission concluded that implementation of the proposal would not warrant a proceeding under the laws it administers, providing the following conditions were observed:

(1) All manufacturers of competing product lines for resale in the automotive aftermarket would, in fact, be accorded an equal and continuing opportunity to participate in the program proposed; and

(2) The part number references contained in the proposed publication would not be used in such a manner as would result or be likely to result in the unlawful stabilization of existing pricing structures within the industry.

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

Released: July 15, 1971.

By direction of the Commission.

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

[FR Doc.73-21759 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Gold Plated Costume Jewelry

§ 15.468 Use of the words "Golden Finish," "Gold Brushed," and "Golden Manner," in advertising of certain gold plated costume jewelry.

(a) The Commission issued an adverse advisory opinion on July 2, 1971 (File No. 713 7031), regarding use of the terms "Golden Finish," "Gold Brushed," and "Golden Manner," as descriptive of costume jewelry containing a gold coating of ten-karat fineness and three-millionths to five-millionths of an inch thick.

(b) The Commission advised that the fineness and thickness of the jewelry fell within its guidelines for "gold flash," or "gold washed" jewelry, as set out in Rule 22C(3) of the Commission's Trade Practice Rules for the Jewelry Industry (16 CFR 23).

(c) The Commission also expressed its opinion that, if it were to sanction the use of the new terms proposed, it might result in a proliferation of meaningless descriptive terms tending to confuse consumers and industry members.

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

Released: July 22, 1971.

By direction of the Commission.

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

[FR Doc.73-21775 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Tripartite Promotion Plan

§ 15.469 Intermediary's tripartite promotional assistance plan disapproved.

(a) The Commission issued an advisory opinion on July 16, 1971 (File No. 713 7030), disapproving a tripartite promotional assistance plan whereby labels from grocery and household products might be redeemed when affixed to designated portions of a book to be sold to competing retailers.

(b) The intermediary proposed to offer retailers an opportunity to purchase personalized label redemption books to be distributed to their customers and to be redeemed by the store. Each redeemable page would contain label depictions of different products of a given manufacturer. Retailers need not stock these items to be compensated for their redemption. Each retailer had the right to excise any redeemable pages in their entirety. Retailers would be entitled to purchase redemption books based on their number of operable cash registers.

(c) The Commission advised that the plan failed to provide functional availability on proportionally equal terms because of the feature of the plan which allowed the deletion of only full pages by the retailer. A retailer who did not stock all of the items advertised must, in effect, encourage his customers to shop elsewhere for the labels from products he does not carry. The Commission was of the view that deletion of only full pages would create a situation where retailers received disproportionate compensation on a per product basis. Because some retailers will stock only some of the products on a page containing several labels, the per product compensation received would be greater than that received by a retailer stocking all items on a particular page.

(d) The Commission also advised that the allocation of books to retail stores based on the number of operable cash registers, failed to provide the proportionally equal treatment required by section 2 of the amended Clayton Act.

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

Released: August 6, 1971.

By direction of the Commission.

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

[FR Doc.73-21774 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Tripartite Promotional Assistance Plan

§ 15.470 Tripartite promotional assistance plan approved.

(a) The Commission issued an advisory opinion on September 3, 1971 (File No. 713 7027), regarding a tripartite promotional assistance plan under which mechanized display units bearing advertisements would be installed in retail outlets. Retail stores unable to use the basic plan would be offered mechanisms handling fewer signs, stationary signs, shelf signs, flyers, or handbills. Most of the advertising would promote products sold in the store and retailers would not be obliged to accept advertisements for products which they do not stock.

(b) Retailers would be apprised of the plan by advertisements in trade journals and by direct contact. Payments to retailers would be based upon the number of cash register transactions at each participating retail outlet, with a fixed maximum and minimum annual payment. Retailers who participated by distributing handbills or other alternatives would also be paid an amount equal to what they would have received if they rented space for signs.

(c) Subsequently, on September 11, 1973, the Commission rescinded the advisory opinion because it did not conform to the provisions of the Guides for Advertising Allowances and Other Merchandising Payments and Services, as amended August 4, 1972 (16 CFR Part 240).

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

Released: October 5, 1971.

By direction of the Commission.

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

[FR Doc.73-21773 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Ball Point Pens

§ 15.471 Designation of gold content on ball point pens.

(a) The Commission issued an advisory opinion on September 7, 1971 (File No. 723 7001), regarding the proper marking of gold content on ball point pens.

(b) The Comimssion advised that the words "electroplate" or "electroplated" should not be abbreviated because many consumers would not know what the abbreviation signified.

(c) Karat fineness of such a pen may be represented by placing the karat designation before the words "gold electroplate(d)."

(d) Thickness of the gold plate may be represented by placing the thickness designation in terms of inches only before the words "gold electroplate(d)."

(e) A weight designation such as "1/50 22K Gold Electroplate" may not be used on gold electroplate because its use might confuse consumers.

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

Released: September 30, 1971.

By direction of the Commission.

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

[FR Doc.73-21770 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Advisory Plan Regarding Merger

§ 15.472 Commission declines to issue advisory opinion re proposed merger.

(a) The Commission declined to issue an advisory opinion on September 21, 1971 (File No. 713 7029), regarding a proposed acquisition by one insurance company of the majority of the capital stock of another. The Commission considered the request inappropriate under § 1.1(c) of its Rules because an informed decision could not be made without an extensive investigation.

(b) Some of the relevant factors to be examined would include the history, structure and behavior of the industry and markets affected by the acquisition, the effects on potential competition and barriers to entry.

(c) The Commission emphasized that it was expressing no view on whether, if the acquisition were consummated, it would issue a complaint.

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

Released: September 29, 1971.

By direction of the Commission.

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

[FR Doc.73-21769 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Bath Mats

§ 15.473 Applicability of flammability standard to bath mats.

(a) The Commission issued an advisory opinion on December 2, 1971 (File No. 723 7003), regarding the applicability of the Standard for the Surface Flammability of Small Carpets and Rugs (DOC FF 2-70), issued under the Flammable Fabrics Act, to terry cloth bath mats. The standard for small carpets and rugs was proposed as a complementary standard to that for surface flammability of carpets and rugs (DOC FF 1-70), from which the small carpets and rugs were exempted.

(b) The Commission noted that the definition of "small carpet" as contained in DOC FF 2-70 clearly appeared to encompass bath mats. This, in part, reads as follows:

"(c) 'Small Carpet' means any type of finished product made in whole or in part of fabric or related material and intended for use or which may reasonably be expected to be used as a floor covering which is exposed to traffic in homes, offices, or other places of assembly or accommodation * * *."

(d) The Commission also noted that further inquiries by members of its staff disclose that bath mats were the product which was responsible for the exclusion of small carpets and rugs from DOC FF 1-70, and for the development of a less rigid standard (DOC FF 2-70), which permits the cautionary labeling for small carpets and rugs which do not meet the minimum flammability requirements.

(e) In view of the circumstances, the Commission was of the opinion that there was no doubt that bath mats were included within the scope of the Standard for the Surface Flammability of Small Carpets and Rugs (DOC FF 2-70).

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

Released: December 23, 1971.

By direction of the Commission.

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

[FR Doc.73-21764 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Subscriptions Renewal Voucher Offer

§ 15.474 Legality of proposed subscriptions renewal voucher offer.

(a) The Commission issued an advisory opinion on December 10, 1971 (File No. 723 7004), regarding a proposed plan to advertise and use a special renewal voucher to be applied to subscription renewals for a magazine.

(b) The voucher was to be given to new subscribers who submitted two dollars with their request for a trial subscription and was to be worth one dollar when applied to a one year renewal subscription after the expiration of the trial period.

(c) The Commission advised that based upon the information furnished it would not initiate proceedings under statutes it administers providing the plan was implemented in the manner described.

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

Released: December 22, 1971.

By direction of the Commission.

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

[FR Doc.73-21762 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Information Pool Maintained by Trade Association

§ 15.475 Maintenance of a pool of information by trade association proper.

(a) The Commission issued a favorable advisory opinion on January 7, 1972 (File No. 723 7005), regarding an association plan to pool information regarding members' experiences with equipment they use and to serve as a conduit for referral of members' complaints and manufacturers' responses.

(b) Under the plan, members would submit executed forms to the association, showing the make and model of machines used and their experiences with regard to installation, maintenance and operation of the machines. They also would submit complaints, which the Section would send to the manufacturers, inviting the manufacturers to respond via the Section. No forms would contain information as to prices paid for the machines, equipment, service charges or the like.

(c) Association members and new entrants to the industry would have access to the forms after the names of the complaining members had been deleted. Manufacturers would have access only to forms pertaining to their own equipment.

(d) The Commission cautioned that great care must be used to avoid the plan's becoming illegally coercive and from becoming the means to boycott or intimidate manufacturers. The Commission also said participation by section members must be voluntary and that nonmembers should be allowed access to the forms but that a reasonable fee might be charged.

(e) The Commission also advised (1) that manufacturers and their equipment should not be evaluated, (2) that recommendations should not be made regarding use of particular equipment, and (3) that lists of "approved" manufacturers or equipment should not be prepared. The reason is that such actions would suggest an illegal boycott or blacklist had been prepared.

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

Released January 17, 1972.

By direction of the Commission.

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

[FR Doc.73-21761 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Gold Content on Jewelry

§ 15.476 Representations of gold content on jewelry.

(a) The Commission issued an advisory opinion on August 18, 1972 (File No. 723 7007), regarding the proprietary of stamping "18K H.G.E.," or alternatively attaching a tag to the jewelry item bearing the words "18K Heavy Gold Electroplate." The electroplated item would be covered throughout with a minimum of 100/1,000,000 of fine gold, in conformity with the Trade Practice Rules for the Jewelry Industry (16 CFR Part 23).

(b) The Commission advised that use of "18K H.G.E." alone would be improper because consumers probably would be misled as to its meaning.

(c) The Commission rejected the suggestion that no quality disclosure need be made if a disclosure only could be made by use of an abbreviation. The Commission advised that a full disclosure should appear on items large enough to accommodate it and that the maximum reasonable abbreviated disclosure should be made on small items, with a tag attached containing the full disclosure.

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

Released January 25, 1972.

By direction of the Commission.

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

[FR Doc.73-21763 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Credit Reporting Plan

§ 15.477 Credit reporting plan disapproved.

(a) The Commission issued an advisory opinion on September 21, 1972 (File No. 733 7001), to the effect that furnishing credit information to lawyers with regard to prospective jurors would violate the Fair Credit Reporting Act. The firm was a "consumer reporting agency" within the meaning of § 603(f) of the Act and proposed to obtain a general order to be signed by judges of the United States District Court authorizing the Court to furnish such information. The credit information to be furnished constituted "consumer reports" within the meaning of § 603(f) of the Act.

(b) The Commission advised that such a general order would not be an order the Court could properly issue under § 604(1) of the Act.

(c) The Commission also advised that it was of the opinion that investigation of prospective jurors by attorneys is not a business transaction involving the consumer within the meaning of § 604(3)(E) of the Act.

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

Released: September 29, 1972.

By direction of the Commission.

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

[FR Doc.73-21765 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Organization for Marketing Research

§ 15.478 By-laws of organization for marketing research approved.

(a) The Commission issued a favorable advisory opinion on November 21, 1972 (File No. 703 7063), approving the by-laws of an organization created to establish standards and accreditation procedures to improve the reliability of consumer research projects.

(b) Market researchers would probably control the board of directors of the organization whose members would be manufacturers, retailers, advertising agencies, media representatives and market data researchers. The organization would develop and encourage the use of techniques to provide reliable research data through education, standards, publications and similar methods.

(c) The Commission cautioned that great care must be used in implementing the plan to avoid its becoming illegally coercive on market data researchers or the users of that information and that participation must be voluntary with membership open to all who are eligible.

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

Released: November 30, 1972.

By direction of the Commission.

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

[FR Doc.73-21768 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Cumulative Annual Rebate Plan

§ 15.479 Cumulative annual rebate plan disapproved.

(a) The Commission issued an advisory opinion on January 11, 1973 (File No. 733 7003), to the effect that a proposed cumulative refund plan probably would violate the Robinson-Patman Act.

(b) Under the plan, the company's distributors could earn a refund on

amounts paid the company if a distributor increased his quarterly purchases over those of the previous year. All of the firm's distributors would be enrolled and advised as to how the plan would operate. The percentage of annual refund would rise as sales increased, the greater percentage by which sales increased, the greater the percentage refund.

(c) The Commission advised that the price discrimination, which would necessarily result from implementation of the plan, may have the effect of substantially lessening competition among the distributors because the plan arbitrarily categorized distributors on the basis of a percentage increase in sales bearing no relationship to the company's lower cost in doing business with a distributor.

(d) The Commission further advised that a legally inoffensive incentive plan might be devised in which all of those with an increase in volume over a given base period would receive the same percentage refund and new entrants would be allowed to qualify.

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

Released January 17, 1973.

By direction of the Commission.

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

[FR Doc.73-21766 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Advisory Opinion Re Textiles

§ 15.480 Commission declines to issue advisory opinion.

(a) The Commission declined to issue an advisory opinion on February 9, 1973 (File No. 733 7004), as to whether a loosely woven cotton cloth, impregnated with wax, falls within the purview of the Flammable Fabrics Act, the Fair Packaging and Labeling Act, or the Textile Fiber Products Identification Act, or whether any of the marketing and labeling plans with respect to this product violate the Federal Trade Commission Act.

(b) The cloth is to be used in making master patterns for clothing, upholstery, etc. When heated to a temperature of 130 to 150 degrees Fahrenheit, the cloth becomes pliable and may be molded to the body or to any other contoured surface. After it is cooled, it can be removed, flattened by making appropriate slits in the material, and used as a model for a paper pattern.

(c) It was proposed that the cloth would be sold to amateur, professional and industrial users in roll form or on bolts in the same manner as other yard goods. The cloth would be distributed to existing yard goods and sewing center retailers through established commercial representatives. Some would inventory the cloth and supply retailers within their territories; others might solicit orders for acceptance by the manufacturer.

(d) The Commission advised that since the marketing aspects of the proposed plan were not explained in sufficient detail to provide the basis for issuance of an advisory opinion, the request was inappropriate under Section 1.1(c) of the Commission's Rules of Practice.

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

Released February 14, 1973.

By direction of the Commission.

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

[FR Doc.73-21767 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proposed Acquisition

§ 15.481 Proposed acquisition.

(a) The Commission issued an advisory opinion on February 12, 1973 (File No. 733 7002), to the effect that a proposed acquisition of a producer of chemical products by another producer of chemical products would not warrant an investigation if the acquisition were made.

(b) The corporation to be acquired manufactured industrial resins as did the acquirer but their products were not competitive. They were suppliers to each other of raw materials worth less than $500,000 in sales to each per annum.

(c) The acquiring corporation desired to make the acquisition in order to improve its research capability in the field of hydrocarbon resins. There are numerous strong domestic, as well as foreign, competitors engaged in the production and sale of hydrocarbon resins.

(d) The Commission cautioned that it might initiate an investigation if it later had reason to believe substantial adverse effects, attributable to the acquisition, have resulted or that they probably would result.

(38 Stat. 717, as amended (15 U.S.C. 41-53).)

Released February 21, 1973.

By direction of the Commission.

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

[FR Doc.73-21772 Filed 10-11-73;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Collection of Certain Debts

§ 15.482 Wholly-owned subsidiary may not collect consumer indebtedness without identifying the parent company as owner.

The Commission issued an advisory opinion on May 16, 1973 (733 7005), to the effect that creation of a wholly-owned subsidiary to collect consumer indebtedness without identifying the parent company as the owner of the collection agency would violate the Commission's Guides Against Debt Collection Deception (16 C.F.R. 237). The Guides prohibit misrepresenting that debts have been turned over to an independent organization engaged in the business of collecting accounts.

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

Released May 23, 1973.

By direction of the Commission.

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

[FR Doc.73-21771 Filed 10-11-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 410—TRAINING

Waiver of "One-in-Ten" Limitation

Part 410 is amended to extend the agency authority to waive the statutory "one-year-in-ten" limitation to certain employees in the excepted service and employees preparing for other than scientific or engineering occupations; to specify the conditions for the use of the waiver; to withdraw agency authority to waive the "one-year-in-ten" limitation for professional employees; to require that certain employees be notified of the condition attached to the grant of a waiver; and to require reports on training provided employees in cooperative education programs.

Effective December 11, 1973, § 410.506 (d) is revoked.

Effective October 12, 1973, §§ 410.506 (c), 410.508(a), and 410.901(b)(3)(i) are amended; and § 410.901(d) is added as set out below.

§ 410.506 Waivers of limitations on training of employees through non-Government facilities.

* * * * *

(c) The head of an agency may waive the limitation in section 4106(a)(3) of title 5, United States Code, for an employee serving in a cooperative education program when all of the following conditions are met:

(1) The employee is serving under career or career-conditional appointment, under appointment authorized by § 213.3202(a) of Schedule B, or under appointment authorized by § 213.3102(q) of Schedule A;

(2) Graduate education shall not be covered by the waiver;

(3) The employee's expenses of college training are being paid in the program concerned only because the agency has found that the program cannot operate successfully without that payment;

(4) The employee's expenses of college training are being paid only to the extent the agency considers necessary to attract and retain the employee;

(5) The employee's expenses of college training that are being paid are limited to the expenses covered by section 4109(a)(2) of title 5, United States Code;

(6) A determination is made, and the reasons for the determination recorded, that application of the limitation in section 4106(a)(3) of title 5, United States Code, would be contrary to the public interest; and

(7) The employee serving under an appointment authorized by § 213.3102 (q) of Schedule (A) (i) agrees in writing be-

fore assignment to the training subject to the waiver that he will file under an examination appropriate for permanent employment in a position in his agency with duties of the kind for which his training prepared him before he completes his training and that he will accept permanent appointment of an appropriate kind offered him by his agency, and (ii) acknowledges in writing that if he fails to apply for permanent appointment before the date specified in the notice to him required in section 410.508(a)(3), or if he fails to accept appointment to an appropriate position offered him, his separation will be deemed voluntary within the provisions of section 4108 of title 5, United States Code, thereby becoming liable, in the absence of good cause shown, for repayment of the additional expenses incurred by the Government in connection with his training.

* * * * *

§ 410.508 Agreements to continue in service.

(a) For the purpose of administering section 4108 of title 5, United States Code:

(1) The period of time an employee is required to agree to continue in the service of the agency begins on the first workday after the end of the training covered by the agreement;

(2) "Additional expenses incurred by the Government in connection with his training" means expenses of training paid under section 4109(a)(2) of title 5, United States Code, but not salary, pay, or compensation; and

(3) Not later than 90 calendar days before the completion of his training, his agency shall notify in writing an employee serving under an appointment authorized by § 213.3102(q) of Schedule A that to fulfill the terms of his training agreement he is required to apply for permanent appointment to a position in the agency, and advise him of the date prior to which he is required to file under an examination appropriate for permanent employment. However, the failure of the agency to notify the employee as required by this subparagraph does not relieve the employee of his obligation to repay the additional training expenses as set out in his agreement with the agency.

* * * * *

§ 410.901 Reports.

* * * * *

(b) The consolidated report shall include: * * *

(3) Attachments—

(i) Training report, Standard Form 10, containing special information required by section 4113(b)(2) of title 5, United States Code, regarding employees receiving training by, in or through non-Government facilities for more than 120 days;

* * * * *

(d) In addition to the report required by paragraphs (a) and (b) of this section, an agency shall submit for each fiscal year a consolidated report to the Commission on training it provided to employees serving in cooperative education programs, as specified in chapter 308 of the Federal Personnel Manual.

(5 U.S.C. 4118; E. O. 11348, 3 CFR, 1967 Comp., p. 275.)

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

[FR Doc.73-21675 Filed 10-11-73;8:45 am]

Title 7—Agriculture

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

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

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Meat and Poultry Inspection Program; Rate Increase

Pursuant to the statutory authorities cited below, the fees relating to inspection, identification, or certification service rendered to operators of establishments engaged in slaughtering or preparing domestic rabbits, or squabs or game birds by the Animal and Plant Health Inspection Service, Meat and Poultry Inspection Program, are hereby amended to reflect increases in Federal employees' salaries authorized by the Federal Pay Comparability Act of 1970, and Executive Order 11739, dated October 3, 1973, to a level that will more adequately cover the service provided.

The rate for base time, overtime, or holiday inspection, identification, or certification service rendered, as provided for in these parts, is changed from $9.60 per hour to $10.24 per hour in §§ 54.101 (d) and 70.131(d).

It has been determined that in order to cover these increased costs of the services, the hourly fees charged in connection with the performance of the services must be increased as soon as practicable as provided herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Animal and Plant Health Inspection Service. Therefore, under 5 U.S.C. 553, it is found that notice and other public procedure with respect to these amendments are impracticable and unnecessary and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

(60 Stat. 1090, as amended; 7 U.S.C. 1624; 37 FR 28464, 28477.)

These amendments shall become effective October 14, 1973.

Done at Washington, D.C., on October 9, 1973.

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

[FR Doc.73-21883 Filed 10-11-73;8:45 am]

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

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Agricultural quarantine inspectors of the U.S. Department of Agriculture are charged with performing inspection duties relating to imports and exports at border ports, seaports, and airports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation and the charge for such overtime is recoverable from those requesting the services. The following document amends § 354.1, Overtime Work at Border Ports, Seaports, and Airports, by increasing the hourly rates for such services performed on a Sunday or holiday, or at any other time outside the regular tour of duty. These increases are commensurate with salary increases provided Federal employees in accordance with the Federal Pay Comparability Act of 1970 (P.L. 91-656), and Executive Order 11739 dated October 3, 1973.

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 354.1 of Part 354, Title 7, Code of Federal Regulations, the first sentence of § 354.1(a) is amended as set forth below:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody or control of plants, plant products, animals, animal products, or other commodities or articles subject to inspection, laboratory testing, certification, or quarantine under this chapter and Subchapter D of Chapter I, Title 9 CFR, who requires the services of an employee of the Plant Protection and Quarantine Programs, on a Sunday or holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of Sunday or holiday or overtime service request the Plant Protection and Quarantine Programs inspector in charge to furnish inspection, laboratory testing, certification, or quarantine service during such overtime, or Sunday or holiday period, and shall pay the Government therefor at the rate of $16.48 per man-hour per employee on a Sunday and at the rate of $11.44 per man-hour per employee for holiday or any other period; except that for any services performed on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States on a private aircraft or

vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. * * *

* * * * *

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendment shall become effective October 14, 1973.

Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of October, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-21983 Filed 10-11-73;11:59 am]

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

[Amdt. 17]

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

Container, Pack, and Container Marking Regulations

This amendment modifies the container, pack, and container marking requirements for Texas oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective October 16, 1973.

On September 24, 1973, notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 26615) regarding a proposal, applicable to § 906.340 *Container, pack, and container marking regulations* (7 CFR 906.340), recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This notice allowed interested persons 8 days during which they could submit written data, views, or arguments pertaining to the proposal. None was submitted. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This action reflects the Department's appraisal of the need for restricting the use of containers and pack sizes to those most suitable for the packing and handling of fruit to promote orderly marketing, so as to provide consumers with good quality fruit, while providing producers a fair return pursuant to the declared policy of the act. The amendment authorizes shipment of five 8-pound bags of fruit in the master container authorized in paragraph (a) (1) (vi) of § 906.340. Currently this master container is authorized only for the shipment of eight 5-pound bags of fruit. The applicable provisions in paragraph (a) (1) (iv) (*b*) would also be modified to conform to this proposed change. The amendment also deletes paragraphs (a) (1) (xi), (a) (1) (xii), and (a) (1) (xiii), because the provisions in these paragraphs expired July 31, 1973, and they are obsolete.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the committee, and other available information, it is hereby found and determined that the amendment, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that; (1) Notice of proposed rule making concerning this amendment, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (38 FR 26615), and no objection to this amendment or such effective date was received; (2) compliance with the amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; (3) shipments of the current crop of such grapefruit and oranges are expected to begin on or about the effective date hereof and this amendment should be applicable, insofar as practicable, to all shipments of such fruit in order to effectuate the declared policy of the act; and (4) this amendment relieves restrictions on the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas.

Order. Therefore, the provisions of paragraphs (a) (1) (xi), (a) (1) (xii), and (a) (1) (xiii) are deleted, and the provisions of paragraphs (a) (1) (iv) (*b*) and (a) (1) (vi) of § 906.340 (7 CFR 906.340) are amended, reading as follows:

§ 906.340 Container, pack, and container marking regulations.

(a) * * *

(1) * * *

(iv) * * *

(*b*) Bags having a capacity of 8 pounds of fruit: *Provided,* That fruit when packed in such bags shall be handled only when packed in the numbers and containers specified in paragraphs (a) (1) (v) and (a) (1) (vi) of this section;

* * * * *

(vi) Closed fiberboard carton with inside dimensions of 20 x 13¼ inches and of a depth from 9¾ to 10¾ inches: *Provided,* That the container has a Mullen or Cady test of at least 250 pounds and the container is used only for the shipment of eight 5-pound bags of fruit, or five 8-pound bags of fruit;

* * * * *

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

Dated October 5, 1973, to become effective October 16, 1973.

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

[FR Doc.73-21669 Filed 10-11-73;8:45 am]

[Orange Reg. 25]

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

Limitation of Shipments

This section sets the minimum requirements for shipments of oranges grown in the Lower Rio Grande Valley in Texas at U.S. No. 2 grade and 2 2/16 inches in diameter, for the period October 16, 1973, through November 3, 1974. These requirements are designed to promote orderly marketing and provide consumers with an ample supply of acceptable quality fruit.

On September 24, 1973, notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 26614) regarding a proposed regulation to be made effective pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This notice allowed interested persons 8 days during which they could submit written data, views, or arguments pertaining to this proposed section. None were submitted. The proposed section was recommended by the Texas Valley Citrus Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This action reflects the Department's appraisal of the need for regulation, and of the crop and current and prospective market conditions. Shipments of oranges from the production area are expected to begin on or about October 16, 1973. The grade and size requirements provided herein are designed to prevent the handling on and after October 16, 1973, of any oranges of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while providing producers fair returns pursuant to the declared policy of the act. The grade and size requirements are the same as those currently in effect, through October 15, 1973, under § 906.350 Orange Regulation 24 (37 FR 21801).

After consideration of all relevant matters presented, including the proposal

set forth in the aforesaid notice, the recommendation and information submitted by the committee, and other available information, it is hereby found and determined that the section as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that; (1) Notice of proposed rule making concerning this section, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (38 FR 26614), and no objection to this section or such effective date was received; (2) compliance with the section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipments of the current crop of such oranges are expected to begin on or about the effective date hereof and this section should be applicable, insofar as practicable, to all shipments of such oranges in order to effectuate the declared policy of the act.

§ 906.352 Orange Regulation 25.

(a) Order: During the period October 16, 1973, through November 3, 1974, no handler shall handle:

(1) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1 grade; or U.S. No. 2;

(2) Any oranges of any variety, grown in the production area, which are smaller than pack size 288, as such size is specified in § 51.691(c) of the U.S. Standards for Oranges (Texas and States other than Florida, California and Arizona), except that the minimum diameter limit for pack size 288 oranges in any lot shall be 2 9/16 inches;

(3) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any oranges of any variety, grown as aforesaid, unless such oranges meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California and Arizona) (7 CFR 51.680–51.714).

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

Dated October 5, 1973.

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

[FR Doc.73-21668 Filed 10-11-73;8:45 am]

[Grapefruit Reg. 25]

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

Limitation of Shipments

This regulation sets minimum grade and size requirements for shipments of grapefruit grown in the Lower Rio Grande Valley in Texas for the period October 16, 1973, through November 3, 1974. These requirements are designed to promote orderly marketing and provide consumers with an ample supply of acceptable quality fruit.

On September 24, 1973, notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 26614) regarding a proposed regulation to be made effective pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This notice allowed interested persons 8 days during which they could submit written data, views, or arguments pertaining to this proposed regulation. None were submitted. The proposed regulation was recommended by the Texas Valley Citrus Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

This action reflects the Department's appraisal of the need for regulation, and of the crop and current and prospective market conditions. Shipments of grapefruit from the production area are expected to begin on or about October 16, 1973. The grade and size requirements provided herein are designed to prevent the handling on and after October 16, 1973, of any grapefruit of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistant with the overall quality of the crop, while providing producers a fair return pursuant to the declared policy of the act. The grade requirements provided herein are the same as those currently in effect, while the size requirements for the periods specified are comparable to those in effect during the past season. The more stringent size requirement, for the period November 5, 1973, through February 24, 1974, is designed to prevent a weakening of the market during a period of normally heavy shipments, and to maintain the competitiveness of Texas grapefruit when other areas are shipping greater volumes of larger grapefruit. Grade and size requirements are currently in effect, through October 15, 1973, under § 906.351 Grapefruit Regulation 24 (37 FR 21801).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the committee, and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (38 FR 26614), and no objection to this regulation or such effective date was received; (2) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipments of the current crop of such grapefruit are expected to begin on or about the effective date hereof and this regulation should be applicable, insofar as practicable, to all shipments of such grapefruit in order to effectuate the declared policy of the act.

§ 906.353 Grapefruit Regulation 25.

(a) Order: During the period October 16, 1973, through November 3, 1974, no handler shall handle:

(1) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. No. 1 Bronze; or U.S. No. 2;

(2) Any grapefruit of any variety, grown in the production area, which are smaller than pack size 112, as such size is specified in § 51.630(c) of the U.S. Standards for Grapefruit (Texas and States other than Florida, California and Arizona), except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be 3 5/16 inches: *Provided*, That during the period November 5, 1973, through February 24, 1974, no handler shall handle any grapefruit of any variety, grown in the production area, which are smaller than pack size 96, as such size is specified in § 51.630(c) of the aforesaid U.S. Standards for Grapefruit, except that the minimum diameter limit for pack size 96 grapefruit in any lot shall be 3 9/16 inches;

(3) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any grapefruit of any variety, grown as aforesaid, unless such grapefruit meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used

herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona) (7 CFR 51.620–51.653).

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

Dated October 5, 1973.

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

[FR Doc.73-21670 Filed 10-11-73;8:45 am]

[Grapefruit Reg. 39]

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

Limitation of Shipments

Grapefruit Regulation 39 prescribes during the period October 14, 1973, through August 31, 1974, a minimum grade of U.S. No. 2 (modified) for shipments of fresh grapefruit grown in Arizona and designated part of California, and a minimum size not less than 3 9/16 inches in diameter (size 48's) for such grapefruit shipped to points in the States of California, Arizona, Florida, Texas, Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah. Shipments direct to Mexico would be exempt from both grade and size requirements. There would be no minimum size requirement for grapefruit shipped to all other States and to other export markets. The minimum requirements are those which have been found to be necessary to provide consumers with fruit of acceptable quality.

On September 28, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 27068), regarding a proposed regulation to be made effective pursuant to Marketing Order No. 909, as amended, (7 CFR Part 909) regulating the handling of fresh grapefruit grown in Arizona and designated part of California. The proposed regulation was recommended by the Administrative Committee established pursuant to the said marketing order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This regulation imposes minimum grade and size requirements on shipments of grapefruit. The regulation is based upon an appraisal of the crop and prospective market conditions as required in § 909.51 of said marketing order. Seasonal shipments of grapefruit from the production area are expected to begin on or about the effective time hereof. Grapefruit is reported to be of good quality this year, and sizes are smaller than last year. This regulation is necessary during the period October 14, 1973, through August 31, 1974, to prevent the handling of any grapefruit of lower grades and smaller sizes than those herein specified, so as to provide consumers with fruit of acceptable quality, consistent with (1) the overall quality of the crop, and (2) improved returns to producers pursuant to the declared policy of the act.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Administrative Committee (established pursuant to the marketing order), and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication thereof 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. Seasonal shipments of grapefruit are expected to begin on or about the effective time hereof; the recommendation and supporting information for regulation during the period October 14, 1973, through August 31, 1974, were promptly submitted to the Department after an open meeting of the Administrative Comittee on September 13, 1973; notice of the proposed regulation was published in the September 28, 1973, issue of the FEDERAL REGISTER, and no objections were received either to the regulation or to the proposed effective time; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth, so as to provide for the regulation of the handling of such grapefruit, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 909.339 Grapefruit Regulation 39.

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

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

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

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

(ii) Any grapefruit which measure less than 3 9/16 inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller an 3 9/16 inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerance specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.925–51.955: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than 3 9/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 13/16 inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1)(i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than 3 9/16 inches in diameter directly to a destination in Zone 5 or Zone 6.

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

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

Dated October 9, 1973, to become effective October 14, 1973.

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

[FR Doc.73-21680 Filed 10-11-73;8:45 am]

[Lemon Regulation 603]

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 Oct. 14–20, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relation-

ship of season average returns to the parity price for lemons.

§ 910.908 Lemon Regulation 608.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is easier on sizes 165's and 200's and is good on 140's and larger lemons which are in short supply. Sales volume is expected to increase slightly next week. Average f.o.b. price was $6.99 per carton the week ended Oct. 6, 1973, compared to $6.99 per carton the previous week. Track and rolling supplies at 120 cars were up 12 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 section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 9, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period Oct. 14, 1973, through Oct. 20, 1973, is hereby fixed at 195,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: October 10, 1973.

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

[FR Doc.73-21908 Filed 10-11-73;8:45 am]

[Grapefruit Reg. 14—Amdt. 1]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Grade and Size Requirements for Imports of Grapefruit

This amendment continues, after October 14, 1973, current grade and size restrictions applicable to imported grapefruit as follows: Imported seeded grapefruit—U.S. No. 1 and 3 14/16 inches in diameter; seedless grapefruit—Improved No. 2 and 3 9/16 inches in diameter. The requirements are the same as those applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905. The proposal to extend the period of regulation of imports of grapefruit was published in the Federal Register on September 26, 1973, and appears without change in the amendment as hereinafter set forth.

Notice was published in the FEDERAL REGISTER on September 26, 1973 (38 FR 26807), that consideration was being given to a proposed amendment which would limit the importation of grapefruit into the United States. The notice provided that all written data, views, or arguments in connection with the proposed amendment be submitted by October 2, 1973. None were received.

This amendment would be issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This act requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order the imports of that commodity must meet the same or comparable requirements as those in effect for the domestically produced commodity. This regulation is the same as the domestic grade and size regulation for grapefruit, issued pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, which becomes effective October 15, 1973.

It is hereby found that good cause exists for not postponing the effective time of the regulatory provisions of this amendment, as hereinafter set forth, beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such requirements mandatory; (b) the grade and size requirements of this amended import regulation are the same as those being made applicable to domestic shipments of grapefruit grown in Florida under amended Grapefruit Regulation 74 (§ 905.551); (c) notice that such action was being considered was published in the September 26, 1973, issue of the FEDERAL REGISTER (38 FR 26807), and no objection to this regulation was received; (d) the provisions of this import regulation are the same as those contained in said notice; (e) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; (f) notice hereof in excess of three days, the minimum prescribed by said section 8e, is given with respect to this import regulation by prescribing an effective date of October 15, 1973, and (g) such notice is hereby determined, under the circumstances, to be reasonable.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the grade and size restrictions in effect pursuant to the said amended marketing agreement and order shall apply to grapefruit to be imported.

Order. In § 944.110 (Grapefruit Regulation 14; 38 FR 26108) the provisions of paragraph (a) preceding subparagraph (1) thereof are amended to read as follows: (The provisions of paragraph (a) (1) and (a) (2) are included for purposes of clarity.)

§ 944.110 Grapefruit Regulation 14.

(a) On and after October 15, 1973, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than 3 14/16 inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in § 51.761 of the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least Improved No. 2 and be of a size not smaller than 3 9/16 inches in diameter,

except that a tolerance for seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in § 51.761 of the United States Standards for Florida Grapefruit. ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.)

* * * * *

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

Dated October 4, 1973, to become effective October 15, 1973.

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

[FR Doc.73-21671 Filed 10-11-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Reg., 1970 and Subsequent Crop Rice Supp., Amdt. 3]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Rice Loan and Purchase Program

CHANGE IN INSPECTION CHARGE

Correction

In FR Doc. 73-20821, appearing on page 27212 for the issue of Monday, October 1, 1973, the amount "$7.00" appearing in the seventh line of the second paragraph of the introductory text should read "$7.20".

CHAPTER XVII—RURAL ELECTRIFICATION ADMINISTRATION

PART 1701—PUBLIC INFORMATION

REA Bulletins

Part 1701, Title 7, is hereby amended to include additions and revisions to the Appendix A listing and summary descriptions of REA Bulletins providing the program policies, procedures, and requirements of the Agency. In major part, they reflect new and revised REA Bulletins issued after prior publication in the FEDERAL REGISTER to secure public comment and participation under proposed rule making procedures.

No comments were received from the public on the new or revised REA Bulletins included in this update of Appendix A.

The following new or revised listings and summary descriptions of REA Bulletins are additions and replacements, as specified, to the listings in Appendix A to Part 1701 (36 FR 19075).

APPENDIX A—REA BULLETINS

JOINT RURAL ELECTRIFICATION AND TELEPHONE PROGRAM BULLETINS

REA bulletin number and date of last issuance	*Description of content*
1-3:300-2; May 1973 (Replacing May 1971)	Rural Electrification Act of 1936 with amendments to May 11, 1973, providing the statutory basis for the rural electrification and telephone loan programs of REA and the Rural Telephone Bank.
20-19:320-19; July 1973 (Replacing September 1970).	The policy and procedure of REA to assure nondiscrimination among beneficiaries of REA programs.
40-2:340-5; August 1973 (Replacing August 1962).	Insurance requirements of REA for borrowers' contractors, engineers, and architects, including bond requirements for borrowers' contractors.
86-5:387-2; June 1973 (Replacing July 1968)	REA requirements and procedure concerning the use of REA Contract Form 257 in the construction of headquarters facilities of electric and telephone borrowers.
114-2:414-1; April 1973 (Replacing April 1964).	The policy of REA with respect to minimum insurance and fidelity coverage for REA borrowers.

RURAL ELECTRIFICATION PROGRAM BULLETINS

40-8; May 1973 (Replacing September 1970)	REA construction specifications, drawings and contract forms for electric distribution, transmission and generation facilities.
43-5; July 1973 (Replacing July 1972)	List of materials acceptable to REA for use in the construction of borrowers' electric systems.
105-4; May 1973 (Replacing August 1964)	Guidelines for financial management by REA electric borrowers.
184-2; August 1973 (Replacing May 1962)	The guidelines of REA pertaining to work orders in accounting for fixed capital changes in the plant of electric borrowers.

RURAL TELEPHONE PROGRAM BULLETINS

345-6; June 1973 (Replacing February 1971)	Specifications of REA for splicing buried and aerial cables and wires, and underground cables used on telephone systems of REA borrowers.
345-39; August 1973 (Replacing July 1965)	Specifications of REA for telephone station protectors on the systems of REA borrowers.
345-68; April 1973 (New)	Specifications of REA for two-electrode gas tube protectors on borrowers' telephone systems.
345-69; April 1973 (New)	Specifications of REA for two-wire voice frequency repeater equipment on borrowers' telephone systems.

Dated October 5, 1973.

DAVID H. ASKEGAARD,
Acting Administrator.

[FR Doc.73-21841 Filed 10-11-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 307—FACILITIES FOR INSPECTION

SUBCHAPTER B—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

PART 350—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCTS

PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Rate Increase for Inspection Service

Pursuant to the statutory authorities cited below, the fees relating to inspection, identification, or certification service rendered to operators of official meat or poultry establishments, importers, or exporters by the Animal and Plant Health Inspection Service, Meat and Poultry Inspection Program, are hereby amended to reflect increase in Federal employees' salaries authorized by the Federal Pay Comparability Act of 1970, and Executive Order 11739, dated October 3, 1973, to a level that will more adequately cover the cost of the service provided.

The rate for overtime or holiday inspection, identification, or certification service rendered, as the case may be in accordance with the provisions of this chapter, is changed from $9.60 per hour to $10.24 per hour in §§ 307.6(a), 350.7(c), 355.12, 381.39, 381.40(a), and 381.41.

The rate for base time for identification or certification service rendered, as provided in this chapter, is changed from $9.60 per hour to $10.24 per hour in §§ 350.7(c) and 355.12.

(81 Stat. 584, 21 U.S.C. 621; 82 Stat. 791, 21 U.S.C. 463; 62 Stat. 334, 21 U.S.C. 695; 41 Stat. 241, 7 U.S.C. 394; 84 Stat. 1633, 21 U.S.C. 1053; 37 F.R. 28464, 28477.)

It has been determined that in order to cover these increased costs of the services, the hourly fees charged in connection with the performance of the services must be increased as soon as practicable as provided herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Animal and Plant Health Inspection Service. Therefore, under 5 U.S.C. 553, it is found that notice and other public procedure with respect to these amendments are impracticable and unnecessary and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments shall become effective October 14, 1973.

Done at Washington, D.C., on October 9, 1973.

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

[FR Doc.73-21882 Filed 10-11-73;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 329—INTEREST ON DEPOSITS

Advertising of Interest or Dividends on Deposits

The Board of Directors of the Federal Deposit Insurance Corporation has authorized the publication of the following interpretative statement setting forth the position of the Corporation's Legal Division with respect to the meaning and application of the provisions of § 329.8 of the rules and regulations of the Corporation.

Section 329.8 prescribes the manner in which insured nonmember banks (including insured nonmember mutual savings banks) may advertise the interest or dividends they pay on time and savings deposits. In enforcing the provisions of this section, the Corporation, for the most part, relies on a review of questionable advertisements brought to its attention. This approach, however, tends to provide an uneven measure of protection for depositors and at times works a competitive inequity vis-a-vis those banks whose advertisements are not questioned.

EDITORIAL NOTE: Set forth below is an interpretation of § 329.8:

The Legal Division believes it important that insured nonmember banks know the approach taken and the criteria applied by the staff in reviewing their advertisements for conformity with the requirements of § 329.8 of the Corporation's regulations. This knowledge should better enable insured nonmember banks to fashion advertisements that avoid violating any requirements of § 329.8.

Section 329.8 sets forth various specific requirements in subsections (a) through (e) and (h) capped by a general proscription in subsection (f) against "inaccurate" or "misleading" advertisements or those which "misrepresent" the deposit contracts offered. The Legal Division believes that the various specific requirements prescribed should be read and applied literally in accordance with their evident intent and purpose. The general proscription against inaccurate or misleading advertisements should be taken as prohibiting any statement or claim which incorrectly represents the terms and conditions of the deposit contracts offered or which has a tendency or capacity to deceive or to leave an erroneous impression. It is of the utmost importance, therefore, that insured nonmember banks avoid exaggerated, overly generalized or unsubstantiated claims or assertions or ambiguous statements reasonably susceptible to a construction that is or may be false or erroneous. The Legal Division believes that every effort should be made to explain correctly, in simple direct language, the terms and conditions of the deposit accounts solicited, including the duration of a depositor's commitment of his funds and the existence of penalties for or restrictions on withdrawals prior to maturity so that he may appreciate the relative merits of the accounts offered and intelligently choose those that best suit his needs.

In reviewing questionable advertisements, the Legal Division staff has noted from time to time a variety of violations of § 329.8. The following are listed for the benefit and guidance of insured nonmember banks as examples of the type of advertising that should be avoided:

(1) Section 329.8(d) requires a clear statement of any time requirement to which an advertised rate is subject. Frequently, a rate is advertised as being "guaranteed" for a specified number of years. While the advertising of a rate as being "guaranteed" for a specified period may be permissible, the Legal Division does not believe that the quoted language suffices as a clear statement of the minimum time requirement because it merely states the duration of the "guarantee" without adequately informing a potential depositor that he must commit his funds for a minimum period in order to obtain the "guaranteed" rate. In order to suffice as a clear statement, language should be used which plainly indicates that a depositor must commit his funds for a definite period or term in order to obtain the advertised rate.

(2) Similarly, a rate is often advertised as being available on money "held," "kept" or "left" on deposit for a specified number of years. This language, without further explanation, is particularly objectionable because not only does it fail to inform a depositor that he must make a term commitment of funds to obtain the rate, but it affirmatively suggests that he may unilaterally withdraw his funds, without penalty, at any time during the period specified. The quoted language is also misleading because it fosters the false notion that the rate offered is dependent on the length of time a depositor chooses to permit his funds to remain on deposit rather than on the fixed term for which he commits his funds.

(3) Section 329.8(d) also requires a conspicuous statement of any time or amount requirements to which an advertised rate is subject. The Legal Division staff has often noted time or amount requirements printed in small or even miniscule type "buried" in the body of textual material or in coupons. The Legal Division believes that, in general, the visibility of any statement of time and amount requirements should bear some reasonable relationship to the visibility of the related advertised rate and where, for example, the advertised rate is printed in large bold-face type, the time and amount requirements should also be printed in reasonably large bold-face type (although not necessarily the same size type) and placed in close proximity to the advertised rate.

(4) Rates are occasionally advertised as follows: "5½ percent for 90 days," "6 percent for 1 year" and "6½ percent for 2½ years." The Legal Division does not believe these expressions, without further explanation, suffice as clear statements of the minimum time requirements involved since they too emphasize the duration of the rate rather than the fixed term for which the depositor must commit his funds. Moreover, when stated in such a sequence, these expressions are misleading where the context in which they appear suggests that the increasingly higher rates are available on the same funds permitted to remain on deposit for successively longer periods, rather than on different funds deposited for the definite terms indicated.

(5) The grace days feature of regular savings accounts is sometimes misdescribed to make it appear more advantageous than is actually the case. For example, regular savings accounts have been described as "Grace Day accounts" having "10 extra dividend earning days per month." Grace days permit funds deposited by the 10th of the month to earn interest from the first; however, once deposited they do not earn 10 extra days of interest every month thereafter.

(6) The interest rates available on dissimilar types of savings accounts are compared unfairly without disclosing that different types of accounts are involved. For example, the 5 percent rate available on regular savings accounts at commercial banks is compared to the 6¾ percent rate available on two and one-half year time deposits at savings banks while both types of accounts are referred to generically as "savings" accounts.

The foregoing represents the Legal Division's views on some of the advertising practices which have come to its attention. These views should be taken into account by all insured nonmember banks, their advertising agencies, and counsel when composing or reviewing advertisements for time and savings deposits. In the future, violations of section 329.8 will, in appropriate circumstances, result in a recommendation by the Legal Division to the Board of Directors of the Corporation that formal enforcement action be taken against the alleged violators. If any insured nonmember bank, its advertising agency or counsel has a specific question regarding the applicability of § 329.8, representatives of the Legal Division are available to discuss the matter.

By order of the Board of Directors, October 5, 1973.

FEDERAL DEPOSIT INSURANCE CORPORATION.
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.73-21826 Filed 10-11-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 73-286]

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS, AND CONTROL OF MERCHANDISE THEREIN

Grounds and Procedure for Revoking or Suspending Privileges

OCTOBER 3, 1973.

On June 8, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 15080), which proposed to provide a more complete procedure and more comprehensive standards with respect to revocation or suspension of the privilege of operating a container station. It proposed to amend § 19.48 of the Customs Regulations to set forth in detail the notice, appeal, and hearing

procedure to be followed in revoking or suspending the privilege of operating a container station. It also required the United States Customs Service to provide a detailed statement of the grounds for the revocation or suspension.

No comments were filed in response to the notice of proposed rulemaking.

Accordingly, proposed § 19.48, Customs Regulations, is hereby amended as set forth below.

Effective date.—This amendment shall become effective November 12, 1973.

Approved October 3, 1973.

G. R. DICKERSON,
Acting Commissioner of Customs.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

Section 19.48 is amended to read as follows:

§ 19.48 Suspension or revocation of the privilege of operating a container station; hearings.

(a) *Grounds for suspension or revocation.*—The district director may revoke or suspend the privilege of operating a container station if:

(1) The privilege was obtained through fraud or the misstatement of a material fact;

(2) The container station operator refuses or neglects to obey any proper order of a Customs officer or any Customs order, rule, or regulation relative to the operation of a container station;

(3) The container station operator or an officer of a corporation which has been granted the privilege of operating a container station is convicted of a felony, or is convicted of a misdemeanor involving theft, smuggling, or a theft-connected crime;

(4) The container station operator fails to retain merchandise which has been designated for examination;

(5) The container station operator does not provide secure facilities or properly safeguard merchandise within the container station;

(6) The container station operator fails to furnish a current list of names, addresses, and other information required by § 19.46; or

(7) The bond required by § 19.40 is determined to be insufficient in amount or lacking sufficient sureties, and a satisfactory new bond with good and sufficient sureties is not furnished within a reasonable time.

(b) *Notice and appeal.*—The district director shall suspend or revoke the privilege of operating a container station by serving notice of the proposed action in writing upon the container station operator. The notice shall be in the form of a statement specifically setting forth the grounds for revocation or suspension of the privilege and shall be final and conclusive upon the container station operator unless he shall file with the district director a written notice of appeal. The container station operator may file a written notice of appeal from the revocation or suspension within 10 days following receipt of the notice of revocation or suspension. The notice of appeal shall be filed in duplicate and shall set forth the response of the container station operator to the statement of the district director. The container station operator, in his notice of appeal, may request a hearing.

(c) *Hearing on appeal.*—If a hearing is requested, it shall be held before a hearing officer designated by the Secretary of the Treasury or his designee within 30 days following application therefor. The container station operator shall be notified of the time and place of the hearing at least 5 days prior thereto. The container station operator may be represented by counsel at the revocation or suspension hearing. All testimony in the proceeding shall be subject to cross-examination. A stenographic record of any such proceeding shall be made and a copy thereof shall be delivered to the container station operator. At the conclusion of such proceeding or review of a written appeal, the hearing officer or the district director, as the case may be, shall forthwith transmit all papers and the stenographic record of any hearing, to the Commissioner of Customs, together with his recommendation for final action. Following a hearing and within 10 calendar days after delivery of a copy of the stenographic record, the container station operator may submit to the Commissioner of Customs, in writing, additional views and arguments on the basis of such record. If neither the container station operator nor his attorney appear for a scheduled hearing, the hearing officer shall conclude the hearing and transmit all papers with his recommendation to the Commissioner of Customs. The Commissioner shall thereafter render his decision, in writing, stating his reasons therefor, with respect to the action proposed by the hearing officer or the district director. Such decision shall be transmitted to the district director and served by him on the container station operator.

(R.S. 251, as amended; sec. 499, 46 Stat. 728, as amended; secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 66, 1499, 1623, 1624.)

[FR Doc.73-21818 Filed 10-11-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 542-73]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart M—Land and Natural Resources Division

Delegation Respecting Mineral Leasing

This order delegates the Attorney General's authority to consent to mineral leasing on lands under the jurisdiction of the Department of Justice to the Assistant Attorney General, Land and Natural Resources Division or his designees.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Subpart M of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following § 0.68 at the end thereof:

§ 0.68 Delegation respecting mineral leasing.

The Assistant Attorney General in charge of the Land and Natural Resources Division, and such members of his staff as he may specifically designate in writing, are authorized to execute the power and authority of the Attorney General under the provisions of section 3 of the act of August 7, 1947, 61 Stat. 914, 30 U.S.C. 352, respecting the leasing of minerals on lands under the jurisdiction of the Department of Justice.

Dated: October 3, 1973.

ELLIOTT RICHARDSON,
Attorney General.

[FR Doc.73-21682 Filed 10-11-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amendment G-26]

PART 101-40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Transportation Contracts and Agreements

Subpart 101-40.1 is amended to inform agencies of the availability of term contracts for office relocations and to clarify provisions concerning the permissive and mandatory use of available contracts and agreements for transportation and related services.

The table of contents for Part 101-40 is amended to include new and revised entries as follows:

Subpart 101-40.1—General Provisions

Sec.	
101-40.109	Availability of contracts and agreements.
101-40.109	Availability of contracts and agreements.
101-40.109-2	Office relocation contracts.
101-40.109-3	Mandatory or permissive use of contracts and agreements.

Section 101-40.109 is revised to read as follows:

§ 101-40.109 Availability of contracts and agreements.

§ 101-40.109-1 Miscellaneous contracts and agreements.

(a) The Federal Supply Service, General Services Administration, will, as deemed necessary, enter into term contracts for transportation and related services, including but not limited to contracts for stevedoring, storage, drayage, packing, marking, ocean freight forwarding, office relocations estimated to cost $2,500 or less, and other accessorial services, and will enter into agreements concerning such matters as demurrage, weighing, and the use of commercial documents and procedures in lieu of

Government bills of lading. Such contracts and agreements will be made for and in behalf of all civilian executive agencies.

(b) The availability of these contracts and agreements will be announced through GSA bulletins which will outline the specific contractual services and the terms of the agreements. After distribution of such bulletins, GSA will furnish copies of the contracts and agreements to agencies upon request.

§ 101-40.109-2 Office relocation contracts.

(a) GSA will enter into term moving contracts for office relocations estimated to cost $2,500 or less in cities where it is determined that such contracts are warranted. Availability of such term contracts will be announced through GSA bulletins as provided in § 101-40.109-1(b).

(b) For office relocations in cities where term moving contracts are not available, agencies may obtain their own moving contracts either by formal advertising or by negotiation (41 CFR 1-7.7 and 1-19.7), as appropriate. Agencies may also obtain their own moving contracts for office relocations costing more than $2,500. Alternatively, upon request of an agency, GSA will enter into a separate moving contract to meet that agency's requirements. However, relocation of offices occupying space which has been assigned by GSA requires prior approval by the Public Buildings Service, GSA, in accordance with the provisions of Subpart 101-20.1, Assignment of Space, and Subpart 101-20.2, Utilization of Space.

(c) Regardless of whether an office relocation is made under a GSA term moving contract, under a contract entered into by an individual agency, or under a contract entered into by GSA on behalf of an individual agency, the agency being relocated or GSA, as appropriate, shall make arrangements direct with the moving contractor. Such arrangements shall include (1) issuing the purchase order or placing the work order; (2) arranging for direct billing; (3) making all operational arrangements; (4) supervising the actual moving; (5) processing loss and damage claims; (6) providing certification on the contractor's invoice; and (7) processing the invoice for direct payment to the contractor.

§ 101-40.109-3 Mandatory or permissive use of contracts and agreements.

When a contract or agreement is awarded in response to a specific request by an agency, the use of the contract is mandatory for that agency. When term contracts and agreements are entered into by GSA for use "as needed," the use of the contracts or agreements is mandatory only on GSA and premissive for other agencies; however, their use by other agencies is recommended when it is in the best interest of the Government. Within the guidelines of this § 101-40.109-3, the extent of mandatory or permissive use will be clearly indicated in each contract or agreement.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Effective date.—This regulation is effective October 12, 1973.

Dated October 3, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73-21692 Filed 10-11-73;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—FELLOWSHIPS, INTERNSHIPS, TRAINING

PART 65—FEES FOR DIRECT TRAINING, CENTER FOR DISEASE CONTROL

Section 311(b) of the Public Health Service Act (42 U.S.C. 243(b)) authorizes the Secretary of Health, Education, and Welfare to train personnel for State and local health work.

On June 25, 1973, a notice was published in the FEDERAL REGISTER (38 FR 16658) to amend subchapter E of Chapter I, Title 42, Code of Federal Regulations, by establishing a new Part 65 and setting forth a fee policy for direct training conducted by the Center for Disease Control (CDC) effective July 1, 1973. A fee schedule which implements the policy was also set forth.

Interested persons were invited to participate in the rule making through the submission of comments and a substantial number of comments were received from State and local agencies, a professional association, and a private individual. Due consideration has been given to all material presented.

The large majority of the comments objected to the policy of instituting fees on the grounds that it would deprive public health workers, particularly of State and local health agencies, from receiving essential training. Many of the State and local health agencies indicated that they will need a period of time to arrange the necessary fiscal and budgetary resources to implement the reimbursement policy. An administrative decision has been made that beginning this fiscal year, direct training would be on a reimbursable basis and this decision is being applied throughout the Federal Government. However, a provision for a waiver of the fee has been included in the regulation to assure that a qualified staff of public health workers, particularly from official health agencies, will be maintained to perform disease control functions essential to the Nation's public health. A waiver of the fees will be considered only when the request is in the public interest.

This regulation applies to all direct training conducted by the Center for Disease Control (CDC), except for the National Institute for Occupational Safety and Health (NIOSH), which was transferred to CDC by the Reorganization Order of the Public Health Service, which was effective July 1, 1973, and published in the FEDERAL REGISTER on July 9, 1973 (38 FR 18261). The regulations for charging fees for direct training in occupational safety and health (Subpart D of Part 80, Chapter I, Title 42, Code of Federal Regulations) were published in the FEDERAL REGISTER on June 25, 1973 (38 FR 16644).

Therefore, a new Part 65 is established and the regulations as set forth below are adopted, effective on (the date of their publication in the FEDERAL REGISTER), without change, except for insertion of a new § 65.1 to exclude direct training conducted by the National Institute for Occupational Safety and Health from the scope of applicability of Part 65.

Dated September 13, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved October 9, 1973.

CASPAR W. WEINBERGER,
Secretary.

(Catalog of Federal Domestic Assistance Program Nos. 13.201 Disease Control-Laboratory Improvement, 13.203 Disease Control-Training Public Health Workers, 13.204 Disease Control-Tuberculosis, and 13.205 Disease Control-Venereal Disease.)

PART 65—FEES FOR DIRECT TRAINING

Center for Disease Control

Sec.
65.1 Applicability.
65.2 Establishment of fees.
65.3 Definitions.
65.4 Schedule of fees.
65.5 Application procedures.
65.6 Payment procedures.
65.7 Refunds.
65.8 Waivers.

Authority.—Sec. 501, 65 Stat. 290; 31 U.S.C. 483a.

§ 65.1 Applicability.

The provisions of this Part 65 are applicable to direct training other than direct training subject to the provisions of Subpart D of Part 80, Title 42, Code of Federal Regulations (training conducted by the National Institute for Occupational Safety and Health).

§ 65.2 Establishment of fees.

Except as otherwise provided in § 65.8 effective July 1, 1973, a fee shall be charged for all students receiving direct training conducted by the Center for Disease Control.

§ 65.3 Definitions.

(a) "CDC" means the Center for Disease Control.

(b) "Direct training" means all public health training conducted directly by CDC through courses for employees or representatives of State and local governmental agencies, other Federal agencies, international agencies, private industries, universities, other non-CDC agencies and organizations, and private individuals.

§ 65.4 Schedule of fees.

(a) Following are estimated fee ranges:

	Fees per student day
Classroom courses	$25–$75
Homestudy courses	6–15
Laboratory courses	35–100

(b) The fees specified in paragraph (a) of this section are based upon an analysis of the cost of previous courses and are, therefore, subject to revision. Fee ranges are given to indicate that fees may vary according to course design and facility location, i.e., whether a student attends a headquarters course or a field course. Up-to-date fee schedules for regular training courses will be available from the CDC headquarters offices and will be published in an addendum to the CDC Training Bulletin (available on request) and, when necessary, a general notice will be published in the FEDERAL REGISTER. The fee for special training efforts will be based upon the training requirements agreed upon between the requester and CDC.

§ 65.5 Application procedures.

Specific training information, including application procedures, may be obtained from CDC headquarters offices and the CDC Training Bulletin. Applications for enrollment in direct training courses shall be made on form HSM 319-A (CDC) and submitted to CDC. Requests by organizations for field courses and special training efforts should be made in writing to CDC at the following address:

Center For Disease Control
Attention: Training
Atlanta, Ga. 30333

§ 65.6 Payment of procedures.

Upon notification of acceptance in a direct training course, applicants shall submit payment of fees as follows:

(a) Federal agency applicants shall submit a letter identifying the agency and office to be billed, the agency order number, and any code number or other necessary billing information.

(b) State and local agency applicants shall provide similar billing information or submit check payable to the Center for Disease Control.

(c) All other applicants shall submit a check payable to the Center for Disease Control prior to the commencement of the course.

§ 65.7 Refunds.

Fees may be refunded in full provided (1) notice of withdrawal is received no later than 10 days before commencement of the training and (2) the withdrawal does not result in cancellation of a course because of insufficient funds to produce the training. Fees will be refunded when an application is not accepted, when a course is oversubscribed, or when a course is canceled.

§ 65.8 Waivers.

(a) CDC may waive the fee requirement when such waiver is judged to be in the public interest. Requests for waiver shall accompany completed applications for training or shall be submitted by organizations during arrangements for training. Waiver requests shall be submitted in writing and must include (1) an explanation of the relationship of the applicant's job to the training desired and (2) a justification for waiver of the fee, which explains how the training relates to the achievement of national goals of concern to CDC and why a waiver is needed.

[FR Doc.73-21799 Filed 10-11-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5398]

[Utah 23692]

UTAH

Partial Revocation of Withdrawal for National Forest Reserve; Transfer of Administrative Jurisdiction Over Land in Capitol Reef National Park

By virtue of the authority vested in the President by the Act of June 4, 1897, 16 U.S.C. 473 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and the authority contained in section 2 of the Act of December 18, 1971, 16 U.S.C. 273a (Supp. 1, 1971), it is ordered as follows:

1. The Presidential Proclamations of January 22, 1906, and March 30, 1911, and any other order or orders, or amendments thereto, withdrawing lands for the Fishlake National Forest, are hereby revoked so far as they affect the following described lands:

SALT LAKE MERIDIAN

T. 27 S., R. 4 E.,
Sec. 25, E½.
T. 27 S., R. 5 E.,
Sec. 5, lots 1 thru 4, S½N½, S½
Sec. 8, N½;
Sec. 19, lots 3 and 4, E½SW¼, SE¼;
Sec. 20, S½;
Sec. 29;
Sec. 30, lots 1 thru 4, E½W½, E½;
Sec. 32.
T. 28 S., R. 5 E.,
Sec. 4, lots 1 thru 4, S½N½, S½;
Sec. 5, lots 1 thru 4, S½N½, S½.

The areas described aggregate 5,146.37 acres in Wayne County.

2. The jurisdiction over the land described above is hereby transferred to the Secretary of the Interior to be administered by the National Park Service as part of the Capitol Reef National Park as established by, and in accordance with the provisions of the Act of December 18, 1971, supra.

JACK O. HORTON,
Assistant Secretary of the Interior.

OCTOBER 4, 1973.

[FR Doc.73-21685 Filed 10-11-73;8:45 am]

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 67—STUDENT LOAN MARKETING ASSOCIATION—ISSUANCE AND TRANSFER OF COMMON STOCK

A proposal was published in the FEDERAL REGISTER on August 1, 1973, (38 FR 20465) to add a new Part 67 to subtitle A of Title 45 of the Code of Federal Regulations in accordance with the authority contained in section 439 of the Higher Education Act of 1965 (20 U.S.C. 1087-2). The proposed new part involved the issuance and transfer of common stock by the Student Loan Marketing Association. Interested persons were given 15 days to submit written comments, suggestions, or objections regarding the proposed regulations.

Only a few technical and clarifying changes are now being made in the proposed regulations, several of which were suggested in the only response received. The proposed regulations are hereby adopted as thus amended, as set forth below.

Effective date. These regulations are effective on October 12, 1973.

Dated October 9, 1973.

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

Title 45 of the Code of Federal Regulations is amended by adding a new Part 67 to Subtitle A to read as follows:

Sec.
67.1 Purpose and scope.
67.2 Definitions.
67.3 Initial issuance of common stock.
67.4 Subsequent transfer of common stock.
67.5 Registration of common stock.

AUTHORITY: Sec. 439(f), Higher Education Act of 1965 as added by sec. 133, Public Law 92-318, 86 Stat. 265, 20 U.S.C. 1087-2.

§ 67.1 Purpose and scope.

The purpose of the regulations published under this part is to prescribe the class of institutions and organizations that may acquire the common stock of the Association. The regulations deal with both the initial issuance of such stock and its subsequent transfer but are not to be deemed as exhaustive of the Secretary's authority to issue regulations pursuant to section 439 of the Higher Education Act of 1965. The sections that follow are intended to facilitate the broadest possible distribution of the common stock of the Association among lenders and educational institutions participating in or eligible to participate in programs of guaranteed student loans authorized by part B of title IV of the Higher Education Act of 1965.

§ 67.2 Definitions.

As used in this part—

"Act" means title IV, part B of the Higher Education Act of 1965, as amended (20 U.S.C. 1071–1087-2).

"Commissioner of Education" means the U.S. Commissioner of Education.

"Eligible holder" means (a) an eligible lender and (b) an eligible institution as defined in this part.

"Eligible institution" means an institution of higher education or vocational school which meets the applicable requirements of sections 435(b)–(f) of the Act.

"Eligible lender" means a financial or credit institution or other organization which (a) is party to a contract of insurance pursuant to the Act with the Commissioner of Education, (b) is otherwise found by the Commissioner of Education to be an "eligible lender" under the Act, or (c) is a party to a contract of insurance with a State or a nonprofit private agency under a student loan insurance program covered by an agreement with the Commissioner of Education under section 428(b) of the Act.

"Secretary" means the Secretary of Health, Education, and Welfare.

"Student Loan Marketing Association" or "Association" means the Government sponsored private corporation established by section 439 of the Act (20 U.S.C. 1087–2) for the purpose of serving as a secondary market and warehousing facility for loans to vocational students and students in institutions of higher education which have been insured pursuant to Part 177 of Chapter I, Office of Education, of this title.

§ 67.3 Initial issuance of common stock.

In order to effect any initial issuance of shares of common stock to eligible holders, the Association may enter into a contract or contracts with security underwriters, including banks ("underwriters"), under which the underwriters will purchase and take title to such shares for the purpose of distributing them directly or through selected security dealers, including banks, to eligible holders.

§ 67.4 Subsequent transfer of common stock.

Any shares of common stock that have been acquired by an eligible holder may thereafter be sold and transferred only to other eligible holders or to security brokers and dealers who will acquire the shares of common stock for the purpose of making a secondary market in such shares or facilitating the sale and purchase of such shares by eligible holders.

§ 67.5 Registration of common stock.

Any institution or organization entitled to own shares of common stock under the provisions of this part may cause such shares of common stock as it owns to be registered on the books of the Association in its own name or, provided that the request for such registration is accompanied by evidence satisfactory to the Association that the owner is an eligible lender or an eligible institution, in the name of a nominee or in the name of a security broker or dealer, including a bank.

[FR Doc.73-21801 Filed 10-11-73;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket Nos. HM-57; Amdts Nos. 171-14, 172-14, 172-20, 173-61, 173-74, 174-14, 175-7, 177-21, 178-26]

PART 171—GENERAL INFORMATION AND REGULATIONS

PART 172—COMMODITY LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAMES OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 170–189 OF THIS CHAPTER

PART 173—SHIPPERS

PART 174—CARRIERS BY RAIL FREIGHT

PART 175—CARRIERS BY RAIL EXPRESS

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Classification of Corrosive Hazards; Postponement of Mandatory Effective Date; Correction

On March 23, 1972; April 26, 1972; September 16, 1972; May 16, 1973; and August 3, 1973, the Hazardous Materials Regulations Board ("the Board") published Amendment Nos. 171–14, 172–14, 172–20, 173–61, 173–74, 174–14, 175–7, 177–21, 178–26 (37 FR 5946, 8383, and 18918; 38 FR 12807 and 20837) under Docket No. HM–57 prescribing new regulations for the classification, packaging, marking, labeling, and transportation of corrosive materials. Compliance with these amendments has been authorized as of April 21, 1972. The mandatory effective date was specified as December 31, 1973.

Included in the new criteria for defining corrosive material is a corrosion rate on aluminum. The Board has received a number of comments relative to this specified test criteria and the imposition of new regulations applicable to more than transportation by aircraft. In its comments on the amendments, the Counsel for Safe Transport of Hazardous Materials (COSTHA) pointed out that "It is COSTHA's view that the aluminum testing criterion was determined essential to the definition because of the aluminum shell and structural members of today's aircraft. This safety concern is realistic and not questioned by COSTHA. What is questioned, however, is the need to apply the full scheme of regulation to these products when shipped by rail or highway." Based on these comments and others similar in nature, the Board is giving further consideration to the regulation of materials corrosive only to aluminum, therefore it has extended the effective date of the amendments under Docket No. HM–57 as they pertain to materials that are corrosive only to aluminum.

In consideration of the foregoing, the Board has revised the next to the last paragraph of FR Doc. 73–1594 (38 FR 20837) to read as follows:

Amendments Nos. 171–14, 172–14, 172–20, 173–61, 173–74, 174–14, 175–7, 177–21, 178–26, except as they pertain to materials corrosive only to aluminum, are effective December 31, 1973, and are effective in their entirety on September 30, 1974. However, compliance with the regulations, as amended therein, is authorized immediately.

(18 United States Code, section 9 of the Department of Transportation Act, 49 U.S.C. 1657, title VI and section 902(h) of the Federal Aviation Act of 1958, 49 U.S.C. 1421–1430, 1472(h), and 1655(c).)

ALAN I. ROBERTS,
Secretary.

Issued in Washington, D.C., on October 3, 1973.

[FR Doc.73-21642 Filed 10-11-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1154]

PART 1033—CAR SERVICE

St. Louis-San Francisco Railway Co.

At a Session of the INTERSTATE COMMERCE COMMISSION, Railroad Service Board, held in Washington, D.C., on the 4th day of October 1973.

It appearing, that the St. Louis-San Francisco Railway Company (SL-SF) is unable to operate over its line between Aliceville, Alabama, and York, Alabama, a distance of approximately 50.9 miles, because of the collapse of the bridge over the Tombigbee River near Aliceville, Alabama; that SL-SF operations between Aliceville and York can be accomplished by the use of The Alabama Great Southern Railroad Company (AGS) tracks between Boligee, Alabama, and York, Alabama, a distance of approximately 25.0 miles; that the AGS has consented to the use of such tracks by the SL-SF; that operation by the SL-SF over the aforementioned tracks of the AGS is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein 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:

§ 1033.1154 Service Order No. 1154.

(a) The St. Louis-San Francisco Railway Company (SL-SF) be, and it is hereby, authorized to operate over tracks of The Alabama Great Southern Railroad Company (AGS) between Boligee, Alabama, and York, Alabama, a distance of approximately 25.0 miles.

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

(c) *Rates applicable.* Inasmuch as this operation by the SL-SF over tracks of the AGS is deemed to be due to carrier's disability, the rates applicable to traffic moved by the SL-SF over tracks of the AGS shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., October 6, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 1, 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 copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

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

[FR Doc.73-21827 Filed 10-11-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Monte Vista and Alamosa National Wildlife Refuges, Colo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulation; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of pheasants on the Monte Vista National Wildlife Refuge, Colo., is permitted only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) The pheasant hunting season on the refuge extends from November 17 through November 25, 1973, inclusive.

(2) Dogs—Not to exceed two dogs per hunter may be used in the hunting of pheasants.

(3) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

(4) Hunting with rifles and hand guns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 26, 1973.

ALAMOSA NATIONAL WILDLIFE REFUGE

The public hunting of pheasants on the Alamosa National Wildlife Refuge, Colo., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,267 acres, is delineated on maps available at refuge headquarters, Alamosa, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) The pheasant hunting season on the refuge extends from November 17 through November 25, 1973, inclusive.

(2) Dogs—Not to exceed two dogs per hunter may be used in the hunting of pheasants.

(3) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

(4) Hunting with rifles and hand guns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 26, 1973.

CHARLES R. BRYANT, *Refuge Manager, Monte Vista National Wildlife Refuge, Monte Vista, Colo.*

OCTOBER 4, 1973.

[FR Doc.73-21688 Filed 10-11-73;8:45 am]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Archery hunting of pheasants, rabbits, skunk, badger, raccoon, coyote, bobcat, and feral cat on the Monte Vista National Wildlife Refuge, Colo., is permitted only on the area designated by signs or maps as open to hunting. This open area, comprising 2,865 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225.

Archery hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, rabbits, skunk, badger, raccoon, coyote, bobcat, and feral cat subject to the following special conditions:

(1) The archery hunting season on the refuge extends from November 17 through November 25, 1973, inclusive.

(2) Weapons—Only non-mechanical bow as permitted by State regulations and flu-flu arrows may be used for hunting.

(3) Dogs—Not to exceed two dogs per hunter may be used in the hunting of pheasants, rabbits, skunk, badger, raccoon, coyote, bobcat and feral cat.

(4) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 26, 1973.

CHARLES R. BRYANT, *Refuge Manager, Monte Vista National Wildlife Refuge, Monte Vista, Colo.*

OCTOBER 4, 1973.

[FR Doc.73-21689 Filed 10-11-73;8:45 am]

PART 32—HUNTING

Chincoteague National Wildlife Refuge, Va.

The following special regulation is issued and is effective during the period October 15, 1973 through December 8, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Chincoteague National Wildlife Refuge, Virginia, is permitted only on areas designated by signs as open to hunting. The open areas are delineated on maps available at refuge headquarters, P.O. Box 62, Chincoteague, Virginia 23336, or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post-Office and Courthouse, Boston, Massachusetts 02109. Hunting will be in accordance with all applicable State regulations governing the hunting of deer subject to the following conditions:

(1) Species to be taken: (a) Archery hunt—sika deer and whitetail deer, either sex; (b) Trophy Gun hunt—sika or whitetail. Hunter must bag an adult female before a trophy stag (five points or better) can be taken.

(2) Bag limits: (a) Archery hunt—one per day, two per license year, either

sex; (b) Trophy Gun hunt—one per day, two per license year, with the provisions that the first deer must be an adult female and the second a trophy stag (five points or better).

(3) Season: (a) Archery—October 15 through November 15, 1973, except Sundays; (b) Trophy Gun hunt—November 26–December 1, and December 3–8, 1973.

(4) Weapons: (a) Archery—Long bow and arrow only. Archers must use broadhead arrows with blades at least 7/8 inch wide and bows capable of propelling any arrow in the hunter's possession 125 yards. Archers may not have firearms or illegal arrows in their possession; (b) Trophy weapons—Rifles and shotguns, modern or antique, capable of holding only one round will be permitted. Weapons capable of being modified to hold only one round will be acceptable. Rifles of .23 caliber or larger and shotguns of 20 gauge or larger will be allowed. Slugs only will be permitted in shotguns. Possession of any firearm or ammunition on the refuge which it not stipulated as permitted in these regulations is prohibited.

(5) Dogs are prohibited.

(6) Hunting hours—Same as State hunting hours. All hunters must be clear of the hunting areas by 8:00 p.m.

(7) Carrying loaded firearms or bows in or on or shooting from a vehicle is prohibited.

(8) Camping and fires are prohibited.

(9) All hunters under 18 years of age must be accompanied by an adult.

(10) All wounded deer will be reported to refuge personnel immediately.

(11) Permits—(a) Archery—To qualify for an archery permit archers must submit a certified target to the refuge office by October 14, 1973. The target must bear the name and address of the archery range and the signature of the range official who actually witnessed the placing of at least three out of five arrows within a 12-inch bull's-eye from 25 yards or better. Hunter's name and complete mailing address must be on the target. Permits will be mailed or may be picked up in person at the refuge office. Permits must be returned with the data section completed to the refuge office by November 30, 1973. Hunters failing to return their permit, whether used or not, may be denied a permit for the 1974 season; (b) Trophy hunt—Ten hunters will be selected for each six-day hunt by a drawing on October 30, and will be notified of their selection by letter. To apply for the hunt, each hunter must submit a target to the refuge office not later than October 12, 1973. The target must bear the name and address of the range and the signature of the authorized range officer who actually witnessed the firing of three consecutive shots held within 12-inch bull's eye. The shots must be fired from 50 yards or better in the standing position with the weapon to be used during the hunt. Hunter must write name and complete mailing address on the target, and specify which hunt dates are requested. Permits to hunt will be issued during an orientation briefing held at 8:00 a.m. on Monday of each hunt. Hunters will need to bring their license, big game tag, and weapon to the briefing. All applicable Virginia game laws and Federal regulations shall be in effect.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1973.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 5, 1973.

[FR Doc.73-21811 Filed 10-11-73;8:45 am]

Title 50—Wildlife and Fisheries

PART 33—SPORT FISHING

The following special regulation is issued and is effective on October 12, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, Moffit, North Dakota, is permitted on refuge waters. These open areas, comprising 3,625 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West 6th Ave., Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for winter sport fishing on the refuge extends from December 15, 1973 to March 24, 1974.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuges generally which are set forth in Title 50, Part 33, and are effective through March 24. 1974.

JIM MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, North Dakota 58434.

OCTOBER 2, 1973.

[FR Doc.73-21690 Filed 10-11-73;8:45 am]

Proposed Rules

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Treatment of Interest on a Section 4912(c) Debt Obligation

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by November 13, 1973. Written comments or suggestions which are not exempt from disclosure by the Internal Revenue Service may be inspected by any person upon compliance with 26 CFR 601.702 (d)(9). The provisions of 26 CFR 601.601(b) shall apply with respect to the designation of portions of comments or suggestions as exempt from disclosure. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by November 13, 1973. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the Federal Register, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations to subparagraph (G) of section 861(a)(1) of the Internal Revenue Code of 1954, relating to the treatment of interest on a section 4912(c) debt obligation, as added by section 3(a) of the Interest Equalization Tax Extension Act of 1971 (85 Stat. 15).

In general, section 861(a)(1)(G) of the Internal Revenue Code was enacted in conjunction with section 4912(c) of the Code which provides in effect that a domestic corporation or partnership may elect to have certain debt obligations it issued subject to the interest equalization tax. Section 861(a)(1)(G) provides that interest paid by the issuing company on certain debt obligations with respect to which the election is made, shall not be treated as U.S. source income. This has the effect of exempting such interest from the 30-percent U.S. withholding tax when it is paid to a nonresident alien individual or a foreign corporation.

The proposed amendment enumerates the conditions which must be met before the interest on certain debt obligations would not be treated as U.S. source income. The debt obligation must be part of an issue of debt obligations with respect to which an election has been made under section 4912(c). Such a debt obligation cannot have a maturity exceeding 15 years on the date it was originally issued or treated under section 4912(c)(2) as issued by reason of being assumed. When such debt obligation was originally issued it must have been purchased by one or more underwriters with a view to distribution through resale. If the preceding conditions are met, interest on a debt obligation attributable to periods after the effective date of the section 4912(c) election will not be treated as U.S. source income.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Income Tax Regulations (26 CFR Part 1) to subparagraph (G) of section 861(a)(1) of the Internal Revenue Code, relating to the treatment of interest on a section 4912(c) debt obligation, as added by section 3(a) of the Interest Equalization Tax Extension Act of 1971 (85 Stat. 15), such regulations are amended as follows. In general, the amendment is effective as of April 1, 1971.

§ 1.861-2 Interest.

* * * * *

(d) *Section 4912(c) debt obligations*—(1) *In general.* Under section 861(a)(1)(G), interest on a debt obligation shall not be treated as income from sources within the United States if—

(i) The debt obligation was part of an issue of debt obligations with respect to which an election has been made under section 4912(c) (relating to the treatment of such debt obligations as debt obligations of a foreign obligor for purposes of the interest equalization tax),

(ii) The debt obligation had a maturity not exceeding 15 years (within the meaning of subparagraph (2) of this paragraph) on the date it (A) is originally issued, or (B) is treated under section 4912(c)(2) as issued by reason of being assumed by a certain domestic corporation,

(iii) The debt obligation, when originally issued, was purchased by one or more underwriters (within the meaning of paragraph (d)(3) of this section) with a view to distribution through resale (within the meaning of paragraph (d)(4) of this section), and

(iv) The interest on the debt obligation is attributable to periods after the effective date of an election under section 4912(c) to treat such debt obligations as debt obligations of a foreign obligor for purposes of the interest equalization tax.

(2) *Maturity not exceeding 15 years.* The date the debt obligation is issued or treated as issued is not included in the 15 year computation, while the date of maturity of the debt obligation is included in such computation.

(3) *Purchased by one or more underwriters.* For purposes of this paragraph, the debt obligation, when originally issued will not be treated as purchased by one or more underwriters unless the underwriter purchases the debt obligation for his own account and bears the risk of gain or loss on resale. Thus, for example, a debt obligation, when originally issued will not be treated as purchased by one or more underwriters if the underwriter acts only in the capacity of an agent of the issuer.

(4) *With a view to distribution through resale.* (i) An underwriter who purchased a debt obligation shall be deemed to have purchased it with a view to distribution through resale if the requirements of paragraph (d)(4)(ii) or (iii) of this section are met.

(ii) The requirement of this subdivision is that the debt obligation is registered for trading or is actually traded on one or more foreign securities exchanges or foreign established securities markets on or within 15 calendar days after the underwriter purchases the debt obligation.

(iii) The requirements of this subdivision are that, except as provided in paragraph (d)(4)(iv) of this section, the underwriter is under no restriction, written or implied, with respect to whom he may resell the debt obligation, and either—

(A) The debt obligation is sold by the underwriter, within 30 calendar days after he purchased it, or

(B) (*1*) The debt obligation is evidenced by an instrument which, under the laws of the jurisdiction in which it is issued, is either negotiable or transfer-

able by assignment (whether or not it is registered for trading), and (2) the underwriter can show from all the relevant facts and circumstances that such debt obligation was purchased with an intention to distribute it through resale.

(iv) The requirements of paragraph (d)(4)(iii) of this section may be met whether or not the underwriter is restricted from reselling the debt obligation—

(A) To a United States person (as defined in section 7701(a)(30)) or

(B) To any particular person or persons, pursuant to a restriction imposed by United States or foreign law.

(5) *Statement with return.* Any taxpayer who is required to file a tax return, and who excludes from gross income interest of the type specified in this paragraph must comply with the requirements of § 1.861-2(c).

[SEAL]

[FR Doc.73-21802 Filed 10-11-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

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

Extension of Comment Period

This notice extends the period for comments on the second notice of proposed rulemaking, published August 23, 1973 (38 FR 22654) proposing revision of the United State Standards for Grades of Canned Apricots.

A request for an extension of time was submitted by the Canners League of California citing the fact that the California canners are in the midst of the 1973 packing season and cannot devote sufficient time to studying the proposal prior to the original deadline of October 1, 1973.

The Department has decided that since the original comment period was relatively short and the 1973 packing season is currently in progress, an extension of the comment period would be reasonable and appropriate.

The comment period is hereby extended to December 31, 1973.

Dated October 5, 1973.

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

[FR Doc.73-21842 Filed 10-11-73;8:45 am]

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Proposed Free and Restricted Percentages For The 1973-74 Fiscal Year

Notice is given of a proposal to establish, for the 1973-74 fiscal year, beginning August 1, 1973, free and restricted percentages of 65 and 35 percent, respectively, applicable to filberts grown in Oregon and Washington. The proposed percentages would be established in accordance with § 982.41 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposed percentages were unanimously recommended by the Filbert Control Board.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 19, 1973. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed percentages are based upon the following estimates by the Filbert Control Board for the 1973-74 fiscal year:

Inshell supply:	
(1) Total production ---------tons--	11,500
(2) Less substandard, etc. ----------tons--	1,725
(3) Total merchantable production-tons--	9,775
(4) Carryover Aug. 1, 1973, subject to to regulation--tons--	27
(5) Total merchantable supply (Item 3 plus Item 4)------tons--	9,802
Inshell requirements:	
(6) Trade demand--tons--	6,200
(7) Carryover July 31, 1974 ---------tons--	1,000
(8) Total ----------tons--	7,200
(9) Less carryover Aug. 1, 1973, not subject to regulation----tons--	809
(10) Inshell requirements---------tons--	6,391
Percentages:	
(11) Free percentage (item 10 ÷ item 5)-------	65
(12) Restricted percentage (100 percent minus 65 percent)---------	35

The free percentage prescribes that portion of the total merchantable supply which may be handled as inshell filberts. The restricted percentage prescribes that portion of the total merchantable supply which must be withheld from such handling. Restricted filberts may be shelled (for domestic or foreign consumption), exported, or disposed of in outlets determined by the Filbert Control Board to be noncompetitive with normal market outlets for inshell filberts.

The proposal is as follows:

§ 982.223 Free and restricted percentages for merchantable filberts during the 1973-74 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1973:

Free percentage ----------	65
Restricted percentage ----------	35

Dated October 4, 1973.

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

[FR Doc.73-21673 Filed 10-11-73;8:45 am]

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Notice of Proposed Expenses of the Walnut Control Board, and Rates of Assessment, for the 1973-74 Marketing Year

Notice is hereby given of a proposal regarding expenses of the Walnut Control Board, and rates of assessment, for the 1973-74 marketing year. That year began August 1, 1973. The proposal is pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984). The amended marketing agreement and order regulate the handling of walnuts grown in California, Oregon, and Washington, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal is based on a recommendation of the Board.

The proposed expenses total $177,460; the proposed assessment rates are 0.10 cent per pound for inshell walnuts and 0.25 cent per pound for shelled walnuts. These rates will be applied to all merchantable walnuts handled or declared for handling during the 1973-74 marketing year. Such rates of assessment are expected to provide sufficient funds to meet the estimated expenses of the Board. The assessable poundage is estimated at 55 million pounds for inshell walnuts, and 75 million pounds for shelled walnuts.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 23, 1973. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 984.325 Expenses of the Walnut Control Board and rates of assessment for the 1973-74 marketing year.

(a) *Expenses.* Expenses in the amount of $177,460 are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1973, for its maintenance and functioning, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for said marketing year, payable by each handler in accordance with

§ 984.69, are fixed at 0.10 cent per pound for merchantable inshell walnuts and 0.25 cent per pound for merchantable shelled walnuts.

Dated October 5, 1973.

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

[FR Doc.73-21667 Filed 10-11-73;8:45 am]

[7 CFR Parts 1007, 1071, 1073, 1090, 1094, 1096, 1097, 1098, 1102, 1108, 1104, 1106, 1120, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1138, 1060, 1061, 1063, 1064, 1065, 1068, 1069, 1070, 1076, 1078, 1079]

MILK IN CERTAIN MARKETING AREAS

[Doc. Nos. AO-366-A8, etc.]

Extension of Time for Filing Exceptions

Notice is hereby given that the time for filing exceptions to the revised recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas, which was issued August 27, 1973 (38 FR 25024, 25282, and 25522) is hereby extended to November 12, 1973.

7 CFR part	Marketing area	Docket No.
	GROUP I	
1007	Georgia	AO-366-A8.
1071	Neosho Valley	AO-227-A26.
1073	Wichita, Kans	AO-173-A26.
1090	Chattanooga, Tenn	AO-265-A15.
1094	New Orleans, La	AO-103-A33.
1096	Northern Louisiana	AO-257-A20.
1097	Memphis, Tenn	AO-219-A25.
1098	Nashville, Tenn	AO-184-A31.
1102	Fort Smith, Ark	AO-237-A20.
1108	Central Arkansas	AO-243-A22.
	GROUP II	
1104	Red River Valley	AO-298-A19.
1106	Oklahoma Metropolitan	AO-210-A31.
1120	Lubbock-Plainview, Tex	AO-323-A13.
1126	North Texas	AO-231-A37.
1127	San Antonio, Tex	AO-232-A23.
1128	Central West Tex	AO-233-A26.
1129	Austin-Waco, Tex	AO-256-A19.
1130	Corpus Christi, Tex	AO-259-A23.
1131	Central Arizona	AO-271-A15.
1132	Texas Panhandle	AO-262-A22.
1138	Rio Grande Valley	AO-335-A18.
	GROUP III	
1060	Minnesota-North Dakota	AO-350-A6.
1061	Southeastern Minnesota-Northern Iowa.	AO-367-A5.
1063	Quad Cities-Dubuque	AO-105-A35.
1064	Greater Kansas City	AO-23-A42.
1065	Nebraska-Western Iowa	AO-86-A25.
1068	Minneapolis-St. Paul, Minn	AO-178-A23.
1069	Duluth-Superior	AO-153-A19.
1070	Cedar Rapids-Iowa City	AO-229-A26.
1076	Eastern South Dakota	AO-260-A17.
1078	North Central Iowa	AO-272-A20.
1079	Des Moines, Iowa	AO-235-A24.

The above notice of extension of time for filing exceptions 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 October 5, 1973.

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

[FR Doc.73-21843 Filed 10-11-73;8:45 am]

[7 CFR Parts 1030, 1032, 1046, 1049, 1050, 1062, 1099]

[Docket Nos. AO-361-A3, etc.]

MILK IN THE CHICAGO REGIONAL AND CERTAIN OTHER MARKETING AREAS

Extension of Time for Filing Exceptions

Notice is hereby given that the time for filing exceptions to the revised recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas, which was issued August 27, 1973 (38 FR 25756), is hereby extended to November 12, 1973.

7 CFR part	Marketing area	Docket No.
1030	Chicago Regional	AO-361-A3.
1032	Southern Illinois	AO-313-A29.
1046	Louisville-Lexington-Evansville.	AO-123-A37.
1049	Indiana	AO-319-A16.
1050	Central Illinois	AO-355-A9.
1062	St. Louis-Ozarks	AO-10-A42.
1099	Paducah, Ky	AO-183-A21.

The above notice of extension of time for filing exceptions 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 October 5, 1973.

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

[FR Doc.73-21844 Filed 10-11-73;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1464]

FLUE-CURED AND BURLEY TOBACCO

Availability of Price Support on Packed Carryover Tobacco

Notice is hereby given that CCC is considering an amendment to the tobacco loan program to provide loans on flue-cured and burley tobacco which has been packed by an association for producers and carried over in packed form from one marketing year to another to avoid marketing in excess of the applicable farm quota.

Under present regulations, flue-cured and burley tobacco carried over from one marketing year to another is considered tobacco of the new crop year, and if otherwise eligible for loan, may be delivered to an association in the usual manner. However, it is difficult for producers to preserve the quality of tobacco during the carry-over period unless it is redried and packed; and under present regulations, tobacco is eligible for loan only in green form. Under the proposed amendment, redried and packed carry-over tobacco would be eligible for loan if the processing was done by an association through which loans are available, and in the same manner and under the same specifications as the association packed other tobacco received for loan.

Consideration will be given to data, views and recommendations, pertaining to the proposal set out in this notice, which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than November 12, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

To accomplish the proposal, the Tobacco Loan Program regulation published June 18, 1970 (35 FR 10000) as amended, would be further amended to make price support available on certain commingled and packed flue-cured and burley carryover tobacco as set forth herein. It is proposed to amend paragraph (e)(2) of § 1464.2 by adding a subdivision, as follows:

§ 1464.2 Availability of price support.

* * * * *

(e) * * *

(2) * * *

(iii) Eligible producers of flue-cured and burley tobacco may, subject to the provisions of this subdivision, obtain price support on eligible tobacco which has been packed for their account by the association and carried over from one marketing year to another to avoid marketing in excess of farm marketing quota. Price support advances obtained on such packed tobacco shall be at the rates in effect at the time of tender for loan, and on the basis of grades and quantities of the tobacco as determined at the time of delivery to the association for packing and carryover. If all the tobacco packed from the tobacco delivered to the associaion for packing and carryover is not tendered for price support, or if the packed tobacco tendered for price support is commingled tobacco of different producers, the price support advances will be computed as follows: For each packed grade of tobacco, the loan value will be computed on the basis of (*a*) the total pounds of each green grade used in processing the packed grade quantity and (*b*) the grade loan rates applicable to such green grades. Loan advances may be obtained on the quantity of each packed grade tendered for price support in an amount equal to

the loan value so determined, multiplied by the percentage which the pounds of the packed grade tendered is of the total packed weight of such grade. An individual producer's share of the loan advance obtained on the tender of any quantity of a packed grade shall be a percentage of such advance equal to the percentage which the loan value of all the tobacco delivered by the producer for packing and carryover is of the loan value of all the tobacco delivered by all producers for packing and carryover. Packed tobacco tendered for price support shall be in sound and merchantable condition and shall have been processed and packed under the standards and specifications which were applied to the tobacco received for price support during the immediately preceding crop year.

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

* * * * *

Effective date.—October 12, 1973.

Signed at Washington, D.C., on October 5, 1973.

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

[FR Doc.73-21674 Filed 10-11-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 73-242P]

STONY CREEK, MD.

Proposed Drawbridge Operation Regulations

At the request of the Maryland Department of Transportation, the Coast Guard is considering amending the regulations for the bascule bridge across Stony Creek, mile 0.9 at Riviera Beach to require 3 hours notice for openings from December 1 through March 31. The draw is presently required to open on signal at all times. This proposal is being considered because of limited openings during this period.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the commander, Fifth Coast Guard District.

The Commander, Fifth Coast Guard District, will forward any comments received before November 20, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.255 immediately after § 117.245 to read as follows:

§ 117.255 Stony Creek, Md. S-173.

(a) The draw shall open promptly on signal, however, from December 1 through March 31 the draw shall open on signal if at least 3 hours notice is given.

(b) The owner of or agency controlling this bridge shall keep conspicuously posted a copy of the regulations in this section on both the upstream and downstream sides of the bridge in such a manner that it may readily be read at any time together with a notice stating exactly how the authorized representative may be contacted by telephone or otherwise.

(Sec. 5, 28 Stat. 362 as amended, sec 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4).)

Dated October 4, 1973.

R. I. PRICE,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.73-21711 Filed 10-11-73;8:45 am]

[46 CFR Part 10]

[CGD 73-238P]

RADAR OBSERVER

Proposal Concerning Licensing

The Coast Guard is considering amending the regulations concerned with licensing of officers and motorboat operators and registration of staff officers to allow the acceptance of certificates from training schools with approved radar training courses as an alternative to certain examinations that are now required by the Coast Guard.

Written comments. Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council (G-CMC/82), Room 8234, 400 Seventh Street SW., Washington, D.C. 20590 (Phone 202-426-1477). Written comments should include the docket number of this notice, the name and address of the person submitting the comments, the specific section of the proposal to which each comment is addressed, and the reasons for each suggested change.

Closing date for comments. All relevant communications received before Nov. 30, 1973, will be fully considered before final action is taken on this proposal. Copies of comments received will be available for examination in Room 8234. This proposal may be changed in the light of comments received.

Presently, Federal and State maritime academies, as well as several non-government organizations, provide initial training for third mates and third assistant engineers, but until recently, the only training for active mariners to keep them abreast of advancing technology was provided by the Regional Training Centers of the Maritime Administration. This type of training is now supplemented by management financed training programs which have been established for certain segments of the industry.

In an effort to encourage training, the Coast Guard now allows an applicant for a license with a "radar observer" endorsement to substitute completion of an accepted radar course for the required Coast Guard examination. The schools having accepted courses for radar training are listed in § 10.05-46(d) and are either operated by the Maritime Administration, or are a State or Federal maritime academy operated with the assistance of a Maritime Administration subsidy. However, for the past few years, Federal funding in this training has been decreasing and the Coast Guard has determined that current standards for approval of radar training courses must be reexamined.

One method of encouraging training is to grant industry financed and operated training programs the same recognition as government affiliated training programs. If this is done, control over the program must be maintained to ensure the Coast Guard that an applicant for an endorsement of "radar observer" who completes an approved course can meet Coast Guard standards. If a candidate can meet current Coast Guard standards, he would be able to meet the recommended international standards for radar observer contained in the "Document for Guidance—1970", an International Maritime Training Guide prepared jointly by the International Labor Organization and the Inter-Governmental Maritime Consultative Organization and published in the Maritime Safety Committee Circular 97, dated March 2, 1971.

The amendments proposed in this document would provide control by requiring a training school with an approved course to meet stated standards, maintain certain records, and allow the Coast Guard to administer or supervise the instruction and the examinations given to students. With such close supervision by the Coast Guard of the training, an applicant for an endorsement of "radar observer" with a radar observer certificate from a training school with an approved course would not have to pass a Coast Guard examination to prove that he meets Coast Guard standards.

Accordingly, the amendments would provide that a radar observer certificated from a training school with an approved radar training course which is dated within 12 months before the

month of application for an original license or a renewal with a radar observer is acceptable as an alternative to the examination normally required. In addition, a new subpart would be added that prescribes the requirements for issuing radar observer certificates of an approved course and provides for the approval of radar observer training courses.

In consideration of the preceding, it is proposed that Part 10 of Title 46, Code of Federal Regulations be amended as follows:

1. By amending § 10.02–9 by revising paragraph (e) (3), (4), and (5) to read as follows:

§ 10.02–9 Requirements for renewal of license.

* * * * *

(e) * * *

(3) Except as allowed in paragraph (e) (5) of this section, a master, mate, or pilot who desires to renew a license with a "radar observer" endorsement, must demonstrate his knowledge of the subjects contained in § 10.05–46 (b) (3) and (4) of this subpart if he, within 36 months before the month in which his application is dated served—

(i) Under the authority of his license on a radar equipped vessel; or

(ii) In a position closely related to the operation of vessels.

(4) Except as allowed in paragraph (e) (5) of this section, a master, mate, or pilot who desires to renew a license with a "radar observer" endorsement and who can not meet the experience requirement contained in paragraphs (e) (3) (i) or (e) (3) (ii) of this section, must pass a written examination on the subjects contained in § 10.05–46 (b) of this chapter.

(5) A master, mate, or pilot who shows a radar observer certificate of an approved radar training course from one of the schools listed in § 10.30–23 of this chapter that is dated within 12 months before the month of application for renewal of a license that has a "radar observer" endorsement is not required to demonstrate his knowledge, as required in paragraph (e) (3) of this section, or pass a written examination as required in paragraph (e) (4) of this section.

* * * * *

2. By amending § 10.05–46 by revising paragraphs (a) and (d) to read as follows:

§ 10.05–46 Radar observer.

(a) Except as allowed in paragraph (d) of this section, a written examination in the subjects contained in paragraph (b) of this section is required for each applicant for—

(1) An original license;

(2) A raise in grade; or

(3) An increase in scope of license for service in vessels of 300 gross tons and over.

* * * * *

(d) An applicant for a license specified in paragraph (a) of this section who shows a radar observer certificate of an approved radar training course from one of the schools listed in § 10.30–23 of this chapter that is dated within 12 months before the month of application is not required to pass the written examination required in paragraph (a) of this section.

3. By adding a new subpart, Subpart 10.30, to follow Subpart 10.25, and to read as follows:

Subpart 10.30—Training schools with approved radar observer courses.

Sec.	
10.30–1	Applicability.
10.30–3	Certificate for completion of course.
10.30–7	Radar observer certificates.
10.30–9	Curriculum.
10.30–11	Equipment and facility requirement.
10.30–12	Instructor qualification.
10.30–13	Student tests.
10.30–14	Records to be maintained.
10.30–15	Curriculum change.
10.30–19	Coast Guard administration and supervision.
10.30–21	Course approval.
10.30–23	Training schools with approved courses.

AUTHORITY: R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).

§ 10.30–1 Applicability.

This subpart prescribes the requirements for issuing radar observer certificates. This subpart also provides for the approval of radar observer training courses.

§ 10.30–3 Certificate for completion of course.

(a) A student who takes an approved course of training and who meets the requirements of this subpart is entitled to an appropriate radar observer certificate.

(b) If a student passes the examination required in § 10.30–13, he is entitled to a radar observer certificate—

(1) In a form prescribed by the school that is acceptable to the Coast Guard; and,

(2) Signed by both the head of the school and the local Officer in Charge, Marine Inspection.

§ 10.30–7 Radar observer certificates.

The following radar observer certificates are issued under this subpart:

(a) Radar Observer (no limitations as to area of operation).

(b) Radar Observer (restricted to inland waters).

(c) Radar Observer (renewal).

(d) Radar Observer (inland waters/renewal).

§ 10.30–9 Curriculum.

A radar observer training school may not issue a certificate listed in § 10.30–7 to a student unless he has completed the curriculum as follows:

(a) *Radar observer (no limitation as to area of operation)*. A total of 64 classroom hours or more in the subjects listed in § 10.05–46(b) of this part.

(b) *Radar observer (restricted to inland waters)*. A total of 40 classroom hours or more in the subjects listed in § 10.05–46(b) of this part.

(c) *Radar observer (renewal) or radar observer (inland waters/renewal)*. A total of 4 classroom hours or more in the subjects contained in § 10.05–46(b) (3) and (4) of this part.

§ 10.30–11 Equipment and facility requirement.

(a) A training school with an approved course must have a facility that accommodates the students in a safe and comfortable environment conducive to learning.

(b) A training school with an approved course must have a sufficient number of visual aids for realism, including radar simulators, for the number of students to be accommodated.

(c) The facility and equipment required in this section must be kept in good repair and up-to-date.

§ 10.30–12 Instructor qualification.

Each insturctor of an approved course must have a license endorsed as "radar observer" or be acceptable to the Coast Guard.

§ 10.30–13 Student tests.

Each training school with an approved course must give an appropriate written or practical examination in the subjects required in § 10.30–9 to each student who completes the course. The examination must cover such material and be of such a degree of difficulty that a student who passes it may reasonably assume that he would pass, on his first attempt, the Coast Guard examination for the "radar observer" endorsement he seeks.

§ 10.30–14 Records to be maintained.

(a) The training school must keep for each enrolled student for at least 1 year after the end of the student's enrollment—

(1) Each written examination, or, in the case of a practical test, a report of it, that is required in § 10.30–13; and

(2) A record of each student's classroom attendance.

§ 10.30–15 Curriculum change.

A training school with an approved course may not change its approved curriculum unless that change is approved in writing after the request for change has been submitted in writing to the Coast Guard (G–MVP/82).

§ 10.30–19 Coast Guard administration and supervision.

A training school with an approved course must allow the Coast Guard to:

(a) Inspect its personnel facilities, equipment, and records, including scholastic records.

(b) Conduct interviews and surveys of students to aid in course evaluation and improvement.

(c) Assign personnel to participate in the course of instruction as a student or observer.

(d) Supervise or administer the examination required in § 10.30–13.

§ 10.30–21 Course approval.

(a) A training school desiring to have a course approved by the Coast Guard must submit a written request to the Coast Guard (G–MVP/82), 400 Seventh Street, S.W., Washington, D.C. 20590, that contains—

(1) A listing of the curriculum that includes a description and the classroom hours required of each subject;

(2) A description of the facility and equipment;

(3) A listing of the instructors that includes the experience, background, and qualifications of each; and

(4) Evidence supporting the need for such approved training.

(b) Unless sooner surrendered, suspended or revoked, an approval for a radar training course at a training school that meets Coast Guard standards expires 24 months after the month in which it is issued, or on the date of any change in the ownership of the school for which it was issued, whichever is earlier.

(c) If the training school desires to have its course approval renewed, it must submit a written request to the address listed in paragraph (a) of this section. Unless sooner surrendered, suspended, or revoked, a renewal of the approval expires 60 months after the month it is issued, or on the date of any change in ownership of the school for which it is issued, whichever is earlier.

(d) The Coast Guard notifies each applicant in writing whether or not an approval is granted. If a request for approval is denied, the Coast Guard informs the applicant the reasons for the denial and describes what corrections are required for an approval.

§ 10.30–23 Training schools with approved courses.

The following training schools have approved courses:

(a) Maritime Administration Radar Observer School, Seamen's Church Institute, 15 State Street, New York, New York 10004. (Mailing address: Atlantic Coast Director, Federal Building, 26 Federal Plaza, 37th Floor, New York, New York 10007.)

(b) Maritime Administration Radar Observer School, Fort Mason, San Francisco Army Terminal. (Mailing address: Pacific Coast Director, U.S. Department of Commerce, Maritime Administration, 450 Golden Gate Avenue, Box 36073, San Francisco, California 94102.)

(c) Maritime Administration Radar Observer School, Room 14040, New Federal Building, 701 Loyola Avenue, New Orleans, Louisiana 70150.

(d) U.S. Merchant Marine Academy, Kings Point, New York 11754.

(e) U.S. Army Transportation School, Fort Eustis, Virginia 24437.

(f) State University of New York, Maritime College, Fort Schuyler, New York 10065.

(g) Maine Maritime Academy, Castine, Maine 04421.

(h) Texas Maritime Academy, Galveston, Texas 77552.

(i) Maritime Institute of Technology and Graduate Studies, 5700 Hammonds Ferry Road, Linthicum Heights, Maryland 21090.

(R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

Dated October 9, 1973.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.73-21709 Filed 10-11-73;8:45 am]

[46 CFR Part 54]

[CGD 73-133P]

PRESSURE VESSELS

Proposal Concerning Allowable Stress Values

The Coast Guard is considering amendments to its regulations for allowable stress values for certain pressure vessels.

Interested persons may participate in this proposed rulemaking by submitting written views, data, arguments, objections or comments to U.S. Coast Guard (G–CMC/82), Room 8234, 400 Seventh Street, SW., Washington, D.C. 20590. Each person submitting a comment should include his name and address, identfy the notice CGD 73–133P, and give reasons for any recommendations. Comments received before November 16, 1973 will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. The proposal may be changed in the light of the comments received.

No hearing is contemplated but may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

Studies are currently being conducted by industry, the Coast Guard, various societies and the Boiler and Pressure Vessel Committee of the American Society of Mechanical Engineers for the purpose of recognizing the enhanced yield and tensile strength properties of certain ferrous and nonferrous materials at low temperature when establishing allowable design stress values. To permit the U.S. marine industry to make use of the results of this work, certain Coast Guard regulations require change.

Specific requirements suitable for possible general adoption are being developed by an ASME task group on which the Coast Guard is represented. Upon completion of this work, more specific regulations will be proposed. In the interim, it is felt necessary that the Coast Guard consider each application separately on its merits.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 46 of the Code of Federal Regulations as follows:

1. By revising § 54.25–10(c) to read as follows:

§ 54.25–10 Low temperature operation—ferritic steels (replaces UCS–65 through UCS–67).

* * * * *

(c) *Design.* Pressure vessels must meet the requirements for Class I–L and II–L construction. (See Table 54.01–5(b) for applicable requirements). Except as permitted by § 54.05–30, the allowable stress values used in the design of low temperature pressure vessels may not exceed those given in Table UCS–23 of the ASME Code for temperatures of 0° F. to 650° F. For materials not listed in this Table allowable stress values are determined in accordance with Appendix P of Section VIII of the ASME Code.

2. By revising § 54.25–15(c) to read as follows:

§ 54.25–15 Low temperature operation—high alloy steels (modifies UHA–23(b) and UHA–51).

* * * * *

(c) Except as permitted by § 54.05–30, the allowable stress values used in the design of low temperature pressure vessels may not exceed those given in Table UHA–23 of the ASME Code for temperatures of −20° F. to 100° F.

3. By revising § 54.25–20(e) to read as follows:

§ 54.25–20 Low temperature operation—ferritic steels with properties enhanced by heat treatment (modifies UHT–5(c), UHT–6, UHT–23, and UHT–32).

* * * * *

(e) Except as permitted by § 54.05–30, the allowable stress values may not exceed those given in Table UHT–23 of the ASME Code for temperatures of 150° F. and below.

4. By adding a new § 54.05–30 as follows:

§ 54.05–30 Allowable stress values at low temperatures.

(a) The Coast Guard will give consideration to the enhanced yield and tensile strength properties of ferrous and nonferrous materials at low temperature for the purpose of establishing allowable stress values for service temperature below 0° F.

(b) The use of such allowable stress values must be specially approved by the Coast Guard for each application. Further information may be obtained by writing to the Coast Guard (G–MMT).

(c) Submittals must include information and calculations specified by the Coast Guard (G–MMT) to demonstrate that the allowable stress for the material cannot be exceeded under any possible combination of vessel loads and metal temperature.

(46 USC 375, 392, 406, 407, 416; 49 USC 1655(b); 49 CFR 1.4(b) and 1.46(b).)

Dated October 4, 1973.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.73-21710 Filed 10-11-73;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 70]

SPECIAL NUCLEAR MATERIAL

Revised Criteria for Criticality Accident Alarm Systems

The Atomic Energy Commission has under consideration proposed amendments to §§ 70.22 and 70.24 of 10 CFR Part 70 of its regulations. The amendments would revise the criteria for criticality accident alarm systems to provide greater conformity with American National Standards N16.2-1969, "Criticality Accident Alarm System," and N16.1-1969, "Nuclear Criticality Safety in Operations with Fissionable Materials Outside Reactors."

The proposed amendments would require the detection of accidental criticalities which deliver absorbed doses of at least 20 rads within one minute at an unshielded distance of 2 meters from the reacting material, equivalent to about 10^{15} fissions, replacing the present requirement for a system to detect 300 rems per hour one foot from the critical material. Although the proposed sensitivity is less than presently required by § 70.24, it is expected to be sensitive enough to detect any accidental criticality.

The proposed amendments would eliminate the present specific alarm set point and detector-source distance requirements and would require the use of two detectors covering each area. With these criteria, most medium to large plants would require fewer detectors than presently, although small plants now utilizing a single detector would require an additional one.

Further, the quantities of licensed special nuclear material requiring such an alarm system would be increased to reflect the information on maximum subcritical masses in American National Standard, N16.1-1969. Alarm systems would be required for smaller quantities, however, if unusual moderators or reflectors (e.g., those made of graphite, heavy water, or beryllium) were present.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 70 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceeding Staff, by November 26, 1973. Copies of the comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20545.

1. Paragraphs (a) (7) and (8) of § 70.22 are revised to read as follows:

§ 70.22 Contents of applications.

(a) * * *

(7) A description of equipment and facilities which will be used by the applicant to protect health and minimize danger to life or property (such as handling devices, working areas, shields, measuring and monitoring instruments, devices for the control of radioactive effluents and wastes, storage facilities, criticality accident alarm systems, etc.).

(8) Proposed procedures to protect health and minimize danger to life or property (such as procedures to avoid accidental criticality, procedures for personnel monitoring and waste disposal, post-criticality accident emergency procedures, etc.).

* * * * *

2. Section 70.24 is revised to read as follows:

§ 70.24 Criticality accident alarm system.

(a) Each licensee authorized to possess special nuclear material in a quantity exceeding 700 grams of contained uranium-235, 520 grams of uranium-233, 450 grams of plutonium, 1,500 grams of contained uranium-235 if no uranium enriched to more than 4 percent by weight of uranium-235 is present, 450 grams of any combination thereof, or one-half such quantities if moderators or reflectors made of graphite, heavy water or beryllium may be present, shall:

(1) Maintain in each area in which such licensed special nuclear material is handled, used, or stored, a monitoring system, using gamma- or neutron-sensitive radiation detectors which will energize clearly audible alarm signals, distinctive in tone, if accidental criticality occurs. The detectors shall be capable of detecting a criticality condition that produces an absorbed dose in soft tissue of 20 rads of combined neutron and gamma radiation at an unshielded distance of 2 meters from the reacting material within one minute. Coverage of all areas shall be provided by two independent detectors, and warning of malfunctions within the alarm system without activation of the alarm shall be provided to the extent practicable. This subparagraph is not intended to require such monitoring when special nuclear material is handled or stored beneath three or more meters of water, when it is being transported, or when it is stored in a critically safe container or storage array. Licensees having an alarm system approved by the Commission prior to (effective date of this amendment) are exempted from the requirements of this paragraph.

(2) Maintain emergency procedures for each area in which such licensed special nuclear material is handled, used or stored to assure that all personnel withdraw to an area of safety upon the sounding of the alarm. These procedures shall include the conduct of drills to familiarize personnel with the evacuation plan, plans and designation of responsible individuals for determining the cause of the alarm, and placement of radiation survey devices in accessible locations for use in such an emergency.

(Secs. 161, 183, Pub. Law 83-703, 63 Stat. 948, 954 (42 U.S.C. 2201, 2233).)

Dated at Germantown, Md., this ninth day of October 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-21838 Filed 10-11-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 80]

REGULATION OF FUELS AND FUEL ADDITIVES

Proposed Rulemaking Concerning Availability of Unleaded Gas

On January 10, 1973, regulations were promulgated by the Environmental Protection Agency to provide for general availability of one grade of unleaded gasoline compatible with catalytic emission control systems expected to be in general use on 1975 model year light-duty motor vehicles. (38 FR 1254). Section 80.22(b) of the regulations provides that after July 1, 1974, every owner or operator of a retail outlet at which 200,000 or more gallons of gasoline were sold during any calendar year beginning with the 1971 calendar year shall offer for sale at least one grade of unleaded gasoline. Section 80.22(c) requires that every owner or operator of six or more retail outlets shall offer for sale at least one grade of unleaded gasoline at no fewer than 60 percent of such outlets after July 1, 1974.

On April 11, 1973, the Administrator suspended the 1975 automobile emission standards for one year and promulgated interim standards for California "which reflect the levels achievable with catalysts and national interim standards which will not require catalysts on most models." In that decision the Administrator also stated, "Since the interim standards established by this decision will require catalysts on all vehicles sold in California, many of which will undoubtedly travel to other parts of the country, and on a significant number of vehicles sold in the other forty-nine states, lead-free gasoline must be generally available nationwide by the beginning of the 1975 model year". Subsequent statements by representatives of the motor vehicle manufacturers have indicated that a substantial percentage of 1975 vehicles manufactured for sale outside of California will be equipped with catalysts.

Since the April decision, several members of the petroleum industry have petitioned for review of the availability requirements, requesting that § 80.22(b) and (c) be revised to reduce the number

of retail outlets obliged to offer unleaded gasoline in light of possibly decreased demand for the unleaded fuel. In response to the petitions, EPA has reexamined the availability provisions with particular attention to the geographic dispersion afforded by the present and alternative requirements.

The review conducted by the Agency indicates that the requirement for sale at all retail outlets with annual volume of 200,000 gallons or more provides widespread geographic availability on a county by county basis and includes some 160,000 retail outlets. The review also indicates that the requirement for availability at 60 percent of the retail outlets in chains of 6 or more contributes little to the geographic dispersion of the product but adds between 40,000 and 90,000 retail outlets to the requirement. Elimination of the requirement to offer unleaded gasoline at these outlets will provide a moderate reduction in the cost of compliance with the regulations, because it will be unnecessary to convert some portion of these outlets to offer three grades of gasoline, adding the unleaded grade.

The conclusions of the review are that the 160,000 stations selling over 200,000 gallons per year represent 45 percent of the branded retail outlets, but sell over ⅔ of the gasoline in the country, are widely dispersed geographically, and assure the general availability necessary for use in vehicles equipped with catalysts.

Accordingly, it is proposed to delete § 80.22(c) and retain § 80.22(b) as the sole availability requirement for unleaded gasoline.

Interested persons may submit written comments on the proposed amendment, in triplicate, to the Assistant Administrator for Enforcement and General Counsel, Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

Comments are specifically requested from companies in the petroleum industry as to the geographic dispersion of their retail outlets with annual volume over 200,000 gallons. Geographic dispersion information is requested to be separated by county showing the number of retail outlets and the number with sales exceeding 200,000 gallons per year. This information should be summarized by state, and for the entire country.

Because some uncertainty exists as to the expected usage of unleaded gasoline in the 1975 model year, comments are also requested from the automotive industry with respect to percent of production, total production, and estimates of gasoline consumption for automobiles using unleaded gasoline only versus those which can operate on another grade.

All relevant comments postmarked on or before November 12, 1973 will be considered. Comments received will be available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the Office of Public Affairs, Environmental Protection Agency, Waterside Mall, 401 M Street SW., Room 329C, Washington, D.C. 20460.

(Sections 211 and 301 of the Clean Air Act as amended (42 U.S.C. 1857f-6c, 1857g(a).)

Dated October 5, 1973.

RUSSELL E. TRAIN,
Administrator,
Environmental Protection Agency.

It is proposed to amend Part 80 of Chapter I, Title 40 of the Code of Federal Regulations by revoking paragraph (c) in § 80.22.

[FR Doc.73-21663 Filed 10-11-73;8:45 am]

[40 CFR Part 85]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Certification of New Vehicles Intended for Initial Sale at High Altitudes—1976 Model Year

EPA has received a considerable amount of correspondence from officials in the Denver area regarding their concern over the high emissions of new vehicles. Studies of comparative emission levels of various United States cities bear out the Denver contention that vehicles at high altitudes do have higher emission levels than those same vehicles at lower altitudes. Test data on 1968 through 1971 vehicles indicated Denver carbon monoxide levels to be 166 percent and hydrocarbon emission levels to be 155 percent of the national average. Based upon EPA's national air quality standards and projected emission levels in Denver, Denver must reduce, by 1975, its carbon monoxide levels by 64 percent and its hydrocarbon levels by 60 percent. City officials expect that 22 percent of the carbon monoxide reduction and 18 percent of the hydrocarbon reduction will come from new car Federal emission standards if new cars are equipped to meet emission standards at high altitudes.

Only three air quality control regions at high altitude—Denver, the Wasatch Front (Salt Lake City, Ogden, and Provo, Utah), and El Paso, Texas/Las Cruces, Alamogordo, New Mexico—have ambient air levels of hydrocarbons and carbon monoxide high enough to require transportation controls by 1975. The city of Albuquerque also has a localized carbon monoxide problem.

The Denver and El Paso/Las Cruces/Alamogordo regions and the city of Albuquerque are all above 4,000 feet. Therefore, high altitude modifications would only appear to be necessary on those vehicles located at altitudes above 4,000 feet. Two and one half percent of vehicles in the United States are located above 4,000 feet.

The regulations proposed herein would require manufacturers to certify new motor vehicles destined for initial sale at high altitudes to comply with emission standards at those altitudes. Vehicles which were not so certified could not be legally sold at high altitudes. The regulations would require mileage accumulation and testing under high altitude conditions of one emission data vehicle per engine-system combination within an engine family in all cases in which vehicles within each engine-system combination of an engine family are intended for initial sale at high altitude (i.e., altitudes above 4,000 feet).

It is the opinion of EPA that the deterioration factor generated by a vehicle intended for initial sale at low altitude would be applicable to a vehicle intended for initial sale at high altitude. However, since the stabilization of vehicle components is essential to derive accurate emission results from a vehicle tested at high altitude, EPA is proposing that the emission data vehicle which is to represent vehicles sold initially at high altitudes must accumulate its 4,000 miles under high altitude conditions.

The proposal contains a provision that manufacturers whose projected sales of new motor vehicles at high altitude are fewer than 1,000 vehicles per engine family may request a reduction in the number of test vehicles per applicable engine family.

The proposal also contains a provision that maintenance instructions of vehicles intended for initial sale at low altitude shall indicate what adjustments are necessary for proper functioning of the emission control system at high altitude, and vice versa.

These amendments would become effective 30 days after promulgation and would be applicable to light duty vehicles (including light duty trucks) beginning with the 1976 model year.

Interested persons may participate in this rule making by submitting written data, views, or arguments (in quadruplicate) to the Administrator, Environmental Protection Agency, Attention: Mobile Source Air Pollution Control Program, Office of Air and Water Programs, Washington, D.C. 20460. All relevant material received on or before December 11, 1973 will be considered. Comments submitted shall be available for public inspection during normal business hours at the Office of Public Affairs, Environmental Protection Agency, 4th and M Streets, S.W., Washington, D.C. 20460.

This notice of proposed rulemaking is issued under the authority of section 202 of the Clean Air Act, as amended (42 U.S.C. 1857f-1).

Dated October 5, 1973.

RUSSELL E. TRAIN,
Administrator.

Part 85, Title 40 of the Code of Federal Regulations as applicable to 1976 and later model year light duty gasoline-fueled vehicles, light duty diesel vehicles, and light duty trucks, is proposed to be amended as follows:

§ 85.002 Definitions.

(a) * * *

(28) "High altitude" means any elevation over 4,000 feet.

§ 85.076–4 Required data.

* * * * *

(b) Emission data on such vehicles tested in accordance with the applicable test procedures of this subpart and in such numbers as therein specified, which will show their emissions after 0 miles and 4,000 miles of operation. For those engine families in which vehicles are to be sold at retail at high altitude, test results of one emission data vehicle per engine-system combination within the engine family, tested under high altitude conditions after 4,000 miles of operation under high altitude conditions, are also required.

* * * * *

§ 85.076–5 Test vehicles.

* * * * *

(b) *Emission data vehicles.*

* * * * *

(3) (i) The Administrator may select a maximum of four additional vehicles within each engine family based upon features indicating that they may have the highest emission levels of the vehicles in that engine family. In selecting these vehicles, the Administrator will consider such features as the emission control system combination, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, compression ratio, inertia weight class, transmission options, and axle ratios.

(ii) The Administrator may also select one vehicle for each engine-system combination within an engine family for which vehicles are to be sold to ultimate purchasers at high altitude.

* * * * *

(e) (i) Any manufacturer whose projected sales of new motor vehicles subject to this subpart for the 1976 model year are fewer than 2,000 vehicles may request a reduction in the number of test vehicles determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this section.

(ii) Any manufacturer whose projected sales of new motor vehicles at high altitude are fewer than 1,000 vehicles per engine family may request a reduction in the number of test vehicles per applicable engine family, determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this section.

* * * * *

§ 85.076–7 Mileage accumulation and emission measurements.

* * * * *

(a) (i) Emission data vehicles: Each emission data vehicle shall be driven 4,000 miles with all emission control systems installed and operating. Emission tests shall be conducted at zero miles and 4,000 miles.

(ii) The emission data vehicle(s) selected for testing under § 85.076–5(b) (3) (ii) shall be driven 4,000 miles under high altitude conditions with all emission control systems installed and operating. Emission tests shall be conducted under high altitude conditions at zero miles and 4,000 miles.

* * * * *

§ 85.076–30 Certification.

(a) (1) If, after a review of the test reports and data submitted by the manufacturer and data derived from any additional testing conducted pursuant to § 85.076–29, the Administrator determines that a test vehicle(s) conforms to the regulations of this subpart, he will issue a certificate of conformity with respect to such vehicle. The certificate will state which vehicles are certified for sale at high altitude.

* * * * *

(b) (1) * * *

(ii) A test vehicle selected under § 85.076–5(b) (3) (i) shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system-transmission type-fuel system combination.

(iii) * * *

(iv) A test vehicle selected under § 85.076–5(b) (3) (ii) shall represent all vehicles of the same engine-system combination to be sold at high altitude.

§ 85.076–35 Labeling.

(a) * * *

(4) * * *

(iv) Engine tuneup specifications and adjustments, as recommended by the manufacturer in accordance with the altitude at which the vehicle is to be sold to the ultimate purchaser, including idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop). These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air-conditioner), if any, should be in operation.

* * * * *

§ 85.076–38 Maintenance instructions.

(a) * * *

(3) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at low altitude, what adjustments or modifications, if any, are necessary to the emission control system for proper functioning of the system at high altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to provide for proper functioning at high altitude.

(4) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at high altitude, what adjustments or modifications, if any, are necessary to the emission control system for proper functioning of the system at low altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to provide for proper functioning at low altitude.

* * * * *

§ 85.102 Definitions.

(a) * * *

(21) "High altitude" means any elevation over 4,000 feet.

§ 85.176–4 Required data.

* * * * *

(b) Emission data on such vehicles tested in accordance with the applicable test procedures of this subpart and in such numbers as therein specified, which will show their emissions after 0 miles and 4,000 miles of operation. For those engine families in which vehicles are to be sold at retail at high altitude, test results of one emission data vehicle per engine-system combination within the engine family, tested under high altitude conditions after 4,000 miles of operation under high altitude conditions, are also required.

* * * * *

§ 85.176–5 Test vehicles.

* * * * *

(b) *Emission data vehicles.* * * *

(3) (i) The Administrator may select a maximum of four additional vehicles within each engine family based upon features indicating that they may have the highest emission levels of the vehicles in that engine family. In selecting these vehicles, the Administrator will consider such features as the emission control system combination, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, compression ratio, inertia weight class, transmission options, and axle ratios.

(ii) The Administrator may also select one vehicle for each engine-system combination within an engine family for which vehicles are to be sold to ultimate purchasers at high altitude.

* * * * *

(e) (i) Any manufacturer whose projected sales of new motor vehicles subject to this subpart for the 1976 model year are fewer than 2,000 vehicles may request a reduction in the number of test vehicles detremined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this section.

(ii) Any manufacturer whose projected sales of new motor vehicles at high altitude are fewer than 1,000 vehicles per engine family may request a reduction in the number of test vehicles per applicable engine family, determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this section.

* * * * *

§ 85.176–7 Mileage accumulation and emission measurements.

* * * * *

(a) (i) Emission data vehicles: Each emission data vehicle shall be driven

4,000 miles with all emission control systems installed and operating. Emission tests shall be conducted at zero miles and 4,000 miles.

(ii) The emission data vehicle(s) selected for testing under § 85.176–5(b)(3)(ii) shall be driven 4,000 miles under high altitude conditions with all emission control systems installed and operating. Emission tests shall be conducted under high altitude conditions at zero miles and 4,000 miles.

* * * * *

§ 85.176–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer and data derived from any additional testing conducted pursuant to § 85.176–29, the Administrator determines that a test vehicle(s) conforms to the regulations of this subpart, he will issue a certificate of conformity with respect to such vehicle. The certificate will state which vehicles are certified for sale at high altitude.

* * * * *

(b)(1) * * *

(ii) A test vehicle selected under § 85.176–5(b)(3)(i) shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system-transmission type-fuel system combination.

(iii) * * *

(iv) A test vehicle selected under § 85.176–5(b)(3)(ii) shall represent all vehicles of the same engine-system combination to be sold at high altitude.

* * * * *

§ 85.176–35 Labeling.

(a) * * *

(4) * * *

(iv) Engine tuneup specifications and adjustments, as recommended by the manufacturer in accordance with the altitude at which the vehicle is to be sold to the ultimate purchaser, including idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop). These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air-conditioner), if any, should be in operation.

* * * * *

§ 85.176–38 Maintenance instructions.

(a) * * *

(3) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at low altitude, what adjustments or modifications, if any, are necessary to the emission control system for proper functioning of the system at high altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to provide for proper functioning at high altitude.

(4) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at high altitude, what adjustments or modifications, if any, are necessary to the emission control system for proper functioning of the system at low altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to provide for proper functioning at low altitude.

* * * * *

§ 85.202 Definitions.

(a) * * *.

(26) "High altitude" means any elevation over 4,000 feet.

§ 85.276–4 Required data.

* * * * *

(b) Emission data on such vehicles tested in accordance with the applicable test procedures of this subpart and in such numbers as therein specified, which will show their emissions after 0 miles and 4,000 miles of operation. For those engine families in which vehicles are to be sold at retail at high altitude, test results of one emission data vehicle per engine-system combination within the engine family, tested under high altitude conditions after 4,000 miles of operation under high altitude conditions, are also required.

* * * * *

§ 85.276–5 Test vehicles.

* * * * *

(b) *Emission data vehicles.* * * *

(3)(i) The Administrator may select a maximum of four additional vehicles within each engine family based upon features indicating that they may have the highest emission levels of the vehicles in that engine family. In selecting these vehicles, the Administrator will consider such features as the emission control system combination, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, compression ratio, inertia weight class, transmission options, and axle ratios.

(ii) The Administrator may also select one vehicle for each engine-system combination within an engine family for which vehicles are to be sold to ultimate purchasers at high altitude.

* * * * *

(e)(i) Any manufacturer whose projected sales of new motor vehicles subject to this subpart for the 1976 model year are fewer than 2,000 vehicles may request a reduction in the number of test vehicles determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this section.

(ii) Any manufacturer whose projected sales of new motor vehicles at high altitude are fewer than 1,000 vehicles per engine family may request a reduction in the number of test vehicles per applicable engine family, determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this section.

* * * * *

§ 85.276–7 Mileage accumulation and emission measurements.

* * * * *

(a)(i) Emission data vehicles: Each emission data vehicle shall be driven 4,000 miles with all emission control systems installed and operating. Emission tests shall be conducted at zero miles and 4,000 miles.

(ii) The emission data vehicle(s) selected for testing under § 85.276–5(b)(3)(ii) shall be driven 4,000 miles under high altitude conditions with all emission control systems installed and operating. Emission tests shall be conducted under high altitude conditions at zero miles and 4,000 miles.

* * * * *

§ 85.276–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer and data derived from any additional testing conducted pursuant to § 85.276–29, the Administrator determines that a test vehicle(s) conforms to the regulations of this subpart, he will issue a certificate of conformity with respect to such vehicle. The certificate will state which vehicles are certified for sale at high altitude.

* * * * *

(b)(1) * * *

(ii) A test vehicle selected under § 85.276–5(b)(3)(i) shall represent all vehicles in the same engine family of the same engine displacement - exhaust emission control system-transmission type-fuel system combination.

(iii) * * *

(iv) A test vehicle selected under § 85.276–5(b)(3)(ii) shall represent all vehicles of the same engine-system combination to be sold at high altitude.

* * * * *

§ 85.276–35 Labeling.

(a) * * *

(4) * * *

(iv) Engine tuneup specifications and adjustments, as recommended by the manufacturer in accordance with the altitude at which the vehicle is to be sold to the ultimate purchaser, including idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop). These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air-conditioner), if any, should be in operation.

* * * * *

§ 85.276–38 Maintenance instructions.

(a) * * *

(3) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at low altitude, what adjustments or modifications, if any, are necessary to the emission control system for proper functioning of the system at high

altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to provide for proper functioning at high altitude.

(4) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at high altitude, what adjustments or modifications, if any, are necessary to the emission control system for proper functioning of the system at low altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to provide for proper functioning at low altitude.

* * * * *

[FR Doc.-21664 Filed 10-11-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19840; FCC 73-1032]

FM BROADCAST STATIONS IN BATH, MAINE

Proposed Table of Assignments

1. The Commission has before it a petition for rule making filed by Porter Broadcasting Services, Inc. ("Porter"), licensee of Station WJTO-FM in Bath, Maine.

2. Porter, now operating on Channel 237A, the only channel assigned to Bath, seeks the substitution of Class B Channel 290. Station WJTO-FM is the only full-time station in the county and Porter contends that an increase in its coverage would bring notable benefits to the surrounding area. In particular it mentions nearby (and larger) Brunswick, Maine and the County of Lincoln which has no station at all. Porter also asserts that a first and second FM service would be brought to 4,057 and 3,541 persons, respectively. However, its showing was based on the present facilities of the other operating FM stations rather than on assumed facilities, as called for by our *Roanoke Rapids* decision. As a result, the figures overstate the case, but exact extent of first or second FM coverage cannot now be determined. Porter also asserts that interference it receives from an FM station at Mount Washington, New Hampshire, would be removed, but as it recognized, the FM protection standards are based on separations rather than interference, and the current spacing between the stations meets the requirements of our rules. As a result, this matter will not be given any weight in our consideration of this case. Porter contends that the Bath area is prosperous and growing and thus that a Class B operation could better serve its 9,679 residents and the 23,452 residents of Sagadahoc County.

3. While we agree that the subject merits exploration, there is an area of important concern which must be resolved before we could act to change the Bath assignment. That is the matter of preclusionary effect which would result from assignment of Channel 290 to Bath. The preclusion area on adjacent Channel 291 would affect the Maine communities of Brewer (population 9,300), Orono (population 9,146) and Old Town (population 9,057). None of these communities has a commercial radio station, although Orono does have an educational FM station. Accordingly, we need to know what other channels, if any, could be used in these communities. If none would be available, Porter should offer detailed support for its proposal sufficient to overcome the importance of the preclusionary impact. Just as use of a new channel would have a preclusionary effect, the old channel did too; so the removal of the assignment would end that effect and free[1] Channel 237A for assignment in one of the following Maine communities: Dexter (population 2,732), Pittsfield (population 3,398), Wiscasset (population 2,244), Kennebunk (population 2,764), and Milo (population 1,514). Comments from interested parties are invited. Porter's should include a specific statement of its intention to operate on Channel 290 and to relinquish any right to continued operation on Channel 237A.

4. *Cut-off procedure.* The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in this proceeding, and Public Notice to that effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

5. In view of the foregoing and pursuant to authority contained in secs. 4(i), 303 and 307(b) of the Communications Act of 1934, as amended, we propose to amend the FM Table of Assignments (§ 73.202(b) of the rules) as follows:

City	Channel No.	
	Present	Proposed
Bath, Maine	237A	290

6. *It is ordered,* Pursuant to sec. 316 of the Communications Act of 1934, as amended, that Porter Broadcasting Services, Inc. shall show cause why its license should not be modified to specify operation on Channel 290 in lieu of 237A.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 16, 1973, and reply comments on or before November 26, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties, shall be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

Adopted October 3, 1973.

Released October 10, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-21821 Filed 10-11-73;8:45 am]

[1] It could also be substituted for Channel 280A at Rochester, New Hampshire, and by so doing end a serious short-spacing affecting that assignment.

[2] Commissioner Robert E. Lee absent.

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-76]

ADVISORY COMMITTEE ON "FOREIGN RELATIONS OF THE UNITED STATES"

Notice of Meeting

The Advisory Committee on Foreign Relations of the United States will meet on November 9, 1973, at 9 a.m., in the Department of State Building.

The principal purpose of the Committee is to give advice to the Bureau of Public Affairs (particularly the Historical Office) regarding the solution of professional problems connected with the preparation of the "Foreign Relations" series and other responsibilities of the Historical Office.

In accordance with section 10(d) of the Advisory Committee Act (Public Law 92-463) it has been determined that the above meeting will necessarily involve discussion of matters concerned with those recognized as not subject to public disclosure under 5 U.S.C. 522(b)(1), and that the public interest requires that such activities be withheld from disclosure. The meeting will therefore be closed to the public.

Any questions concerning the meeting should be directed to William M. Franklin, Executive Secretary, Advisory Committee on "Foreign Relations of the United States", Department of State, Washington, D.C. 20520; telephone (202) 632-1931.

Dated October 5, 1973.

WILLIAM M. FRANKLIN,
Executive Secretary.

[FR Doc.73-21731 Filed 10-11-73;8:45 am]

[Public Notice CM-75]

ADVISORY COMMITTEE ON INTERNATIONAL INTELLECTUAL PROPERTY

Notice of Meeting

The International Copyright Panel of the Department of State's Advisory Committee on International Intellectual Property will meet on October 30. The meeting will not be open to the public because it will involve discussion of the formulation of official U.S. negotiating positions for forthcoming International Conferences, including such topics as copyright relations with member countries of the Universal Copyright Convention of 1952. This determination is in accordance with 5 U.S.C. 552(b)(1), which requires such matters to be withheld from public disclosure. Anyone interested in obtaining substantive information on the subject matter of this meeting may do so by calling the Executive Secretary of the Committee (code 202) 632-2181.

Dated October 9, 1973.

HARVEY J. WINTER,
Executive Secretary.

[FR Doc.73-21730 Filed 10-11-73;8:45 am]

[Public Notice CM-74]

SHIPPING COORDINATING COMMITTEE

Notice of Meeting

A meeting of the Shipping Coordinating Committee will be held at 9:30 a.m. on Tuesday, November 6, 1973, in Room 6332, Coast Guard Headquarters, 400 Seventh Street SW., Washington, D.C. The meeting will be open to the public.

The meeting will consider preparations for the Seventh Extraordinary Session of the Intergovernmental Maritime Consultative Organization (IMCO) Council, the 31st Regular Session of the IMCO Council; and the Eighth Session of the IMCO Assembly scheduled to meet in London, November 12-24.

For further information on the subject matter of the meeting, contact Mr. Richard K. Bank, Executive Secretary, Shipping Coordinating Committee, Department of State, Washington, D.C., telephone (202) 632-0704.

Dated October 3, 1973.

RICHARD K. BANK,
Executive Secretary,
Shipping Coordinating Committee.

[FR Doc.73-21729 Filed 10-11-73;8:45 am]

[Public Notice CM-77]

STUDY GROUP 5 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Notice of Meeting

The Department of State announces a scheduled meeting of the United States Study Group on Data Transmission concerned with final preparation for meetings of Study Groups of the International Telegraph and Telephone Consultative Committee of the International Telecommunication Union to be held in Geneva, Switzerland January 7-25, 1974. The meeting will take place on Tuesday, December 4, 1973 at 10 a.m. in Room A-110 of the Federal Communications Commission Annex, 1229 20th Street NW., Washington, D.C.

U.S. CCITT Study Group 5 deals with matters in telecommunications relating to the development of the international digital data transmission service. The agenda for the meeting on December 4 will include consideration of the following:

1. Contributions or U.S. positions for the Geneva meetings in the following areas:
   (a) Transmission line parameters of importance to higher speed data transmission
   (b) LSI interfaces
   (c) Inclusion of 4800 bps as a standard user speed for digital networks
   (d) Functional interface between digital networks and user terminals
   (e) Other
2. Planned attendance at the Geneva Meetings.
3. Other Business.

Members of the general public who desire to attend the meeting on December 4 will be admitted up to the limit of the meeting room.

Dated: September 25, 1973.

GORDON L. HUFFCUT,
Acting Chairman,
U.S. National Committee.

[FR Doc.73-21732 Filed 10-11-73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Calcagno, Emanuel, 8854 Perrin, Livonia, Michigan, convicted on July 31, 1934, in the United States District Court, Detroit, Michigan.

Cunningham, James L., General Delivery, Duvall, Washington, convicted on January 9, 1967, in the District Court of Dallam County, 69th Judicial District of Texas; October 30, 1967, in the District Court of the Sixth Judicial District of Idaho, in and for the County of Bannock; and November 28, 1967, in the District Court of the Fifth Judicial District of Idaho, in and for the County of Minidoka.

DeMoss, Ronald Royce, 631 Rainier Avenue, Bremerton, Washington, convicted on March 15, 1957, in the Kitsap County Superior Court, State of Washington.

Fulcher, Richard B., Route 3, Temple Road, Franklin, Tennessee, convicted on November 20, 1959, by the United States District Court, Middle District of Tennessee, Nashville, Tennessee.

Glenn, Fred M., Towers Building, University of Virginia Hospital, Charlottesville, Virginia, convicted on April 3, 1945, January 27, 1949, and April 7, 1954, in the United States District Court, Richmond, Eastern District of Virginia, and on May 12, 1952, in the Brunswick County Circuit Court, Brunswick, Virginia.

Haley, Donald R., 3196 Birchlane Drive, Flint, Michigan, convicted on April 30, 1954, in the Genesee County Circuit Court, Michigan.

Hunter, Paul J., 105-17 171st Street, Jamaica, New York, convicted on October 15, 1945, in the Court of General Sesssions, New York County, New York.

Jones, Gerald W., 4631 Bruning Court, Sacramento, California, convicted on July 21, 1970, in the Superior Court, San Joaquin County, California.

Kean, Daniel J., 901 12th Street, West Des Moines, Iowa, convicted on May 8, 1937, in the Polk County District Court, Iowa.

Leal, Jose D., 2410 River Street, Saginaw, Michigan, convicted on January 18, 1954, in the Circuit Court for Saginaw County, Michigan.

Novick, Sol, 2824 Morris Avenue, Bronx, New York, convicted on or about November 29, 1944, in the United States District Court for the Eastern District of New York.

Powers, Michael R., 202 South Willow Street, Dayton, Washington, convicted on January 21, 1971, in the Superior Court of the State of Washington for the County of Columbia.

Rubel, Larry E., 4008 Cottonwood Street, Marrero, Louisiana, convicted on November 3, 1969, in the Circuit Court, Tenth Judicial Circuit of Alabama, Bessemer Division.

Taylor, Delbert Paul, No. 1 Moores Court, Charleston, West Virginia, convicted on September 4, 1959, in the United States District Court for the Southern District of Florida, Jacksonville Division.

Willie, Edmund M., 1335 St. Marks Avenue, Brooklyn, New York, convicted on April 12, 1943, in the Supreme Court of Kings County, New York.

Woollen, Tommy E., 1020 Charles Street, Winston-Salem, North Carolina, convicted on November 13, 1967, in the Superior Court, Winston-Salem, North Carolina.

Signed at Washington, D.C., this 1st day of October, 1973.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73-21698 Filed 10-11-73;8:45 am]

Customs Service

[T.D. 73-284]

AUTOMATED BOND INFORMATION SYSTEM

Approval of Additional Rider

OCTOBER 3, 1973.

T.D. 73-198 contained a list of riders approved for use in connection with the Automated Bond Information System. A new rider, set forth below in the form to be used with its alphabetical designation, is hereby approved for use in the Automated Bond Information System.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

M—Entry for warehouse of petroleum and petroleum products under Presidential Proclamation No. 4210—to be added to Customs Form 7595.

In addition to the conditions appearing in the bond dated _____, in the amount of _____, executed by _____, as principal, and _____, as surety, to which this stipulation relates, it is hereby expressly agreed by the principal and surety thereon that the following additional condition shall apply:

It is hereby understood and agreed that petroleum and petroleum products covered by Presidential Proclamation No. 4210, dated April 18, 1973, will be permitted entry into Customs bonded warehouse subject to the conditions of the aforementioned bond, and that the terms "Duties, Taxes, Charges and Exactions" as used in those conditions specifically include license fees due and payable under the said proclamation and the regulations issued thereunder.

Witness our hands and seals this _____ day of _____ 19____.

_____ (Seal)
(Principal)

_____ (Seal)
(Surety)

[FR Doc.73-21697 Filed 10-11-73;8:45 am]

[T.D. 73-285]

INSTRUMENTS OF INTERNATIONAL TRAFFIC

Amendment of Previous Decision

OCTOBER 3, 1973.

Treasury Decision 73-166, relating to certain steel cylinders as instruments of international traffic, amended.

Under the authority of § 10.41a(a)(1), Customs Regulations (19 CFR 10.41a(a)(1)), steel cylinders, 6 feet 9½ inches in length and 2 feet 6 inches in diameter, with a plate attached showing the name of the owner, "Chemetron Corporation," and a serial number consisting of two, three, or four digits, used for the transportation of phosgene gas, were designated as instruments of international traffic by Treasury Decision 73-166, dated June 13, 1973.

The U.S. Customs Service has been informed by the Department of Transportation that containers of the size described above used for the transportation of phosgene gas are required to be marked "DOT 106A500X" in accordance with specification requirements of the Department of Transportation's Hazardous Materials regulations.

Therefore, Treasury Decision 73-166, relating to steel cylinders used for the transportation of phosgene gas, is amended to require as the prescribed markings on the cylinders the DOT specification number "DOT 106A500X," in lieu of a plate showing the name of the owner, "Chemetron Corporation", and a serial number.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

[FR Doc.73-21696 Filed 10-11-73;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON REFORM OF THE INTERNATIONAL MONETARY SYSTEM

Notice of Meeting

Notice is hereby given that the Advisory Committee on Reform of the International Monetary System will meet at the Treasury Department in Washington, D.C., on October 18, 1973.

The meeting is called for the purpose of considering the basic issues involved in the current international negotiations for the reform of the international monetary system.

A determination as required by sec. 10(d) of the Federal Advisory Committee Act (Public Law 92-463) has been made that this and future meetings of this Committee wil lconsider matters falling within one or more of the exemptions to public disclosure set forth in 5 U.S.C. 552(b) and that the public interest requires such meetings be closed to public participation.

Dated October 11, 1973.

[SEAL] PAUL A. VOLCKER,
Under Secretary for Monetary Affairs.

[FR Doc.73-21932 Filed 10-11-73;10:27 am]

METAL PUNCHING MACHINES, SINGLE-END TYPE, MANUALLY OPERATED, FROM JAPAN

Antidumping; Determination of Sales At Less Than Fair Value

OCTOBER 5, 1973.

Information was received on January 23, 1973, that metal punching machines, single-end type, manually operated, from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" was published in the FEDERAL REGISTER of August 10, 1973.

I hereby determine that for the reasons stated below, metal punching machines, single-end type, manually operated, from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. Analysis of information from all sources revealed that the proper basis of comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated by deducting, from the c.i.f. price to the United States, foreign inland freight, forwarding fees, ocean freight and marine insurance.

The adjusted home market price was calculated on the basis of the delivered price to end-users, with deductions for inland freight and delivery charges. Adjustments were made for differences in the merchandise, testing and after-sales service, customer training, and packing,

as appropriate, and for differences in the level of trade.

Using the above criteria, purchase price was found to be lower than the adjusted home market price of such or similar merchandise.

The United States Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.73-21812 Filed 10-11-73;8:45 am]

PRIMARY LEAD METAL FROM AUSTRALIA

Antidumping; Determination of Sales At Less Than Fair Value

OCTOBER 9, 1973.

Information was received on February 16, 1973, that primary lead metal from Australia was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" was published in the FEDERAL REGISTER on August 2, 1973.

I hereby determine that for the reasons stated below, primary lead metal from Australia is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. The information before the U.S. Customs Service indicates that the proper basis of comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of a c.i.f. price, with deductions for a discount, ocean freight, insurance and a sales commission.

The adjusted home market price was calculated on the basis of a delivered to customer's premises price, with deductions for freight and insurance. Adjustments were made for selling expenses and packing.

Using the above criteria, purchase price was found to be lower than the adjusted home market price of such or similar merchandise.

The United States Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] JAMES B. CLAWSON,
Assistant Secretary of the Treasury.

[FR Doc.73-21813 Filed 10-11-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ASSOCIATE STATE DIRECTOR, ARIZONA STATE OFFICE, ET AL.

Redelegation of Authority

Pursuant to redelegation of authority to State Director contained in FEDERAL REGISTER dated August 10, 1973 (FR Doc. 73-16605), the

Associate State Director, State Office.
Chief, Division of Management Services, State Office.
Chief, Branch of Administrative Management, State Office.
Administrative Officer, State Office.

are delegated the following procurement authority:

1. Negotiated contracts: May enter into contracts pursuant to section 302 (c)(2) of the Federal Property and Administrative Services Act, regardless of amount. This authority is to be used for rental of equipment and aircraft and for procurement of supplies and services required for emergency fire suppression and presuppression, where the order exceeds $2,500.

2. Open market purchases: May enter into contracts pursuant to section 302(c)(3) of the Federal Property and Administrative Services Act, for supplies, services, and rental of equipment and aircraft not to exceed $2,500 per transaction; and for construction not to exceed $2,000 per transaction; provided that the requirement is not available from established sources of supply.

3. Established sources of supply: May procure supplies and services available from established sources of supply regardless of amount.

4. Capitalized property: May enter into contracts, under authority of subparagraphs 1, 2, or 3, above, as appropriate, for purchase of capitalized property.

If purchase is to be charged to fire suppression funds, or if the item is not included in an approved equipment budget, prior approval of purchase by the Assistant Director, Administration is required. This authority may be exercised only in a true emergency situation such as for immediate use in suppression of active fires and delivery for use on that fire is attainable.

5. The District Managers, Assistant District Managers, and District Chiefs, Division of Administration, are authorized to enter into contracts under the authority of 1, 2, and 3 above, as appropriate.

The authority granted above may not be redelegated. This delegation of authority modifies previous redelegations of authority for the individuals named with regard to the procurement of capitalized property.

This redelegation of authority is effective October 4, 1973.

JOE T. FALLINI,
State Director.

OCTOBER 5, 1973.

[FR Doc.73-21691 Filed 10-11-73;8:45 am]

CHIEF, DIVISION OF MANAGEMENT SERVICES, AND CHIEF, BRANCH OF ADMINISTRATIVE MANAGEMENT

Redelegation of Authority Regarding Procurement

State Director, Montana, delegates procurement authority to Chief, Division of Management Services, and Chief, Branch of Administrative Management—effective on October 8, 1973.

1. Negotiated contracts may enter into contracts pursuant to section 302(c)(2) of the Federal Property and Administrative Services Act, regardless of amount. This authority is to be used for rental of equipment and aircraft and for procurement of supplies and services required for emergency fire suppression and presuppression, where the order exceeds $2,500.

2. Open market purchases may enter into contracts pursuant to section 302 (c)(3) of the Federal Property and Administrative Services Act, for supplies, services, and rental of equipment and aircraft not to exceed $2,500 per transaction; and for construction not to exceed $2,000 per transaction; provided that the requirement is not available from established sources of supply.

3. Established sources of supply may procure supplies and services available from established sources of supply regardless of amount.

4. Capitalized property may enter into contracts, under authority of subparagraphs 1, 2, or 3 above, as appropriate, for purchase of capitalized property.

If the purchase is to be charged to fire suppression funds, or if the item is not included in an approved equipment budget, prior approval of purchase by the Assistant Director, Administration is required. This authority may be exercised only in a true emergency situation such as for immediate use in suppression of active fires and delivery for use on that fire is attainable.

EDWIN ZAIDLICZ,
State Director.

[FR Doc.73-21686 Filed 10-11-73;8:45 am]

PRINEVILLE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Prineville District Advisory Board will meet on November 27 and 28, 1973, commencing at 9:30 AM each day in the Prineville District Office, Bureau of Land Management, 185 East Fourth Street, Prineville, Oregon. The agenda for the meeting includes, election of chairman and vice-chairman, election of two (2) representatives and two (2) alternate representatives to the Bureau of Land Management Multiple Use Advisory Board for Oregon, action and review on: grazing applications for the 1974 grazing season, transfers of base properties, transfers of grazing privileges, cooperative agreements, grazing trespass charges, wild horse management and claiming, Upper Crooked River Management Framework Plan, Upper Deschutes River Management Framework Plan, dependent property surveys and proposed rule making.

The meeting will be open to the public. It is to be held in a room accommodating 30 people. In addition to discussion of agenda topics by board members, there will be time for brief statements or questions by non-members. Persons wishing to make oral statements should so advise the chairman or the co-chairman prior to the meeting to aid in scheduling available time. Any interested

person may file a written statement for consideration by the board. Send written statements to the chairman, in care of the co-chairman: Prineville District Manager, P.O. Box 550, Prineville, Oregon 97754.

PAUL W. ARRASMITH,
District Manager.

SEPTEMBER 28, 1973.

[FR Doc.73-21810 Filed 10-11-73;8:45 am]

National Park Service

ZION NATIONAL PARK, UTAH

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), and in accordance with Departmental procedures as identified in 43 CFR 19.5 that a public hearing will be held beginning at 10 a.m. on December 12, 1973, in the Visitor Center at the Zion National Park Headquarters in Springdale, Utah, for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness comprising about 119,200 acres within the Zion National Park, Iron, Kane, and Washington Counties, Utah.

A packet containing a preliminary wilderness study report, and providing additional information about the proposal, may be obtained from the Superintendent, Zion National Park, Springdale, Utah 84767, or from the Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebr. 68102.

A description of the preliminary boundaries and a map of the areas proposed for establishment as wilderness are available for review in the above offices and in Room 1210 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer, in care of the Superintendent, Zion National Park, Springdale, Utah 84767, by December 10 of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer, at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representative of the counties in which the proposed wilderness is located.
(5) Officials of other Federal agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated October 3, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-21637 Filed 10-11-73;8:45 am]

Office of the Secretary

[INT FES-73-55]

MARBLE BLUFF DAM AND PYRAMID LAKE FISHWAY AUTHORIZED WASHOE PROJECT, NEVADA

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement on the authorized dam and fishway as features of the Washoe Project. Purposes of these facilities are channel stabilization of the lower Truckee River and reestablishment of upstream spawning of the rare Lahontan cutthroat trout and the endangered cui-ui.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-4991.

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colo. 80225, telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, 2800 Cottage Way, Sacramento, Calif. 95825, telephone (916) 484-4571.

Lahontan Basin Projects Office, Bureau of Reclamation, P.O. Box 640, Carson City, Nev. 89701, telephone (702) 882-3436.

Single copies of the final statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: October 4, 1973.

WILLIAM W. LYONS,
Deputy Under Secretary
of the Interior.

[FR Doc.73-21634 Filed 10-11-73;8:45 am]

[INT FES 73-57]

SQUAW FLAT—CONFLUENCE OVERLOOK ROAD CANYONLANDS NATIONAL PARK

Availability of Final Environmental Statement

Pursuant to Sec. 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for a proposed road from Squaw Flat to Confluence Overlook in Canyonlands National Park, Utah.

The environmental statement considers the social, economic and ecological effects of 9.7 miles of a low standard paved access road within the Needles District of Canyonlands National Park, San Juan County, Utah.

Copies of the final environmental statement are available from or for inspection at the following locations:

Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebr. 68102.

Superintendent, Canyonlands National Park, Moab, Utah 84532.

Dated October 4, 1973.

W. W. LYONS,
Deputy Under Secretary
of the Interior.

[FR Doc.73-21839 Filed 10-11-73;8:45 am]

[INT FES 73-58]

COLORADO NATIONAL MONUMENT; PROPOSED WILDERNESS

Availability of Final Environmental Statement

Pursuant to sec. 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the proposed wilderness area in Colorado National Monument, Colorado.

The environmental statement considers the environmental effects of designation of 7,700 acres of wilderness within Colorado National Monument, Mesa County, Colorado.

Copies of the statement are available from or for inspection at the following locations:

Regional Director, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebr. 68102.

Superintendent, Curecanti Recreation Area, 334 South 10th Street, Montrose, Colo. 81401.

Dated: October 4, 1973.

W. W. LYONS,
Deputy Under Secretary of the Interior.

[FR Doc.73-21840 Filed 10-11-73;8:45 am]

[INT FES 73-56]

PROPOSED WILDERNESS FOR BLACK CANYON OF THE GUNNISON NATIONAL MONUMENT

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the proposed wilderness area in Black Canyon of the Gunnison National Monument, Colorado.

The environmental statement considers the designation of 8,780 acres of wilderness within Black Canyon of the Gunnison National Monument, Montrose County, Colo.

Copies of the statement are available from or for inspection at the following locations:

Regional Director, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebr. 68102.
State Director, 655 Parfet Street, P.O. Box 26248, Lakewood, Colo. 80215.
Superintendent, Black Canyon of the Gunnison National Monument, Montrose, Colo. 81401.

Dated October 4, 1973.

W. W. LYONS,
Deputy Under Secretary of the Interior.

[FR Doc.73-21687 Filed 10-11-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

GILA NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Gila National Forest Grazing Advisory Board will meet at 10:00 A.M., October 25, 1973 at Forest Service Conference Room, 304 North Hudson Street, Silver City, New Mexico.

The purpose of this meeting is:

1. Review and discuss a proposed adjustment in the grazing permit on the Devils Park Allotment, Glenwood Ranger District of the Gila National Forest.
2. Items or problems the Board may wish to discuss.
3. Items or problems which outside parties may wish to bring before the Board.

The meeting will be open to the public.

Dated: October 4, 1973.

R. C. JOHNSON,
Forest Supervisor.

[FR Doc.73-21809 Filed 10-11-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

CONSTRUCTION OF TANKERS OF ABOUT 90,000 DWT

Notice of Intent Regarding Recomputation of Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended, to recompute the estimated foreign cost of the construction of tankers of about 90,000 DWT since there appears to have been a significant change in shipbuilding market conditions since the previous determination of estimated foreign cost was made.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on October 25, 1973, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Dated: October 9, 1973.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-21833 Filed 10-11-73;8:45 am]

NATIONAL STEEL AND SHIPBUILDING CO.

Notice of Award of Construction-Differential Subsidy Contract Under Marad Tanker Construction Program

Notice is hereby given that on October 5, 1973, the Maritime Subsidy Board awarded a construction-differential subsidy contract, Contract No. MA/MSB-290, to National Steel and Shipbuilding Company (NASSCO) and Contract No. MA/MSB-291 to Moore-McCormick Bulk Transport, Inc. for three 38,300 DWT tankers, MA Design T6-S-93a, to be constructed by NASSCO at its San Diego, California shipyard. The application for such contracts, dated July 23, 1973, were noted in the FEDERAL REGISTER on July 31, 1973, 38 FR 20355.

Dated: October 9, 1973.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-21834 Filed 10-11-73;8:54 am]

PACIFIC RESOURCES, INC.

Application for Construction-Differential Subsidy

Notice is hereby given that Pacific Resources, Inc. has filed an application dated October 5, 1978, pursuant to Title V of the Merchant Marine Act, 1936, as amended, for a construction-differential subsidy to aid in the construction of three approximately 80,000 DWT new ore/bulk/oil vessels for use in the foreign commerce of the United States.

Any interested parties may inspect this application in the Office of the Secretary, Room 3099B, Maritime Administration, Department of Commerce Building, 14th and E Streets, NW, Washington, D.C. 20230.

Dated October 9, 1973.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-21835 Filed 10-11-73;8:45 am]

TEXACO, INC.

Application for Construction-Differential Subsidy

Notice is hereby given that Texaco, Inc. has filed an application dated October 5, 1973, pursuant to Title V of the Merchant Marine Act, 1936, as amended, for a construction-differential subsidy to aid in the construction of three approximately 383,600 DWT new tank vessels for use in the foreign commerce of the United States.

Any interested parties may inspect this application in the Office of the Secretary, Room 3099B, Maritime Administration, Department of Commerce, 14th and E Streets, NW., Washington, D.C. 20230.

Date: October 9, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-21836 Filed 10-11-73;8:45 am]

TRINIDAD CORP.

Application for Construction-Differential Subsidy

Notice is hereby given that Trinidad Corporation has filed an application dated October 3, 1973, pursuant to Title V of the Merchant Marine Act, 1936, as amended, for a construction-differential subsidy to aid in the construction of four new tankers of approximately 383,600 deadweight tons for use in the foreign commerce of the United States. It is proposed that the tankers be of the Todd Shipyards Corporation design for such vessels.

Any interested parties may inspect this application in the Office of the Secretary, Room 3099B, Maritime Administration, Department of Commerce Building, 14th and E Streets NW, Washington, D.C. 20230.

Dated October 4, 1973.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-21837 Filed 10-11-73;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON AGRICULTURE STATISTICS

Notice of Public Meeting

The Census Advisory Committee on Agriculture Statistics will convene on October 25, 1973 at 9:30 a.m., and October 26, 1973 at 9:00 a.m. The Committee will meet in Room 2113, Federal Building No. 3, at the Bureau of the Census in Suitland, Maryland.

This Committee was established in 1962 to advise the Director, Bureau of the Census, concerning the kind of information that should be obtained from respondents; to prepare recommendations regarding the contents of reports and to present the views and needs for data of major agricultural organizations and their members.

The Committee is composed of 20 members appointed by the presidents of the non-profit organizations having representatives on the Committee.

The agenda for the October 25 meeting is: 1) Summary of action regarding the 1974 Census of Agriculture since the February 23, 1973 Committee meeting, 2) Current status of plans for the 1974 Census of Agriculture, and 3) Proposals regarding data to be collected in the 1974 Census of Agriculture.

The agenda for the October 26 meeting is: 1) Committee recommendations regarding data to be collected in the 1974 Census of Agriculture, and 2) Discussion of various areas of the 1974 Census of Agriculture, including: agricultural services, outlying areas, compilation of mailing lists, coverage evaluation, proposed publication program and public relations program.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside each day for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning these meetings should contact the Committee Guidance and Control Officer, Mr. J. Thomas Breen, Chief, Agriculture Division, Bureau of the Census, Room 2067, FB-3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone 301-763-5230.

Dated October 9, 1973.

EDWARD D. FAILOR,
Administrator, Social and Economic Statistics Administration.

[FR Doc.73-21792 Filed 10-11-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 8922; Docket No. FDC-D-665; NDA 8-922]

CALCIUM DISODIUM EDETATE TABLETS

Followup Notice

The Food and Drug Administration published a notice in the FEDERAL REGISTER of January 13, 1970 (35 FR 437) regarding the efficacy of the drug described below, stating that it was possibly effective (1) as a followup to parenteral therapy for the reduction of blood and depot lead in acute and chronic lead poisoning and lead encephalopathy and (2) when administered to increase excretion of lead in asymptomatic patients who present laboratory evidence of lead accumulation.

That part of NDA 8-922 pertaining to Calcium Disodium Versenate Tablets containing 500 mg. of calcium disodium edetate per tablet; Riker Laboratories, Inc., Subsidiary of 3M Company, 19901 Nordhoff St., Northridge, California 91324.

Other drugs included in the notice of January 13, 1970 are not affected by this notice.

Subsequent to the notice, Riker submitted additional data which supports the effectiveness of the drug for increasing excretion of lead, but which did not provide substantial evidence that the drug is effective as a followup of parenteral therapy for the reduction of blood and depot lead in acute and chronic lead poisoning and lead encephalopathy.

Accordingly, the effectiveness classification and marketing status with respect to calcium disodium edetate tablets are revised to read as set forth below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report as well as other available evidence and concludes that:

(1) Calcium disodium edetate (tablet) is effective for increasing the excretion of lead.

(2) There is a lack of substantial evidence that the drug is effective as a followup to parenteral therapy for the reduction of blood and depot lead in acute and chronic lead poisoning and lead encephalopathy.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve new drug applications and supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Calcium disodium edetate preparations are in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The "Indication" is as follows: To increase the excretion of lead.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled *Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study*, published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and a supplement for updating information as described in paragraphs (a)(1)(i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of a full new drug application as described in paragraph (a)(3)(iii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. *Notice of opportunity for a hearing.* Notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto providing for indications lacking substantial evidence of effectiveness referred to in paragraph A-2 of this notice on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn.

On or before November 12, 1973, the applicant(s) and any other interested person may file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) which have not been supplemented to delete the indication(s) lacking substantial evidence of effectiveness.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before November 12, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claim(s) involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order making findings and conclusions on such data and withdrawing approval of application(s) not supplemented to delete the claim(s) involved.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after November 12, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed and are subject to this notice. (See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8922 directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation, Bureau of Drugs.

Requests for the Academy's reports: Drug Efficacy Study Information Control (BD-66), Bureau of Drugs.

Request for hearing (identify with docket number): Hearing Clerk (CC-20), Room 6-86, Parklawn Building.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Manager (BD-101), Bureau of Drugs.

Received requests for a hearing may be seen in the office of the hearing clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 4, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-21650 Filed 10-11-73;8:45 am]

[DESI 64; Docket No. FDC-D-574; NDA No. 8-734]

CERTAIN BARBITURATE-ANALGESIC COMBINATION DRUG FOR ORAL USE

Notice of Opportunity for Hearing On Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 64) published in the FEDERAL REGISTER of March 14, 1972 (37 FR 5308), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug was regarded as possibly effective and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no data concerning effectiveness of the drug have been submitted.

NDA 8-734; Algoson Tablets containing sodium butabarbital and acetaminophen; McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, Pa. 19034.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the ground that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not withdrawn.

On or before November 12, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before November 12, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commis-

sioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after November 12, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner find entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated October 1, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-21652 Filed 10-11-73;8:45 am]

[DESI 64; Docket No. FDC-D-574]

CERTAIN BARBITURATE-ANALGESIC COMBINATION DRUG FOR ORAL USE

Withdrawal of Request for Hearing Wm. P. Poythress & Co.

On January 19, 1973, there was published in the FEDERAL REGISTER (38 FR 1947) a notice of opportunity for hearing (DESI 64) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of certain barbiturate-analgesic combination drugs for oral use. Thirty days were allowed for the holders of the new drug applications or any interested person who manufacturers or distributes a drug similar, related, or identical to a drug provided for in the approved new drug applications to file a written appearance requesting a hearing and giving reasons why new drug application approval should not be withdrawn, together with a full factual analysis of the clinical and other investigational data they were prepared to prove in support of their opposition.

Pursuant to the notice, a request for hearing was received from William M. Davis, M.D., Medical Director, Wm. P. Poythress & Co., 16 N. 22nd St., Richmond, Va. 23261, on behalf of the following product which is not the subject of an approved new drug application:

Synirin Tablets containing aspirin 5 grains and pentobarbital ⅙ grain.

This notice is to announce that on July 30, 1973, Dr. Davis withdrew his request for a hearing, and the William P. Poythress Co. has informed the Administration that Synirin Tablets have been removed from the product line and that no shipments would be made after August 8, 1973.

Dated October 1, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-21651 Filed 10-11-73;8:45 am]

[DOCKET No. FDC-D-651; NADA No. 9-860V]

PFIZER, INC.

Certain Drugs Containing Oxytetracycline, Notice of Opportunity for a Hearing

In an announcement published in the FEDERAL REGISTER of August 22, 1970 (35 FR 13489; DESI 9860V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on Terramycin Pet Tablets (a product which contains crystalline oxytetracycline) and Terramycin Fortified Pet Tablets (a product which contains oxytetracycline hydrochloride, vitamin A, vitamin D and niacinamide) new animal drug application (NADA) No. 9-860V, stating that these products are probably not effective for oral administration in the management of infections caused by or associated with oxytetracycline susceptible organisms in dogs, cats, pigs, lambs, calves, and colts. The announcement invited the holder of said NADA, Pfizer, Inc., Department of Veterinary Medicine, 235 East 42d Street, New York, NY 10017, and any other interested persons to submit pertinent data on the drugs effectiveness.

Neither Pfizer, Inc., nor any other interested persons submitted pertinent data for the product Terramycin Fortified Pet Tablets. Pfizer, Inc., did not submit adequate data that would establish efficacy for Terramycin Pet Tablets. No other interested persons responded to said announcement. By letter of June 6, 1973, the Food and Drug Administration requested that the firm submit adequate documentation in support of the labeling used. Pfizer, Inc., has not responded to said letter.

Therefore, notice is given to the holder of the NADA and to any other interested person that the Commissioner proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA No. 9-860V and all amendments and supplements thereto on the grounds that new information before him with respect to the drug evaluated together with the evidence available to him at the time of approval of the application, shows that there is a lack of substantial evidence that the drug will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products not the subject of an approved new animal drug application are covered by the NADA reviewed. Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the NADA not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Bureau of Veterinary Medicine, Division of Compliance, 5600 Fishers Lane, Rockville, MD 20852.

In accordance with the provisions of section 512 of the Act and the regulations promulgated thereunder (21 CFR Part 135), the Commissioner hereby gives the applicant and any other interested person an opportunity for a hearing to show why approval of the NADA should not be withdrawn.

The applicant and any interested person is required to file, on or before November 12, 1973, with the Hearing Clerk, Food, and Drug Administration, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election by November 12, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before November 12, 1973, a written appearance requesting the hearing, giving the reasons why approval of the NADA should not be withdrawn, together with a well-organized and full-factual analysis of the data he is prepared to prove in support to his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 135.15(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating efficacy of the product for the labeling claims involved, the Commissioner will rescind this notice of opportunity for a hearing.

If review of the data in the application and the data submitted by the applicant or any other interested person in a request for a hearing, together with a reasoning and factual analysis warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new animal drug applicant or any other interested person, a hearing is justified, the issues will be defined, an administrative law judge will be named, and he shall issue, as soon as practicable after November 30, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the NADA will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the office of the hearing clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 343-351; 21 U.S.C. 360b(e)) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated October 4, 1973.

SAM D. FINE,
Associate Commissioners for Compliance.

[FR Doc.73-21648 Filed 10-11-73;8:45 am]

[DESI 6258 Docket No. FDC-D-621; NDA 5-812]

SUPPOSITORIES CONTAINING AMINOPHYLLINE WITH PENTOBARBITAL AND BENZOCAINE

Notice of Withdrawal of Approval of New Drug Application; Correction

The Commissioner of Food and Drugs issued a notice of withdrawal of approval of NDA 5-812 for Aminophylline with Pentobarbital and Benzocaine Suppositories (G. D. Searle and Co., P.O. Box 5110, Chicago, Illinois 60680) in F.R. Doc. 73-14277 appearing in the FEDERAL REGISTER of Friday, July 13, 1973 (38 FR 18702). The fifth paragraph of the second column on page 18702 reading "Therefore, pursuant to the foregoing finding, approval of new drug application No. 5-812 and all amendments and supplements thereto is withdrawn effective on July 23, 1973" should be corrected to read "Therefore, pursuant to the foregoing finding, approval of that part of new drug application No. 5-812 pertaining to suppositories containing aminophylline with pentobarbital and benzocaine and all amendments and supplements thereto is withdrawn effective on July 23, 1973."

Dated October 1, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-21649 Filed 10-11-73;8:45 am]

Food and Drug Administration

[FAP 3B2856]

SANDOZ COLORS & CHEMICALS

Notice of Filing of Petition for Food Additives

Correction

In FR Doc. 73-20300, appearing on page 26752 in the issue for Tuesday, September 25, 1973, make the following changes:

1. In the 5th line, the reference to "(FAP 3B7856)" should read "(FAP 3B2856)".

2. In the 7th line, the section reference "§ 121.2426" should read "§ 121.2526".

National Institutes of Health

BOARD OF SCIENTIFIC COUNSELORS, NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

Amended Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Metabolism, and Digestive Diseases has been changed from October 19-20, 1973, to November 16-17, 1973, 9 AM, National Institutes of Health, Building 4, Room 336. This meeting will be open to the public from 9 AM to 10 AM on November 16, 1973, to discuss the general trend in research as regards arthritis, metabolism, and digestive diseases, and closed to the public from 10 AM to 5 PM on November 16, 1973, and from 9 AM to adjournment on November 17, 1973, for the critique and evaluation of the NIAMDD intramural program in accordance with the provisions set forth in Section 552(b) 6 of Title 5 U.S.C. Code and 10(d) of P.L. 92-463. Attendance by the public will be limited to space available.

Name of the person from whom rosters of committee members, summary of the meeting, and other information pertaining to the meeting may be obtained: Mr. Victor Wartofsky, Information Officer, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland (301) 496-3583.

Dated October 9, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73-21807 Filed 10-11-73;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS, NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Neurological Diseases and Stroke, National Institutes of Health, October 25 and 26, 1973, in Conference Room 1B-07, Building 36, at the National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 10:30 a.m. to 5:00 p.m. on October 25th to discuss program planning and program accomplishments and closed to the public until the conclusion of the meeting on October 26th for the critique and evaluation of a part of the Intramural Programs of the National Institute of Neurological Diseases and Stroke, in accordance with the provisions set forth in Section 552(b) 6 of Title V U.S. Code and Section 10(d) of P.L. 92-463. Attendance by the public will be limited to space available.

1. The Institute Information Officer who will furnish summaries of the meeting and rosters of committee members is: Mrs. Ruth Dudley, Information Officer, NINDS, Bldg. 31, Room 8A03, Bethesda, Maryland, telephone 496-5751.

2. The Executive Secretary from whom substantive program information may be obtained is: Dr. Henry G. Wagner, Bldg. 36, Room 5A05, Bethesda, Maryland, telephone 496-4297.

Dated October 4, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

[FR Doc.73-21805 Filed 10-11-73;8:45 am]

[File No. 4208]

PUBLICATIONS RESULTING FROM NIH GRANT-SUPPORTED PROJECTS

Notice of Amendment of Copyright Policy

On Friday, June 18, 1971, a notice of proposed implementation of a modification of NIH copyright policy was published in the FEDERAL REGISTER, Volume 36, No. 118. Institutions receiving grant support from the National Institutes of Health were also informed of the proposed modification through publication in the "NIH Guide for Grants and Contracts—No. 7" on June 14, 1971.

The responses to these notices fell primarily into two groups. The first expressed concern that the proposed policy affected the copyright on books or similar types of publications. These correspon-

dents were assured that no such change was implicit or explicit in the proposed change.

The second group of responses related to the impact of the proposed change upon scientific journals. These were considered with great care. In conjunction with the DHEW Office of the General Counsel, it was concluded that the arguments which were advanced would not preclude the adoption of the proposed policy change.

Thus, under the provisions of § 52.23, 35 FR 5470, notice is hereby given that the National Institutes of Health copyright policy is amended to read as follows:

"Except as may otherwise be provided under the terms and conditions of a specific grant award, the grantee may copyright or arrange for copyright, without prior National Institutes of Health approval, any publication, film or other similar communication material developed or resulting from a project supported in whole or in part by a National Institutes of Health grant. Such copyright, however, is subject to a royalty-free, nonexclusive and irrevocable license or right in the government to reproduce, translate, publish, use, disseminate, and dispose of such material and to authorize others to do so. In addition, communications in primary scientific journals publishing initial reports of original research supported in whole or in part by the National Institutes of Health may be copyrighted by the journal with the understanding, however, that individuals are authorized to make, or have made by any means available to them, without regard to the copyright of the journal, and without royalty, a single copy of any such article for their own use."

Dated September 27, 1973.

ROBERT S. STONE,
Director,
National Institutes of Health.

[FR Doc.73-21683 Filed 10-11-73;8:45 am]

Office of the Secretary

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL SUBCOMMITTEE ON EVALUATION

Notice of Meeting

The National Professional Standards Review Council Subcommittee on Evaluation will meet on October 14, 1973. This Subcommittee was formed to review issues of importance in the implementation of Title XI, Part B, Social Security Act with respect to Evaluation. The meeting will be held at the Washington Hotel in the Press Room at 8:30 p.m. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The Subcommittee's agenda will consist of discussions of Evaluation Report to last Council meeting and discussion of EMCRO Evaluation and how it may be utilized by PSROs. The meeting is open to the public.

Dated October 4, 1973.

HENRY E. SIMMONS, M.D., M.P.H.,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.73-21600 Filed 10-11-73;8:45 am]

Office of the Secretary

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Notice of Meeting

The third meeting of the National Professional Standards Review Council, which was established to advise the Secretary of the Department of Health, Education, and Welfare on the administration of Professional Standards Review (Title Xi, Part B, Social Security Act), will be held, Monday, October 15, 1973. The Council will meet from 9 a.m.-5 p.m. at Room 5051, HEW North Building, 330 Independence Avenue SW., Washington, D.C. Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program. The meeting is open to the public.

Dated: October 1, 1973.

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

[FR Doc.73-21869 Filed 10-11-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-195; OILSR No. 0-1837-03-91]

OZARKS WILDLIFE ESTATES

Order of Suspension

In the matter of Ozarks Wildlife Estates, OILSR No. 0-1837-03-91; Administrative Proceedings Division File No. Z-301.

Notice is hereby given that: On June 21, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a Notice of Proceedings and Opportunity for Hearing, pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's Statement of Record. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said Notice. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45 (b) (1), the Order of Suspension is being issued as follows:

ORDER OF SUSPENSION

1. National Wildlife, Inc., hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.) and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision, located in Arkansas (OILSR No. 0-1837-03-91), which became effective on November 1, 1971, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b) (1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested with 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A Notice of Proceedings and Opportunity for Hearing was published in the FEDERAL REGISTER on June 21, 1973, pursuant to 44 U.S.C. 1503, informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45 (b) (1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of October 12, 1973. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., October 5, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-21700 Filed 10-11-73;8:45 am]

[Docket No. N-73-194; OILSR No. 0-1779-02-347]

WILLOW LAKES UNIT 1

Order of Suspension

In the matter of Willow Lakes Unit 1, OILSR No. 0-1779-02-347, Administrative Proceedings Division File No. Z-296.

Notice is hereby given that: On June 21, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a Notice of Proceedings and Opportunity for Hearing, pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's Statement of Record. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said Notice. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45 (b)(1), the Order of Suspension is being issued as follows:

ORDER OF SUSPENSION

1. United States Development Corporation, hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.) and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision, located in Arizona (OILSR No. 0-1779-02-347), which became effective on July 21, 1971, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A Notice of Proceedings and Opportunity for Hearing was published in the Federal Register on June 21, 1973, pursuant to 44 U.S.C. 1508, informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45 (b)(1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of October 12, 1973. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., Oct. 4, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-21699 Filed 10-11-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

DEFECTS INVESTIGATIONS AND DETERMINATIONS

Policy Directive

Section 113 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq., 1402) authorizes the National Highway Traffic Safety Administration to conduct investigations to determine whether a defect related to motor vehicle safety exists within a given class of motor vehicles or items of motor vehicle equipment. Section 113 of the Act also provides for the holding of a proceeding so that the Administrator can ultimately make a final determination as to the existence or non-existence of a safety related defect. Section 113 requires that the manufacturer of the vehicle or equipment be afforded an opportunity to present whatever views and evidence he may wish to contradict the agency's findings. If the Administrator, after reviewing the investigation file and all of the evidence presented, determines that a defect related to motor vehicle safety exists, he will direct the manufacturer to issue to the purchasers involved the safety notifications required by section 113(c) of the Act and the implementing regulations, 49 CFR Part 577.

This statutory scheme will be implemented through the following policy directives:

1. The Office of Defects Investigation will continually invite, through every means available to it, consumer or manufacturer experience with any purported defect related to safety in vehicles or equipment. It is our policy to elicit from every available source any and all information which may suggest the existence of such a defect. This information will be reviewed on a periodic basis by an appropriate panel of engineers in consultation with the legal staff to determine whether a formal investigation should be opened by the Office of Defects Investigation. Any person possessing information is requested to forward it to the Office of Defects Investigation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

2. Each month the Office of Defects Investigations will publish a list of its current investigations. Each investigation will be identified by make, model, model year, component involved, and a brief description of the defect under investigation. The list will identify investigations opened and closed during the previous month as well as those being actively pursued. In exceptional cases where the information available to the Office of Defects Investigations is insufficient to warrant further consideration as to the existence or nonexistence of a defect, such an investigation will be designated as suspended in the monthly list. The investigation in such a case will be automatically closed 60 days after its appearance on the monthly list unless further evidence warranting a different disposition is received by the agency. The files of those investigations designated as suspended will be publicly available, except for materials exempt from disclosure under the Freedom of Information Act, upon their appearance on the suspended list. All investigative files, except for exempt material, will be made public as soon as each investigation is closed. In each instance where the investigation is closed because the available evidence does not warrant further investigative consideration from a safety viewpoint, the public file will contain a closing memorandum detailing such findings and conclusions.

3. Completed safety defects investigation files will be transmitted to the appropriate Associate Administrator for an initial determination of the existence of a defect related to motor vehicle safety. If he determines on the basis of a review of the investigation file that a safety related defect exists, he will commence section 113 proceedings. The manufacturer will be notified of the initial determination and will be furnished all of the information upon which the determination is based. The manufacturer will be afforded an opportunity, at a fixed time and place, to present his views and evidence in support thereof, to establish that the alleged defect does not affect motor vehicle safety. A notice of the initial determination of the existence of a safety-related defect will also appear in the FEDERAL REGISTER. This notice will advise the public of the time and place of the 113 proceedings and will invite the participation of interested persons in the proceedings. The manufacturer, and any other interested person, may submit their views and evidence through oral or written presentation, or both. There will be no cross examination of witnesses. A transcript of the proceedings will be kept and exhibits may be accepted as part of the transcript. Upon completion of the proceedings, the investigation file and all of the material received as part of the 113 proceedings will be made available to the Administrator in order that he may make a final determination as

to the existence or non-existence of a safety-related defect. Ultimately, each closed file will reflect the Administrator's final determination and, if a defect is found, the manufacturer's response to the administrative directive.

(Sec. 113, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1402; delegation of authority at 49 CFR 1.51.)

Issued on October 3, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc.73-21694 Filed 10-11-73;8:45 am]

AD HOC ADVISORY GROUP ON PUERTO RICO

Notice of Meeting

The Ad Hoc Advisory Group on Puerto Rico will hold a meeting from 10 a.m. to 12 noon and from 2 p.m. to 5 p.m. as follows, unless the Co-Chairmen extend the time: Sunday, November 11, 1973, in the Capitol Building, Stop 3½, San Juan, Puerto Rico.

The purpose of the meeting is to organize the plan of the Ad Hoc Advisory Group's inquiry into the development of the maximum of self-government and self-determination for Puerto Rico within the framework of Commonwealth. As part of said meeting the Ad Hoc Advisory Group will designate subcommittees, appoint subcommittee members and entrust to the staff such duties, including the preparation of any studies, it shall consider advisable.

PETER J. GALLAGHER,
Executive Director.

[FR Doc.73-21895 Filed 10-11-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-389]

FLORIDA POWER AND LIGHT COMPANY (ST. LUCIE PLANT, UNIT 2)

Notice of Receipt of Application for Construction Permit and Facility License and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matter

The Florida Power and Light Company (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated May 14, 1973, which was docketed September 4, 1973, for authorization to construct and operate a pressurized water nuclear reactor. The application was initially tendered on April 19, 1973. Following a preliminary review for completeness, the Preliminary Safety Analysis Report was found to be acceptable for docketing; however, the Environmental Report was rejected for lack of sufficient information. The applicant submitted additional environmental information on August 8, 1973, and the application was found acceptable for docketing. Docket No. 50-389 has been assigned to this application and should be referenced in any correspondence relating to it.

The proposed nuclear facility, designated by the applicant as the St. Lucie plant, Unit 2, is to be located at the applicant's site on Hutchinson Island in St. Lucie County, Florida, between the Cities of Ft. Pierce and Stuart on the East Coast of Florida. The facility is to be designed for initial operation at approximately 2570 megawatts thermal, with a net electrical output of approximately 810 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before November 20, 1973. The submittal should reference Docket No. 50-389-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report. This report, which discusses environmental considerations related to the proposed construction of the St. Lucie Plant, Unit 2, is available for public inspection at the aforementioned locations, and is also being made available at the Department of Administration, State Planning and Development Clearinghouse, 725 South Bronough Street, Tallahassee, Florida 32304.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 12th day of September 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Pressurized Water Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.73-20038 Filed 9-20-73;8:45 am]

[Docket Nos. 50-434 and 50-435]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission On Antitrust Matter

The Virginia Electric and Power Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed September 14, 1973, for authorization to construct and operate two generating units utilizing pressurized water nuclear reactors. The application was initially tendered on April 11, 1973. Following a preliminary review for completeness, the Preliminary Safety Analysis Report was found to be acceptable for docketing; however, the Environmental Report was rejected for lack of sufficient information. The applicant submitted additional information on September 14, 1973, and the application was found acceptable for docketing. Docket Nos. 50-434 and 50-435 have been assigned to this application and should be referenced in any correspondence relating to it.

The proposed nuclear facilities, designated by the applicant as the Surry Power Station, Units 3 and 4, are to be located on the applicant's site on the James River in Surry County, Virginia. Each unit is designed for initial operation at approximately 2631 megawatts (thermal), and a gross electrical output of 919 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before December 11, 1973. The request should be filed in connection with Docket Nos. 50-434A and 50-435A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Swem Library, College of William & Mary, Williamsburg, Virginia 23185.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report. This report, which discusses environmental considerations related to the proposed construction of the Surry Power Station, Units 3 and 4, is available for public inspection at the aforementioned locations, and is also being made available at the Virginia Division of State Planning and Community Affairs, 1010 James Madison Building, Richmond, Virginia 23219, and Crater Planning District Commission, P.O. Box 1808, Petersburg, Virginia 23803.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies

and State and local officials thereon will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 1st day of October, 1973.

For the Atomic Energy Commission.

ROBERT L. FERGUSON,
Acting Chief Pressurized Water Reactors Branch No. 4, Directorate of Licensing.

[FR Doc.73-21590 Filed 10-11-73;8:45 am]

[Docket Nos. 50-434 and 50-435]

VIRGINIA ELECTRIC AND POWER CO.

Hearing On Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Virginia Electric and Power Company (the applicant), for construction permits for two pressurized water nuclear reactors designated as the Surry Power Station, Units 3 and 4 (the facilities), each of which is designed for initial operation at approximately 2631 megawatts thermal and a gross electrical output of 919 megawatts. The proposed facilities are to be located on the applicant's site on the James River in Surry County, Virginia. The hearing will be scheduled to begin in the vicinity of the site of the proposed facilities.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board), which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Dr. John C. Geyer, Dr. Forrest J. Remick, and Charles A. Haskins, Esquire, Chairman. Mr. Ralph S. Decker has been designated as a technically qualified alternate, and Frederic T. Suss, Esquire has been designated as an alternate qualified in the conduct of administrative proceedings.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR § 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider Iterm 1-5 above as a basis for determining whether the construction permits should be issued to the applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held at such time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a. Notice of the special prehearing conference will be published in the FEDERAL REGISTER.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference, after discovery has been completed, or within such other time as may be appropriate, at a time and place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR § 2.752.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50: (1) Determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits and the environmental report, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents will also be made available at the Swem Library, College of William & Mary, Williamsburg, Virginia 23185, for inspection by members of the public between the hours of 8 a.m. and 12 midnight Monday through Friday, 8 a.m. and 5 p.m. on Saturday, and 2 p.m. and 12 midnight on Sunday. As they become available, a copy of the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statements on environmental considerations, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, other relevant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation and the Commission's final detailed statement on environmental considerations, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Di-

rector for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than November 12, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than November 12, 1973. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and § 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705, must be filed by the applicant not later than November 1, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C., 20545, and to Michael W. Maupin, Esquire, Hunton, Williams, Gay and Powell, P.O. Box 1535, Richmond, Virginia 23212, attorney for the applicant.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, pursuant to 10 CFR § 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Germantown, Maryland, this ninth day of October 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-21817 Filed 10-11-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 25956; Order 73-10-28]

AERONAVES DE MEXICO, S.A.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of September 1973.

By tariff revisions filed August 24, 1973,[1] for effectiveness October 8, 1973, Aeronaves de Mexico, S.A. (Aeromexico), proposes to introduce new group inclusive tour (GIT) fares between the United States and Mexico for groups of at least 20 persons, available between May 1 and December 15 of each year (except during July and August). The fares, set at round-trip levels of $176 (New York-Mexico City) and $187 (New York-Acapulco or New York-Mexico City-Acapulco),[2] would apply only for midweek departures (Monday through Thursday), carry a minimum/maximum stay requirement of 7/21 days, and would allow stopovers only at Mexico City or Acapulco when the point of turnaround is the other of those cities. The fares were filed pursuant to orders of the Government of Mexico dated June 19, 1973.

Eastern Air Lines, Inc. (Eastern) has filed a complaint requesting investigation and suspension of the fares as uneconomic, diversionary, and predatory. Eastern states that the filing was unaccompanied by any economic justification, and that the proposed fares are significantly lower than existing IATA-agreed GIT fares in U.S.-Mexico markets. Specifically addressing the New York-Mexico City/Acapulco fares, Eastern cites current IATA GIT fares for groups of 15 or more at $215, and points out that these fares would be substantially undercut by the proposed fares.[3] Notwithstanding the limitations attached to the new group-20 fare (7/21 day validity, seasonal and day-of-week blackouts, minimum tour price), Eastern contends that the fare would create substantial diversion from higher fare categories, including the present GIT fares, and produce an unacceptable dilution of revenue.[4] Eastern notes that although the new fares are ostensibly limited to midweek travel, one-half of each fare would be combinable with one-half of the corresponding IATA GIT fare for weekend travel in one direction, resulting in an undercut on the IATA round-trip GIT by $19.50 in the case of New York-Mexico City. Finally, Eastern claims that the fares are predatory and would exploit the strength of Aeromexico's government support, and that the provision for stopovers at Mexico City en route to Acapulco would prejudice Eastern since Eastern lacks traffic or stopover rights between those two cities, whereas Aeromexico demands the full local fare for onward carriage of this traffic.

Upon consideration of the tariff and the complaint, and all relevant factors, the Board finds that the fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prej-

[1] International Air Traffic Tariffs Corp., Agent, Tariff C.A.B. No. 404. See Appendix B, filed as part of the original document.

[2] Corresponding fares from Los Angeles would be $124 (Mexico City) and $150 (Acapulco via Mexico City, or Mexico City via Acapulco). Similar GIT fares would also be available for travel between New York or Los Angeles and Guadalajara or Puerto Vallarta.

[3] Appendix E, filed as part of the original document, presents a comparison of the IATA and government-ordered GIT fares.

[4] Eastern also points out that the $176 New York-Mexico City fare is only $6.00 above the current group APEX fare which is subject to much more stringent conditions.

udicial and should be suspended pending investigation.[5]

The proposed fares appear out of line with the pattern of IATA-agreed fares adopted at Miami in January 1973 and approved by the Board in Order 73-4-118 (April 27, 1973), and raise a significant question of reasonableness. The IATA-agreed GIT fares for U.S.-Mexico travel reflect discounts ranging from 26 to 39 percent from the normal economy fares. By way of contrast, the government-ordered fares now proposed entail discounts in the 40-43 percent range. These latter levels are comparable to the IATA group APEX fares approved by the Board, and in one case (Los Angeles-Acapulco) are proposed at an even lower level than the APEX fares which allow no stopovers, require groups of at least 40 persons, carry a 90/60 day deposit/full payment requirement, and apply only on midweek departures.

We also note that travel on weekend days would be permitted in combination with one-half the IATA-agreed GIT fares. In our opinion, this availability minimizes the distinction between the two fares, and casts doubt as to the need for another GIT fare in the Mexico market, particularly since the existing GIT fare is available year-round with no restriction on weekend travel. To the extent there is a market for a lower-fare service, we believe the demand can be adequately accommodated by the APEX fares, which are subject to conditions designed to prevent undue diversion from higher-fare categories.

In summary, the Board believes the present structure of U.S.-Mexico fares developed by the IATA carriers, and approved by the Board, is adequate to serve the needs of the traveling public on an economic basis to the carriers, and should not be undermined. Moreover, any advantage which might accrue to Aeromexico, which supported and was a party to the IATA agreement, would be temporary since competitive necessity impels matching filings by other carriers in the market and all, including Aeromexico, would suffer unnecessary revenue dilution.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 801 and 1002(j) thereof.

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions on the tariff pages in Appendices A, B, C and D[6] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions on the tariff pages in Appendix A[6] are suspended and their use deferred for a period of three hundred and sixty-five days from the date of service of this order unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Pending hearing and decision by the Board, the fares and provisions on the tariff pages in Appendix B[6] are suspended and their use deferred to and including October 8, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

4. Pending hearing and decision by the Board, the fares and provisions on the tariff pages in Appendix C[6] are suspended and their use deferred to and including October 14, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

5. Pending hearing and decision by the Board, the fares and provisions on the tariff pages in Appendix C[6] are suspended and their use deferred for a period of three hundred and sixty-five days from the date of service of this order, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

6. This order shall be submitted to the President[7] and shall become effective on October 5, 1973.

7. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated;

8. Copies of this order be served upon Aeronaves de Mexico, S.A., Compania Mexicana de Aviacion, S.A., Compagnie Nationale Air France, Eastern Air Lines, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding; and

9. Except to the extent granted herein, the complaint of Eastern Air Lines, Inc. in Docket 25893 be and hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-21822 Filed 10-11-73;8:45 am]

[5] We will also suspend and set for investigation the matching fares filed pursuant to the Mexican Government orders by Air France, Eastern Air Lines, Trans World Airlines, Western Air Lines, and Compania Mexicana de Aviacion, S.A. (Mexicana).

[6] Filed as part of the original document.

[7] This order was submitted to the President on September 25, 1973.

[Docket No. 24412]

SERVICE TO RICHMOND SUBPART M CASE

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 the above-entitled matter is assigned to be held before the Board on October 31, 1973, at 2 p.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., October 5, 1973.

[SEAL] RALPH L. WISER, *Chief Administrative Law Judge.*

[FR Doc.73-21823 Filed 10-11-73;8:45 am]

[Docket No. 24421]

SERVICE TO SAIPAN CASE

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 the above-entitled matter (38 FR 22817, August 24, 1973) is assigned to be held before the Board on November 8, 1973, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., October 5, 1973.

[SEAL] RALPH L. WISER, *Chief Administrative Law Judge.*

[FR Doc.73-21824 Filed 10-11-73;8:45 am]

[Docket No. 20070]

SOUTHERN AIRWAYS, INC.

Notice of Oral Argument

In the matter of service to Crossville, Tennessee.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on October 31, 1973, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., October 5, 1973.

[SEAL] RALPH L. WISER, *Chief Administrative Law Judge.*

[FR Doc.73-21825 Filed 10-11-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Senate Affairs), Office of the Assistant Secretary of Defense (Legisla-

tive Affairs), Office of the Secretary of Defense.

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

[FR Doc.73-21676 Filed 10-11-73;8:45 am]

DEPARTMENT OF DEFENSE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary of Defense, Immediate Office, Office of the Secretary of Defense.

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

[FR Doc.73-21681 Filed 10-11-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Administrator, Mining Enforcement and Safety Administration, Assistant Secretary Energy and Minerals.

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

[FR Doc.73-21677 Filed 10-11-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director, Office of Energy Conservation, Office of the Secretary.

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

[FR Doc.73-21678 Filed 10-11-73;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employee Pay Council met at 2:00 p.m. on Tuesday, October 9, 1973, to continue discussions of the fiscal year 1974 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.

FRANK S. MELLOR,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.73-21885 Filed 10-11-73;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Telecommunications Policy to fill by noncareer executive assignment in the excepted service the position of Assistant to the Director and Congressional Liaison Officer.

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

[FR Doc.73-21679 Filed 10-11-73;8:45 am]

VETERANS ADMINISTRATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Veterans Administration to fill by noncareer executive assignment in the excepted service the position of Deputy Director, National Cemetery System, Office of Director, National Cemetery System.

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

[FR Doc.73-21680 Filed 10-11-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

CONNECTICUT STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provision of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut State Advisory Committee will convene at 7:30 p.m. on October 24, 1973, at Howard Johnson's, 2260 Whitney Avenue, Hamden, Connecticut 06514.

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 formulate plans for final review and release of the Connecticut SAC's report entitled "El Boricua."

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 5, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-21794 Filed 10-11-73;8:45 am]

MICHIGAN 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 meeting of the Michigan State Advisory Committee will convene at 10:00 a.m. on October 12, and reconvene at 2:00 p.m. on October 12, 1973, at the Kellogg Center, Michigan State University, East Lansing, Michigan, 48823. These sessions shall be open to the public.

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 the 10:00 a.m. session shall be to meet with a coalition group (1) to discuss revenue sharing related problems and human welfare in general and (2) to consider a joint followup project to the Michigan State Advisory Committee's June 1973 Revenue Sharing Assembly. At this time, the Michigan State Advisory Committee and coalition conferees will discuss the establishment of a proposed joint statewide communications sharing network. At the 2:00 p.m. session, the full State Advisory Committee will plan future Committee activities.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 5, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-21795 Filed 10-11-73;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 will convene at 6:00 p.m. on October 15, 1973, in Room

1639, 26 Federal Plaza, New York, New York 10007.

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 define proposals for a project to be undertaken by the Subcommittee on Sex Discrimination.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 5, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-21796 Filed 10-11-73;8:45 am]

MINNESOTA 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 Minnesota State Advisory Committee will convene at 10:00 a.m. on October 19, 1973, in the North Shore Room of the Curtis Hotel, 327 South 10 Street, Minneapolis, Minnesota 55415.

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 discuss progress on the Minnesota Indian Study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 5, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-21797 Filed 10-11-73;8:45 am]

NEBRASKA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the United States Commission on Civil Rights, that a factfinding meeting of the Nebraska State Advisory Committee will convene at 9:00 a.m. on October 12, 1973, and reconvene at 9:00 a.m. on October 13, 1973, in the Fifth Floor Meeting Room, West Wing, 215 South 15 Street, Lincoln, Nebraska 68508. These sessions shall be open to the public.

Closed or executive SAC sessions may be held at such time and place as is 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, or national origin which affect persons residing in the State of Nebraska with special emphasis on the conditions in Nebraska penal institutions as they relate to the civil rights of inmates; to appraise denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as these pertain to Nebraska penal institutions as they relate to the civil rights of inmates; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, or national origin with respect to Nebraska penal institutions and the civil rights of inmates of these institutions; and to related areas.

A planning meeting of the Nebraska State Advisory Committee will convene at 8:00 p.m. on October 11, 1973, at the Radisson Hotel, 13 Street and M Street, Lincoln, Nebraska 68508. Persons wishing to attend this meeting should contact the Committee Chairman, or the Central States Regional Office, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106. The purpose of this meeting shall be to hold a final briefing session in preparation for the October 12-13, 1973, factfinding meeting on Nebraska penal institutions.

These meetings will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 3, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-21798 Filed 10-11-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Final Statements

Environmental impact statements received by the Council on Environmental Quality from October 1 through October 5, 1973.

NOTE.—At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Sewage Facility, Olympic N.F., Grays Harbor County, Wash., Oct. 1: The statement refers to the proposed construction of a sewage collection and treatment plant for a Forest Service facility on the south shore of Lake Quinault. The plant and drainfield site would occupy 5.5 acres within the 8,000 acre South Quinault Ridge roadless area. There will be construction disruption, and continuation of existing Forest Service administration and recreation facilities at the present site (51 pages). (ELR Order No. 31577) (NTIS Order No. EIS 73 1577-D).

Final

Multiple Use, North Bridger Mountains, Gallatin N.F., Gallatin County, Mont., Oct. 2: Proposed is the implementation of a Multiple Use Management Plan for the North Bridger Mountains, Bozeman Ranger District, Gallatin National Forest. Total area is 60,000 acres, of which 42,000 acres is National Forest lands. Included will be construction of a new road and improvement of others, harvesting of timber, and maintaining roadless areas. Five thousand acres of roadless area will be lost; there will be a loss of game cover, and increases in soil disturbance (54 pages). Comments made by concerned citizens. (ELR Order No. 31576) (NTIS Order No. EIS 73 1576-F.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Transmission line, Longmont to Del Camino, Boulder and Weld Counties, Colo., Oct. 1: Proposed is the use by ------ Generation and Transmission Association, Inc. of $457,700 in previously loaned funds for the construction of 8.5 miles of 115 kv transmission line from Longmont Northeast substation to Del Camino substation. There will be construction disruption; the line will be an intrusion upon the landscape (approximately 125 pages). (ELR Order No. 31568) (NTIS Order No. EIS 73 1568-D.)

SOIL CONSERVATION SERVICE

Draft

Leona River Watershed Project, Uvalde County, Tex., Sept. 28: Proposed is a watershed protection and flood protection project on the 39,180 acre Leonas River Watershed Project. Project measures will include the use of land treatment and channel work on 3.47 miles of stream, and the construction of 4 single purpose floodwater retarding structures. Nineteen hundred and thirty acres, some of it wildlife habitat, will be committed to the project (37 pages). (ELR Order No. 31562) (NTIS Order No. EIS 73 1562-D.)

DEPARTMENT OF DEFENSE
ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn.: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-7168.

Draft

Naval Air Station Channel, Alameda, Calif., Sept. 28: Proposed is the maintenance dredging of the Naval Air Station channel, with 1.5 million cu. yds. of spoil to be deposited at the Alcatraz disposal site. There will be adverse impact to marine biota (San Francisco District) (71 pages). (ELR Order No. 31559) (NTIS Order No. EIS 73 1559-D.)

Flood Control, Mississippi, Texas and Boeuf River, Arkansas and Louisiana, Sept. 28: Proposed is a flood control project which will include a 6,500 cfs pumping plant and floodgate in the Mississippi River levee and Lake Chicot, dams in Connerly and Ditch Bayous, channel cleanouts into and from Lake Chicot, a diversion channel from Macon Lake, and Public access and use facilities on Lake Chicot. In addition to impact from construction possible secondary impacts would include increased real estate development around Lake Chicot, with increased urban runoff and sewage into the Lake (Vicksburg District) (60

pages). (ELR Order No. 31556) (NTIS Order No. EIS 73 1556-D.)

Mare Island Channel and Turning Basin, Solano County, Calif., Sept. 28: Proposed is the maintenance dredging of 1,200,000 cu. yds. of material, in order to permit continued submarine ingress to and egress from the Naval Shipyard. Spoil will be deposited in the Carquinez Strait Disposal Area (San Francisco District) (47 pages). (ELR Order No. 31558) (NTIS Order No. EIS 73 1558-D.)

Emergency Water Pumping Station, Potomac Estuary, District of Columbia, Sept. 28: Proposed is the construction of a 100MGD emergency raw water intake, an access road, and a temporary earthen-fill bridge 1,100 feet upstream from Chain Bridge. The project is intended to assure an adequate supply of raw water during low flows of the Potomac. Adverse impact will include: the commitment of land; encroachment upon the C and O Canal National Historical Park, with subsequent aesthetic and recreational losses; and potential damage to water quality and life within the Estuary if the intake is used for prolonged periods (Baltimore District). (ELR Order No. 31554) (NTIS Order No. EIS 73 1554-D.)

Little Mill Creek Flood Control Project, Delaware, Oct. 1: The statement refers to the proposed construction of a flood control project on Little Mill Creek in Wilmington. Project measures will include a dry dam on the Creek, channel modification on the Creek and on Derrickson Run, a bridge addition, and related work. There will be some destruction of riparian vegetation (Philadelphia District) (21 pages). (ELR Order No. 31572) (NTIS Order No. EIS 73 1572-D.)

Virginia Key Beach Erosion Control Project, Florida, Oct. 2: Proposed is a beach erosion control project which will involve the placement of 100,000 cu. yds. of sand on 1.3 miles of ocean shore of Virginia Key, and the construction of one impermeable and 12 permeable groins. Material for beach nourishment will come from the Miami Harbor deepening project. There will be some adverse impact to marine habitat (Jacksonville District) (24 pages). (ELR Order No. 31578) (NTIS Order No. EIS 73 1578-D.)

Spewrell Bluff Project, Flint River (2), several counties in Georgia, Sept. 28: Proposed is the acquisition of land and the construction of a 2,055 foot long dam on the Flint River, in order to provide flood control, hydroelectric power, recreation, and regulation for downstream navigation. A reregulation dam will be constructed 6 miles downstream from the main structure. The project will result in a loss of 16,500 acres of agricultural and forest lands, and associated wildlife habitat; disruption of inhabitants; loss of a section of scenic river; and inundation of mineral resources and archeological sites (Mobile District) (approximately 125 pages). (ELR Order No. 31555) (NTIS Order No. EIS 73 1555-D.)

Kahului Harbor, Maui, Hawaii, Oct. 1: Proposed is a shoreline protection and beach restoration project, which will consist of groin, revetment and breakwater construction, and sand placement. Adverse impact will be to marine biota (Pacific Ocean Division) (12 pages). (ELR Order No. 31570) (NTIS Order No. EIS 73 1570-D.)

Final

Kansas River Navigation, Kansas, Sept. 28: The statement refers to the recommended authorization of a navigation project on the Kansas River, from Lawrence to the mouth. Included would be dredging activities and the construction of dikes, revetments, and stabilization works. Impact will include the loss of riparian vegetation, accelerated industrial development, and increased danger of oil spillage and leakage (Kansas City District) (51 pages). Comments made by: DOT, EPA, HEW, and DOI. (ELR Order No. 31560) (NTIS Order No. EIS 73 1560-F.)

Flood Control, Brush Bayou, Caddo County, La., Sept. 28: The propocal is for the enlargement and/or realignment of 6.22 miles of the Brush Bayou channel in Shreveport. The purpose of the action is that of reducing flood stages and related damage to 730 acres of urban development located near the bayou. Two million cu. yds. of spoil will be dredged and disposed of; 4 bridges and 28 utility crossings will be relocated and/or modified. The project will enhance intensive development and utilization of 615 acres of land for urban expansion. Approximately 891 acres will be modified for project features and expected urban expansion (New Orleans District) (approximately 100 p.). Comments made by: EPA, USDA, DOI, DOT, HEW, DOC, state, and local agencies. (ELR Order No. 31564) (NTIS Order No. EIS 73 1564-F.)

Deep Fork Logjam, Deep Fork River, Creek and Oktuskee Counties, Okla., Sept. 28: The proposed project consists of removing a logjam from the Deep Fork Canadian River. The removal of the logjam will cause an increase in turbidity (53 pages). Comments made by: EPA, DOT, OEO, USDA, HEW, AHP, state agencies, and concerned citizens. (ELR Order No. 31557) (NTIS Order No. EIS 73 1557-F.)

Draft

Flood Control, Wallkill River, N.Y., Oct. 3: Proposed is Congressional authorization of a flood control project on the Black Dirt Area of the Wallkill River. Project measures would include channel works and tree removal. Adverse impact would be the loss of some riparian habitat and farm land (New York District) (12 pages). (ELR Order No. 31581) (NTIS Order No. EIS 73 1581-D.)

NAVY

Contact: Mr. Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of the Navy, Washington, D.C. 20350, 202-697-0892.

Draft

Abrasive Blasting of Naval Ship Hulls, Oct. 1: The statement refers to the use of abrasive blasting for maintenance of the outside of naval ships hulls at the Naval Ship Repair Facility, Guam, and the Naval Shipyards. The operation results in air and water pollution from debris; noise pollution from the use of machines, and the use of land for residue disposal (78 pages). (ELR Order No. 31566) (NTIS Order No. EIS 73 1566-D.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202-755-0940.

Draft

Kerrville, Tex., Sewage Treatment Facilities, Kerr County, Tex., Oct. 1: Proposed is the Granting of Funds to the City of Kerrville, for the upgrading and expansion of its existing 1.0 mgd trickling filter facility to 2.25 mgd with activated sludge treatment. Included will be new interceptor mains, and modifications to existing lift stations. Impact will include construction disruption, air pollution, and unappealing aesthetics (183 pages). (ELR Order No. 31573) (NTIS Order No. EIS 73 1573-D.)

Salatrillo Creek Facility, SARA, Bexar and Guadalupe Counties, Tex., Oct. 3: Proposed is the expansion and upgrading of the Salatrillo Creek wastewater treatment facility, of the San Antonio River Authority (SARA) to a 2.5 MGD capacity advanced waste treatment facility. Resultant impact will include construction disruption, and increased sustained flow of plant discharge to Salatrillo Creek (Approximately 125 pages). (ELR Order No. 31580) (NTIS Order No. EIS 73 1580N-D.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-343-4161.

Final

Courthouse, Charlotte Amalie, Virgin Islands, Sept. 28: The proposed action consists of the construction of a Federal building to provide space for 150 employees of the U.S. Courts, the U.S. Postal Service and twelve other Federal agencies. The three story concrete-reinforced building will contain approximately 86,000 gross square feet; surface parking will be provided for 90 vehicles (60 pages). Comments made by: AEC, USDA, DOC, DOI, AHP, HUD, and local agencies. (ELR Order No. 31565) (NTIS Order No. EIS 73 1565-F.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF RECLAMATION

Final

Pyramid Lake Fishway, Washoe Project, Washoe County, Nev., Oct. 4: Proposed is the construction of a dam fishway, and related facilities near the terminus of the Truckee River in the Pyramid Lake Indian Reservation. The dam is intended to reduce river headcutting in the lower Truckee channel, and prevent erosion of adjacent farmland. Pyramid Lake will be improved as a fishery. There will be construction disruption, and commitment of 40 acres to the diversion pool area (70 pages). Comments made by: EPA, COE, USDA, DOC, AHP, DOI, state and local agencies, and concerned citizens. (ELR Order No. 31535) (NTIS Order No. EIS 73 0904-D.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

Fish Hatchery, Quinault Indian Reservation, Grays Harbor County, Wash., Sept. 28: Proposed is the completion of a new fish hatchery on Quinault Indian Reservation. The hatchery will be managed for the propagation of chinook, coho, and chum salmon, and steelhead trout. Hatchery effluent is expected to cause organic enrichment of Cook Creek (54 pages). (ELR Order No. 31561) (NTIS Order No. EIS 73 1561-D.)

Final

Cibola National Wildlife Refuge, Arizona and California, Sept. 28: Proposed is the acquisition of the remaining 4,207 acres of non-Federal lands within the Refuge, which is located in Yuma County, Arizona, and Imperial County, California. The Refuge provides wintering habitat for waterfowl on the Lower Colorado River (93 pages). Comments made by: EPA, DOI, and state agencies. (ELR Order No. 31563) (NTIS Order No. EIS 73 0719-D.)

NATIONAL PARK SERVICE

Draft

Proposed Wilderness, Zion National Park, Utah, Oct. 3: Proposed is the legislative designation of 119,200 acres of the Park as wilderness. Also recommended is the addition of 13,540 acres of wilderness when it is determined that it qualifies for such designation. Impact of the action will include effects on recreation, research, and resource management uses (53 pages). (ELR Order No. 31584) (NTIS Order No. EIS 73 1584-D.)

Final

Cumberland Gap, Kentucky, Tennessee, and Virginia, Oct. 3: The statement refers to the proposed legislative designation of 6,375 acres of the Cumberland Gap National Historical Park as wilderness within the National Wilderness Preservation System; an additional 3,810 acres is recommended as potential wilderness. Ecological, social, and economic impacts of the action are discussed (53 pages). Comments made by: ARC, USDA, COE, DOI, and agencies of Tennessee and Virginia. (ELR Order No. 31583) (NTIS Order No. EIS 73 1583-F.)

DEPARTMENT OF LABOR

Contact: Mr. Benjamin W. Mintz, Assistant Solicitor for Occupational Safety and Health, Room 5420, Washington, D.C. 20210, 202-961-3695.

Final

Emergency Standards . . . Carcinogens, Oct. 2: Proposed is the promulgation of an Emergency Temporary Standard to regulate the handling of fourteen organic chemical compounds which are identified as carcinogens. The Standard is intended to reduce exposure of workers to cancer-causing substances (approximately 200 pages). Comments made by: STAT, TREA, DOT, AEC, DOC, HEW, DOD, and concerned citizens. (ELR Order No. 31571) (NTIS Order No. EIS 73 1571-F.)

NATIONAL CAPITAL PLANNING COMMISSION

Contact: Mr. Donald F. Bozarth, Director of Current Planning and Programing, Washington, D.C. 20576, 202-382-1471.

Final

Dwight D. Eisenhower Civic Center, District of Columbia, Oct. 1: The statement refers to the proposed development of the Dwight D. Eisenhower Memorial Bicentennial Civic Center, and related modifications to the Comprehensive Plan for the National Capital to reflect the development. The center will contain 560,000 sq. ft. on a 10.31 acre site bounded by H, Eighth, Tenth, and K Streets, and New York Avenue. The facility will serve regional and national conventions, trade fairs, and public admission shows. There will be physical, social, historic, and esthetic impact (238 pages). Comments made by: GSA, DOC, AHP, and concerned citizens. (ELR Order No. 31567) (NTIS Order No. EIS 73 1567-F.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-505—Industrial Freeway, Multnomah County, Oreg., Oct. 1: The statement considers possible alternatives for the adoption of an urban freeway (I-505) location in northwest Portland to connect with I-405 and serve as an extension to U.S. 30, the Columbia River Highway. The number of displacements, the amount of right-of-way required, and the effect to economic, social, and environmental conditions will depend upon the alternative selected (approximately 200 pages). (ELR Order No. 31569) (NTIS Order No. EIS 73 1569-D.)

Beaufort River Crossing, Beaufort County, S.C., Oct. 2: The proposed project involves the construction of a multilane facility for S.C. Route 281 on Port Royal Island to U.S. Route 21 on Ladies Island. The approximate length of the project (depending on the alternate) is between 2.9 and 4.1 miles and involves a bridge over the Beaufort River which is a portion of the intracoastal waterway. Adverse effects of the action include encroachment on marsh land; temporary siltation and increased turbidity during bridge construction; acquisition of right of way for the length of the project; and displacement of 6 to 12 residences and 1 or 2 businesses (30 pages). (ELR Order No. 31574) (NTIS Order No. EIS 73 1574-D.)

URBAN MASS TRANSPORTATION ADMINISTRATION

Draft

Railroad Connection, Philadelphia, Pa., Oct. 3: Proposed is the granting of federal capital grant assistance to the City of Philadelphia, for the construction of 1.7 miles of combined tunnel and viaduct rail connection between the Reading and Penn Central commuter rail systems. Impact will include land acquisition, demolition of buildings, business and employee displacement, and construction disruption. Forty-one businesses will be displaced (232 pages). (ELR Order No. 31582) (NTIS Order No. EIS 73 1582-D.)

VETERANS ADMINISTRATION

Contact: Mr. Arthur W. Farmer, Assistant Chief, Medical Director for Administration and Facilities, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Draft

Rehabilitation/Nursing Building, Sepulveda, Los Angeles County, Calif., Oct. 2: The statement refers to the proposed construction of a 120 bed rehabilitation/nursing home care building on the property of the VA Hospital in Sepulveda. Adverse impact will include the use of an open lawn area (little league baseball diamond) for the site, and resulting increases in local traffic on Woodley Avenue (18 pages). (ELR Order No. 31579) (NTIS Order No. EIS 73 1579-D.)

TIMOTHY ATKESON,
General Counsel.

The following statement was inadvertently deleted from its appropriate FEDERAL REGISTER listing. It was received by the Council on August 30, 1973.

DEPARTMENT OF INTERIOR

Contact: Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF RECLAMATION

Yakima River, Supplement, Kittitas County, Wash., Aug. 30: The document supplements a statement which was filed with the Council on July 10, 1972 for rehabilitation of an irrigation diversion dam on the Yakima River. The supplement covers proposed revisions to the project (11 pages). (ELR Order No. 31427) (NTIS Order No. EIS 73 1427-D.)

[FR Doc.73-21665 Filed 10-11-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

OCCUPATIONAL SAFETY REQUIREMENTS FOR PESTICIDES

Notice of Hearing

There was published in the FEDERAL REGISTER on July 31, 1973, a notice of this Agency's intent to hold public hearings on the question of farm worker protection and on proposed standards published with the notice. A further notice setting forth the times and places of each hearing was published in the FEDERAL REGISTER on August 31, 1973. This Agency has cooperated with the Occupational Safety and Health Administration (OSHA) of the Department of Labor in public hearings on the question of worker reentry and protective clothing with respect to certain organophosphorus chemicals for use on apples, citrus, grapes, peaches and tobacco. The OSHA hearings which have been concluded were pursuant to the provisions of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655).

The extent of issues and the range of standards proposed to be considered by the EPA hearings were delineated in the July 31 FEDERAL REGISTER notice. These issues are broader in scope than those covered by the OSHA hearings. The purpose of the EPA hearings is to obtain meaningful information on which to base necessary additional standards for registration, field reentry, protective clothing and related agricultural worker areas for all pesticides. The OSHA will cooperate with EPA in these hearings.

After consideration of the record of both OSHA hearings and EPA hearings together with written views, arguments, and data received in response to the July 31, 1973 notice, and other available information, EPA will promulgate, as deemed appropriate, standards or regulations in any or all of the areas identified for any or all pesticides.

Since the issues to be considered in these hearings are of great concern to growers in the State of Hawaii, an additional hearing will be held as follows:

November 12, 1973, 9:30 A.M., Conference Room in the State Office Building, 54 High Street, Wailuku, Maui.

Persons in Hawaii wishing to submit evidence or make their views known to this Agency on these issues are invited to participate in this hearing. Such persons may participate by registering and requesting to testify at the hearing site. Oral statements will be limited to a reasonable period of time; however, written statements may be filed for the record. Four copies of written statements will be required.

In addition, written views may be submitted on or before November 15, 1973 to the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 (preferably in quintuplicate). All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk. Such written submissions will be considered along with the hearing record.

Done this 5th day of October 1973.

DAVID D. DOMINICK,
Assistant Administrator for Hazardous Materials Control.

[FR Doc.73-21654 Filed 10-11-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19154; FCC 73-1040]

BROADCAST RENEWAL APPLICANT

Second Further Notice of Inquiry

1. Notice is hereby given for additional comments in the above-captioned matter.

2. In our notice of inquiry, 27 FCC 2d 580 (1971), and further notice of inquiry, 31 FCC 2d 443 (1971), we invited comments on a proposal of establishing quantative standards in the areas of local programming and informed electorate (informational) programming. The purpose underlying our inquiry was to determine whether it would be appropriate to adopt such standards to give some prima facie indication of what constitutes substantial service in these two important programming areas.

3. In our initial notice, the following tentative figures were set out as representing substantial service: [1]

(1) With respect to local programming, a range of 10–15 percent of the broadcast effort (including 10–15 percent in the prime time period, 6–11 p.m., when the largest audience is available).

(2) The proposed figure for News is 8–10 percent for the network affiliate, 5 percent for the independent station (including a figure of 8–10 percent and 5 percent, respectively, in the prime time period), respectively.

(3) In the Public Affairs area, the tentative figure is 3–5 percent, with, as stated, a 3 percent figure for the 6–11 p.m. time period.

4. In our Notice, several caveats were noted regarding these proposed standards. First, we noted the absence of information on prime time Public Affairs programming, resulting in the selection of the above-noted 3 percent figure which appeared to us to be both a reasonable and realistic one. Second, we noted that the applicability of the standards might well depend on the financial posture of stations and, for this reason, we excluded independent UHF stations until they become profitable. Third, we noted that there was a close relationship between News and Public Affairs programming, which raised a question whether these two categories should be viewed together with one overall figure and leeway for the licensee to make judgments within that figure.

5. There is a growing consensus among the Commission that the broad principle of establishing definitive guidelines for the concept of substantial service is fundamentally sound. At the same time, we recognize that the implementation of the principle raises some very pragmatic problems—such as, for example, the categories of programming selected, the precise definitions of these categories, whether exact percentages or percentage ranges should be used to reflect substantial service, the applicability of the standards to various groups of stations, etc. The comments and reply comments already received, as well as the remarks of parties during oral argument on May 4 and 5, 1972, basically related to the broad principle as to whether we should establish any quantitative standards in an effort to define substantial service; few commenting parties addressed themselves to the more pragmatic problems noted above. As a consequence, in a matter of this importance, we believe it would be advisable to solicit further comments on these and related problems so as to have the fullest exploration of all options.[2]

6. Our initial Notice included several statistical tables indicating the current actual performance levels of commercial television stations in the programming categories selected for the proposed percentage guidelines—i.e., News, Public Affairs, and Local. These statistics represented composite week data taken from the latest available renewal applications for the years 1968, 1969 and 1970. In order to update this data and make certain that the statistics are still representative of performance levels in these critically important areas, concurrent with the issuance of this second further notice of inquiry we are issuing a specially designed questionnaire to all commercial television licensees (including, for informational purposes, UHF independents). This questionnaire solicits statistics regarding programming during the Commission's 1972–73 composite week.[3]

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 12, 1973, and reply comments on or before November 28, 1973. In view of our desire to expedite consideration of this matter, no extensions of time within which to file comments and reply comments is anticipated. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it in addition to the comments invited by this second further notice of inquiry.

8. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, replies, briefs, and other documents shall be furnished the Commission.

9. Authority for this notice is contained in sec. 4(i), 303, 307(d), 309, and 311(a) of the Communications Act of 1934, as amended.

Adopted October 3, 1973.

Released October 9, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-21820 Filed 10-11-73;8:45 am]

[1] In setting forth tentative figures for news, public affairs and local programming, we did not specify whether commercial material was to be included or excluded in percentage calculations.

[2] In proposing percentages that should be used to reflect substantial service, parties should indicate whether commercial matter should be included in the calculation of those percentages.

[3] Statistics regarding news, public affairs and local programming (a) including commercial matter and (b) excluding commercial matter, will be solicited by the questionnaire.

[4] Commissioner Robert E. Lee absent, Commissioners Reid and Wiley concurring in the result.

FEDERAL MARITIME COMMISSION

COMPAGNIE NATIONALE ALGERIENNE DE NAVIGATION AND LYKES BROS. STEAMSHIP CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

H. G. Blocklin, Vice President, Central Atlantic Division, Lykes Bros. Steamship Co., Inc., 1100 Connecticut Avenue, NW., Washington, D.C. 20036.

Agreement No. 10092 covers an arrangement whereby Compagnie Nationale Algerienne de Navigation (CNAN) appoints Lykes Bros. Steamship Co., Inc., as its exclusive agent at U.S. Atlantic and Gulf ports for shipments destined to or originating from Morocco, Algeria, Tunisia, Spain, and Italy. Lykes' services will include all the usual general agency functions such as vessel husbanding, solicitation and booking of

cargo, performing or arranging for stevedoring services, establishing schedules and vessels' itineraries, etc., under terms and conditions set forth in the agreement.

Dated October 10, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-21917 Filed 10-11-73;9:10 am]

FEDERAL RESERVE SYSTEM

CENTRAL NATIONAL CORPORATION

Acquisition of Bank

Central National Corporation, Richmond, Virginia, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank of Yorktown, Yorktown, Virginia. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 18, 1973.

Board of Governors of the Federal Reserve System, October 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-21660 Filed 10-11-73;8:45 am]

CHEMICAL NEW YORK CORPORATION

Acquisition of Bank

Chemical New York Corporation, New York, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Chemical Bank of Syracuse, Syracuse, New York, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Reserve Bank, to be received not later than October 24, 1973.

Board of Governors of the Federal Reserve System, October 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-21658 Filed 10-11-73;8:45 am]

FIRST COOLIDGE CORPORATION

Acquisition of Bank

First Coolidge Corporation, Watertown, Massachusetts, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of The New Boston Bank and Trust Company, Boston, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 22, 1973.

Board of Governors of the Federal Reserve System, October 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-21661 Filed 10-11-73;8:45 am]

FRANKLIN NEW YORK CORPORATION

Proposed Acquisition of Talcott National Corporation

Franklin New York Corporation, New York, New York, has applied, pursuant to §§ 4(c) (8) and (13) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Talcott National Corporation, New York, New York. Notice of the application was published on August 21, 22, or 23, 1973 in each of 69 newspapers circulated in communities in which Talcott National Corporation or its subsidiaries operate.

Applicant states that the proposed subsidiary would engage in the activity of factoring, that is, the purchase of current trade accounts receivable without recourse, and extending secured credit to factored clients, through James Talcott Factors, from offices in New York, New York, and Los Angeles, California, and James Talcott Factors, AG, from an office in Zurich, Switzerland.

Talcott National Corporation directly engages, through various divisions and through its subsidiaries, Talcott of Puerto Rico, Inc., and Talcott Inter-American Corporation, in business financing; particularly accounts receivable financing, interim, supplemental, and secondary mortgage financing, "bridge" financing, financing in certain specialized fields, and venture capital financing. Although Talcott National Corporation, as a result of its venture capital financing activities, hold certain equity interests in various manufacturing concerns. Applicant proposes to reduce those interests to no more than five percent of each concern and would not acquire equity interests exceeding five percent through Talcott National Corporation's venture capital financing activities. Talcott National Corporation's business financing activities are conducted from offices in Atlanta, Georgia; Boston, Massachusetts; Chicago, Illinois; Dallas, Texas; Detroit, Michigan; Los Angeles, California, Miami, Florida; Minneapolis, Minnesota; Newark, New Jersey; San Francisco, California; New York, New York; and Hato Rey, Puerto Rico.

Through its subsidiary, City Finance Company, Talcott National Corporation engages in the making of installment consumer loans, purchasing retail installment sales obligations originating with dealers, and, in the State of Mississippi, brokering consumer loans for the accounts of others. Through City Insurance Agency, Inc., and, in the State of Mississippi, Red-Cun Insurance Agency, Inc., both wholly-owned subsidiaries of City Finance Company, Talcott National Corporation sells to consumer borrowers credit life, credit health and accident, and property insurance (in States other than New York, New Jersey, and Pennsylvania). City Life Insurance Company, a wholly-owned subsidiary of City Finance Company, through a reinsurance agreement, underwrites all credit life and credit accident and health insurance sold by City Insurance Agency, Inc., and Red-Cun Insurance Agency, Inc. Talcott National Corporation's consumer finance activities are conducted by subsidiaries of City Finance Company operating under the trade names "City Finance Company", "Safeway Finance Co., Inc.", "Coburn Finance Company", "Safeway Discount Company, Inc.", "SFC Loans", "Safeway Consumer Discount Company", "City Finance Plan", "Personal Loan & Finance Corporation" and variations of the foregoing from 114 offices in the States of Alabama, Georgia, Indiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, and Tennessee.

Talcott National Corporation, through James Talcott, Inc., and Talcott Leasing Corporation, also engages in computer and equipment leasing from offices in New York, New York. If Talcott National Corporation becomes a subsidiary of Applicant, such leases would only be made on a full payout basis. Other activities in which Talcott National Corporation has or does engage either have been, or are being, disposed of. The above-described activities, with the exception of certain insurance sales, underwriting, and leasing activities which would be modified to conform to section 225.4(a) of Regulation Y, have been specified by the Board in § 225.4(a) of Regulation Y, as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the

public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 30, 1973.

Board of Governors of the Federal Reserve System, October 4, 1973.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73-21655 Filed 10-11-73;8:45 am]

MERCANTILE BANCORPORATION, INC.

Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of High Ridge Bank, High Ridge, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 22, 1973.

Board of Governors of the Federal Reserve System, October 3, 1973.

THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73-21662 Filed 10-11-73;8:45 am]

MID-KANSAS BANC SHARES, INC.

Formation of Bank Holding Company

Mid-Kansas Banc Shares, Inc., Hutchinson, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 78 percent of the voting shares of Buhler State Bank, Buhler, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than October 23, 1973.

Board of Governors of the Federal Reserve System, October 3, 1973.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73-21659 Filed 10-11-73;8:45 am]

PEOPLES NATIONAL CORP.

Order Approving Formation of Bank Holding Co.

Peoples National Corporation, Bay City, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Peoples National Bank & Trust Company of Bay City, Bay City, Michigan (Bay City Bank), and of the successor by consolidation to the State Savings Bank of West Branch, West Branch, Michigan (West Branch Bank). The bank into which Bay City Bank is to be merged and the bank into which West Branch Bank is to be consolidated have no significance except as a means to facilitate the acquisition of the voting shares of Bay City Bank and West Branch Bank. Accordingly, the proposed acquisition of shares of the successor organizations is treated herein as the proposed acquisition of Bay City Bank and West Branch Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and this Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a non-operating company with no subsidiaries, was organized for the primary purpose of becoming a bank holding company with respect to Bay City Bank ($180.1 million deposits) and West Branch Bank ($18.8 million deposits).[1] Bay City Bank is located in the city of Bay City and operates twelve branches within Bay County. It is the largest of three banks located in Bay County, controlling 72.7 percent of county deposits. Bay City Bank is considered somewhat less than dominant in this market, however, since included among its chief competitors are branches of banks of comparable size located in adjacent counties. West Branch Bank has no branches and ranks second of four banking organizations in its sparsely populated banking market, with 32.1 percent of the area's bank deposits. Consummation of the transaction would not result in a significant increase in concentration of bank resources in Michigan, since Applicant would account for 0.78 percent of total State deposits and would not rank among the top 15 Michigan banking organizations.

Affiliation of Bay City Bank and West Branch Bank would eliminate neither existing nor potential competition. The two banks operate in distinct banking markets and derive no meaningful amount of business from each other's service areas. Also, in view of the distances involved (main offices are 55 miles apart), the number of intervening banks, and Michigan's restrictive branching laws, no significant amount of future competition is thought likely to develop. Therefore, competitive considerations are consistent with approval of the applicant.

The financial condition and managerial resources of Applicant are dependent upon those of the proposed subsidiary banks. The financial and managerial resources of Bay City and West Branch Bank are regarded as generally satisfactory and future prospects appear favorable. Banking factors are consistent with approval of the application. The banking needs of the Bay City area are being adequately served at present; thus, the convenience and needs consideration is consistent with approval of the Bay City Bank application in that the ability of that bank to meet any future needs would be enhanced as a result of the flexibility afforded by the holding company structure. In the case of West Branch Bank, however, convenience and needs of the community lends weight toward approval, since consummation of the transaction would make trust services available to West Branch, which has increasingly become a retirement community, and would enable this bank to provide financial services to an area with developing resort and recreational potential.

On the basis of the record as summarized above, the Federal Reserve Bank of Chicago approves the application provided the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System effective, September 26, 1973.

[SEAL] ROBERT P. MAYO, *President.*

[FR Doc.73-21657 Filed 10-11-73;8:45 am]

WEST BRANCH BANK

Order Approving Application for Consolidation of Banks

West Branch Bank, West Branch, Michigan, a proposed State member

[1] Banking data are of December 31, 1972

bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Consolidation Act (12 U.S.C. 1828(c)) of the consolidation of that bank with The State Savings Bank of West Branch, West Branch, Michigan, under the name of The State Savings Bank of West Branch.

As required by the Act, notice of the proposed transaction in form approved by the Board, has been published, and reports on competitive factors have been requested from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. This Reserve Bank has considered the application in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Order of this date by the Federal Reserve Bank of Chicago relating to the application of Peoples National Corporation, Bay City, Michigan, for formation of a bank holding company through acquisition of the successor by consolidation to The State Savings Bank of West Branch and through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Peoples National Bank & Trust Company of Bay City, Bay City, Michigan, and provided that said transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By Order of the Federal Reserve Bank of Chicago acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective September 26, 1973.

[SEAL] ROBERT P. MAYO, *President.*

[FR Doc.73-21656 Filed 10-11-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-77]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON AERONAUTICS

Notice of Meeting

The NASA Research and Technology Advisory Council Committee on Aeronautics will meet on October 31 and November 1-2, 1973, at the NASA Flight Research Center, Edwards, California 93523. The meeting will be held in Conference Room 2090 of Building 4800. Members of the public will be admitted except for the closed sessions of the agenda described herein on a first-come, first-served basis, up to the seating capacity of the room, which is about 25 persons. All visitors must report to the Flight Research Center Receptionist in Building 4800.

The NASA Research and Technology Advisory Council Committee on Aeronautics serves in the advisory capacity only. The current Chairman is Mr. E. S. Carter. There are 12 members. The following list sets forth the approved agenda and schedule for the October 31, November 1-2, 1973, meeting of the Aeronautics Committee. For further information, please contact Mr. J. Lloyd Jones, Area Code 202-755-2397.

OCTOBER 31, 1973

Time	*Topic*
9:00 a.m.	Report of the Chairman (Purpose: To discuss action taken at the August 1973 meeting of the Council.)
9:30 a.m.	Report of the Executive Secretary (Purpose: To brief the Committee on recent changes in NASA policy and organization and in Aerodynamics and Vehicle Systems programs.)
10:15 a.m.	Report on Committee Recommendations Made at the July 1973 Meeting of the Committee (Purpose: To inform the members of action taken by NASA on research suggestions by the Committee.)
11:15 a.m.	Progress Report on Selected NASA Programs. A. Wake Vortex Studies (Purpose: To brief the Committee on recent activity including initiation of tests in the Langley towing tunnel and on a FAA/NASA meeting on September 19-20, 1973 describing the program to reduce trailing-vortex hazards aerodynamically.) B. Modifications to the 40- by 80-Foot Tunnel (Purpose: To describe the proposed alterations to increase the speed and test section size of the Ames facility.) C. B-737 Active Controls Flight Demonstration Program (Purpose: In response to a request made at the previous meeting, to provide additional information on the ongoing Langley active controls flight demonstration program.) D. Vertical and Short Take Off and Landing (V/STOL) Terminal Area Efficiency System Studies (Purpose: To describe recently-initiated studies to compare the efficiency of various types of V/STOL aircraft.)
12:15 p.m.	Hypersonic Research Program (Purpose: To describe proposed modifications to the NASA hypersonic research program.)
12:45 p.m.	Lunch.
1:45 p.m.	Tour and Description of F-15 Remotely Piloted Research Vehicle (RPRV), F-8 Fly-by-Wire, and F-111 Transonic Aircraft Technology (TACT) Aircraft (Purpose: To familiarize the Committee with the test equipment utilized on the ongoing RPRV stall-spin, F-8 active-controls, F-111 supercritical airfoil research programs, described at previous meetings.)
2:15 p.m.	Status of Advanced Supersonic Technology (AST) Program (Purpose: To brief the members on recent restructuring of the AST program.)
3:00 p.m.	Status of Highly Maneuverable Aircraft Technology (HiMAT) Program (Purpose: To respond to the Committee request for a description of elements of the newly-formulated Hi MAT program.)
3:30 p.m.	Executive Session (Closed Session). (Purpose: To develop Committee comments on the research areas described in the first day's session. Classified information related to military aircraft maneuverability will be included in the subject material.)

NOVEMBER 1, 1973

8:30 a.m.	Discussion of Committee Interface with other Research and Technology Advisory Council (RTAC) Committees (Purpose: In response to a previous Committee request, to discuss the possibility of obtaining regular inputs from other RTAC Committees in areas of mutual concern.)
9:00 a.m.	Foreign Aeronautical Technology Report Dissemination (Purpose: To review possibilities of improving foreign aeronautical report translation and dissemination by NASA.)
9:45 a.m.	Relationship of NASA Propulsive-Lift Technology Program to Air Force Advanced Medium STOL Transport (AMST) Program (Purpose: In response to a Committee request at the previous meeting, to indicate the coordination between the ongoing and planned NASA and Air Force propulsive-lift programs, particularly regarding NASA participation in the AMST aircraft flight test program.)
10:15 a.m.	Member Reports (Purpose: To provide NASA with information on ongoing related non-NASA aeronautical research programs which could modify or motivate NASA aerodynamics and configuration research programs.)
12:30 p.m.	Lunch.
1:30 p.m.	F-111 TACT Program Review (Purpose: To provide the Committee with an updated report on the

TACT program in which flight tests of a modified F-111 aircraft are scheduled to begin in October 1973.)

2:00 p.m. Executive Session (Closed Session) (Purpose: To develop final Committee recommendations—based on the comments on member panels on Basic Technology and General Aviation, CTOL Aircraft, and V/STOL Aircraft—pertaining to the focus and scope of the technical programs reviewed earlier, as well as the importance of the results. Indications of planned funding levels and manpower allocations for Fiscal Year 1975 must be considered as well as classified information (such as that related to military aircraft maneuverability) and information of a proprietary nature offered in confidence (this includes assessment of the performances of individual people).)

NOVEMBER 2, 1973

8:30 a.m. Continuation of Executive Session (Purpose: To complete Committee discussion, involving classified information and future funding level considerations, and develop recommendations.)

11:30 a.m. Adjournment.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

OCTOBER 4, 1973.

[FR Doc.73-21695 Filed 10-11-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Notice of Suspension of Trading

OCTOBER 3, 1973.

The common stock of Equity Funding Corporation of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the common stock being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange; 9½% debentures due 1990 being traded on the New York Stock Exchange; and 5½% convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corporation of America 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 exchanges and otherwise than on a national securities exchange is suspended, for the period from October 4, 1973, through October 13, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-21701 Filed 10-11-73;8:45 am]

[File No. 500-1]

GIANT STORES CORP.

Notice of Suspension of Trading

OCTOBER 3, 1973.

The common stock of Giant Stores Corp., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Giant Stores Corp., 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 October 4, 1973, through October 13, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-21702 Filed 10-11-73;8:45 am]

[File No. 500-1]

HANLEY CONSOLIDATED, INC.

Notice of Suspension of Trading

OCTOBER 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Hanley Consolidated, 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 2.30 p.m., e.d.t., October 3, 1973, through October 12, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-21703 Filed 10-11-73;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

OCTOBER 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, 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 October 4, 1973, through October 13, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-21704 Filed 10-11-73;8:45 am]

[File No. 500-1]

LANGIS SILVER & COBALT MINING CO., LTD.

Notice of Suspension of Trading

OCTOBER 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Langis Silver & Cobalt Mining Co., Ltd., 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 2:30 p.m., e.d.t., October 3, 1973, through October 12, 1973.

By the Comission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-21705 Filed 10-11-73;8:45 am]

[File No. 500-1]

SANITAS SERVICE CORP.

Notice of Suspension of Trading

OCTOBER 3, 1973.

The common stock of Sanitas Service Corporation being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Sanitas

Service Corporation 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 October 4, 1973, and continuing through October 13, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-21706 Filed 10-11-73;8:45 am]

[File No. 500-1]

TRIONICS ENGINEERING CORP.

Notice of Suspension of Trading

OCTOBER 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Trionics Engineering 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 October 4, 1973, and continuing through October 13, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-21707 Filed 10-11-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

SBA-GUARANTEED SBIC DEBENTURES DUE 1983

Invitation To Bid

The Small Business Administration (SBA), pursuant to the authority of the Small Business Investment Act of 1958; as amended, invites bids for an issue of approximately $50 million debentures issued by small business investment companies (SBIC's) and guaranteed as to principal and interest by SBA. The exact principal amount will be determined on October 12, 1973, and incorporated in the final papers. A description of the debentures and SBA's guaranty, together with the bid requirements, are set forth in the Notice of Sale. The documents referred to therein are available from SBA. Bids should be submitted in the manner provided by the Official Form of Proposal. The Notice of Sale and the Official Form of Proposal are as follows:

NOTICE OF SALE OF $_____, PERCENT DEBENTURES DUE OCTOBER 1, 1983, FULLY GUARANTEED AS TO PRINCIPAL AND INTEREST BY THE SMALL BUSINESS ADMINISTRATION

ISSUED BY SMALL BUSINESS INVESTMENT COMPANIES

As more fully described in the Preliminary Prospectus relating thereto,[1] $_____ aggregate principal amount of Debentures due October 1, 1983 (the "Debentures") will be issued by certain Small Business Investment Companies and will be fully guaranteed as to principal and interest by the Small Business Administration (the "SBA"). Sealed proposals for the purchase of all of the Debentures shall be hand delivered to the SBA at the office of Brown, Wood, Fuller, Caldwell & Ivey, One Liberty Plaza, 35th Floor, New York, New York, on October 18, 1973, and must be received by the SBA at such place prior to 11:00 o'clock a.m. (E.D.T.), at which time and place all proposals will be publicly opened and announced.

The SBA reserves the right to advance or postpone from time to time in its discretion the time for presentation and opening of bids and to change the place where bids must be presented to the SBA and will give notice, confirmed in writing or by telegram, of any such advancement or postponement or change in the place where bids are to be presented to each bidder who shall have advised the SBA in writing of an intention to bid. In the event of any such postponement, each bid theretofore presented shall be returned unopened to the bidder.

Timely payment of the principal of and interest on the Debentures will be guaranteed by the SBA acting pursuant to Section 303(b) of the Small Business Investment Act of 1958, as amended, which provides that the full faith and credit of the United States is pledged to the payment of all amounts required to be paid pursuant to this guaranty.

The Debentures, to be issued in principal amounts of $10,000 each, will be dated and bear interest from October 29, 1973, and will mature on October 1, 1983. The Debentures will not be subject to redemption or prepayment prior to maturity.

The Debentures will bear interest at the rate specified in the proposal of the successful bidder in accordance with this Notice of Sale. Interest will be payable on October 1 and April 1 in each year. The principal of and interest on the Debentures will be payable at the principal office of the Federal Reserve Bank of New York, as Fiscal Agent of the SBA.

As described in the Preliminary Prospectus, the Debentures will be offered pursuant to Guaranty Agreements covering a specific Debenture or Debentures identified in a debenture register maintained by the SBA. The Debentures represented by the Guaranty Agreements will be held by, and be payable to, the SBA, as bailee for holders of Guaranty Agreements, and the SBA, as collection agent, will remit payments of principal and interest on the Debentures to such holders through its Fiscal Agent. The successful bidder (the term "bidder" as used herein applying to a single bidder or, in the case of a group of bidders, to such group) shall be deemed to have designated the SBA to act as bailee of the Debentures in accordance with the Guaranty Agreements.

Each proposal must be submitted on the Official Form of Proposal referred to in the closing paragraph of this Notice of Sale and must represent a bid of not less than 99 percent nor more than 101 percent of the principal amount of all the Debentures, plus interest, if any, accrued thereon to the date of delivery, and must specify in a multiple of 1/8 or 1/20 of 1 percent the rate per annum of interest which the Debentures are to bear. Only one interest rate may be specified for the Debentures. Each proposal must be enclosed in a sealed envelope and should be addressed to the Small Business Administration in care of the addressee specified in the first paragraph hereof and be marked on the outside, in substance, "Proposal for Debentures". Each proposal must be submitted in duplicate, and each counterpart must be signed by the bidder.

Each bid must be accompanied by a certified or official bank check or checks in the amount of $900,000, payable in New York Clearing House funds to the order of the Federal Reserve Bank of New York, to be held and disposed of by the SBA as hereinafter provided.

The right is reserved by the SBA pursuant to authority vested in it by the issuing SBICs to reject all proposals, or any proposal not conforming to this Notice of Sale or not on the Official Form of Proposal (without alteration except for the insertions required by the form). The right is also reserved to waive, if permitted by law, any irregularity in any proposal.

As between legally acceptable proposals complying with this Notice of Sale, the Debentures will be sold to the bidder whose bid shall result in the lowest basis cost of money computed from October 29, 1973, to the maturity date of the Debentures. Such lowest basis cost of money will be determined by reference to a specially prepared table of bond yields, a copy of which is available for examination by prospective bidders at the national office of the SBA. Straight-line interpolation will be applied if necessary. If it should be necessary to make such a determination for a coupon rate not shown in said table of bond yields, reference will be made to other tables of bond yields. The decision of the SBA, acting pursuant to authority vested in it by the issuing SBICs, as to the lowest basis cost of money shall be conclusive. If two or more bids provide the identical lowest basis cost of money, the SBA (unless it shall reject all bids) will give the makers of such identical resulting bids an opportunity to submit improved bids within such time as the SBA shall specify, but in no case later than two hours after the opening of such bids. If no improved bid is made by the makers of such identical resulting bids within the time specified by the SBA, or if upon such rebidding two or more improved bids again provide the identical basis cost of money, the SBA in its discretion may, within two hours after the time specified for such rebidding, accept by lot any one of the identical resulting bids or may reject all bids.

Proposals will be accepted or rejected promptly but not later than 3:00 o'clock p.m. E.D.T. on the date set for receiving proposals. When the successful bidder has been ascertained, the SBA will promptly accept the proposal of such bidder by executing and delivering to such successful bidder the duplicate of its proposal, whereupon the Purchase Agreement attached as an exhibit to the Official Form of Proposal will become effective without any separate execution thereof, and thereafter all rights of SBA, the issuing SBICs and the successful bidder shall be determined solely in accordance with the terms thereof.

If a bid is not accepted, the SBA will return to the bidder the check or checks deposited with such bid. If a bid is accepted, the amount of the check or checks deposited therewith will be retained by the SBA as

[1] Filed as part of the original document.

security for the performance of the obligation of the bidder under such bid and will be held and disposed of in accordance with the terms of the Purchase Agreement.

As soon as practicable after the successful bidder is ascertained, the SBA will modify the Preliminary Prospectus relating to the Debentures to reflect the effect of the proposal of the successful bidder, and the document so modified will constitute the Prospectus. The SBA will then furnish the successful bidder with copies of the Prospectus in reasonable quantity as required by it in connection with the public offering and sale of the Debentures, including one copy thereof signed manually on behalf of SBA by its authorized representative.

The successful bidder will be furnished, without cost, the opinion of the General Counsel or Acting General Counsel of the SBA,[1] as to the validity of the Debentures and the guaranty by the SBA of the payment of the principal of and interest on such Debentures, such opinion to be in substantially the form annexed to the Purchase Agreement.

Messrs. Brown, Wood, Fuller, Caldwell & Ivey, New York, New York, will act as counsel for the successful bidder and will furnish an opinion at the closing substantially in the form annexed to the Purchase Agreement. Such counsel will also prepare memoranda with respect to (1) the status of the Debentures for sale under the securities or Blue Sky laws of various states and (2) the legality of the Debentures for investment by certain institutions in various states. The compensation and disbursements of such counsel are to be paid by the successful bidder under the terms of the Purchase Agreement. Said counsel will, on request, advise any prospective bidders of the amount of such compensation and estimated disbursements to be paid by the successful bidder.

Guaranty Agreements representing the Debentures will be delivered in definitive form at the office of the Federal Reserve Bank of New York, 90 William Street, New York, N.Y. on October 29, 1973, at 10:00 o'clock a.m. E.S.T., or such other place, date and time as may mutually be agreed upon, at which time the successful bidder shall pay the balance of the purchase price by one or more checks payable in federal funds to the order of "Federal Reserve Bank of New York."

Copies of the Preliminary Prospectus dated October 12, 1973, relating to the Debentures, the Official Form of Proposal, the Purchase Agreement with the form of Guaranty Agreement attached and the preliminary Blue Sky and legal investment memoranda will be furnished upon application to the SBA.

Dated October 12, 1973.

Small Business Administration.

DAVID A. WOLLARD,
Associate Administrator for Finance and Investment.

OFFICIAL FORM OF PROPOSAL FOR $_____, % DEBENTURES DUE OCTOBER 1, 1983, FULLY GUARANTEED AS TO PRINCIPAL AND INTEREST BY THE SMALL BUSINESS ADMINISTRATION

ISSUED BY SMALL BUSINESS INVESTMENT COMPANIES

SMALL BUSINESS ADMINISTRATION, C/O BROWN, WOOD, FULLER, CALDWELL & IVEY, ONE LIBERTY PLAZA, NEW YORK, NEW YORK 10006

OCTOBER 18, 1973.

Gentlemen: Subject to the provisions and in accordance with the terms of the Notice of Sale (the "Notice of Sale"), which is hereby made a part of this proposal, the undersigned (the "Representatives"), on behalf of the persons, firms and corporations named in Schedule A[1] of the Purchase Agreement attached hereto (the "Purchase Agreement") as the same may be changed by the Representatives subject to the provisions hereof (the "Purchasers"), severally and not jointly, hereby offer to purchase (for resale to the public) on the terms and conditions set forth in this proposal and the Purchase Agreement all of the $_____ aggregate principal amount of Debentures due October 1, 1983, to be issued by certain Small Business Investment Companies ("SBICs") and to be fully guaranteed as to principal and interest by the Small Business Administration (the "SBA") (such $_____ principal amount of Debentures being hereinafter referred to as the "Debentures"), at the price of —% of the principal amount thereof plus interest, if any, accrued thereon from October 29, 1973 to the date of their delivery. The Representatives are Purchasers and represent and warrant to the SBA that they have all necessary power and authority to act for each of the Purchasers.

Said Debentures shall bear interest at the rate of —% per annum.

Receipt of the Notice of Sale, the Purchase Agreement and the Preliminary Prospectus, dated October 12, 1973, prepared in connection with the sale of the Debentures, is hereby acknowledged.

Changes may be made by the Representatives as to the Purchasers (other than the Representatives) set forth in Schedule A and as to the respective principal amounts of Debentures set opposite their respective names in Schedule A, provided that any Debentures not purchased as a result of such changes shall be purchased severally by the Representatives in proportion to their respective commitments hereunder.

If this bid shall be approved by the SBA as resulting in the lowest basis cost of money, computed as provided in the Notice of Sale, the Representatives will, promptly upon receipt of notification from the SBA and prior to completion by the SBA of the form of acceptance set forth below, supply to the SBA any such changes to Schedule A.

There are enclosed herewith a certified or official bank check or checks in the aggregate amount of $900,000 being the deposit required by the Notice of Sale, payable in New York Clearing House funds to the order of the Federal Reserve Bank of New York, to be held and disposed of by the SBA in accordance with the Notice of Sale.

In consideration of the agreement of the SBA set forth in the Notice of Sale, the Representatives agree on behalf of each of the Purchasers that: (a) the offer of such Purchaser included in this proposal shall be irrevocable until 3 o'clock P.M., E.D.T., on the date hereof unless sooner rejected by the SBA; and (b) when all changes, if any, to Schedule A to the Purchase Agreement attached hereto shall be made and this bid accepted by the SBA by execution of the form of acceptance set forth below, said Purchase Agreement shall become effective without any separate execution thereof and shall be deemed to be dated the date hereinbelow set forth, and thereafter all rights of the SBA, the SBICs and of the Purchasers shall be determined solely in accordance with the terms of said Purchase Agreement.

This Official Form of Proposal must be submitted in duplicate and shall be deemed rejected by the SBA unless accepted by the SBA prior to 3 o'clock P.M., E.D.T., on the date hereof.

Very truly yours,

By_____

On behalf of and as the Representatives of the person(s), firm(s) and/or corporation(s) named or to be named in Schedule A to the Purchase Agreement hereto attached.

Accepted this 18th day of October, 1973.

SMALL BUSINESS ADMINISTRATION,

By_____

$_____, % DEBENTURES DUE OCTOBER 1, 1983, FULLY GUARANTEED AS TO PRINCIPAL AND INTEREST BY THE SMALL BUSINESS ADMINISTRATION

ISSUED BY SMALL BUSINESS INVESTMENT COMPANIES

Purchase Agreement

The person(s), firm(s), and/or corporation(s) who executed the Official Form of Proposal to which this Purchase Agreement is attached (the "Representatives"), acting for and in behalf of themselves and the other Purchasers named in Schedule A hereto (herein called the "Purchasers") for whom they are acting as Representatives for the purposes of this Agreement as set forth below, hereby confirm their agreement with the Small Business Administration (herein called "SBA"), an agency of the United States acting pursuant to authorization on behalf of certain Small Business Investment Companies ("SBICs"), for the purchase by the Purchasers, acting severally and not jointly, and the sale by the SBICs of $_____ aggregate principal amount of —% Debentures due October 1, 1983 to be issued by the SBICs and to be fully guaranteed as to principal and interest by SBA (such $_____ principal amount of —% Debentures due October 1, 1983, being hereinafter referred to as the "Debentures"). Each Debenture is to be in the principal amount of $10,000 and ownership of the Debentures is to be evidenced by Guaranty Agreements (herein called the "Guaranty Agreements") in substantially the form attached hereto as Schedule B. The Representatives represent and warrant that as such Representatives they have been authorized by the other Purchasers to enter into and execute this Agreement on their behalf and to act for them in the manner provided herein.

Section 1. Purchase and Sale. Upon the terms and conditions and upon the basis of the representations, warranties and agreements herein set forth, SBA agrees, pursuant to authorization from the SBICs, to cause such SBICs to sell to the Purchasers and the Purchasers agree, severally and not jointly, to purchase from the SBICs, the respective principal amounts of Debentures set forth opposite the names of the Purchasers in Schedule A hereto at the purchase price set forth in the Official Form of Proposal to which this Purchase Agreement is attached, plus interest, if any, accrued thereon from October 29, 1973 to the date of Closing (hereinafter defined). The Purchasers contemplate a public offering of the Debentures. SBA agrees to (a) assemble the Debentures as agent for the SBICs for sale to the Purchasers; (b) accept delivery of the Debentures as bailee pursuant to the Guaranty Agreements; (c) make delivery of the Guaranty Agreements as provided in Section 3 hereof; and (d) direct the Federal Reserve Bank of New York to distribute to the SBICs the purchase price for the Debentures, less any costs incident to the sale of the Debentures (see Section 7 herein), paid by the Purchasers to the Federal Reserve Bank of New York for the account of the SBICs.

Section 2. Representations, Warranties and Agreements of SBA. SBA represents, warrants, and agrees with the Purchasers that:

(a) The Guaranty Agreements, when executed and delivered at the Closing, will be in substantially the form attached hereto as Schedule B and will be legal, valid and binding undertakings of SBA in accordance with their terms.

[1] Filed as part of the original document.

[1] Filed as part of the original document.

(b) The Debentures are identified in a debenture register maintained at SBA, and SBA has full power and authority on behalf of the SBICs to deliver such Debentures in accordance herewith and to receipt for the purchase price therefor upon payment thereof by the Purchasers to the Federal Reserve Bank of New York for the account of the SBICs.

(c) SBA has full power and authority to accept the Debentures as bailee on behalf of the holders of Guaranty Agreements, and, upon delivery thereof to SBA as herein and in the Guaranty Agreements provided, the holders of Guaranty Agreements will have title to the Debentures, subject to no prior liens or restrictions.

(d) The guaranty by SBA of the Debentures is in conformity with Section 303(b) of the Small Business Investment Act of 1958, as amended, and will be within the limitations set forth in Section 4(c)(4)(B) of the Small Business Act and the authority of SBA under and pursuant to Public Law 92-544, in each case after giving effect to all other loans, guaranties and other obligations or commitments outstanding pursuant to Title III of the Small Business Investment Act of 1958.

Section 3. Payment for and Delivery of Debentures—Closing. Payment of the purchase price for the Debentures shall be made at the office of the Federal Reserve Bank of New York, 90 William Street, New York, New York, or at such other place as shall be agreed upon by SBA and the Representatives, at 10 a.m., e.s.t. on October 29, 1973 (the "Closing"). The Closing may be postponed to such later time or date as shall be agreed upon by SBA and the Representatives. Such payment shall be made to the Federal Reserve Bank of New York for the account of the SBICs by the Purchasers, or the Representatives on their behalf, in federal funds, against delivery of the Debentures to SBA, as bailee, pursuant to the Guaranty Agreements and against delivery of the Guaranty Agreements to or upon the order of the Representatives for the respective accounts of the Purchasers. Delivery of the Guaranty Agreements at the Closing shall be made in definitive form and in such denominations (in integral multiples of $10,000) and registered in such names as shall be requested by the Representatives not later than 10:00 a.m. on the 5th business day prior to the Closing.

Section 4. Security. SBA acknowledges receipt of an amount equal to that required to be deposited in connection with the bid by the Notice of Sale from the Representatives on behalf of the several Purchasers, which deposit has been made by the Purchasers in proportion to the principal amount of Debentures set forth opposite their names in Schedule A hereto. If the Purchasers comply with their obligations hereunder to accept and pay for the Debentures, such amount, without interest, shall be applied to the aggregate purchase price of the Debentures as provided in Section 1 hereof. In the event of termination of this Agreement by reason of failure by SBA to deliver the Guaranty Agreements on the date of Closing, or for any other reason permitted by this Agreement, other than pursuant to Section 10 hereof, such amount shall be returned immediately, without interest, by SBA to the Representatives for the accounts of the several Purchasers. If, on the date of Closing, any Purchaser shall not accept and pay for the Debentures which such Purchaser has agreed to purchase, then (i) as to any Purchaser whose nonacceptance or nonpayment constituted a default hereunder, the portion of such sum delivered to SBA on behalf of such Purchaser shall be retained by SBA as liquidated damages for such failure, provided, that if any Debentures agreed to be purchased by such Purchaser shall be purchased and paid for by the remaining Purchasers, or by any substitute Purchaser or Purchasers procured by nondefaulting Purchasers, as provided in section 10 hereof, SBA shall return to the Representatives such portion, less the amount of any expenses of SBA caused by the failure or refusal of such Purchaser to purchase and pay for Debentures, and (ii) as to any Purchaser whose nonacceptance or nonpayment did not constitute a default hereunder, SBA shall return to the Representatives, for the account of such Purchaser, without interest, the amount of the deposit made on its behalf.

Section 5. Prospectus. SBA has heretofore furnished to the Representatives copies of a Preliminary Prospectus relating to the Debentures and Guaranty Agreements. SBA agrees that, as soon as practicable after this Agreement becomes effective, it will complete the Preliminary Prospectus and will make such changes therein as it may deem advisable and as shall be approved by the Representatives as to form and substance and as not involving a material adverse change from the Preliminary Prospectus, and that one or more copies thereof as so completed and changed (the "Prospectus") will be executed on behalf of SBA by its authorized representative, dated the date the proposal was accepted by SBA, and delivered to the Representatives on or prior to the date of Closing. SBA hereby authorizes the Purchasers to use the Prospectus in connection with the public offering and sale of the Debentures.

SBA represents and warrants to each of the Purchasers that the statements and information contained in the Prospectus at the date thereof and at the date of Closing will be true, correct and complete in all material respects, and the Prospectus as of such times will not omit any statement or information which should be included therein for the purpose for which it is to be used or which is necessary to make the statements and information contained therein not misleading in any material respect, except as such statements and information may have been furnished in writing by the Purchasers expressly for use in the Prospectus.

Section 6. Blue Sky Qualification. SBA agrees to cooperate with the Purchasers in qualifying the Debentures for offering and sale under the securities or Blue Sky laws of such jurisdiction as may be designated by the Representatives, provided that SBA shall not be required to file any general consent to service of process under the laws of any such jurisdiction, and that any applications required in connection therewith shall be prepared on behalf of SBA by counsel for the Purchasers and, to the extent permitted by law, filed by such counsel on behalf of SBA.

Section 7. Payment of Expenses. The Purchasers shall be under no obligation to pay any expenses incident to the performance of the obligations of SBA hereunder including, but not limited to, the cost of printing or other reproduction and delivery of the Notice of Sale and Official Form of Proposal, the Preliminary Prospectus, the Prospectus, the Debentures, the Guaranty Argeements, the memoranda referred to in the Notice of Sale, and the opinion of the General Counsel or Acting General Counsel of SBA. The Purchasers agree to pay all their expenses, including the fees and disbursements of counsel for the Purchasers, incurred in connection with the Debentures or Guaranty Agreements.

Section 8. Conditions of Purchasers' Obligations. The obligations of the Purchasers to purchase and pay for the Debentures shall be subject to the accuracy of the representations and warranties on the part of SBA and to the performance of its obligations to be performed hereunder prior to the Closing, and to the following further conditions:

(a) At the time of Closing, the Representatives shall have received the favorable opinions of the General Counsel or Acting General Counsel of SBA and Brown, Wood, Fuller Caldwell & Ivey, counsel for the Purchasers,[1] each dated the date of Closing, substantially in the forms of Exhibits A and B to this Agreement.

(b) At the time of Closing, the Representatives shall have received a certificate of SBA dated the date of Closing, signed by the Administrator or Deputy Administrator of SBA, to the effect that:

(i) The representations and warranties of SBA contained herein are true and correct as if made as of the time of Closing; and

(ii) The Debentures have been delivered to SBA, as bailee, in accordance herewith and pursuant to the Guaranty Agreements.

If any conditions contained in this Agreement shall not be satisfied or if the obligations of the Purchasers shall be terminated for any reason permitted by this Agreement, this Agreement shall terminate and neither the Purchasers nor SBA nor the SBICs shall be under further obligation hereunder except that the deposit referred to in Section 4 shall be returned by SBA to the Representatives.

Section 9. Termination of Agreement. The Representatives shall have the right to terminate this Agreement by giving the notice indicated below in this Section, at any time at or prior to the Closing (a) if there shall have occurred any new outbreak of hostilities or other national or international calamity or development the effect of which on the financial markets of the United States shall be such as, in the judgment of the Representatives, makes it impracticable for the Purchasers to sell the Debentures, (b) if trading on the New York Stock Exchange shall have been suspended or maximum or minimum prices for trading shall have been fixed, or maximum ranges for prices for securities on the New York Stock Exchange shall have been required by that Exchange or by order of any governmental authority having jurisdiction, (c) if a banking moratorium shall have been declared by Federal authorities, or (d) if there shall have been enacted legislation which would adversely affect SBA's power as described in the Prospectus to guarantee the Debentures. If the Representatives shall elect to terminate this Agreement as provided in this Section, SBA shall be notified promptly by the Representatives, by telephone or telegram, and such notice confirmed by letter. If this Agreement shall be terminated as provided in this Section, neither the Purchasers nor the SBICs nor SBA shall be under further obligation hereunder except that the deposit referred to in Section 4 shall be returned by SBA to the Representatives.

Section 10. Substitution of Purchasers or Increase in Purchasers' Commitments. If for any reason one or more of the Purchasers shall fail at the Closing to purchase the Debentures which they have agreed to purchase hereunder (the "Unpurchased Debentures"), then:

(a) If the aggregate principal amount of Unpurchased Debentures does not exceed $4,500,000, the remaining Purchasers shall be obligated to purchase the full amount thereof, in proportion to their respective commitments hereunder.

(b) If the aggregate principal amount of Unpurchased Debentures exceeds $4,500,000,

[1] Filed as part of the original document.

any of the remaining Purchasers selected by the Representatives, or any other purchasers the Representatives select, shall have the right within 24 hours after the Closing to purchase or procure purchasers for all, but not less than all, of such Unpurchased Debentures in such amounts as may be agreed upon; and if the remaining Purchasers shall not agree to purchase and/or procure a party or parties to agree to purchase such Debentures on such terms within such period, then SBA shall be entitled to an additional period of 24 hours in which to procure another responsible party or parties to agree to purchase such Debentures on such terms. If neither the remaining Purchasers nor SBA shall procure another party or parties to agree to purchase such Debentures within the aforesaid periods, then SBA may, at its option, by written notice delivered to the Purchasers no later than 72 hours after the Closing, elect to proceed with the sale to the remaining Purchasers of the Debentures which they have agreed to purchase. In the absence of the exercise of such option this Agreement shall terminate.

The termination of this Agreement pursuant to this Section shall be without liability on the part of SBA, the SBICs or any of said remaining Purchasers.

Nothing herein shall relieve any Purchaser so defaulting from liability, if any, for such default.

In the event of a default by any one or more Purchasers as set forth in this Section, either the Representatives or SBA shall have the right to postpone the Closing for an additional period of not exceeding 5 business days in order that any required changes in any documents or arrangements may be effected.

Section 11. Representations, Warranties and Agreements to Survive Delivery. All representations, warranties, agreements and covenants contained in this Agreement shall remain operative and in full force and effect regardless of any investigation made by or on behalf of any Purchaser or by or on behalf of SBA, and shall survive delivery of the Debentures to the Purchasers.

Section 12. Notices. Except as herein otherwise provided, all communications hereunder shall be in writing and, if sent to the Purchasers, shall be mailed, delivered, or telegraphed and confirmed in writing to the Representatives to the care of an at the address of the first Representative appearing in Schedule A hereto or, if sent to SBA, shall be mailed, delivered or telegraphed and confirmed in writing to 1441 L Street, NW., Washington, D.C. 20416, attention of the Administrator or Acting Administrator, and a copy of each notice shall be furnished to the General Counsel or Acting General Counsel of SBA.

Bids will be opened at the office of Brown, Wood, Fuller, Caldwell & Ivey, One Liberty Plaza, 35th Floor, New York, New York, at 11 a.m., E.D.T., October 18, 1973, SBA reserves the right to reject all bids.

Dated October 4, 1973.

DAVID A. WOLLARD,
Associate Administrator for Finance and Investment.

[FR Doc.73-21487 Filed 10-11-73;8:45am]

[Notice of Disaster Loan Area 1015]

KANSAS

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Kansas as a major disaster area following severe storms, tornadoes, and flooding beginning on or about September 22, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from storm and flood victims in the following Counties: Clay, McPherson, Ottawa, Rice, Saline, and Washington.

Applications may be filed at the:

Small Business Administration, District Office, 120 South Market Street, Wichita, Kans. 67202.

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under this announcement must be filed not later than November 29, 1973.

Dated October 2, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-21708 Filed 10-11-73;8:45 am]

FIRST DAKOTA CAPITAL CORP.

[License No. 08/08-0034]

Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations (13 CFR 107.102 (1973)) by the First Dakota Capital Corp., Suite 110, Professional Building, 100 South 4th, Fargo, North Dakota 58102, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and principal stockholders are:

	Percent
John H. Lindsay, 110 Professional Building, Fargo, North Dakota 58102, Chairman-Director	19.67
Eugene R. Dahl, 112 S. Woodcrest Drive, Fargo, North Dakota 58102, President-Director	19.67
John C. Schultz, 110 Professional Building, Fargo, North Dakota 58102, 1st Vice President-Director	19.67
Roger A. Bye, 110 Professional Building, Fargo, North Dakota 58102, Executive Vice President-Director	8.20
M. J. Ebner, 311 Jefferson, Wadena, Minnesota 56482, Vice President-Director	8.20
Bernie O. Lindrud, 2210 S. 14th, Moorhead, Minnesota 56560, Vice President-Director	16.39
Herbert F. Rott, Sr., 1620 1st Avenue North, Fargo, North Dakota 58102, Vice President-Director	8.20
Russell F. Freeman, 1529 8th Street So., Fargo, North Dakota 58102, Secretary	0
Harris Widmer, 1318 Oak, Fargo, North Dakota 58102, Treasurer	0

The applicant will be the first small business investment company licensed by SBA in the State of North Dakota. It will begin operations with a capitalization of $305,000 and will be a source of equity capital and long-term loan funds for qualified small business concerns. In addition to financial assistance, the applicant will provide management consulting services to its client firms. No investment concentration in any particular industry is planned.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, on or before October 29, 1973, submit written comments on the proposed company to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C., 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Fargo, North Dakota.

Dated: October 10, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-21925 Filed 10-11-73;9:55 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-73-26]

GTE SYLVANIA, INC.

Notice of Application for Variance

Notice of application. Notice is hereby given that GTE Sylvania, Inc., Hawes Street, Towanda, Pa. 18848 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596), and 29 CFR 1905.11 for a variance, from the standards prescribed in 29 CFR 1910.157(a)(5) concerning the mounting of fire extinguishers.

The addresses of the places of employment that will be affected by the application are as follows:

GTE Sylvania, Inc., Chemical & Metallurgical Div., Hawes Street, Towanda, Pa. 18848.
Hydramet Co., Caro, Mich. 48723.
Walmet Co., 404 East Ten Mile Road, Pleasant Ridge, Mich. 48069.
Western Gold & Platinum Co., 555 Harbor Boulevard, Belmont, Calif. 94022.

Applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.157(a)(5) which requires that fire extinguishers be installed on the hangers or brackets supplied, mounted in cabinets, or set in shelves unless of the wheeled type.

The applicant states that about 15 percent of its fire extinguishers stand in a

holder on the floor rather than being hung on the wall. The holder for a 15 pound CO_2 extinguisher has a steel base plate 14" x 14" x 1/4" upon which is welded a cylinder approximately 7⅜" diameter x 8" x 1/16". The holder weighs approximately 18 pounds and is not attached to the floor. A continuous force of 16 pounds applied near the top of the extinguisher was required to topple a 15-pound CO_2 extinguisher having a gross weight of 40 pounds. The critical angle for falling is approximately 53°.

The applicant states that in 10 years there has been no unsafe incident involving these mountings. It contends that the low center of gravity and stability make them as safe as wall mountings. In addition, the ease of portability make it possible to place the extinguisher in locations which provide easy accessibility yet minimize the likelihood of accidents.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Room 508, Washington, D.C. 20210, and at the following regional and area offices:

REGIONAL OFFICES

U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building, 3535 Market Street, Room 15220, Philadelphia, Pa. 19104.

U.S. Department of Labor, Occupational Safety and Health Administration, 300 South Wacker Drive, Room 1201, Chicago, Ill. 60606.

U.S. Department of Labor, Occupational Safety and Health Administration, 9470 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102.

AREA OFFICES

U.S. Department of Labor, Occupational Safety and Health Administration, William J. Green, Jr., Federal Building, 600 Arch Street, Philadelphia, Pa. 19106.

U.S. Department of Labor, Occupational Safety and Health Administration, Michigan Theater Building, Room 626, 220 Bagley Avenue, Detroit, Mich. 48226.

U.S. Department of Labor, Occupational Safety and Health Administration, 100 McAllister Street, Room 1706, San Francisco, Calif.

Interested persons, including affected employers and employees, are invited to submit written data, views, and arguments regarding the application for a variance, not later than November 12, 1973. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application for a variance not later than November 12, 1973, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing shall be in quadruplicate, and shall be addressed to the Office of Standards, at the above address.

Signed at Washington, D.C., this 5th day of October 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-21803 Filed 10-11-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 361]

ASSIGNMENT OF HEARINGS

OCTOBER 9, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 56679 Sub 66, Brown Transport Corp., MC 136155 Sub 2, Gay Trucking Co., Inc., MC 136230, Interstate Warehousing Corporation, MC 136285 Sub 3, Southern Intermodal Logistics, Inc., now assigned December 3, 1973, will be held in Room 765, 400 West Bay St., Jacksonville, Fla.

No. 35265, Anglo-Canadian Pulp and Paper Mills, Limited, Et Al. v. Aberdeen and Rockfish Railroad Company, Et Al., now assigned October 29, 1973, at Washington, D.C., is postponed to October 30, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 108341 Sub 32, Moss Trucking Co., Inc., now assigned November 5, 1973, at Charlotte, N.C., will be held at the Public Library, 310 N. Tryon Street.

No. 35400, Increased Charges for Perishable Protective Service—1971, continued to November 5, 1973 (2 weeks), in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Chicago, Illinois.

MC-121082 Sub 5, Allied Delivery System, Inc., now assigned October 11, 1973, at Washington, D.C., is cancelled and the application is dismissed.

MC 121499 Sub 6, William Hayes Lines, Inc., is continued to January 14, 1974, at Sheraton-Nashville Hotel, 920 Broadway, Nashville, Tenn.

MC 124692 Sub 87, Sammons Trucking, now being assigned hearing November 27, 1973 (2 days), at Phoenix, Ariz., in a hearing room to be later designated.

MC-FC-74065, Riteway Transport, Inc., Phoenix, Arizona, Transferee and Padre Freight Lines, Long Beach, California, Transferor, MC-FC-74299, Riteway Transport, Inc., Phoenix, Arizona, Transferee, and Cibola Freight Lines, Phoenix, Arizona, Transferor, now being assigned hearing November 29, 1973 (2 days), at Phoenix, Ariz., in a hearing room to be later designated.

MC 128273 Sub 142, Midwestern Express, Inc., now being assigned hearing December 3, 1973 (2 days), at San Francisco, Calif., in a hearing room to be later designated.

MC 730 Sub 349, Pacific Intermountain Express Co., now being assigned hearing December 5, 1973 (3 days), at San Francisco, Calif., in a hearing room to be later designated.

MC 136762 Sub 1, Osborne Highway Express, now being assigned hearing December 10, 1973 (2 days), at San Francisco, Calif., in a hearing room to be later designated.

MC 119777 Sub 257, Ligon Specialized Hauler, Inc., now being assigned hearing December 12, 1973 (3 days), at San Francisco, Calif., in a hearing room to be later designated.

I&S No. 8863, Switching and Minimum Carload Charges, Houston, Texas, continued to October 15, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-21829 Filed 10-11-73;8:45 am]

[Notice No. 362]

ASSIGNMENT OF HEARINGS

OCTOBER 9, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

CORRECTION

No. 35717, Southern Railway Company—Petition for Declaratory Order, and No. 35717 Sub 1, Louisville and Nashville Railroad Company—Petition for Declaratory Order—Refund Rule Electrical Appliances, continued to November 20, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C., instead of Southern Railway Company v. Union Pacific Railroad Company and the Denver and Rio Grande Western Railroad Company, and No. 35717 Sub 1, Louisville and Nashville Railroad Company v. Union Pacific Railroad Company and the Denver and Rio Grande Western Railroad Company, continued to November 20, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-21830 Filed 10-11-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 9, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of sec. 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed by October 29, 1973.

FSA No. 42757—*Joint Water-Rail Container Rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 77), for itself and interested rail carriers. Rates on general commodities, from Thailand and South Viet Nam, to rail

carriers' terminals on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

Tariff—Sea-Land Service, Inc., tariff No. 213, I.C.C. No. 80. Rates are published to become effective on November 3, 1973.

By the Commission.

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

[FR Doc.73-21828 Filed 10-11-73;8:45 am]

[Notice No. 372]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to secs. 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 1, 1973. Pursuant to sec. 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74549. By order entered September 6, 1973, the Motor Carrier Board approved the transfer to Eastern Refrigerated Transport, Inc., Harrisonburg, Va., of the operating rights set forth in Certificates Nos. MC-110683 (Sub-No. 40), MC-110683 (Sub-No. 45), MC-110683 (Sub-No. 50), MC-110683 (Sub-No. 57), MC-110683 (Sub-No. 71), MC-110683 (Sub-No. 80), and MC-110683 (Sub-No. 91), and portions of the operating rights set forth in Certificates Nos. MC-110683 (Sub-No. 31), MC-110683 (Sub-No. 38), and MC-110683 (Sub-No. 60), issued by the Commission June 19, 1968, May 13, 1969, May 5, 1970, June 16, 1970, March 2, 1971, February 7, 1972, July 17, 1973, September 19, 1966, April 18, 1968, and April 28, 1970, in the name of Smith's Transfer Corporation, Staunton, Va., authorizing the transportation of frozen foods, prepared foodstuffs, meats, meat products, and meat byproducts, dairy products, and articles distributed by meat-packing houses, as described in Sections A and C of Appendix I to report in Descriptions in Motor Carrier Certificates, 61 M.C.C., 209 and 766, from, to, or between points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, and the District of Columbia—Francis W. McInerny and Harry J. Jordon, 1000 Sixteenth Street NW., Washington, D.C. 20036, attorney for applicants.

No. MC-FC-74687. By order of August 5, 1973, the Motor Carrier Board approved the transfer to Larry A. Cramer, Lennox, S. Dak., of Certificates Nos. MC-107313 and MC-107313 (Sub-No. 2), issued March 1, 1957, and February 2, 1973, respectively, to Marion Langrock, Doing Business As City Dray and Transfer, Lennox, S. Dak., authorizing the transportation of: Building materials, feed, seed, farm machinery, livestock, grain, and emigrant movables, from, to, and between points in Iowa and South Dakota; and animal and poultry feeds from Lennox, S. Dak., to points in named counties in Iowa and Minnesota—Mr. R. G. May, Attorney at Law, 412 West Ninth Street; Sioux Falls, S. Dak. 57104.

No. MC-FC-74711. By order of October 3, 1973, the Motor Carrier Board approved the transfer to Sun Set Stages, Inc., Abilene, Tex., of Certificate No. MC-84780, issued September 18, 1970, to W. L. Murphey, Bill R. Murphey, and O. C. Murphey, Doing Business As Sun Set Stages, Abilene, Tex., authorizing the transportation of: Passengers and their baggage, and express, mail and newspapers, between specified points in Texas, over designated regular routes, serving all intermediate points thereon—Mike Cotton, Attorney, P.O. Box 1148, Austin, Tex. 78767.

No. MC-FC-74722. By order of October 4, 1973, the Motor Carrier Board approved the transfer to Roy Smith, Incorporated, Dover, Ark., of a portion of Certificate No. MC-40925, and the entire operating rights in Subs 5, 9, and 11, thereunder, issued to Roy Smith, Dover, Ark., authorizing the transportation of: Various commodities, fertilizer, coal, malt beverages, heavy machinery, etc., between points and areas in Arkansas, Oklahoma, Illinois, Indiana, Missouri, Kansas, Louisiana, and Texas—Don A. Smith, Attorney, P.O. Box 43, Fort Smith, Ark. 72901.

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

[FR Doc.73-21831 Filed 10-11-73;8:45 am]

[Notice No. 137]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 5, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, by October 26, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 24784 (Sub-No. 5 TA), filed October 1, 1973. Applicant: D & L EXPRESS, INC., 1626 East 25th Street, Topeka, Kans. 66605. Applicant's representative: John R. Davis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer* in cases and kegs, from Memphis, Tenn. and Longview, Tex., to points in Kansas, for 180 days. Note: Applicant does not intend to tack with present authority or to interline with other carriers. SUPPORTING SHIPPERS: Pepsi Cola Bottling Company of Marysville, Inc., 602-604 Center St., Marysville, Kans. 66508; Rooks Sales Company, Inc., 131 Colorado Street, Manhattan, Kans. 66502; and Swafford Sales Inc., 218 Constitution, Emporia, Kans. 66801. SEND PROTESTS TO: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 26396 (Sub-No. 94 TA), filed October 1, 1973. Applicant: POPELKA TRUCKING CO, doing business as THE WAGGONERS, 201 W. Park, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Wayne Waggoner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and pipe, cement, containing asbestos fiber*, (A) from the plantsite of Johns-Manville Products Corporation at Waukegan, Ill. and the plantsite of Johns-Manville Perlite Corporation at or near Joliet, Ill., to points in Iowa, South Dakota, Nebraska, Minnesota, and North Dakota, and (B) from the plantsite of Johns-Manville Products Corporation at Waukegan, Ill., to points in Colorado, Montana, Wyoming, South Dakota, Nebraska, Ninnesota, North Dakota, and Iowa, for 180 days. SUPPORTING SHIPPPER: Johns-Manville Corporation, Green Wood Plaza, Denver, Colo. 80217. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 87720 (Sub-No. 152 TA), filed October 1, 1973. Applicant: BASS

TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail and chain grocery, hardware and drug stores, in containers, and *materials and supplies* (except in bulk) used in the manufacture and distribution of the commodities described for the account of American Home Products Corporation, between Chicago, Ill., commercial zone and Philadelphia, Pa. commercial zone, for 180 days. SUPPORTING SHIPPER: American Home Products Corporation, 685 Third Avenue, New York, N.Y. 10017. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 104430 (Sub-No. 39 TA), filed October 1, 1973. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, Highway 24 West, McComb. Miss. 39648. Applicant's representative: Donald B. Morrison, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blackstrap molasses*, in bulk, in tank vehicles, from Westwego and Port Allen, La., to McComb, Miss., for 180 days. SUPPORTING SHIPPER: Allied Chemical Corporation, 3000 Richmond Avenue, Houston, Tex. 77006. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 104683 (Sub-No. 35 TA), filed October 1, 1973. Applicant: TRANSPORT, INC., Russell Drive, P.O. Box 1696, Meridian, Miss. 39301. Applicant's representative: Douglas R. Duke, P.O. Box 157, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Amerada Hess Terminal in Mobile, Ala., to St. Regis Paper Company at plantsite in Ferguson, Miss., for 180 days. SUPPORTING SHIPPER: St. Regis Paper Company, P.O. Box 608, Monticello, Miss. 39654. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 106644 (Sub-No. 161 TA), filed September 27, 1973. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916 (Box zip 30301), Atlanta, Ga. 30321. Applicant's representative: W. Randall Tye, 15th Floor, Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flexible steel conduit*, from the plant site of American Flexible Conduit Co., Inc., at or near Tifton, Ga., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Texas, for 180 days. SUPPORTING SHIPPER: American Flexible Conduit Co., Inc., P.O. Box 1423, Tifton, Ga. 31794. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 116077 (Sub-No. 350 TA), filed September 27, 1973. Applicant: ROBERTSON TANK LINES, INC., 2000 W. Loop S., Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste muriatic acid*, in bulk, from the plantsite of Gulf Metallurgical at Texas City, Tex., to the plantsite of Newport Div. of Reichhold Chemical, Inc. at or near Oakdale, La., for 180 days. SUPPORTING SHIPPER: Gulf Chemical & Metallurgical Corporation, P.O. Box 2130, Texas City, Tex. 77590. SEND PROTESTS TO: John F. Mensing, Interstate Commerce Commission, Bureau of Operations, 515 Rusk Avenue, 8610 Federal Bldg. and U.S. Court House, Houston, Tex. 77002.

No. MC 124692 (Sub-No. 121 TA), filed October 1, 1973. Applicant: SAMMONS TRUCKING, P.O. Box 1447, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asbestos cement pipe*, from the plantsite of Johns-Manville Products Corporation at Waukegan, Ill., to points in North Dakota, South Dakota, Minnesota, Montana, Wyoming, and Colorado, and (2) *Building materials*, from the plantsite of Johns-Manville Products Corporation at Waukegan, Ill., and Johns-Manville Perlite Corp. located at or near Joliet, Ill., to points in North Dakota, South Dakota, and Minnesota, for 180 days. SUPPORTING SHIPPER: Johns-Manville Corporation, Greenwood Plaza, Denver, Colo. 80217. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 125440 (Sub-No. 12TA), filed September 28, 1973. Applicant: JULES TISCHLER doing business as RARITAN MOTOR EXPRESS, 129 Lincoln Boulevard, Middlesex, N.J. 08846. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast, pre-stressed concrete products, concrete planks*, from Vineland, Williamstown, Junction and Berlin, N.J., to Falls Church and Fredericksburg, Va.; Ocean City, Md.; Philadelphia, Pa. Commercial Zone, New York, N.Y. Commercial Zone, points in Nassau, Suffolk Counties, N.Y.; Alexandria and Yorktown, Va., under contract with Formigli Corp., for 180 days. SUPPORTING SHIPPER: Formigli Corporation, P.O. Box F, Berlin, N.J. 08009. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 135124 (Sub-No. 7 TA), filed September 26, 1973. Applicant: DRESSING TRANSPORT, INC., 638 Lake Street, Wilson, N.Y. 14172. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from Carteret and Jersey City, N.J., to Buffalo, Rochester, Syracuse, Geneva, Elmira, and Wilson, N.Y., for 180 days. SUPPORTING SHIPPER: Metro Containers, an operation of Kraftco Corporation, 107 West Side Avenue, Jersey City, N.J. SEND PROTESTS TO: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Office Bldg., 111 West Huron Street, Buffalo, N.Y. 14203.

No. MC 136319 (Sub-No. 4 TA), filed October 1, 1973. Applicant: CUSTOM TRANSIT, INC., 2406 Glenbrook South, Garland, Tex. 75040. Applicant's representative: Glen M. White, 3100 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, mineral wool conduit or pipe*, from Dallas, Tex., to points in Oklahoma, for 180 days. SUPPORTING SHIPPER: Certainteed Products Corp./CSG Group, P.O. Box 860, Valley Forge, Pa. 19482. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 136799 (Sub-No. 2 TA), filed October 2, 1973. Applicant: JAYHAWK TRUCK LINES, INC., 301 West Second, Wichita, Kans. 67202. Applicant's representative: Paul V. Dugan, 2707 West Douglas, Wichita, Kans. 67213. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, except dangerous explosives, livestock, household goods, when transported as a separate and distinct service in connection with so-called "household moving" and those injurious or contaminating to other lading), from Wichita, Kans., on the one hand, and Peabody, Goessel, Florence, Hillsboro, Marion, Lehigh, Durham, Lincolnville, Herington, Elmo, Cottonwood Falls, Strong City, and Council Grove, Kans., on the other, Interstate 35 to Newton, thence east on Highway 50 to Strong City, thence north on Kansas Highway 177 to Council Grove, and return over the same route, serving

the intermediate points of Peabody, Florence, and Strong City, and the off-route points of Cottonwood Falls, also from Wichita on Kansas Highway 15 north to the intersection of U.S. Highway 56, thence east and north on U.S. Highway 56 to Council Grove and return over the same route, serving the intermediate points of Goessel, Hillsboro, Marion, Lincolnville, and Herington, and the off-route points of Lehigh, Durham and Elmo, for 180 days. SUPPORTING SHIPPERS: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 136849 (Sub-No. 3 TA), filed September 28, 1973. Applicant: E. & H. DISTRIBUTING CO., 3353 South Highland Avenue, Las Vegas, Nev. 89104. Applicant's representative: William J. Lippman, Suite 550, 1819 H Street, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and frozen foods* for the account of United American Food Processors, from points in Los Angeles County, Calif., to Las Vegas, Nev., for 180 days. SUPPORTING SHIPPER: United American Food Processors, 3839 South Highland, Las Vegas, Nev. 89103. SEND PROTESTS TO: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 203, Federal Building, 705 North Plaza Street, Carson City, Nev. 89701.

No. MC 138304 (Sub-No. 3 TA), filed October 1, 1973. Applicant: NATIONAL PACKERS EXPRESS, INC., 29 S. LaSalle Street, Chicago, Ill. 60603. Applicant's representative: Craig B. Sherman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, malt beverage dispensing equipment and advertising materials* and supplies (except commodities in bulk), from Trenton, N.J., to points in Ohio, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Missouri, Colorado, Michigan, Kentucky, Tennessee, North Dakota, South Dakota, Arizona, Washington, Oregon, Texas, and California, for 180 days. SUPPORTING SHIPPER: Joseph Derrico, Champale, Inc., 1024 Lamberton St., Trenton, N.J. 08608. SEND PROTESTS TO: William J. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 138992 (Sub-No. 1 TA), filed October 1, 1973. Applicant: MFT, INC., 209 South Ruth Street, Sioux Falls, S. Dak. 57102. Applicant's representative: Donald L. Stern, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from Sioux Falls, S. Dak., to Eau Claire and Whitehall, Wis., and to points in Illinois, New Jersey, Massachusetts, New York, and Pennsylvania, for 180 days. SUPPORTING SHIPPER: Mellman Food Industries, 209 South Ruth St., Sioux Falls, S. Dak. 57102. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 139123 TA, filed September 26, 1973. Applicant: GLOUCESTER DISPATCH, INC., P.O. Box 799, Gloucester, Mass. 01930. Applicant's representative: John J. Keller, 145 W. Wisconsin Ave., Neenah, Wis. 54956. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cake mixes, icing powders, frosting mixes, baking mixes*, from Chelsea, Mich., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, for 180 days. SUPPORTING SHIPPER: Chelsea Milling Company, Chelsea, Mich. 48118. SEND PROTESTS TO: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., 5th Floor, Boston, Mass. 02114.

No. MC 139125 (Sub-No. 1 TA), filed September 26, 1973. Applicant: CLAUDE E. WHEELER, doing business as GRAIN TRANSPORT, P.O. Box 82, Ordway, Colo. 81063. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Bldg., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp pellets, alfalfa pellets, alfalfa wafers, alfalfa cubes and manufactured dry livestock feed supplements*, between points in Colorado on and east of I-25, points in Kansas and Oklahoma on and west of I-35, points in Texas on and west of I-35 and on and north of I-40, and points in Nebraska, for 90 days. SUPPORTING SHIPPER: Foxley & Co., 229 Main, Ordway, Colo. 81063. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

By the Commission.

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

[FR Doc.73-21832 Filed 10-11-73;8:45 am]

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federal register

FRIDAY, OCTOBER 12, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 197

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

AMBIENT AIR MONITORING EQUIVALENT AND REFERENCE METHODS

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 50, 51]

AMBIENT AIR MONITORING EQUIVALENT AND REFERENCE METHODS

Notice of Proposed Rulemaking

Notice is hereby given that the Environmental Protection Agency is considering amendments to Parts 50 and 51 of Title 40, Code of Federal Regulations, as set forth below.

Elsewhere in this issue of the FEDERAL REGISTER, EPA is proposing the addition of a new Part 53, entitled "Ambient Air Monitoring Equivalent and Reference Methods," to Title 40 of the Code of Federal Regulations. As more fully described in the Notice of Proposed Rulemaking concerning the proposed new Part 53, that Part would establish definitive requirements and procedures applicable to determinations whether methods of sampling and analyzing the ambient air may be designated "equivalent methods" or "reference methods" for the measurement of specified air pollutants. It is intended that such determinations be governed in the future by the provisions of the proposed Part 53 as finally promulgated. The amendments proposed in this Notice would revise existing provisions pertinent to such determinations and would, in effect, provide that for purposes of Parts 50 and 51 such determinations will be governed in the future by the provisions of Part 53.

Interested persons may submit written comments on the proposed amendments in triplicate to the quality Assurance and Environmental Monitoring Laboratory, United States Environmental Protection Agency, National Environmental Research Center, Research Triangle Park, North Carolina 27711. All relevant comments postmarked not later than 45 days after publication of this notice will be considered. All comments will be available for public inspection during normal business hours at the address specified above.

This notice of proposed rulemaking is issued under the authority of sections 109 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-4, 1857g(a)).

Dated September 26, 1973.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

Part 50 of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

In § 50.1, paragraphs (f) and (g) are revised to read as follows:

§ 50.1 Definitions.

* * * * *

(f) "Reference method" means a method of sampling and analyzing the ambient air for an air pollutant as described in an appendix to this part or a method that has been designated as a reference method in accordance with part 53 of this chapter.

(g) "Equivalent method" means any method of sampling and analyzing the ambient air for an air pollutant that has been designated as an equivalent method in accordance with part 53 of this chapter.

Part 51 of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

1. In § 51.14, the table in subparagraph (1) of paragraph (e) is revised by revising footnote 1 to read as follows:

§ 51.14 Control Strategy: Carbon monoxide, hydrocarbons, photochemical oxidants, and nitrogen dioxide.

* * * * *

(e) * * *
(1) * * *

1. Other methods of measurement will be considered equivalent methods if they have been designated equivalent methods in accordance with part 53 of this chapter.

2. In § 51.17, the table in subparagraph (1) of paragraph (a) is revised by revoking footnotes d, e, and f, by revoking the table of performance specifications for pollutants sulfur dioxide, carbon monoxide and photochemical oxidant (corrected for NO_2 and SO_2) appearing after the colon in the second sentence of footnote 1, and by revising the second sentenec of footnote 1 to read as follows:

§ 51.17 Air quality surveillance.

(a) (1) * * *

* * * * *

1 * * * Other methods of measurement will be considered equivalent methods if they have been designated equivalent methods in accordance with part 53 of this chapter.

* * * * *

[FR Doc.73-21338 Filed 10-11-73;8:45 am]

[40 CFR Part 53]

AMBIENT AIR MONITORING EQUIVALENT AND REFERENCE METHODS

Notice of Proposed Rulemaking

Notice is hereby given that the Environmental Protection Agency is considering the addition of a new Part 53 to Title 40 of the Code of Federal Regulations, as set forth below. The proposed new Part 53 would establish requirements and procedures applicable to determinations whether, for purposes described more fully below, methods of sampling and analyzing the ambient air may be designated "equivalent methods" or "reference methods" for the measurement of specified air pollutants.

As required by section 109 of the Clean Air Act, as amended December 31, 1970 (Public Law 91-604), the Administrator of the Environmental Protection Agency published on January 30, 1971 (36 FR 1502) and March 30, 1971 ((36 FR 5867)), proposed national primary and secondary ambient air quality standards for six pollutants and, after consideration of comments received, promulgated the same on April 30, 1971, 36 FR 8186. The national ambient air quality standards are now codified at 40 CFR Part 50. In addition to prescribing ambient air quality standards, the Administrator published certain test procedures to be utilized by the Environmental Protection Agency and State and local agencies to measure the levels of ambient air quality for each of the six pollutants. The measurement procedures are described in detail in appendices to Part 50 and are defined in 40 CFR 50.1(f) as "reference methods."

The ambient air quality standards, as prescribed, provide that measurements are to be made by the appropriate reference method or by an "equivalent method." "Equivalent method" is defined in 40 CFR 50.1(g) as "any method of sampling and analyzing for an air pollutant which can be demonstrated to the Administrator's satisfaction to have a consistent relationship to the reference method." 40 CFR 51.17(a)(1), discussed below, contains additional requirements applicable to a determination that a method is an "equivalent method." In addition to the requirement that a consistent relationship to the reference method be shown, a candidate method is required under § 51.17(a)(1) to meet certain performance specifications described in that section.

Within 9 months after promulgation of the National Ambient Air Quality Standards, i.e., no later than January 30, 1972, each State was required by Section 110 of the Act to adopt and submit to the Administrator a plan which provided for the implementation, maintenance, and enforcement of the national ambient air quality standards within each air quality control region (or portion thereof) within the State. The Act requires the Administrator to approve an implementation plan, or any portion thereof, if he determines that the plan (or portion thereof) was adopted after reasonable notice and hearing and that it satisfies detailed criteria set forth in § 110(a)(2)(A)-(H) of the Act. To assist the States in the development of the implementation plans, and to implement the requirements of § 110, EPA proposed and promulgated regulations entitled "Regulations for Preparation, Adoption, and Submittal of Implementation Plans." See 40 CFR Part 51 (36 FR 15486).

The purpose of the proposed new Part 53 is to assist State and local governments and ambient air monitoring instrument manufacturers with respect to one of the requirements applicable to approval of implementation plans. Section 110(a)(2)(C) of the Act provides in part that a plan must include:

* * * provision for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on ambient air quality * * *

This provision has been amplified in the implementation plan guidelines at 40 CFR 51.17, "Air Quality Surveillance." Among other things, § 51.17 requires that plans provide for the establishment of an air quality surveillance system as expeditiously as practicable but not later than two years after the date of plan approval. Each surveillance system must comply with certain minimum requirements, one of which is that each method used by a

State to monitor the ambient air be either the appropriate reference method or a method that is equivalent to the reference method. The proposed new Part 53 would establish definitive requirements and procedures by which States or instrument manufacturers may have their monitoring methods determined to be equivalent methods or reference methods.

As indicated previously, 40 CFR 50.1 (g) and 51.17(a)(1) presently contain provisions pertinent to determinations whether monitoring methods are equivalent methods, and 40 CFR 50.1(f) defines specified methods as reference methods. In addition, equivalent methods are referred to in 40 CFR 51.14(e)(1). It is intended that determinations whether candidate methods are equivalent methods or reference methods be governed in the future by the provisions of Part 53 as finally promulgated. Accordingly, EPA is proposing elsewhere in this issue of the FEDERAL REGISTER appropriate amendments to 40 CFR 50.1(f), 50.1(g), 51.14 (e)(1), and 51.17(a)(1).

It is recognized that some State or local governments may have purchased monitoring instruments or systems that purport to be reference methods or equivalent methods (or elements thereof) in accordance with the existing provisions of 40 CFR 50.1(f), 50.1(g), and 51.17(a)(1) but which will not conform to the requirements of Part 53 if it is promulgated as proposed. Because purchase of such equipment may have been relatively costly, EPA is considering allowing its use on some basis for purposes of 40 CFR 51.17(a)(1), provided that the equipment was purchased prior to publication of this notice in the FEDERAL REGISTER. For example, use of such equipment might be permitted, on a showing satisfactory to the Administrator that the equipment meets the pertinent existing requirements of 40 CFR 50.1(f), 50.1(g), and 51.17(a)(1), for a period that would allow a reasonable time for replacement of the equipment with new equipment satisfying the requirements of Part 53 as finally promulgated. State and local governments and other interested parties are specifically invited to comment on this proposal, to suggest other courses of action that EPA might follow in this regard, and to submit any information that they consider pertinent to the proposal or to alternative courses of action. In particular, State or local governments that have purchased instruments or systems purporting to be reference methods or equivalent methods (or elements thereof) in accordance with 40 CFR 50.1 (f), 50.1(g), and 51.17(a)(1) are invited to comment on the number, type, and cost of the instruments or systems they have purchased, the possibility that such equipment might conform to the requirements of the proposed Part 53 if it is promulgated as proposed, and the possibility that nonconforming equipment might be replaced with conforming equipment in time to permit compliance with 40 CFR 51.17(a)(1) within the time specified in that section.

The proposed new Part 53 is divided into three subparts, the contents of which may be summarized as follows.

Subpart A contains the general requirements to be satisfied for an equivalent or reference method determination for both automated and manual methods. It specifies the descriptive information and affidavits that must be submitted whenever such a determination is requested. The primary responsibility for an equivalent or reference method determination rests with the applicant. Candidate automated methods that purport to measure sulfur dioxide, carbon monoxide, or photochemical oxidants must satisfy the performance specifications described in Subpart B and demonstrate a consistent relationship as required by Subpart C. Candidate manual methods need only demonstrate a consistent relationship as required by Subpart C.

Subpart A also provides that any method determined to be an equivalent or reference method will be officially designated as such in the FEDERAL REGISTER. Any applicant whose method is rejected may appeal the rejection by requesting reconsideration. Designations of methods may be cancelled if the methods are subsequently found not to be in compliance with the provisions of Part 53. Prior to cancellation, the manufacturer of the method in question will receive written notice of the facts that the Administrator believes warrant cancellation and an opportunity to demonstrate or come into compliance. In addition, a hearing may be granted. The above procedures will assist the Agency in obtaining reliable data and in making fair and sound judgments when granting, rejecting, or canceling a method.

Subpart B of the proposed Part 53 specifies performance characteristics that must be met by automated methods with respect to interference, lower detectable limit, precision, rise time, fall time, zero drift, span drift, lag time, and noise.

Subpart C contains the general provisions and test procedures necessary for demonstrating a consistent relationship between candidate methods, whether automated or manual, and reference methods.

EPA recognizes that for carbon monoxide, and photochemical oxidants, each reference method designated in 40 CFR Part 50 is a combination of a reference principle and a calibration procedure and not a single specific method. Therefore, it is possible for various instrument manufacturers to construct different air monitoring equipment based on different adaptations of the same reference measurement principle. If an applicant's candidate automated method utilizes the appropriate reference principle and calibration procedures correctly and his instrument satisfies all the performance characteristics of Subpart B, his method may be determined to be a reference method.

It is the intent of EPA to encourage the advancement of the art of monitoring pollutants in ambient air. If the Administrator becomes convinced that a candidate method has the necessary measurment capability and is superior to the existing reference method, he will consider naming it the reference method. In this manner, EPA intends to keep the best available analytical methodology as the reference method.

Interested persons may submit written comments on the proposed regulations in triplicate to the Quality Assurance and Environmental Monitoring Laboratory, United States Environmental Protection Agency, National Environmental Research Center, Research Triangle Park, North Carolina 27711. All relevant comments postmarked not later than 45 days after publication of this notice will be considered. All comments will be available for public inspection during normal business hours at the address specified above. The regulations, modified as the Administrator deems appropriate after consideration of comments, will be effective on October 12, 1973.

This notice of proposed rulemaking is issued under the authority of section 301(a) of the Clean Air Act, as amended (42 U.S.C. § 1857g(a)).

Dated September 26, 1973.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

A new Part 53 is added to Chapter I, Title 40, Code of Federal Regulations, as follows:

PART 53—AMBIENT AIR MONITORING EQUIVALENT AND REFERENCE METHODS

Subpart A—General Provisions

Sec.
53.1 Definitions.
53.2 Applicability.
53.3 Request for equivalent or reference method determinations.
53.4 General requirements for an equivalent method determination.
53.5 General requirements for a reference method determination.
53.6 Procedures for equivalent and reference method determinations.
53.7 Right of entry; tests and inspections.
53.8 Publication of equivalent and reference methods.
53.9 Appeal.
53.10 Cancellation of an equivalent or reference method determination.
53.11 Hearings on cancellation.
53.12 Modification of an equivalent method.
53.13 Modification of a reference method.
53.14 Trade secrets and confidential and privileged information.

Subpart B—Test Procedures for Measuring Performance Characteristics

Sec.
53.20 General provisions.
53.21 Test procedures for automated methods.
53.22 Procedures for measuring performance specifications.

Subpart C—Test Procedures for Demonstrating a Consistent Relationship Between Candidate Methods and Reference Methods

Sec.
53.30 General provisions.
53.31 Test procedure for oxidant methods.

Sec.
53.32 Test procedure for carbon monoxide methods.
53.33 Test procedure for sulfur dioxide methods.

AUTHORITY: Sec. 301(a) of the Clean Air Act (42 U.S.C. section 1857g(a)), as amended by sec. 15(c)(2) of Public Law 91-604, 84 Stat. 1713.

Subpart A—General Provisions

§ 53.1 Definitions.

(a) As used in this part, all terms not defined herein shall have the meaning given them by the Act.

(b) "Act" means the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*).

(c) "Agency" means the Environmental Protection Agency.

(d) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(e) "Reference Method" means any method of sampling and analyzing the ambient air for an air pollutant which has been determined in accordance with this part to be in compliance with the criteria described in the appropriate appendix to Part 50 of this chapter, and has been officially designated as a reference method by publication in the FEDERAL REGISTER.

(f) "Equivalent Method" means any method of sampling and analyzing the ambient air for an air pollutant which has been determined in accordance with this part to meet all the requirements of this part, and has been officially designated as an equivalent method by publication in the FEDERAL REGISTER.

(g) "Candidate Method" means any method of sampling and analyzing the ambient air for an air pollutant submitted to the Administrator for an equivalency determination or a reference method determination.

(h) "Automated Method" means an instrumental technique that automatically samples, analyzes, and provides a record of the concentration of an ambient air pollutant in a single measurement system.

(i) "Manual Method" means a method for measuring concentrations of an ambient air pollutant in which the sample collection and analysis are performed in separate systems.

(j) "Applicant" means any person who submits a candidate method to the Administrator for an equivalent or reference method determination.

(k) "Ultimate Purchaser" means the first person who purchases, for purposes other than resale, an ambient air monitoring method which has been determined by the Administrator to be an equivalent or reference method.

§ 53.2 Applicability.

The provisions of this part apply to any applicant who requests a determination that a candidate method is an equivalent method or a reference method.

§ 53.3 Request for equivalent or reference method determinations.

All data and information required shall be submitted in triplicate to:

Director, Quality Assurance and Environmental Monitoring Laboratory
United States Environmental Protection Agency
National Environmental Research Center
Research Triangle Park, North Carolina 27711

§ 53.4 General requirements for an equivalent method determination.

(a) Automated methods: The requirements for performance specifications (Subpart B) and for consistent relationship (Subpart C) shall be satisfied to establish equivalence of automated methods for monitoring sulfur dioxide, carbon monoxide, and photochemical oxidants.

(b) Manual methods: Candidate methods which are manual methods shall satisfy the requirements for consistent relationship as specified in subpart C.

(c) Test data and information required to be submitted:

(1) Data on appropriate performance specifications as defined in § 53.20(d) (Table B-1) which relate to the pollutants which the candidate method is designed to measure shall be submitted. All data for each performance specification shall be acquired by the procedures described in subpart B.

(2) Data on the simultaneous "side-by-side" determinations of pollutant concentrations by the candidate method and the reference method shall be submitted. The test procedures described in subpart C shall be followed.

(d) Descriptive information and sworn statements to be submitted:

(1) A detailed description of the candidate method including but not limited to measurement principle, manufacturer, name, model number, a listing of the components, and schematic diagrams, shall be submitted.

(2) A detailed description of the quality control program utilized to assure that all measurement systems that are or that will be made available have the same performance characteristics as the candidate method tested shall be submitted.

(3) A comprehensive description defining calibration and operational procedures which the manufacturer prescribes for field use of the candidate method shall be submitted.

(4) A statement that the candidate method described in accordance with paragraph (d)(3) and/or paragraph (e) of this section is representative of the measurement systems tested, shall be submitted.

(5) A statement that the candidate method has been tested in accordance with the procedures described in subpart B and/or subpart C, as applicable, shall be submitted.

(e) Operation manual: A manual which fully describes how a candidate method and the instruments utilized as part of that method should be operated, shall be submitted. This manual may be utilized to satisfy the requirements of paragraphs (d) (1) and (3) of this section. Any manual which does not provide the information and data required by paragraphs (d) (1) and (3) of this section shall be supplemented as necessary. Candidate methods determined to be equivalent methods shall be accompanied by such manual when delivered to the ultimate purchaser.

(f) Durability of automated methods:

(1) Approved automated methods shall function within the limits of the performance specifications listed at § 53.20 (d) for at least one year after installation in the field, when properly maintained and operated.

(2) If the Administrator determines that a representative sample of a manufacturer's approved automated method fails to perform as required by paragraph (f)(1) of this section, such manufacturer's equivalency determination shall be cancelled in accordance with § 53.10 of this part.

§ 53.5 General requirements for a reference method determination.

(a) Utilization of the reference principle and calibration procedures: All candidate methods submitted for a reference method determination shall utilize the appropriate reference principle and calibration procedures as described in the appendices to part 50 of this chapter.

(b) Automated methods: All candidate automated methods shall comply with the requirements of subpart B of this part.

(c) Descriptive information and sworn statements to be submitted:

(1) A detailed description of the candidate method including measurement principle, manufacturer, name, model number and other forms of identification, including but not limited to a listing of the components and schematic diagrams, shall be submitted.

(2) A detailed description of the quality control program utilized to assure that all measurement systems that are or will be made available have the same performance characteristics as the candidate method tested, shall be submitted.

(3) A comprehensive description defining the calibration and testing procedures which have been followed for the candidate method, shall be submitted.

(4) A statement that the candidate method described in accordance with paragraph (c)(1) of this section is representative of the measurement system tested, shall be submitted.

(5) A statement that the candidate method has been tested in accordance with the procedures described in subpart B of these regulations and Part 50 of this chapter, shall be submitted.

(d) Operation manual. A manual which describes how a candidate method and the instruments utilized as part of that method should be operated shall be submitted. This manual may be utilized to satisfy the requirements of paragraphs (c) (1) and (3) of this section. Any manual which does not provide the information and data required by paragraphs (c) (1) and (3) shall be supplemented as necessary. Candidate methods determined to be reference methods shall be accompanied by such manual when delivered to the ultimate purchaser.

(e) Durability of automated reference methods:

(1) Approved automated methods shall function within the limits of the

performance specifications listed at § 53.20(d) for at least one year after installation in the field, when properly maintained and operated.

(2) If the Administrator determines that a representative sample of a manufacturer's approved automated method fails to perform as required by paragraph (e)(1) of this section, such manufacturer's reference method determination shall be canceled in accordance with § 53.10.

§ 53.6 Procedures for equivalent and reference method determinations.

Upon receipt of the data and information specified in this part, the Administrator will review the submission and, within 60 calendar days, take one or more of the following actions:

(a) Notify the applicant that his method has been determined to be an equivalent or reference method;

(b) Notify the applicant that his request for an equivalent or reference method determination has been rejected, including a statement of reasons for rejection;

(c) Notify the applicant that his submission is incomplete and request the additional information that is needed (incomplete submissions will not start the 60-day period that will be utilized by the Administrator to determine if the candidate method is an equivalent or reference method);

(d) Notify the applicant that additional tests will be conducted by the Administrator, specifying the reasons for the additional tests (the 60-day period will commence one calendar day after the additional tests have been completed).

§ 53.7 Right of entry; tests and inspections.

Any request for an equivalent or reference method determination shall constitute consent for the Administrator or his authorized representative, upon presentation of appropriate credentials, to enter at reasonable times any premises used to construct, modify, operate or test the applicant's instrument(s) for which an equivalent or reference method determination is sought, for the purpose of making inspections and conducting tests to assist in making equivalent or reference method determinations, and to determine compliance with this part.

§ 53.8 Publication of equivalent and reference methods.

Candidate methods which satisfy the criteria of this part will be designated as equivalent or reference methods and such designation will be published in the FEDERAL REGISTER not later than 60 days after the completed submission, or if additional tests have been conducted pursuant to § 53.6(d), 60 calendar days after the completion of such tests.

§ 53.9 Appeal.

Any applicant whose request for an equivalent or reference method determination has been rejected, may appeal the Administrator's decision as follows: (a) The applicant may submit another request for the appropriate determination, (b) the applicant may request the Administrator to reconsider the data and information already submitted, (c) the applicant may request that the Administrator repeat any test which he conducted that was a material factor in his decision to reject the method. A representative of the manufacturer may be present during the performance of any such retest.

§ 53.10 Cancellation of an equivalent or reference method determination.

If the Administrator makes a preliminary finding on the basis of evidence and data available to him that a representative sample of a method designated as an equivalent or reference method does not fully satisfy the requirements of this part, he shall cancel his determination for that method in accordance with the following procedures.

(a) *Notification and opportunity to make necessary adjustments.* (1) The manufacturer shall be notified in writing of the evidence and data which the Administrator has found to warrant cancellation.

(2) Within 60 days following receipt of notification, the manufacturer shall demonstrate to the Administrator's satisfaction that the method in question satisfies the requirements of this part or commence making the adjustments necessary to bring the method into compliance. If adjustments are required, all instruments (methods) needing the adjustments shall be adjusted within a reasonable time, as determined by the Administrator.

(b) *Request for a hearing.* Within 60 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's preliminary finding. The request shall be in writing, signed by an authorized representative of the manufacturer, and shall include a statement specifying the manufacturer's objections to the Administrator's finding, and data in support of such objectons. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 53.11 with respect to such issue.

(c) *Publication of cancellation.* If, at the end of the 60-day period the Administrator determines that the approval of the method should be canceled, he shall publish a notice of cancellation in the FEDERAL REGISTER. If a hearing has been requested and granted in accordance with § 53.10, a cancellation notice will not be published until the hearing proceedings have been completed including any administrative review and unless the Agency's determination to cancel has been sustained by the Administrator.

§ 53.11 Hearings on cancellation.

(a)(1) After granting a request for hearing under § 53.10, the Administrator will designate a presiding officer for the hearing.

(2) The General Counsel or his representative will represent the Environmental Protection Agency in any hearing under this section.

(3) If a time and place for the hearing have not been fixed by the Administrator pursuant to § 53.10, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the presiding officer.

(b)(1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under § 53.10, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and correspondence and other material data relevant to the hearing.

(2) The hearing file will be available for inspection by the manufatcurer or its representative at the office of the Presiding Officer.

(c) The manufacturer of the method in question may be represented by counsel or by any other duly authorized representative.

(d)(1) The Presiding Officer upon the request of any party, or in his discretion, may arrange for a prehearing conference at a time and place specified by him to consider the following:

(i) Simplification of the issues;

(ii) Stipulations, admissions of fact, and the introduction of documents;

(iii) Limitation of the number of expert witnesses;

(iv) Possibility of agreement disposing of all or any of the issues in dispute;

(v) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(2) The results of the conference shall be reduced to writing by the Presiding Officer and made part of the record.

(e)(1) Hearings shall be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to exclusion by the Presiding Officer of irrelevant, immaterial, or repetitious evidence.

(2) Witnesses shall be placed under oath.

(3) Any witness may be examined or cross-examined by the Presiding Officer, the parties or their representatives. The Presiding Officer may, in his discretion, limit cross-examination to relevant and material issues.

(4) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased by the manufacturer from the reporter.

(5) All written statements, charts, tabulations, and data offered in evidence at the hearing shall, upon a showing satisfactory to the Presiding Officer of their authenticity, relevancy, and materiality, be received in evidence and shall constitute part of the record.

(6) Oral argument shall be permitted. The Presiding Officer may limit oral presentations to relevant and material

issues and designate the amount of time allowed for oral argument.

(f) (1) The Presiding Officer shall make an initial decision which shall include written findings and conclusions and the reasons therefor on all the material issues of fact, law, or discretion presented on the record. The findings, conclusions, and written decision shall be provided to the parties and made part of the record. The initial decision shall become the decision of the Administrator without further proceedings unless there is an appeal to the Administrator or motion for review by the Administrator within 20 calendar days of the date the initial decision was filed.

(2) On appeal from or review of the initial decision the Administrator shall have all the powers which he would have in making the initial decision including the discretion to require or allow briefs, oral argument, the taking of additional evidence or the remanding to the Presiding Officer for additional proceedings. The decision by the Administrator shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the appeal or considered in the review.

§ 53.12 Modification of an equivalent method.

After a method has been designated equivalent, any modification made to the method, including but not limited to design, construction, and operational and maintenance procedures shall be reported to the Administrator within 15 calendar days of such modification. If the Administrator makes a preliminary finding that, as modified, the method does not satisfy the requirements of this part, he will notify the applicant, within 30 calendar days from date of the report of his intention to cancel the designation in accordance with § 53.10. If the Administrator determines that additional tests are needed to enable him to determine whether to continue the designation in effect, he shall so notify the applicant within 15 calendar days of the report.

§ 53.13 Modification of a reference method.

After a candidate method has been designated a reference method (automated or manual), any modification to the method, including but not limited to, design and construction, and operational and maintenance procedures shall be reported to the Administrator within 15 calendar days of such modification. Any modification of the construction or design of the method shall be cause for cancellation of the Administrator's designation in accordance with § 53.10. Any modification of the operational and maintenance procedures may be cause for cancellation of the Administrator's designation in accordance with § 53.10.

§ 53.14 Trade secrets and confidential and privileged information.

Any information submitted by an applicant for which a claim of trade secrecy and/or confidential and privileged status is made shall be clearly identified. Any information for which such a claim is made will be handled in accordance with the Agency's regulations on Public Information, which appear at Part 2 of this chapter.

Subpart B—Test Procedures for Measuring Performance Characteristics

§ 53.20 General provisions.

(a) Test procedures applicable to candidate methods and reference methods which are automated methods for developing observations on Interference, Lower Detectable Limit, Precision, Rise Time, Fall Time, Zero Drift, Span Drift, Lag Time, and Noise are described in this subpart. Measurement systems must be operated in the range specified in Table B-1 of paragraph (d) of this section during conduct of these tests.

(b) All recorder chart tracings, test data and other documentation obtained for the purpose of these tests shall be identified, dated and signed by the analyst performing the test, and submitted.

(c) Performance specifications are delineated in paragraph (d) of this section. For each performance specification, an initial series of seven tests shall be conducted. The results of these tests shall be interpreted as follows:

(1) If the instrument passes all seven (7) tests for a given performance specification, pass the instrument for that specification.

(2) If the instrument fails three (3) or more of the seven tests for a given performance specification, reject the instrument for that specification.

(3) If the instrument fails one or two of the initial series of seven tests for a given performance specification, conduct a second series of eight tests for that performance specification. If the number of test results failing that performance specification in the combined total of 15 test results is:

(i) One or two, pass the instrument for that specification.

(ii) Three or more, reject the instrument for that specification.

(d) PERFORMANCE SPECIFICATIONS FOR AUTOMATED METHODS: TABLE B-1

	Units [a]	SO_2	O_3	CO
1. Range [c]	P.p.m.	0-0.5	0-0.5	0-50
2. Noise	P.p.m.	.005	.005	.50
3. Lower detectable limit	P.p.m.	.01	.01	1.0
4. Interference equivalent:				
Each interferent	P.p.m.	+0.02	+0.02	+1.0
Total interferent	P.p.m.	−0.06	−0.06	−1.5
5. Zero drift:				
12 hour [d]	P.p.m.	±0.02	±0.02	±1.0
24 hour	P.p.m.	±0.02	±0.02	±1.0
6. Span drift	P.p.m.	±0.02	±0.02	±1.0
7. Lag time	Min.	20	20	10
8. Rise time, 95 percent	Min.	15	15	5
9. Fall time, 95 percent	Min.	15	15	5
10. Precision:				
20 percent of upper range limit	P.p.m.	.02	.02	1.0
80 percent of upper range limit	P.p.m.	.03	.02	1.0

[a] To convert from ppm to μg/m3 at 25° C and 760 mm, multiply by M/0.02447 where M is the molecular weight of the gas.

[b] No performance test required. All other performance specifications are tested on instrument operating in the range specified.

[c] Determined by measuring zero air continuously for 12 hours.

§ 53.21 Test procedures for automated methods.

(a) Generation of test atmospheres: Methods to be used for generation of test atmospheres and for verification of the resulting concentrations are given in Table B-2 of this paragraph. The test gas delivery system shall be designed and constructed so as not to alter the test gas composition in any way during the period of the test. The delivery system shall be fabricated from borosilicate glass or FEP Teflon. All diluent air shall be free from contamination. The temperature surrounding the gas generation system shall be controlled within ±2° C. The output of the gas generation system shall be stable to permit valid results of the required test. If a permeation device is employed during generation of the test atmosphere, the permeation device as well as the air passing over the device shall be controlled to ±0.1° C. Samples for verifying test concentrations shall be collected utilizing the same delivery system as close as possible to the sample intake port of the automated method under test. The concentration of each test atmosphere shall be verified by analysis of duplicate samples before and after each series of tests. Schematic drawings and complete procedural details of the test gas generation and delivery system shall be provided.

(b) TEST ATMOSPHERES: TABLE B-2 (REFERENCES LISTED AT END OF TABLE)

Test gas	Generation	Verification
1. Ammonia	Permeation tube system. Similar procedure to that described in reference 4.	Collect samples in bubbler containing 0.1N HCl. Analyze samples by the Phenate method, p. 232, reference 1.
2. Carbon dioxide	Cylinder of zero air containing the concentration of CO_2 specified in Table B-3.	Certified analysis by manufacturer, vendor or independent laboratory.
3. Carbon monoxide	Cylinders of zero air containing the concentrations of CO specified in Table B-3.	Certified analysis by manufacturer, vendor or independent laboratory. Recertification required every 6 months.
4. Ethane	Cylinder * of zero air containing 10 p.p.m. ethane. Dilute with zero air to concentration specified in Table B-3.	Certified analysis by manufacturer, vendor or independent laboratory using flame ionization detector calibrated with methane.
5. Ethylene	Cylinder * of "prepurified" nitrogen containing 20 p.p.m. ethylene. Dilute with zero air to concentration specified in Table B-3.	Certified analysis by manufacturer, vendor or independent laboratory using flame ionization detector calibrated with methane. Recertification is required every 6 months.
6. Hydrogen chloride	Cylinder * of "prepurified" nitrogen containing 100 p.p.m. of gaseous HCl Dilute with zero air to concentration. specified in Table B-3.	Collect samples in bubbler containing distilled water. Analyze samples by the mercuric thiocyanate method, ASTM (D512), p. 29, reference 2.
7. Hydrogen sulfide	Permeation tube system, p. 426, reference 3.	Tentative method of analysis for H_2S content of the atmosphere, p. 426, reference 3.
8. Methane	Cylinder * of zero air containing the concentration of methane specified in Table B-3.	Certified analysis by manufacturer, vendor or independent laboratory using flame ionization detector calibrated with methane. Recertification is required every 6 months.
9. Nitric oxide	Cylinder * of "prepurified" nitrogen containing 100 p.p.m. NO. Dilute with zero air to concentration specified in Table B-3.	Tentative method of analysis for nitric oxide content of the atmosphere, p. 325, reference 3.
10. Nitrogen dioxide	1. Gas phase titration—description available from NERC-RTP. 2. Permeation tube system—procedure similar to that described in reference 4 and modified by NERC-RTP.	1. Reference 4, Appendix D; O_3 is titrated against NO which is equivalent to NO_2 formed. 2. Reference 3, page 329.
11. Ozone	Calibrated ozone generator. Procedure described in reference method for photochemical oxidant, reference 4.	KI method. Procedure described in reference method for photochemical oxidant, reference 4.
12. Sulfur dioxide	Permeation tube system. Procedure described in reference method for SO_2, reference 4.	P-rosaniline method. Procedure described in reference method for SO_2, reference 4.
13. Water	Pass zero air through distilled water at a fixed known temperature between 20° to 30° C such that the air stream becomes saturated. Dilute with zero air to concentration specified in Table B-3.	Measure relative humidity by means of a dew point indicator, calibrated electrolytic or piezoelectric hygrometer or wet/dry bulb thermometer.
14. Xylene	Cylinder * of "prepurified" nitrogen containing 100 p.p.m. xylene. Dilute with zero air to concentration specified in Table B-3.	Certified analysis by manufacturer, vendor or independent laboratory using flame ionization detector calibrated with methane.
15. Zero air	Air having a water content of less than 1,000 p.p.m., hydrocarbon content as methane of less than or equal to 0.1 p.p.m., carbon dioxide content of 350±30 p.p.m. and oxygen content of 21.0±0.5 percent.	Certified analysis by manufacturer, vendor, or independent laboratory using flame ionization detector calibrated with methane and infrared detector calibrated with carbon dioxide and by using appropriate analytical techniques for oxygen and water content.

* Use stainless steel pressure regulator dedicated to the pollutant measured.

Ref. 1—Standard Methods for Examination of Water and Waste Water, 13th Ed., American Public Health Association, 1015 18th Street NW., Washington, D.C.

Ref. 2—1970 Annual Book of ASTM Standards, Part 23, American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa.

Ref. 3—Methods of Air Sampling and Analysis, Intersociety Committee, 1972, American Public Health Association, 1015 18th Street NW., Washington, D.C.

Ref. 4—National Primary and Secondary Ambient Air Quality Standards, 40 CFR 50.

(c) Start-up, calibration, and safety requirements:

(1) Set-up and start-up of the instrument shall be in strict accordance with the instrument's instruction manual. Connect the output to a suitable strip chart recorder. (NOTE.—This requirement is not intended to limit data acquisition components. Other components may be used along with the recorder during conduct of these tests. It is intended only to facilitate evaluation of data submitted to EPA for the purpose of demonstrating that a candidate method is an equivalent or reference method.) The recorder shall be of the servo, null-balance type having a chart width of 10 inches or greater, response time of 1 second or less, at least 5 percent below zero or zero offset capability, and deadband of less than 0.25 percent of scale. Allow adequate warm-up or stabilization time as indicated in the instruction manual.

(2) Calibration of the instrument shall be as indicated by the instrument's operation manual. A dynamic calibration curve which has at least 7 identifiable points including 0 and 90 percent of scale shall be submitted. If the chart recorder does not have below zero capability, a 5 percent offset zero shall be employed. The calibration curve shall include a plot of pollutant concentration against chart division or percent of scale and against instrument output in terms of volts or millivolts.

(3) Normal instrument operations or failures shall not generate or present any hazards or hazardous conditions to operators or environment or discharge any hazardous or detrimental effluent gas. Instruments shall include safety devices to prevent hazards or damage to the internal components or performance of the instrument.

§ 53.22 Procedures for measuring performance specifications.

(a) *Range*—(1) *Technical definition.* Nominal minimum and maximum concentrations which the system shall be capable of measuring. The nominal range which shall be used during conduct of all tests is specified in units of parts-per-million by volume in Table B-1 of § 53.20 (d). Pollutant concentration at the lower and upper scale limits are specified, as for example: 0 to 1 ppm.

(2) *Test procedure.* No test procedure is required.

(b) *Noise*—(1) *Technical definition.* Spontaneous, short duration deviations in the instrument output about the mean output, which are not caused by input concentration changes. Noise is determined as the standard deviation about the mean and expressed in concentration units given in Table B-1 of § 53.20(d).

(2) *Test procedure.* (i) Allow sufficient time for instrument warm-up and stabilization. Noise is determined using both zero air and a pollutant test gas concentration as indicated below.

(ii) Recheck strip chart recorder to vertify and demonstrate that recorder deadband is less than 0.25 percent of full scale.

(iii) For this test, it is necessary to disconnect the strip chart recorder from the instrument output, and use instead an integrating type Digital Volt Meter (DVM) accurate to three significant figures on the instrument output. The strip chart tracings shall be submitted along with the DVM readings.

(iv) Sample zero air for 60 minutes.

(v) During this 60-minute interval, record twenty-five (25) random DVM readings.

(vi) Calculate the noise from the 25 DVM readings using the following equations.

(vii) If $k_1, k_2 * * * k_{25}$ are the individual DVM readings, the mean is determined by

$$\overline{k}=\frac{\Sigma k_i}{25}$$

Deviations about the mean are,

$$d_i=k_i-\overline{K}$$

and the standard deviation (noise) is,

$$S=\frac{\Sigma(d_i)^2}{24}$$

Convert d_i and S to concentration in ppm by reference to the previously determined calibration curve for the instrument.

(viii) Repeat steps (iv) through (vii) using a pollutant test gas concentration producing an output of 80±5 percent of the specified upper range limit.

(c) *Lower detectable limit*—(1) *Technical definition.* The minimum pollutant concentration which produces a signal of twice the noise level.

(2) *Test procedure.* (i) Allow sufficient time for warm-up and stabilization. Sample zero concentration and allow for stable reading to establish zero baseline.

(ii) Generate and sample a test atmosphere equal to the value for the lower detectable limit given in the performance specifications [Table B-1, § 53.20 (d)].

(iii) Record instrument reading. An instrument reading of at least twice the noise level previously determined at 0 ppm is necessary to satisfy the requirement for lower detectable limit sensitivity.

(d) *Interference equivalent*—(1) *Technical definition.* Positive or negative output caused by a substance other than the one being measured.

(2) *Test procedure.* The candidate instrument shall be tested for all interferents specified in Table B-3 of paragraph (e) of this section for the pollutant of interest. The basis for the test is that each candidate method is challenged with those interfering agents known or suspected to cause interference. An interferent may be either positive or negative, depending on whether the instrument's output is increased or decreased by the presence of the interferent. Interference tests are performed by mixing each interferent with the pollutant concentrations specified in Table B-3 of paragraph (e) of this section and comparing the instrument's output to the output caused by the pollutant alone. Known gas phase reactions that occur between the interferent and the pollutant are designated in Table B-3. In these cases, the interfering response shall be determined in the absence of the pollutant.

(i) Allow sufficient time for warm-up and stabilization.

(ii) For instruments using a prefilter or scrubber based on a chemical reaction to derive part of its specificity, and that requires periodic service or maintenance, the instrument shall be "conditioned" prior to each interference test as follows:

(*a*) Service or perform the indicated maintenance on the scrubber or prefilter as directed in the manual.

(*b*) Before testing for each interferent, allow the instrument to sample through the scrubber a test atmosphere containing the interferent at a concentration equal to the value specified in Table B-3 of paragraph (e) of this section. Sampling shall be at the normal flow rate and shall be performed for 6 continuous hours prior to testing.

(iii) Three test atmospheres shall be generated as follows:

(*a*) Test atmosphere X: Specified pollutant concentration.

(*b*) Test atmosphere Y: Specified interferent concentration.

(*c*) Test atmosphere Z: Zero air interferent concentration.

(iv) Adjust the individual flow rates and the pollutant or interferent generators for the three test atmospheres as follows:

(*a*) The flow rates of test atmospheres Y and Z shall be equal.

(*b*) The concentration of pollutant in test atmosphere X shall be adjusted such that when mixed (diluted) with either test atmosphere Y or Z, the resulting concentration of pollutant shall be as specified in Table B-3 of paragraph (e) of this section.

(*c*) The concentration of interferent in test atmosphere Z shall be adjusted such that when mixed (diluted) with test atmosphere X, the resulting concentration of interferent shall be equal to the value specified in Table B-3 of paragraph (e) of this section.

(v) Mix test atmospheres X and Y by passing the total flow of both through a mixing flask.

(vi) Sample and measure the mixture of test atmospheres X and Y. Allow for a stable reading, and record the reading in concentration units.

(vii) Mix test atmospheres X and Z by passing the total flow of both atmospheres through a mixing flask.

(viii) Sample and measure a mixture of test atmosphere X and Z. Allow for a stable reading, and record the reading in concentration units.

(ix) Calculate the interference as the second reading minus the first reading.

(x) Repeat steps (iii) through (ix), in turn, for each interferent.

(xi) For those interferents which cannot be mixed with the pollutant, as indicated in Table B-3 of paragraph (e) of this section adjust the concentration of the interferent in the test atmosphere to the specified value without being mixed or diluted by any other test atmospheres.

(xii) Sample and measure the interferent test atmosphere and allow for a stable reading.

(xiii) Record this reading, in positive or negative concentration units, as the interference equivalent.

(xiv) The sum of the absolute values of the individual interferences shall not exceed the value given in performance specifications [Table B-1 of § 53.20(d)] for the total interference. (NOTE.—Specifications for total interferent are not intended to indicate allowable measurement inaccuracy at the levels of air quality standards. The allowable interferent response stated in the performance specifications results from challenging the measurement system with maximal concentration of potential interferents. If ambient air contained the combined concentration of challenging agents specified for the purpose of these tests, it is most likely that the concentration of the pollutant of interest as reported by the measurement system would far exceed the air quality standard.)

(e) INTERFERENT TEST CONCENTRATION FOR AUTOMATED METHODS IN PARTS PER MILLION [a]: TABLE B-3

Pollutant	Measuring principle	Hydrochloric acid	Ammonia	Hydrogen sulfide	Sulfur dioxide	Nitrogen dioxide	Nitric oxide	Carbon dioxide	Ethylene	Ozone	m-Xylene	Water vapor	Carbon monoxide	Methane	Ethane
SO_2	Flame photometric-(FPD).			0.1	[a] 0.14			750				[b] 25,000	50		
SO_2	Gas chromatography-(FPD).			0.1	[a] 0.14			750				[b] 25,000	50		
SO_2	Spectrophotometric-wet chemical (pararosaniline reaction).	0.2	[b] 0.1	0.1	[a] 0.14	0.5		750		0.5					
SO_2	Electrochemical	0.2	[b] 0.1	0.1	[a] 0.14	0.5	0.5		0.2	0.5		[b] 25,000			
SO_2	Conductivity	0.2	[b] 0.1		[a] 0.14	0.5		750							
SO_2	Spectrophotometric-gas phase.				[a] 0.14	0.5	0.5			0.5	0.2				
O_3	Chemiluminescent (other than ref. method).			[b] 0.1				750		[a] 0.03		[b] 25,000			
O_3	Electrochemical		[b] 0.1		0.5	0.5				[a] 0.03		[b] 25,000			
O_3	Spectrophotometric-wet chemical (potassium iodide reaction).		[b] 0.1		0.5	0.5	[b] 0.5			[a] 0.03					
O_3	Spectrophotometric-gas phase.				0.5	0.5	[b] 0.5			[a] 0.03					
NO_2	Chemiluminescent		[b] 0.1		0.5	[a] 0.1	0.5					[b] 25,000			
NO_2	Spectrophotometric-wet chemical (azo-dye reaction).				0.5	[a] 0.1	0.5			0.5					
NO_2	Electrochemical				0.5	[a] 0.1	0.5			0.5		[b] 25,000	50		
NO_2	Spectrophotometric-gas phase.				0.5	[a] 0.1	0.5				0.2				

Pollutant	Measuring principle	Hydrochloric acid	Ammonia	Hydrogen sulfide	Sulfur dioxide	Nitrogen dioxide	Nitric oxide	Carbon dioxide	Ethylene	Ozone	m-Xylene	Water vapor	Carbon monoxide	Methane	Ethane
CO	IR (other than reference method).							750				23,000	[c]10		
CO	Gas chromatography-FID.											23,000	[c]10		0.5
CO	Electrochemical						0.5		0.2			23,000	[c]10		
CO	Catalytic combustion-thermal detection.		0.1					750	0.2			23,000	[c]10	5.0	0.5
CO	IR fluorescence							750				23,000	[c]10		0.5
CO	Mercury replacement-UV photometric.								0.2				[c]10		0.5
THC/CH_4	Catalytic combustion-FID.								0.2			23,000	50	[c]2.0	0.5

[a] Concentrations of interferent listed must be prepared to ±20 percent of stated value and controlled to ±10 percent.
[b] Do not mix with pollutant.
[c] Concentration of pollutant used for test. These pollutant concentrations must be prepared to ±10 percent of stated value and controlled to ±5 percent.

(f) Test procedures for zero drift, span drift, precision, rise time, fall time, lag time:

(1) Determination of these response elements shall be accomplished over a period of at least seven days. During the test, manual adjustments to the electronics, gas or reagent flows shall be permitted only once every three days. Automatic adjustments which are a part of the normal instrument operations are permitted at any time. A sampling plan is given in Table B-4 of paragraph (g) of this section.

(2) Technical definition of zero drift: The change in instrument output over a stated time period of unadjusted continuous operation, when the input concentration of pollutant is zero.

(3) Technical definition of span drift: The change in instrument output over a stated time period of unadjusted continuous operation, when the input pollutant concentration is a stated upscale value.

(4) Test procedure for zero and span drift:

(i) Allow sufficient time for instrument to warm up and stabilize.

(ii) Sample zero air until a stable reading is obtained, and adjust baseline to 5 percent of chart. Instrument is operated at normal line voltage and normal room temperature (normal temperature range is between 20–30° C; normal line voltage range is between 105–125 volts).

(iii) Sample test atmosphere of pollutant concentration equal to 80±5 percent of the upper range limit. Adjust span control as necessary.

(iv) Sample test atmosphere of pollutant concentration equal to 20±5 percent of the upper range limit and record the output.

(v) Hereafter, no manual adjustments shall be made to the instrument, except as indicated in the test plan, and then only *after* the zero and span readings have been recorded for that day. Allow the instrument to sample ambient air or perform other tests during idle periods.

(vi) Sample test atmosphere of pollutant concentrations of 0, 20, and 80 percent of the upper range limit each day, 24 hours after the previous day's readings. These test concentrations shall be consistent from day to day. Allow sufficient time for stabilization of zero and span output and record the readings in concentration units. Subtract each day's readings from the previous day's respective readings to obtain the zero and span drift for that day.

(vii) Sample and measure zero air continuously for at least 12 hours each day. Determine the minimum and maximum readings during this period of 12 consecutive hours and record the "peak-to-peak" difference, regardless of sign in concentration units, as the 12-hour drift.

(viii) At the beginning of the next 12-hour continuous zero air test, change the line voltage and room temperature to the value given in test plan.

(ix) On the 4th, 7th, 10th, and 13th days as indicated in the test plan, the instrument may be serviced and adjusted after the readings are obtained.

(x) On the 8th day, the test results shall be examined to determine if further testing is required.

(xi) This test shall be conducted either in an uninterrupted period of seven or fifteen days, or periods of three consecutive days during which no adjustments shall be permitted. For example, if the test is interrupted by weekends, it may be performed in three-day periods where adjustments are made on Monday and readings are taken on Tuesday, Wednesday, and Thursday.

(5) Lag time:

(i) Technical definition: The time interval between a step change in input concentration at the instrument inlet to the first observable corresponding change in instrument output.

(ii) Test procedure:

(*a*) Sample zero air until a stable reading is obtained.

(*b*) Switch to the test atmosphere used in paragraph (f)(4)(iv) while simultaneously starting a stopwatch.

(*c*) Observe the instrument output and stop the stopwatch immediately when the first observable change occurs due to the step concentration change in the output.

(*d*) Record the elapsed time.

(6) Rise time:

(i) Technical definition: The time interval between initial response and 95 percent of final response after a step increase in input concentration.

(ii) Test procedure:

(*a*) Sample zero air until stable reading is obtained.

(*b*) Sample a concentration of 80±5 percent of the upper range limit, and obtain a stable reading.

(*c*) Calculate 95 percent of the reading obtained in paragraph (f)(6)(ii)(b) of this section.

(*d*) Repeat paragraph (f)(6)(ii)(a) of this section.

(*e*) Sample the same concentration as in paragraph (*b*) and use a stopwatch to time the interval starting with the first observable instrument output response, and ending when the response equals the reading calculated in paragraph (f)(6)(ii)(c) of this section.

(*f*) Record the elapsed time.

(7) Fall time:

(i) Technical definition: The time interval between initial response and 95 percent of final response after a step decrease in input concentration.

(ii) Test procedure:

(*a*) Sample a concentration of 80±5 percent of the upper range limit, and obtain a stable reading.

(*b*) Sample zero air and use a stopwatch to time the interval starting with the first observable instrument output response, due to the step change and ending when the response equals 5 percent of the upper range limit, corrected for zero baseline drift based on the zero reading obtained in § 53.22(f)(6) (Rise Time), step (ii)(*a*).

(*c*) Record the elapsed time.

(*d*) Repeat steps (*a*), (*b*), and (*c*).

(8) Precision:

(i) Technical definition: Variation about the mean of repeated measurements of the same concentration. This variation is expressed as one standard deviation about a mean.

(ii) Test procedure:

(*a*) Allow sufficient time for instrument warm-up and stabilization.

(*b*) Sample and measure zero air until a stable reading is obtained. Do not record.

(*c*) Sample a pollutant concentration of 20±5 percent of the upper range limit and obtain a stable reading. Convert to concentration units and record value.

(*d*) Sample a pollutant concentration at least 50 percent higher (30 percent

of full scale) than in (c) above until a stable reading is obtained. Do not record.

(e) Quickly switch to the pollutant concentration used in (c). Record the reading.

(f) Repeat steps (b) through (e) two additional times.

(g) Calculate and report the mean and standard deviation for these six values.

(h) Repeat step (b).

(i) Sample a pollutant concentration of 80±5 percent of the upper range limit and obtain a stable reading. Convert to concentration units and record value.

(j) Sample a pollutant concentration 20 percent higher than in paragraph (f) (8) (i) of this section. But not to exceed 97 percent of full scale.

(k) Quickly switch to the pollutant concentration used in (j). Record the reading.

(l) Repeat steps (i) through (k) two additional times.

(m) Calculate and report the mean and standard deviation for these six values.

(g) ZERO AND SPAN DRIFT TEST PLAN [a]: TABLE B-4

Day	Morning	Line voltage	Room temperature, °C.	Afternoon	Night (12 hrs. minimum)
1	Adjust zero and span	125	20	Other tests not requiring adjustments to the instrument may be performed. See test procedures for rise time, fall time, lag time, and precision.[a]	Adjust line voltage and room temperature to values given at right (c), (d). Sample zero air continuously.
2	Sample and read 0, span 1 and span 2.	105	20		
3	Sample and read 0, span 1 and span 2.	125	30		
4	Sample and read 0, span 1 and span 2; adjustments may be made to the instrument, if necessary, after readings are taken.	105	30		
5	Sample and read 0, span 1 and span 2.	125	20		
6	Sample and read 0, span 1 and span 2.	105	20		
7	Sample and read 0, span 1 and span 2; instrument adjustments permitted after readings are taken.	125	30		
8	Sample and read 0, span 1 and span 2[b].	105	30		
9	Sample and read 0, span 1 and span 2.	125	20		
10	Sample and read 0, span 1, span 2; adjustments permitted after readings are taken.	105	20		
11	Sample and read 0, span 1 and span 2.	125	30		
12	Sample and read 0, span 1 and span 2.	105	30		
13	Sample and read 0, span 1, span 2; adjustments permitted after readings are taken.	125	20		
14	Sample and read 0, span 1 and span 2.	105	20		
15	Sample and read 0, span 1 and span 2.	125	30		
16	End of test				

[a] These tests shall be run only once each day. Tests shall also be run either on consecutive days with adjustment permitted every three days or in increments of three consecutive days during which adjustments to the instrumen are not permitted.
[b] At this time examine test results to determine if further tests are required.
[c] Voltage specified shall be controlled to ± 1 volt.
[d] Temperature specified shall be controlled to ±1° C.

Subpart C—Test Procedures for Demonstrating a Consistent Relationship Between Candidate Methods and Reference Methods

§ 53.30 General provisions.

(a) *Selection of test sites.* The exact location of the sampling sites is left to the discretion of the manufacturer; the sampling sites shall be located in areas of expectant maximum pollutant concentrations. It is expected that reference and equivalent methods are applicable to all ambient air environments which are likely to be encountered. The Administrator retains the discretion to select sampling sites for tests he determines necessary to conduct.

(b) *Test atmosphere.* Unaltered ambient air shall be used for the test. However, when necessary the ambient air may be spiked using a pollutant generator. The ambient air sample shall not be altered in any way except by spiking to bring the pollutant level up to specified test concentrations and/or by addition of potential interfering substances normally found in ambient air. The intake and distribution manifold shall be designed so as not to remove particles or trace gases and insure that identical samples reach the reference and candidate sampling instruments. When spiking is used, at least 60 percent of the sample admitted to the instrument shall be ambient air and the remainder can originate from the pollutant generator. Schematic drawings and complete procedural details of the test system shall be provided.

(c) *Simultaneous sampling.* The party shall conduct simultaneous sampling of the test atmosphere by both the reference and candidate methods. All recorder chart tracings and other documentation resulting from conduct of tests shall be identified and submitted along with test data.

(d) *Operation of measurement systems.* Measurement systems shall be operated in the range specified at § 53.20 (d) (Table B-1).

(e) *Demonstration of consistent relationship.* A consistent relationship is demonstrated when the difference in results between candidate method and reference method meet the tolerance values specified in this subpart.

§ 53.31 Test procedure for oxidant methods.

(a) Calibration:

(1) Calibrate the reference instrumental method prior to conducting the tests in accordance with procedures specified in the appropriate appendix to 40 CFR Part 50.

(2) Calibration of the candidate instrument shall be done in accordance with a method specified by the manufacturer.

(3) Calibration data, procedures, and calculations for both the reference and candidate methods shall be submitted.

NOTE.—Calibrations shall be permitted only once every 72 hours (operational period) for both methods. Manual adjustment to the instruments shall not be permissible during the stated operational period. Control samples shall be introduced to both the reference and candidate instruments or operational checks shall be performed during an operational period.

(4) Both the reference and candidate instruments shall be operated continuously during an operational period.

(b) Ambient air tests:

(1) Tests over 1-hour averaging times shall be conducted at three ambient air or spiked ambient air oxidant concentration ranges: 0.06–1.1 ppm, 0.15–0.25 ppm, and 0.35–0.45 ppm. Hourly average oxidant concentration as measured by the reference method shall fall within the range specified. The hourly average shall be based upon integration of the output signal over the entire hourly span.

(2) Description of the methods used to obtain hourly averages shall be submitted.

(3) The following tests shall be performed. Table C-1 of § 53.31 paragraph (c) delineates the number of measurements needed for each of the concentration ranges and their respective tolerances. It indicates that the total sample size for the first sample set is 14 and the allowable number of times that specifications can be exceeded is 0. Similarly, the size of the second sample set, if required, is 18 and the allowable number of times that specifications can be exceeded for the combined total of both samples (32) is 2.

(c) TEST SPECIFICATIONS FOR OXIDANT AND CARBON MONOXIDE: TABLE C-1

Pollutant range (p.p.m.)	Tolerance, i.e. allowance differences between Cand. and Ref. methods (p.p.m.)	Sample size	
		1st Sample	2d Sample
Oxidant:			
1. Low 0.06-0.10	≤0.02	5	6
2. Med. 0.15-0.25	≤0.03	5	6
3. High 0.035-0.45	≤0.04	4	6
Totals		14	18
Carbon monoxide:			
1. Low 7-11	≤1.5	5	6
2. Med. 20-30	≤2.0	5	6
3. High 35-45	≤3.0	4	6
Totals		14	18

Allowable number of differences which can exceed tolerance specifications for each pollutant.

(d) Sampling procedure: Data shall be collected according to a stratified sampling plan. Sampling shall be conducted in sets of three ranges. Within each set sampling without replacement shall occur. For example, if the first range selected is low, then the next one is either medium or high. Once the second range is selected, the third one is automatically determined. In the above example the first one is low, if the second is high, then the third must be medium. This completes the first set of three. In starting the second set of three, the fourth range cannot be the same as the third. So if the third range was medium, then the fourth shall be either low or high. This begins the second set of three ranges. If the fourth range was high, then the fifth can be either medium or low. Thus, once the fifth range has been selected, the sixth range is determined. This procedure is followed to obtain a sample size of 14 for the first sample and a sample size of 18 for the second sample, if needed. As an additional constraint on the sampling plan, at least 3 and no more than 6 samples per day shall be collected in each of three successive days. A sampling plan is specified in § 53.31(e) (Table C-2). Table C-2 shall be used to select either plan 1, 2, or 3 for a sample size of 14 and if an additional sample of 18 is required, then either plan 4, 5, or 6 shall be used.

(e) SAMPLING PLANS FOR POLLUTANT TEST SPECIFICATIONS: TABLE C-2

For sample size of 14	Time requirement falls between 5 and 10 days
Plan No. 1	HLM, LMH, MHL, MLH, LH.
Plan No. 2	LMH, LHM, LHM, HML, HL.
Plan No. 3	MHL, MHL, HML, MHL, HL.

For sample size of 18	Time requirement falls between 7 and 13 days
Plan No. 4	LMH, MHL, HML, MLH, LMH, MHL.
Plan No. 5	LHM, HML, MHL, MHL, MHL, MHL.
Plan No. 6	LMH, LHM, HLM, LMH, MLH, LHM.

NOTE: L=Low concentration range, M=Medium concentration range, H=High concentration range as specified in Table C-1 of §53.31(b) (3).

(f) Acceptance sampling plan necessary to perform the statistical tests:

(1) The first sample set shall consist of an initial set of 14 measurements. The results of these measurements shall be interpreted as follows:

(i) If the number of measurements from the series of 14 which fail the stated specification does not exceed zero, pass the instrument for consistent relationship.

(ii) If the number of measurements from the series of 14 which fail the stated specification is three or more, reject the instrument for consistent relationship.

(2) If 12 or 13 of measurements from the series of 14 pass the stated specification conduct a second set of 18 test measurements. If the number of measurements failing the consistent relationship test in the combined total of 32 test measurements is:

(i) One or two, pass the instrument for consistent relationship.

(ii) Three or more, reject the instrument for consistent relationship.

§ 53.32 Test procedure for carbon monoxide methods.

(a) Calibration:

(1) Calibrate the reference instrumental method prior to conducting the tests in accordance with procedures specified in the appropriate appendix to 49 CFR part 50.

(2) The candidate instrument shall be calibrated in accordance with the method specified by the manufacturer.

(3) The calibration data, procedures, and calculations for both the reference and candidate methods shall be submitted.

NOTE.—Calibrations shall be permitted only once every 72 hours (operational period) for both methods. Manual adjustments to the instruments shall not be permissible during the stated operational period. Zero and span tests shall be conducted on both the reference and candidate instruments to document that instruments are operating within performance specifications.

(4) Both the reference and candidate instruments shall be operated continuously during an operational period.

(b) Ambient air tests:

(1) Tests over 1-hour averaging times shall be conducted at three ambient air or spiked ambient air carbon monoxide concentration ranges: 7-11 ppm, 20-30 ppm, and 35-45 ppm. Hourly average CO concentration as measured by the reference method shall fall within the range specified. The hourly average shall be based upon continuous integration of the output signal over the entire hourly span, or shall be the average of at least 12 instantaneous signal levels which are at equally spaced intervals over the entire hourly span.

(2) Description of the method used to obtain hourly averages shall be submitted.

(3) The following tests shall be performed. § 53.31(c) delineates the number of measurements needed for each of the concentration ranges and their respective tolerances. It indicates that the total sample size for the first sample is 14 and the allowable number of times specifications that can be exceeded is 0. Similarly, the second sample, if required, is 18 and the allowable number of times specifications can be exceeded for the combined total of both samples (32) is 2.

(c) Sampling procedure:

(1) Data shall be collected according to a stratified sampling plan. Sampling shall be conducted in sets of three ranges. Within each set sampling without replacement shall occur. For example, if the first range selected is low, then the next one is either medium or high. Once the second range is selected the third one is automatically determined. In the above example the first one is low, if the second is high, then the third must be medium. This completes the first set of three. In starting the second set of three, the fourth range cannot be the same as the third. So if the third range was medium, then the fourth shall be either low or high. This begins the second set of three ranges. If the fourth range was high, then the fifth can be either medium or low. Thus, once the fifth range has been selected the sixth range is determined. This procedure is followed to obtain a sample size of 14 for the first sample and a sample size of 18 for the second sample, if needed. As an additional constraint on the sampling plan, at least 3 and no more than 6 samples per day shall be collected in each of three successive days. A sampling plan is specified in § 53.31(e) (Table C-2). Table C-2 shall be used to select either plan 1, 2, or 3 for a sample size of 14 and if an additional sample of 18 is required, then either plan 4, 5, or 6 shall be used.

(2) The acceptance sampling plan necessary to perform the statistical tests is specified as follows:

(i) The first sample set shall consist of an initial set of 14 measurements. The results of these measurements shall be interpreted as follows:

(a) If the number of measurements from the 14 which fail the stated specification does not exceed zero, pass the instrument for consistent relationship.

(b) If the number of measurements from the 14 which fail the stated specification is three or more, reject the instrument for consistent relationship.

(ii) If the number of measurements from the 14 which fail the stated specification is either one or two conduct a second set of 18 test measurements. If the number of measurements failing the consistent relationship test in the combined total of 32 test measurements is:

(a) One or two, pass the instrument for consistent relationship.

(b) Three or more, reject the instrument for consistent relationship.

§ 53.33 Test procedure for sulfur dioxide methods.

A manual reference method has been published in 40 CFR Part 50. The party shall demonstrate a consistent relationship between the candidate method and the reference method in accordance with the following procedures.

(a) *Automated methods.*—(1) *Calibration.* (i) Calibrate the reference

method in accordance with the procedure specified in the appropriate appendix to 40 CFR Part 50.

(ii) The candidate automated method shall be calibrated in accordance with the procedure specified by the manufacturer.

(iii) The calibration data for both the reference and candidate methods and the calibration procedure and calculations for the candidate method shall be submitted. NOTE.—Instrument calibration shall be permitted only once every 72 hours (operational period) for the automated method. Manual adjustment to the instrument is not permissible during the stated operational period. Control samples shall be introduced to the candidate instrument or operational checks shall be performed during an operational period to document that the instrument is operating within performance specifications. Control samples shall also be used in the reference method to verify that the method is in calibration and that valid data are being obtained.

(2) *Operation of the instruments.* The candidate instrument shall be operated continuously during the operational period. Simultaneous measurements of pollutant concentrations shall be obtained by means of the reference and candidate methods for the concentration ranges and averaging times specified in § 53.34(b) (Table C-3). On any given day only one 24-hour test result shall be reported for a specified concentration range. In the range 0.40–0.50 ppm, 1-hour and 24-hour measurements shall be obtained concurrently. One-hour average results obtained by the automated method shall be based on continuous integration of the output signal over the 1-hour span or shall be the average of at least 12 instantaneous signal levels which are at equally spaced intervals over the 1-hour span. In like manner, results of 24-hour measurements shall be obtained.

(b) *Test specifications for sulfur dioxide.* (1) The acceptance sampling plan necessary to perform the statistical tests is specified as follows:

(i) The first sample set shall consist of an initial set of 7 measurements. The results of these measurements shall be interpreted as follows:

(*a*) If the number of measurements from the series of 7 which fail the stated specification does not exceed zero, pass the instrument for consistent relationship.

(*b*) If the number of measurements from the series of 7 which fail the stated specification is three or more, reject the instrument for consistent relationship.

(ii) If the number of measurements from the series of 7 which fail the stated specification is either one or two conduct a second set of 8 test measurements. If the number of measurements failing the consistent relationship test in the combined total of 15 test measurements is:

(*a*) One or two, pass the instrument for consistent relationship.

(*b*) Three or more reject the instrument for consistent relationship.

(2) (i) Data for 24-hour comparisons shall be collected according to the sampling plan given in § 53.33(c) (Table C-4). Table C-4 shall be used to select either plan 1, 2, or 3 for a sample size of 7 and if an additional sample of 8 is required, then either plan 4, 5, or 6 shall be used.

(ii) Sampling shall be conducted in sets of three ranges as specified in § 53.33(b) (Table C-3) and, within each set, sampling without replacement shall occur. For example, if the first range selected is low, the next one is either medium or high. If the second is high, then the third is either medium or low. When obtaining 1-hour measurements, the data shall be collected consecutively over the high range 0.40–0.50 ppm with no more than four 1-hour measurements in a given 24-hour time period.

(b) TEST SPECIFICATIONS FOR SULFUR DIOXIDE: TABLE C-3

SO_2 range (p.p.m.)	Tolerance, i.e., allowable difference between Cand. and Ref. methods	Number of measurements required			
		24 hour measurement		1 hour measurement	
		1st sample set	2nd sample set	1st sample set	2nd sample set
1. Low 0.02–0.05	±0.02	2	3		
2. Med. 0.10–0.15	±0.03	2	2		
3. High 0.40–0.50	±0.04	3	3	7	8
Total		7	8		
Allowable number of differences which can fail tolerance specification		0	2	0	3

(c) Sampling Plans for SO_2 Test Specifications: Table C-4

For Sample Size of 7:

Plan No. 1 H L M H M L H
Plan No. 2 L M H M H L H
Plan No. 3 M H L H M L H

For Sample Size of 8:

Plan No. 4 M H L H L M L H
Plan No. 5 H L M L H M H L
Plan No. 6 L M H M H L H L

NOTE: L=Low Concentration Range, M=Medium Concentration Range, H=High Concentration Range, as specified in Table C-3 of § 53.33(b).

(d) Manual methods:

(1) Calibration:

(i) Calibrate the reference method in accordance with the procedure specified for the reference method in 40 CFR Part 50.

(ii) The candidate manual method shall be calibrated in accordance with the procedure specified by the manufacturer.

(iii) The calibration data for both the reference and candidate methods and the calibration procedure and calculations for the candidate method shall be submitted.

(iv) A detailed procedural description of the candidate method shall be submitted.

(v) Simultaneous measurements of pollutant concentration by means of reference and candidate methods for the specified concentration ranges and averaging times specified in § 53.33(b) (Table C-3) shall be obtained. Note: Control samples may be used to document the validity of the results. On any given day only one 24-hour test result shall be reported for a specified concentration range. In the range 0.40–0.50 ppm, test results for both 3-hour averaging times and 24-hour averaging times shall be obtained in a given day.

(vi) Section 53.33(b) (Table C-3) delineates the number of measurements needed for each of the SO_2 ranges and their respective tolerances for both 24-hour measurements and 1-hour measurements. Table C-3 indicates that the total sample size for the first sample is 7 and the allowable number of times specifications can be exceeded is 0. Similarly the second sample, if required, is 8 and the allowable number of times specifications can be exceeded for the combined total of both samples (15) is 2.

(2) The acceptance sampling plan necessary to perform the statistical tests is specified as follows:

(i) The first sample set shall consist of an initial set of 7 measurements. The results of these measurements shall be interpreted as follows:

(a) If the number of measurements from the 7 which fail the stated specification does not exceed zero, pass the instrument for consistent relationship.

(b) If the number of measurements from the 7 which fail the stated specification is three or more, reject the instrument for consistent relationship.

(ii) If the number of measurements from the 7 which fail the stated specification is either one or two conduct a second set of 8 test measurements. If the number of measurements failing the consistent relationship test in the combined total of 15 test measurements is:

(*a*) One or two, pass the instrument for consistent relationship.

(*b*) Three or more, reject the instrument for consistent relationship.

(3) Data for 24-hour comparisons shall be collected according to the sampling plan given in § 53.33(c) (Table C-4). Sampling shall be conducted in sets of four ranges as specified in § 53.33(b) (Table C-3) and, within each set, sampling without replacement shall occur. For example, if the first range selected is low, the next one is either medium, high or very high. When obtaining 3-hour measurements, the data are collected consecutively over the high range 0.40–0.50 with no more than four 3-hour measurements in a given 24-hour period.

[FR Doc.73-21342 Filed 10-11-73;8:45 am]

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PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions, Modifications and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions and Supersedeas Decisions

General Wage Determinaton Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes these procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

New general wage determination decisions. New General Wage Determination Decision No. AQ–3011 for the State of New Hampshire.

Modifications to general wage determination decisions. Modifications to General Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Arizona:	
AQ–1004	July 27, 1973
AQ–1005; AQ–1006	July 20, 1973
AQ–1025	Sept. 7, 1973
AQ–1026; AQ–1027	Sept. 14, 1973
Georgia:	
AQ–4000; AQ–4001	July 20, 1973
Massachusetts:	
AP–470	Feb. 16, 1973
AP–813	May 11, 1973
AQ–3002; AQ–3003; AQ–3004; AQ–3005; AQ–3006; AQ–3007	Aug. 31, 1973
AQ–3010	Sept. 7, 1973
AQ–3012; AQ–3013	Sept. 21, 1973
Missouri:	
AP–504	Sept. 1, 1973
North Dakota:	
AQ–1011	Aug. 10, 1973
Vermont:	
AP–857	June 29, 1973
West Virginia:	
AP–402; AP–403	July 21, 1973
AP–405	July 28, 1973

Supersedeas decisions to general wage determination decisions. Supersedeas Decisons to General Wage Determination Decisions for the following states (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded):

Connecticut:	
AP–848(AQ–3014); AP–849 (AQ–3015); AP–850(AQ–3016); AP–851(AQ–3017); AP–852(AQ–3018); AP–853(AQ–3019); AP–854 (AQ–3020); AP–855(AQ–3021)	June 29, 1973
Kansas:	
AM–6708(AQ–36)	Apr. 7, 1973
Kentucky:	
AP–170(AQ–4020); AP–171 (AQ–4022)	Mar. 23, 1973
AP–188(AQ–4023)	Apr. 20, 1973
AP–189(AQ–4024)	May 18, 1973
AP–194(AQ–4021)	May 25, 1973
New Mexico:	
AP–740(AQ–35)	July 26, 1973
South Dakota:	
AP–253(AQ–1048)	Nov. 25, 1973
AP–262(AQ–1046)	Feb. 16, 1973
AQ–1037(AQ–1045)	Sept. 14, 1973

Signed at Washington, D.C., this 5th day of October 1973.

RAY J. DOLAN,
Assistant Administrator
Wage and Hour Division.

NEW DECISION

STATE: New Hampshire COUNTY: Rockingham
DECISION NO.: AQ-3011 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction (consisting of single family homes and garden type apartments up to and including 4-stories).

8-R-NH-1-A 1 of 3

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$8.505	.50	.40		.01	
Bricklayers, cement masons, marble masons, plasterers, stonemasons, tile setters and terrazzo workers	6.95	.40	.35		.01	
Carpenters:						
Salem:						
Carpenters and soft floor layers	7.93	.50	.50		.02	
Remainder of County:						
Carpenters and soft floor layers	6.66	.20	.25		.02	
Atkinson, Auburn, Candia, Chester, Danville, Deerfield, Derry, Fremont, Hampstead, Londonderry, Newton, Plaistow, Raymond and Windham:						
Carpenters	6.56	.25	.20		.01	
Electricians:						
Twps. of Exeter, Greenland, Hampton, Hampton Falls, Portsmouth, Newington, Newmarket, Northwood, Nottingham, Rye, Seabrook, and S. New Market	7.46	.25	17+.10		.01	
Kingston, Kensington, Sandown, Danville E. Kingston, Hampstead, Plaistow, Westville, Atkinson, N. Salem and Salem:						
Electricians	7.95	.25	17		.02	
Remainder of County:						
Electricians	8.35	.25	17			
Glaziers	6.57	.25	.36		.02	
Ironworkers, structural, ornamental and reinforcing	7.80	.50	.90		.02	
Laborers: Building						
Auburn, Candia, Chester, Danville, Deerfield Center, Derry, E. Derry, Fremont, Hampstead, Londonderry, Raymond, Sandown, W. Epping and Windham, Deerfield:						
Common laborers, wreckers, tenders and hod carriers, asphalt rakers	5.41	.40	.40		.05	

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RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Laborers: (cont'd)						
Plasterers tenders	$5.56	.40	.40		.05	
Drillers, pavement breakers, jackhammer ops. and chipping gun ops.	5.81	.40	.40		.05	
All other pneumatic tool operators on boiler and stack work	6.31	.40	.40		.05	
Boiler and stack work	5.91	.40	.40		.05	
Salem, Rockingham Park, Building and Demolition	6.05	.20	.25		.05	
Remainder of County:						
Building:						
Laborers and pipelayers	5.15	.20	.25			
Pneumatic tool operator, blasters and powderman	5.65	.20	.25			
Plasterers' tenders	5.30	.20	.25			
Lathers	7.50	.45	.55		.01	
Painters:						
Atkinson, Brentwood, Danville, E. Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton Falls, Kensington, Hampton, Kingston, New Castle, Newfields, Newington, New Market, Newton, N. Hampton, Nottingham, Plaistow, Portsmouth, Rye, Sandown, Seabrook, S. Hampton, Stratham and Northwood:						
Brush, rollers 9 inch	5.30		.25			
Spray and tender	6.30		.25			
Structural steel	5.90		.25			
Structural steel 45' or more	6.90		.25			
Salem:						
Brush	4.10	.15				
Structural	4.60	.15				
Spray	5.10	.15				
Townships of Northwood, Deerfield, Candia, Raymond, Auburn, Chester, Londonderry, Derry and Windham:						
Brush	4.70	.175				
Open structural steel, work to 25' and spray	5.95	.175				
Enclosed steel, over 25'	5.80	.175				
Plumbers and Steamfitters:						
Plaistow, Atkinson, Danville, Hampstead and Kingston	6.50	.30	.30		.02	
Salem and Windham	8.49	.30	.25		.05	
Remainder of County	8.23	.35	.25		.02	

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RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Roofers	5.90					
Roofers' helpers	5.40					
Sheet metal workers	8.02	.31	.32		.02	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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New Hampshire-3-PEO-1

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
POWER EQUIPMENT OPERATORS:						
Shovels, cranes, truck cranes, cherry pickers, draglines, trench hoes, backhoe, 3 drum machines, derricks, pile-drivers, elevator towers, hoists, gradalls, shovel dozers (except when pushing), front end loaders (except when pushing), fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines	$8.65	.40	.50	a		
Boom lengths including jib:						
Over 150 feet - additional $.35 per hour						
Over 185 feet - additional $.70 per hour						
Over 210 feet - additional $1.00 per hour						
Over 250 feet - additional $1.50 per hour						
Over 295 feet - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers-more than 21 yards struck, tandem scrapers, concrete pumps, bulldozers, scrapers-21 yards struck or less	8.53	.40	.50	a		
Portable steam boilers, portable steam generators, rollers, spreaders, tampers, self-propelled or tractor drawn asphalt pavers	8.53	.40	.50	a		
Mechanics, maintenance	8.53	.40	.50	a		
Pump(s) (1-3 grouped), compressors, Welding machine(s) (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragm pump	7.215	.40	.50	a		
Assistant engineers (firemen)	7.90	.40	.50	a		
Oilers and apprentices (other than truck cranes and gradalls)	6.34	.40	.50	a		
Oilers and apprentices on truck cranes and gradalls	6.72	.40	.50	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Washington's Birthday, Fast Day, Columbus Day, Veterans' D

AQ-3011 P. 5

NH 1-TD-1-B 1 of 1

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Two Axle Equipment	$4.16	.25	.25	a		
Three Axle Equipment including low beds	4.38	.25	.25	a		
Special earth hauling equipment other than conventional type on the road trucks and semitrailers trailer dumps	4.60	.25	.25	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, plus Washington's Birthday, Veterans' Day and Columbus Day (provided employee works two days in the calendar week in which the holiday falls; reports for work the last day assigned prior to the holiday and the first day assigned following the holiday).

MODIFICATIONS P. 1

DECISION #AQ-1004 - Mod. #4
(38 FR 20187 - July 27, 1973)
Statewide, Arizona

Change:

(Northern Area of Arizona)

Power Equipment Operators:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I Air compressor operator; Field equipservicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator	$8.275	.55	.60		.03	
GROUP II Conveyor operator; Generator operator-portable; Power grizzly operator; self-propelled chip spreading machine-Conveyor operator; Watch fireman; Welding machine operator - gasoline and diesel power	8.605	.55	.60		.03	
GROUP III Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator-self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment	9.025	.55	.60		.03	
GROUP IV A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types-except as otherwise classified; Screed operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipe-wrapping and cleaning machine operator; Tugger operator	9.495	.55	.60		.03	

MODIFICATIONS P. 2

DECISION #AQ-1004 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP V Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt laydown machine operator; Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine incl. water wells; Elevating grader operator-all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar type, w/belt width 48" or over; Locomotive engineer (including Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and incl. 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road oil mixing machine operator; Roller operator-on all types aspahlt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator-single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipe-wrapping machine operator	$9.965	.55	.60		.03	
GROUP V-A Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to & incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment); Tractor operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator	10.235	.55	.60		.03	

DECISION #AQ-1004 (cont'd) MODIFICATIONS P. 3

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator - paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grader operator with elevating grader attachment; Mucking machine operator; Operating engineer; Electricians - including lineman, tower erector, cable splicers, etc.; Overhead crane operator; Pile-driver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator - all sizes and types (Turna-pull, Euclid, Cat, D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman and similar types); Sepcialized power digger operator - attached to wheel-type tractor; Tower crane (or similar type) Operator; Tractor operator (Pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger operator (two or more); Universal equipment operator - Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$10.535	.55	.60		.03	

DECISION #AQ-1004 (cont'd) MODIFICATIONS P. 4

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter Pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rated capacity of 8 cu. yds. or more; Universal equipment - Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds. and over	$11.065	.55	.60		.03	

DECISION #AQ-1004 (cont'd) MODIFICATIONS P. 5

(Central and Southern Areas of Arizona)

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I Air compressor operator; Field equipment servicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator	$6.65	.55	.60		.03	
GROUP II Conveyor operator; Generator operator-portable; Power grizzly operator; Self-propelled chip spreading machine - conveyor operator; Watch fireman; Welding machine operator - gasoline and deisel power	6.98	.55	.60		.03	
GROUP III Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc. excluding compacting equipment	7.40	.55	.60		.03	
GROUP IV A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types - except as otherwise classified; Screed operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator	7.87	.55	.60		.03	

DECISION #AQ-1004 (cont'd) MODIFICATIONS P. 6

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP V Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine, including water wells; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar, w/belt width 48" or over; Locomotive engineer (including Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment)up to and incl. 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator-single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator	$8.34	.55	.60		.03	
GROUP V-A Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock, and similar equipment); Tractor operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator	8.61	.55	.60		.03	

DECISION #AQ-1004 (cont'd) MODIFICATIONS P. 7

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Piledriver engineer (portable, stationary or skid rig); Pneumatic-tried scraper operator-all sizes and types (Turnapull, Euclid, Cat D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman and similar types); Specialized power digger operator - attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger operator (two or more); Universal equipment operator- Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$8.91	.55	.60		.03	

DECISION #AQ-1004 (cont'd) MODIFICATIONS P. 8

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over	$9.44	.55	.60		.03	

MODIFICATIONS P. 9

DECISION #AQ-1005 - Mod. #5
(38 FR 19617 - July 20, 1973)
Maricopa (Phoenix, Glendale, Mesa, Scottsdale, Tempe, Luke AFB and Williams AFB) County, Arizona

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I Air compressor operator; Field equipment servicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator	$6.65	.55	.60		.03
GROUP II Conveyor operator; Generator operator-portable; Power grizzly operator; Self-propelled chip spreading machine - conveyor operator; Watch fireman; Welding machine operator - gasoline and deisel power	6.98	.55	.60		.03
GROUP III Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc. excluding compacting equipment	7.40	.55	.60		.03
GROUP IV A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types - except as otherwise classified; Screed operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator	7.87	.55	.60		.03

DECISION #AQ-1005 (cont'd)

MODIFICATIONS P. 10

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP V Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine, including water wells; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar, w/belt width 48" or over; Locomotive engineer (including Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment)up to and incl. 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator-single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator	$8.34	.55	.60		.03	
GROUP V-A Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock, and similar equipment); Tractor operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator	8.61	.55	.60		.03	

DECISION #AQ-1005 (cont'd) MODIFICATIONS P. 11

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
GROUP VI Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Piledriver engineer (portable, stationary or skid rig); Pneumatic-tried scraper operator-all sizes and types (Turnapull, Euclid, Cat D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman and similar types); Specialized power digger operator - attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger operator (two or more); Universal equipment operator- Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$8.91	.55	.60		.03	

DECISION #AQ-1005 (cont'd) MODIFICATIONS P. 12

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
GROUP VII Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over	$9.44	.55	.60		.03	
Sprinkler Fitters	9.30	.40	.60		.07	

DECISION #AQ-1006 - Mod. #5
(38 FR 19623 - July 20, 1973)
Greenlee, Maricopa and Mohave Counties, Arizona

MODIFICATIONS P. 13

Change:

POWER EQUIPMENT OPERATORS.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I Air compressor operator; Field equipment servicemen helper; Heavy duty repair helper; Heavy duty welder Helper; Oiler; Pump operator	$6.65	.55	.60		.03	
GROUP II Conveyor operator; Generator operator-portable; Power grizzly operator; Self-propelled chip spreading machine - conveyor operator; Watch fireman; Welding machine operator - gasoline and deisel power	6.98	.55	.60		.03	
GROUP III Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc. excluding compacting equipment	7.40	.55	.60		.03	
GROUP IV A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker; mechanical compactor operator, power propelled; Roller operator - all types - except as otherwise classified; Screed operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator	7.87	.55	.60		.03	

DECISION #AQ-1006 (cont'd)

MODIFICATIONS P. 14

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP V Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine, including water wells; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar, w/belt width 48" or over; Locomotive engineer (including Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment)up to and incl. 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator-single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator	$8.34	.55	.60		.03	
GROUP V-A Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock, and similar equipment); Tractor operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator	8.61	.55	.60		.03	

DECISION #AQ-1006 (cont'd) MODIFICATIONS P. 15

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Or
GROUP VI						
Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Piledriver engineer (portable, stationary or skid rig); Pneumatic-tried scraper operator-all sizes and types (Turnapull, Euclid, Cat D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman and similar types); Specialized power digger operator - attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger operator (two or more); Universal equipment operator- Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$8.91	.55	.60		.03	

DECISION #AQ-1006 (cont'd) MODIFICATIONS P. 16

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
GROUP VII						
Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over	$9.44	.55	.60		.03	
Sprinkler Fitters	9.30	.40	.60		.07	

MODIFICATIONS P. 17

DECISION #AQ-1025 - Mod. #4
(38 FR 24493 - September 7, 1973)
Pima County, Arizona

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W.	Pensions	Vacation	App. Tr.	Ot
GROUP I Air compressor operator; Field equip-servicemen Helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator	$6.65	.55	.60		.03	
GROUP II Conveyor operator; Generator operator-portable; Power grizzly operator; Self-propelled chip spreading machine - conveyor operator; Watch fireman; Welding machine operator - gasoline and deisel power	6.98	.55	.60		.03	
GROUP III Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver; Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc. excluding compacting equipment	7.40	.55	.60		.03	
GROUP IV A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types - except as otherwise classified; Screed operator; Self-propelled chip spreading machine operator (including Slurry-seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator	7.87	.55	.60		.03	

MODIFICATIONS P. 18

DECISION #AQ-1025 (cont'd)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
GROUP V Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine, including water wells; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar, w/belt width 48" or over; Locomotive engineer (including Dinky-20 tons wt. and over) Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment)up to and incl. 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator-single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator	$8.34	.55	.60		.03	
GROUP V-A Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock, and similar equipment); Tractor operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator	8.61	.55	.60		.03	

DECISION #AQ-1025 (cont'd) MODIFICATIONS P. 19

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
GROUP VI Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Piledriver engineer (portable, stationary or skid rig); Pneumatic-tried scraper operator-all sizes and types (Turnapull, Euclid, Cat D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman and similar types); Specialized power digger operator - attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger operator (two or more); Universal equipment operator- Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$8.91	.55	.60		.03	

DECISION #AQ-1025 (cont'd) MODIFICATIONS P. 20

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
GROUP VII Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over	$9.44	.55	.60		.03	
Sprinkler Fitters	9.30	.40	.60		.07	

DECISION #AQ-1026 - Mod. #3
(38 FR 25856 - September 14, 1973)
Cochise, Graham, Pima, Pinal and Santa Cruz Counties, Arizona

MODIFICATIONS P. 21

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I Air compressor operator; Field equipment servicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator	$6.65	.55	.60		.03
GROUP II Conveyor operator; Generator operator-portable; Power grizzly operator; Self-propelled chip spreading machine - conveyor operator; Watch fireman; Welding machine operator - gasoline and deisel power	6.98	.55	.60		.03
GROUP III Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc. excluding compacting equipment	7.40	.55	.60		.03
GROUP IV A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types - except as otherwise classified; Screed operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator	7.87	.55	.60		.03

DECISION #AQ-1026 (cont'd)

MODIFICATIONS P. 22

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP V Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine, including water wells; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar, w/belt width 48" or over; Locomotive engineer (including Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment)up to and incl. 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator-single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator	$8.34	.55	.60		.03
GROUP V-A Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock, and similar equipment); Tractor operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator	8.61	.55	.60		.03

DECISION #AQ-1026 (cont'd) MODIFICATIONS P. 23

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
GROUP VI						
Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Piledriver engineer (portable, stationary or skid rig); Pneumatic-tried scraper operator-all sizes and types (Turnapull, Euclid, Cat D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman and similar types); Specialized power digger-operator - attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger operator (two or more); Universal equipment operator- Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$8.91	.55	.60		.03	

DECISION #AQ-1026 (cont'd) MODIFICATIONS P. 24

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
GROUP VII						
Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over	$9.44	.55	.60		.03	
Sprinkler Fitters	9.30	.40	.60		.07	

DECISION #AQ-1027 - Mod. #3
(38 FR 25864 - September 14, 1973)
Coconino County, Arizona

MODIFICATIONS P. 25

Change:

(Northern Area)

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
GROUP I Air compressor operator; Field equip-servicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator	$8.275	.55	.60		.03	
GROUP II Conveyor operator; Generator operator-portable; Power grizzly operator; self-propelled chip spreading machine-Conveyor operator; Watch fireman; Welding machine operator - gasoline and diesel power	8.605	.55	.60		.03	
GROUP III Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator-self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment	9.025	.55	.60		.03	
GROUP IV A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types-except as other-wise classified; Screed operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipe-wrapping and cleaning machine operator; Tugger operator	9.495	.55	.60		.03	

DECISION #AQ-1027 (cont'd)

MODIFICATIONS P. 26

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
GROUP V Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt laydown machine operator Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson or similar types); Concrete pump operator; Concrete batch plant operator all types and sizes; Conductor, brakeman, or handler; Drilling machine incl. water wells; Elevating grader operator-all types and sizes (except as other-wise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar type, w/belt width 48" or over; Locomotive engineer (including Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and incl. 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road oil mixing machine operator; Roller operator-on all types aspahlt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator-single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipe-wrapping machine operator	$9.965	.55	.60		.03	
GROUP V-A Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to & incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment); Tractor operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator	10.235	.55	.60		.03	

DECISION #AQ-1027 (cont'd) MODIFICATIONS P. 27

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP VI Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator - paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grader operator with elevating grader attachment; Mucking machine operator; Operating engineer; Electricians - including lineman, tower erector, cable splicers, etc.; Overhead crane operator; Pile-driver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman and similar types); Specialized power digger operator - attached to wheel-type tractor; Tower crane (or similar type) Operator; Tractor operator (Pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger operator (two or more); Universal equipment operator - Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$10.535	.55	.60		.03	

DECISION #AQ-1027 (cont'd) MODIFICATIONS P. 28

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP VII Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter Pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rated capacity of 8 cu. yds. or more; Universal equipment - Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds. and over	$11.065	.55	.60		.03	

DECISION #AQ-1027 (cont'd) MODIFICATIONS P. 29

(Central and Southern Areas)

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
GROUP I Air compressor operator; Field equipservicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator	$6.65	.55	.60		.03	
GROUP II Conveyor operator; Generator operator-portable; Power grizzly operator; Self-propelled chip spreading machine - conveyor operator; Watch fireman; Welding machine operator - gasoline and deisel power	6.98	.55	.60		.03	
GROUP III Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc. excluding compacting equipment	7.40	.55	.60		.03	
GROUP IV A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types - except as otherwise classified; Screed operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator	7.87	.55	.60		.03	

DECISION #AQ-1027 (cont'd) MODIFICATIONS P. 30

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
GROUP V Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine, including water wells; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar, w/belt width 48" or over; Locomotive engineer (including Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment)up to and incl. 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator-single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator	$8.34	.55	.60		.03	
GROUP V-A Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock, and similar equipment); Tractor operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator	8.61	.55	.60		.03	

DECISION #AQ-1027 (cont'd)

MODIFICATIONS P. 31

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
GROUP VI Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Piledriver engineer (portable, stationary or skid rig); Pneumatic-tried scraper operator-all sizes and types (Turnapull, Euclid, Cat D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman and similar types); Specialized power digger operator - attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger operator (two or more); Universal equipment operator- Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$8.91	.55	.60		.03	

DECISION #AQ-1027 (cont'd)

MODIFICATIONS P. 32

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	
GROUP VII Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over	$9.44	.55	.60		.03	

MODIFICATIONS P. 33

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-4000 - Mod. #3 (38 FR 19637 - July 20, 1973) Fulton, Cobb, & DeKalb Counties, Georgia						
Change:						
Building Construction:						
Asbestos workers	$7.55	.35	.25		.02	
Ironworkers:						
Structural, ornamental, and reinforcing	7.50	.40	.47		.05	
Sprinkler fitters	8.20	.40	.60		.07	
DECISION #AQ-4001 - Mod. #3 (38 FR 19634 - July 20, 1973) Chatham County, Georgia						
Change:						
Building Construction:						
Sprinkler fitters	8.20	.40	.60		.07	

MODIFICATIONS P. 34

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-470 - Mod. #5 (38 FR 4617 - February 16, 1973) Hampden County, Massachusetts						
Change:						
Electricians:						
Holyoke, Chester	9.06	.35	1%+.20		.01	
DECISION #AP-813 - Mod. #5 (38 FR 12546 - May 11, 1973) Hampden County, Massachusetts						
Change:						
Electricians:						
Chester, Holyoke, & that portion of Chicopee Township north of the following line: McKinstry Avenue from the Connecticut River to Gratten Street; South on Gratten to Lafayette Street; east on Lafayette to York Street; north on York to McKinstry; east on McKinstry to Grady Road & projected to the Westover Air Force fence & that area north of Westover Field	$9.06	.35	1%+.20		.01	
Millwrights	8.90	.50	.50		.03	

MODIFICATIONS P. 35

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Yr.	Others
DECISION #AQ-3,002 - Mod. #2 (38 FR 23687 - August 31, 1973) Barnstable County, Massachusetts						
Change:						
Millwrights	$8.50	.50	.50		.03	
Omit:						
Plumbers	8.47	.45	.50		.01	
Add:						
Plumbers:						
Bourne, & Sandwich	8.95	.35	.50		.05	
Remainder of County	8.47	.45	.50		.01	
DECISION #AQ-3,003 - Mod. #2 (38 FR 23691 - August 31, 1973) Essex County, Massachusetts						
Change:						
Millwrights	9.13	.50	.50		.03	
DECISION #AQ-3,004 - Mod. #2 (38 FR 23696 - August 31, 1973) Middlesex County, Massachusetts						
Change:						
Electricians:						
Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley, & Townsend	8.80	.45	1%+.25		.02	
Millwrights	9.13	.50	.50		.03	
DECISION #AQ-3,005 - Mod. #2 (38 FR 23702 - August 31, 1973) Middlesex County, Massachusetts						
Change:						
Electricians:						
Ashby, Ayer, Groton, Pepperell, Shirley, & Townsend	8.80	.45	1%+.25		.02	

MODIFICATIONS P. 36

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Yr.	Other
DECISION #AQ-3,006 - Mod. #2 (38 FR 23705 - August 31, 1973) Suffolk County, Massachusetts						
Change:						
Millwrights	9.13	.50	.50		.03	
DECISION #AQ-3,007 - Mod. #2 (38 FR 23710 - August 31, 1973) Worcester County, Massachusetts						
Change:						
Electricians:						
Fitchburg, Harvard, Lancaster, & Leominster	8.80	.45	1%+.25		.02	
Millwrights	9.13	.50	.50		.03	
DECISION #AQ-3,010 - Mod. #1 (38 FR 24482 - September 7, 1973) Bristol County, Massachusetts						
Change:						
Millwrights	8.50	.50	.50		.03	
Plumbers; Steamfitters:						
Easton	8.95	.35	.50		.05	

MODIFICATIONS P. 37

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3,012 - Mod. #1 (38 FR 26536 - September 21, 1973) Norfolk County, Massachusetts						
Change:						
Carpenters; Soft floor layers:						
Quincy	$8.85	.50	.50		.03	
Brookline, Dedham, & Milton	8.85	.50	.50		.03	
Dover, Needham, & Wellesley	8.85	.50	.50		.03	
Canton, Foxboro, Norfolk, Norwood, Plainville, Sharon, Walpole, Westwood, & Wrentham	8.85	.50	.50		.03	
Lathers:						
Dover, Medfield, Needham, & Wellesley	7.15	.45	.55		.01	
Millwrights	9.13	.50	.50		.03	
Painters:						
Bellingham:						
Brush	7.45	.45	.45			
Steel	7.70	.45	.45			
Spray	8.45	.45	.45			
Plumbers; Steamfitters:						
Avon, Holbrook, Randolph, & Stoughton	8.95	.35	.50		.05	
Sprinkler fitters	9.08	.40	.60		.07	
Omit:						
Ironworkers	8.29	.45	1.05		.03	
Add:						
Ironworkers:						
Plainville	7.95	.50	1.40		.03	
Remainder of County	8.39	.50	1.40		.06	
DECISION #AQ-3,013 - Mod. #1 (38 FR 26540 - September 21, 1973) Norfolk County, Massachusetts						
Change:						
Carpenters:						
Quincy	8.85	.50	.50		.03	
Brookline, Dedham, & Milton	8.85	.50	.50		.03	
Dover, Needham, & Wellesley	8.85	.50	.50		.03	
Canton, Foxboro, Norfolk, Norwood, Plainville, Sharon, Walpole, Westwood, & Wrentham	8.85	.50	.50		.03	
Electricians:						
Plainville	5.25	.38	1%		.02	
Remainder of County	5.25	.35	1%+.95		.05	

MODIFICATIONS P. 38

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3,013 Cont'd						
Lathers:						
Dover, Medfield, Needham, & Wellesley	7.15	.45	.55		.01	
Painters:						
Bellingham:						
Brush	7.45	.45	.45			
Steel	7.70	.45	.45			
Spray	8.45	.45	.45			
Remainder of County:						
Brush	7.21	.62	.40		.04	
Steel	8.21	62	.40		.04	
Spray	7.21+a	.62	.40		.04	
Plumbers; Steamfitters:						
Avon, Holbrook, Randolph, & Stoughton	8.95	.35	.50		.05	
Omit:						
Ironworkers	8.29	.45	1.05		.03	
Add:						
Ironworkers:						
Plainville	7.95	.50	1.40		.03	
Remainder of County	8.39	.50	1.40		.06	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-504 - Mod. #6 (37 FR 177881 - September 1, 1972 St. Louis & St. Charles Counties Missouri						
OMIT:						
Residential Building Construction St. Louis City & County and St. Charles County						
Painters:						
Painters	$6.83	.12	.30	.21		
Brush (within St. Charles City limts only)	4.60					
ADD:						
Residential Building Construction St. Louis City & County and St. Charles County						
Brush	7.635	.20	.30	.21		
Spray	9.135	.20	.30	.21		
DECISION #AP-534 - Mod. #2 (38 FR 18141 - July 6, 1973) St. Louis & St. Charles Counties, Missouri						
Omit:						
Building, Heavy & Highway - St. Louis City & County. Building -St. Charles County						
Painters:						
Painters	6.83	.12	.30	.21		
Brush (within St. Charles city limits only)	4.60					
Add:						
Building, Heavy & Highway - St. Louis City & County. Building-St. Charles County						
Painters:						
Brush	7.635	.20	.30	.21		
Spray	9.135	.20	.30	.21		
DECISION #AO-1011 - Mod. #3 (38 FR 21716 - August 10, 1973) Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward Counties, North Dakota						
Change:						
Bricklayers; Stonemasons:						
Burleigh and Morton Counties	7.13		.15			
Carpenters:						
Burleigh and Morton Counties						
Carpenters	6.05				.02	
Piledrivermen	6.175				.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-857 - Mod. #1 (38 FR 16623 - June 22, 1973) Statewide, except Rutland County, Vermont						
Change:						
Power equipment operators:						
Shovels, crawler and truck cranes, derricks, backhoes, trenching machines, elevating grader, gradall, pile driver, concrete pavers on site processing plant (engineer in charge), dragline, clam shell, cableways	$7.90	.25	.40	b	.05	
Rotary drill (with mounted compressor), compressor house (3 to 6 compressor), rock & earth boring machines (excluding McCarthy & similar drills), grader, 4-yd. or over front end loader (used as a loader)	7.65	.25	.40	b	.05	
Bulldozer, push cats, scraper (self-propelled or tractor-drawn), self-powered asphalt paver, 3/4 yd. to 4 yd. front end loader, mechanics, well driller, pumperete machine, engineer or fireman on high pressure boiler (on job) self-loading batch plant (on job), well point operators	7.45	.25	.40	b	.05	
Hoists, conveyors, self-powered rollers & compactors, power pavement breaker, self-propelled material spreader, self-powered concrete finishing machine, two bag mixer with skip, front end loader (under 3/4 yd.), McCarthy & similar drills, batch plant (not self-loading), bulk cement plant, 3 or more welding machines	6.90	.25	.40	b	.05	
Compressor (315 cu. ft. or over, one or two), pump 4" or over, tractor w/o blade drawing sheepsfoot, rubber tired roller or other type of compactors including machines for pulverizing & aerating soil	6.575	.25	.40	b	.05	
Compressor (up to 315 cu. ft.), small mixers with skip, oiler, pumps up to 4", grease truck, power heaters, A frame trucks, fork lift	6.05	.25	.40	b	.05	

MODIFICATIONS P. 41

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Decision #AP-402-Mod. #5 37 FR 14659- July 21, 1972) Kanawha County, West Virginia						
Change:						
Electricians	$8.80	.30	1%+.07	.27	.04	
Plumbers	8.82	.35	.30		.05	
Sheet Metal Workers	8.48	.34	.40		.04	
Steamfitters	9.02	.30	.15		.03	
Laborers (schedule attached)						
Omit:						
Cable splicer	9.185	.30	1%+.07	.27	.04	
Decision #AP-403-Mod. #5 (37 FR 14661 - July 21, 1972) Caboll County, West Virginia						
Change:						
Electricians	8.10	.30	1%+27	1.02	.04	
Laborers (schedule attached)						
Decision No. AP-405-Mod #5 (37 FR 15236 - July 28, 1972) Kanawha County, West Virginia						
Change:						
Electricians	8.80	.30	1%+07	.27	.04	
Plumbers	8.82	.35	.30		.05	
Sheet Metal Workers	8.48	.34	.40		.04	
Steamfitters	9.02	.30	.15		.03	
Laborers (schedule attached)						
Omit:						
Cable splicer	9.185	.30	1%+.07	.27	.04	

Decision Nos. AP-402, AP-403, AP-405

MODIFICATIONS P. 42

1-LAB-W.VA-1-A

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Common laborers, flagmen, demolition worker boy, fire watch, landscape laborer	$5.70	.25	.25		.03	
Mason tenders, plasterers' tender, cement finisher tenders, lathers tenders, tile setters tenders, mortar mixers, jackhammer, vibrator, tamper, pavement buster, air siphon & air pump, concrete saw, power saw, chain saw, motorized buggy ops., pipelayers' helpers, drill op. helpers, asphalt rakers, ride or walk roller tampers, signalmen, powderman helper, grade checker	6.00	.25	.25		.03	
Burner & powdermen, air track op., pipelayer	6.35	.25	.25		.03	

SUPERSEDEAS DECISION

STATE: Connecticut COUNTY: Fairfield
DECISION NO.: AQ-3014 DATE: Date of Publication
Supersedes Decision No. AP-848, dated June 29, 1973, in 38 FR 17359
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

1-CONN-1-2-3-S 1 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.965	.42	.28			
Boilermakers	8.705	.50	10%		.01	
Bricklayers, cement masons-finishers, marble setters, plasterers, terrazzo workers, tile setters (Building Only):						
Darien-Stamford	8.70	4%	.25			
Norwalk-New Canaan-Westport Weston-Wilton & Ridgefield	8.65	.50	.50			
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull-Southport	8.90	.35+.15	.50			
Greenwich	8.70	.40	.45			
Remainder of County	8.35	.35+.15	.25			
Marble setters' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	6.93	.63	.66+.75			
Remainder of County	7.65	.35	.15+.25			
Terrazzo workers' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	7.43	.475+.45	.475			
Remainder of County	7.65	.35	.15+.25			
Tile setters' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	6.96	.40	.27+1.00			
Remainder of County	7.65	.35	.15+.25			
Bricklayers, cement masons-finishers stonemasons (Heavy & Highway Only):						
Stamford-Darien	8.68	.43	.25	g		
Greenwich	8.60	.40	.45	g		
Remainder of County	7.75	.35	.15	g		
Carpenters, soft floor layers (Building Only):						
Darien-Stamford-New Canaan-Wilton-Ridgefield Norwalk	8.90	.50	.30		.05	
Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Westport, Weston	8.85	.50	.30	f	.02	
Greenwich	8.38	.45	.35	.50	.02	
Shelton	8.25	.50	.30	i		
Remainder of County	8.55	.30	.30	h		
Carpenters - Piledrivermen (Heavy and Highway Only)	8.65	.45	.30	g	.03	
Electricians:						
Darien-Greenwich-New Canaan-Stamford	9.33	.35	1%+.82	.93	½ of 1%	
Norwalk-Westport-Wilton-Weston	8.20	.33	1%+.20	6%	3/4of1%	
Remainder of County	9.20	.43	1%+.20		½ of 1%	

AQ-3014 P. 2

1-CONN-1-2-3-S 2 of 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
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, reinforcing	9.30	.35	.44		.04	
Lathers:						
Bethel-Brookfield-Danbury-New Fairfield-Newton-Sherman	8.75	.25	.15		.01	
Norwalk	4.50					
Greenwich-Stamford-New Canaan	8.21	.25	.20	.75	.01	
Remainder of County	8.95	.25	.40		.01	
Lead burners	8.25	.30		c	.01	
Line Construction:						
Darien-Greenwich-NewCanaan-Stamford-that portion of Norwalk West of Five Mile River:						
Linemen	8.88	3-3/4%	6.5%+m	10%	½ of 1%	
Cable splicer	8.88	3-3/4%	6.5%+m	10%	½ of 1%	
Driver groundman	8.88	3-3/4%	6.5%+m	10%	½ of 1%	
Remainder of County:						
Linemen	8.92	.20	1%	d	½ of 1%	
Equipment operator	8.32	.20	1%	d	½ of 1%	
Groundman, truck driver	6.43	.20	1%	d	½ of 1%	
Painters:						
Greenwich:						
Brush	7.15	3%	9%	4%		
Structural Steel	7.15	3%	9%	4%		
Bethel-Brookfield-Danbury-Ridgefield-Redding-Sandy Hook-New Fairfield-Newton-Sherman:						
Brush	6.20	.25				
Structural steel	7.20	.25				
Norwalk-Westport-Weston-Wilton:						
Brush	4.50	.10				
Roller	4.80	.10				
Steel	4.75	.10				
New Canaan:						
Brush	4.35	.15				
Roller	4.85	.15				
Shelton-Monroe:						
Brush	4.75	.12		e		
Structural steel	5.75	.12		e		
Spray	5.75	.12		e		
Byram:						
Brush	6.85	.29	.76-6/7			
Structural steel	7.82-6/7	.29	.76-6/7			
Darien-Stamford:						
Brush	6.00	.25	.20			
Structural steel	6.00	.25	.20			
Spray	6.00	.25	.20			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Painters (Cont'd)						
Remainder of County						
Brush	$7.00	.35	.55	e		
Structural steel	8.00	.35	.55	e		
Millwrights:						
Norwalk	8.65	.50	.30			
Piledrivermen (Building Only):						
Greenwich	7.55	.35	.20	.50		
Darien-Stamford-New Canaan	8.25	.40	.20		.05	
Bridgeport-Easton-Fairfield-Monroe Stratford-Trumbull	8.45	.50	.30	f		
Norwalk	8.40	.50	.30			
Shelton	8.25	.50	.30	h		
Westport-Weston	8.15	.20	.20	f		
Wilton-Ridgefield	8.25	.40	.20		.05	
Remainder of County	8.15	.20	.20			
Plumbers, Steamfitters:						
Greenwich	9.25	.30	.50		.01	
Bethel-Brookfield-Danbury-New Fairfield-Newton-Redding-Ridgefield-Sherman	8.10	.30	.30			
New Canaan	8.20	.40	.30			
Stamford-Darien	9.20	.55	.50	.37		
Bridgeport-Easton-Fairfield-Monroe-Shelton-Stratford-Trumbull	9.01	.45	.50	.36	.01	
Remainder of County	8.50	.55	.30	.30		
Roofers:						
Composition, kettlemen	8.75	.60	.30			
Slate	9.00	.60	.30			
Helper (slater)	8.00	.60	.30			
Sheet metal workers	8.87	.40	.26		.02	
Sprinkler fitters	9.08	.40	.60		.05	
Waterproofers	8.75	.60	.30			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E- Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Holidays: 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.

e. Two (2) paid holidays: C and D providing the employee works the day before and the day after the holiday.

f. Holidays: B,C,D, plus Good Friday provided the employee has been employed 14 consecutive days immediately prior to the holiday.

g. Paid Holidays: A through F.plus Good Friday.

h. Paid Holidays: C through E.

i. $1.50 per man per day.

CONN-SW-LAB-A

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	6.70	.45	.40		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	6.95	.45	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.20	.45	.40		.05	
Open-Air Caisson, Cylindrical Work, and Boring Crew:						
Bottom man	7.20	.45	.40		.05	
Top man	6.70	.45	.40		.05	
Laborers (Heavy and Highway):						
Laborers	6.70	.45	.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	6.95	.45	.40		.05	
Air track operators, block pavers, rammers, curb setters	7.20	.45	.40		.05	
Powdermen and blasters	7.45	.45	.40		.05	

SW-CONN-1-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Om
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, Pumperete 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-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Dinky Machine Operator, Power Pavement Breaker Operator	$8.02	.30	.50+a	b		
Fireman (High Pressure)	7.91	.30	.50+a	b		
Oiler	7.54	.30	.50+a	b		
Crane with boom, excluding Jib, over 150 feet - .25 extra						
Crane with boom, excluding Jib, over 200 feet - .50 extra						

PAID HOLIDAYS (Where applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

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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.
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, pumperete, 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

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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.	O
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.						

AQ-3014 P. 10

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

AQ-3015 P. 2

STATE: Connecticut COUNTY: Hartford
DECISION NO.: AQ-3015 DATE: Date of Publication
Supersedes Decision No. AP849 dated June 29, 1973, in 38 FR 17363
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-S 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers:						
East Granby-Enfield-Granby Hartland-Suffield-Windsor Locks	$7.60	.34	.15		.01	
Remainder of County	8.965	.42	.28			
Boilermakers	8.075	.50	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	8.91	.50	.25	j		
Berlin-Kensington-New Britain-Newington-Plantsville-Southington	8.[illegible]	.40	.25			
Remainder of County	9.00	.50	.25			
Bricklayers, Cement masons, Finishers and Stonemasons (Heavy and Highway)	8.70	.50	.25	h		
Carpenters and Piledrivermen (Heavy and Highway)	8.60	.50	.30	h	.03	
Carpenters, Soft Floor Layers, Piledrivermen (Building Only):						
Burlington	8.45	.45	.30	a	.04	
Bristol-Plainville-Canton-Berlin-E. Berlin-Kingston-Newington-New Britian-Milldale-Marion-Plantsville-Bloomfield, Marlborough	8.85	.50	.30		.05	
Southington	8.85	.50	.30	g	.03	
Remainder of County	8.71	.50	.30		.05	
Electricians:						
Berlin-Bristol-New Britain-Plainville-Southington-Newington	8.75	.35	1%+.30		½ of 1%	
Hartland	8.80	.45	1%+.20		1/8 of 1%	
Suffield Township-Thompsonville Village	6.80	.20	1%+.15		b	
Remainder of County	8.80	.75	1%+.40		½%	
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	8.25	.30		e	.01	
Line Construction:						
Lineman	8.92	.20	1%	.29+f	½ of 1%	
Groundman-truck driver	6.43	.20	1%	.29+f	½ of 1%	
Equipment operator	8.32	.20	1%	.29+f	½ of 1%	

2-CONN-1-2-3-S 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
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			
Bridge	8.50	.50	.20			
Spray	10.875	.50	.20			
Remainder of County:						
Brush	7.65	.50	.30			
Spray	11.10	.50	.30			
Piledrivermen (Building Only):						
Marlboro	8.12	.35	.20			
Plumbers:						
Southington	9.00	.55	.75	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 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 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.

CONN-SW-LAB-A

LABORERS: BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Laborers: (Building):						
Laborers, carpenters tenders, wrecking laborers	6.70	.45	.40		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	6.95	.45	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.20	.45	.40		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	7.20	.45	.40		.05	
Top man	6.70	.45	.40		.05	
Laborers (Heavy and Highway):						
Laborers	6.70	.45	.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	6.95	.45	.40		.05	
Air track operators, block pavers, rammers, curb setters	7.20	.45	.40		.05	
Powdermen and blasters	7.45	.45	.40		.05	

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SW-CONN-1-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
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-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Dinky Machine Operator, Power Pavement Breaker Operator	$8.02	.30	.50+a	b		
Fireman (High Pressure)	7.91	.30	.50+a	b		
Oiler	7.54	.30	.50+a	b		
Crane with boom, excluding Jib, over 150 feet - .25 extra						
Crane with boom, excluding Jib, over 200 feet - .50 extra						

PAID HOLIDAYS (Where applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

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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.	C
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	

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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.

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.

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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: Connecticut
COUNTY: Litchfield
DECISION NO.: AQ-3016
DATE: Date of Publication
Supersedes Decision No. AP-850, dated June 29, 1973, in 38 FR 17367
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

3-CONN-1-2-3-P 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers:						
Canaan, Colebrook, Norfolk, North Canaan and Salisbury	$7.60	.34	.15		.01	
Remainder of County	8.965	.42	.28			
Boilermakers	8.705	.50	10%		.01	
Bricklayers, cement masons-finishers, marble setters, plasterers, stone masons, terrazzo workers, tile setters (Building Only):						
Thomaston, Watertown, Woodbury	8.91	.35+.15	.25	i		
Bridgewater, Kent, New Milford, Roxbury	8.[illegible]	.35+.15	.25			
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	8.60	.50	.30	h	.03	
East of Housatonic River	8.60	.50	.30	h	.03	
Carpenters, soft floor layers, pile-drivermen (Building Only):						
Northfield, Thomaston, Watertown, Morris	8.85	.50	.30	h	.03	
Plymouth, Terryville, Harwinton	8.85	.50	.30		.05	
Remainder of County	8.45	.45	.30	f	.04	
Electricians:						
Plymouth	8.75	.35	17+.30		½ of 1%	
Bridgewater, New Milford	8.35	.33	17+.30		½ of 1%	
Remainder of County	8.80	.45	17+.20		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	
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	8.92	.20	1%	.29+e	½ of 1%	
Equipment operator	8.32	.20	1%	.29+e	½ of 1%	
Groundman, truck driver	6.43	.20	1%	.29+e	½ of 1%	

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3-CONN-1-2-3-P (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Painters:						
Brush:						
New Milford	$6.20	.25				
Remainder of County	7.60	.50	.30			
Structural steel:						
New Milford	7.20	.25				
Remainder of County (Bridge)	8.50	.50	.20			
Spray:						
Remainder of County	10.875	.50	.20			
Plumbers:						
Bridgewater, New Milford	8.10	.30	.30			
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	8.87	.40	.26		.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.						

3-CONN-1-2-3-P (3-3)

PAID HOLIDAYS:
A-New Year's Day; B-MemorialDay; C- Independence Day; D-Labor Day; E-Thanksgiving Day F-Christmas Day.

FOOTNOTES:

a. 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.

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 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 employee 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-A

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	6.70	.45	.40		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	6.95	.45	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.20	.45	.40		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	7.20	.45	.40		.05	
Top man	6.70	.45	.40		.05	
Laborers (Heavy and Highway):						
Laborers	6.70	.45	.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	6.95	.45	.40		.05	
Air track operators, block pavers, rammers, curb setters	7.20	.45	.40		.05	
Powdermen and blasters	7.45	.45	.40		.05	

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SW-CONN-1-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
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, Pumperete 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-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
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-3016 P. 7

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.	O
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), harmer (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	

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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.	O
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.

AQ-3016 P. 9

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: Connecticut COUNTY: Middlesex
DECISION NO.: AQ-3017 DATE: Date of Publication
Supersedes Decision No. AP-851, dated June 29, 1973, in 38 FR 17371.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.
4-CONN-1-2-3-0 (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$8.965	.42	.28			
Boilermakers	8.705	.50	10%			
Bricklayers, Cement Masons-Finishers, Marble Setters, Plasterers, Stonemasons, Terrazzo workers, Tile Setters (Building Only)	8.85	.35+.15	.25			
Marble Setters' Helpers, Terrazzo Workers' Helpers, Tile Setters Helpers	7.65	.35	.15+.25			
Bricklayers, Cement Masons-Finishers, Stonemasons (Heavy & Highway Only)	8.45	.50	.50	e		
Carpenters & Piledrivermen (Hvy & Hwy)	8.60	.50	.30	e	.03	
Carpenters, Soft Floor Layers (Bldg. Only)	8.25	.50	.30		.05	
Electricians:						
Cromwell, Middlefield, Middletown, Portland	8.80	.75	1%+.20		½%	
Remainder of County	9.00	.55	1%+.20		½%	
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 and Reinforcing	9.30	.45	.44		.04	
Lathers:						
Cromwell, East Haddam, East Hampton, Middlefield, Middletown, Portland	9.15	.25	.30		.01	
Remainder of County	8.92	.25	.30		.01	
Lead Burners	8.25	.30		c	.01	
Line Construction:						
Lineman	8.92	.20	1%	.20+d	½ of 1%	
Equipment Operator	8.32	.20	1%	.20+d	½ of 1%	
Groundman, Truck Driver	6.43	.20	1%	.20+d	½ of 1%	
Painters:						
Brush	7.60	.50	.30			
Bridge	8.50	.50	.20			
Spray	10.87	.50	.20			
Piledrivermen (Building Only)	8.12	.35	.20			
Plumbers and Steamfitters:						
Clinton, Westbrook, Killingworth	8.90	.55	.30	f		
Essex, Old Saybrook, Ivoryton, Saybrook	8.75	.20	.20			
Remainder of County, Plumbers	8.87	.5322	.5322		.20	
Remainder of County, Steamfitters	9.30	.57	.57		.13	
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	

Welders receive rate prescribed for craft performing operation to which welding is incidental.

4-CONN-1-2-3-0 (2-2)

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Paid Holidays: A through F.

c. Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, 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.

d. 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 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. 2 Paid Holidays: C & D and ½ day Paid Holiday the Friday after Thanksgiving

AQ-3017 P. 3

CONN-SW-LAB-A

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	6.70	.45	.40		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	6.95	.45	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.20	.45	.40		.05	
Open Air Caisson, Cylindrical Work, and Boring Crew:						
Bottom man	7.20	.45	.40		.05	
Top man	6.70	.45	.40		.05	
Laborers (Heavy and Highway):						
Laborers	6.70	45	.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	6.95	.45	.40		.05	
Air track operators, block pavers, rammers, curb setters	7.20	.45	.40		.05	
Powdermen and blasters	7.45	.45	.40		.05	

AQ-3017 P. 4

SW-CONN-1-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
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, Pumperete 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-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
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.

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SW-CONN-2-3-U (1 of 2)

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	
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	

AQ-3017 P. 7

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.	C
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.						

AQ-3017 P. 8

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: Connecticut COUNTY: New Haven
DECISION NO.: AQ-3018 DATE: Date of Publication
Supersedes Decision No. AP-852 dated June 29, 1973, in 38 FR 17375.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

5-CONN-1-2-3-S (1-4)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.965	.42	.28			
Boilermakers	8.705	.20	10%		.01	
Bricklayers, cement masons-finishers Marble setters, plasterers, stonemasons terrazzo workers, tile setters (Building Only):						
Devon to the Orange Town Line and the Indian River in Milford	8.90	.35+.15	.50			
Ansonia-Derby	8.62	.50	.50	n		
Meriden	8.70	.40	.25			
Beacon Falls-Middlebury-Mixville-Naugatuck-Prospect-Waterbury-Marion-Wolcott-Thomaston-Woodbury	8.91	.35+.15	.25			
Remainder of County	8.95	.35+.15	.50			
Bricklayers, cement masons-finishers, stonemasons (Heavy & Highway Only):						
Milford	8.50	.50	.50	h		
Remainder of County	8.45	.50	.50	h		
Carpenters, soft floor layers, piledrivermen (Building Only):						
Ansonia, Seymour, Derby, Orange	8.25	.50	.30	j		
Milford and that part of Orange from Orange Center Road west to Milford and the Oyster River	8.85	.50	.30	f		
Wallingford-Meriden	8.85	.50	.30		.05	
Chesire-Middlebury-Prospect-Southbury-Waterbury-Wolcott-Beacon Falls-Naugatuck-Bethany	8.85	.50	.30	g	.03	
Remainder of County	8.80	.50	.30			
Carpenters, Piledrivermen (Heavy & Highway Only)	8.60	.50	.30	h	.03	
Electricians:						
Beacon Falls-Middlebury-Naugatuck-Oxford-Prospect-Seymour-Southbury-Waterbury-Wolcott	8.80	.45	1%+.20		1/8 of 1%	
Milford	7.75	.23	1%+.20		½ of 1%	
Remainder of County	9.00	.55	1%+.20		½ 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			
Glaziers (Wallingford)	8.71	.52	.47			
Ironworkers:						
Structural, Ornamental & Reinforcing	9.30	.45	.44		.04	

AQ-3018 P. 2

5-CONN-1-2-3-S (2-4)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Lathers:						
Beacon Falls-Bethany-Cheshire-Meriden-Middlebury-Naugatuck-Oxford-Prospect-Southbury-Waterbury-Wolcott	8.75	.25	.15		.01	
Remainder of County	8.92	.25	.30		.01	
Lead Burners	8.25	.30		c	.01	
Line Construction:						
Linemen	8.92	.20	1%	d+.29	½ of 1%	
Equipment operator	8.32	.20	1%	d+.29	½ of 1%	
Groundman, truck driver	6.43	.20	1%	d+.29	½ of 1%	
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers	7.65	.35	.15+.25			
Painters:						
Brush:						
Ansonia-Beacon Falls-Derby-Oxford-Seymour	4.75	.12		e		
Milford (Remainder of Township)	7.00	.35	.55	e		
Cheshire-Guilford-Madison-Meridan-Wallingford	7.60	.50	.30			
Milford (Up to Gulf Street)	7.15	.35	.40			
Remainder of County	6.40	.25	.25			
Structural Steel:						
Ansonia-Beacon Falls-Derby-Oxford-Seymour	5.75	.12		e		
Milford	8.00	.35	.55	e		
Spray:						
Ansonia-Beacon Falls-Derby-Oxford-Seymour	5.75	.12		e		
Cheshire-Guilford-Madison-Meriden Wallingford	10.875	.50	.20			
Milford (Up to Gulf Street)	10.15	.35	.40			
Remainder of County	9.15	.25	.25			
Commerical & Industrial:						
Middlebury-Naugatuck-Prospect-Roxbury-Southbury-Waterbury-Wolcott	7.10	.35	.30			
Bridge:						
Cheshire-Guilford-Madison-Meriden-Wallingford	8.50	.50	.20			
Plumbers & Steamfitters:						
Milford	9.01	.45	.50	.36	.01	
Ansonia-Beacon Falls-Bethany-Naugatuck-Oxford-Prospect-Seymour	9.15	.35	.30	2%	.02	
Middlebury-Southbury-Waterbury-Wolcott-South Britain	8.32	.55+.08	.50	.48+0	.08	
Cheshire-Meriden-Wallingford	9.00	.55	.75	k		
Remainder of County	8.90	.55	.30	l		
Roofers:						
Cheshire-Meriden-Prospect-Wallingford-Wolcott:						
Composition	8.20	.425	.50	.30		
Slate and tile	8.70	.425	.50	.30		

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Roofers (Cont'd)						
Remainder of County:						
Composition, Kettlemen	8.75	.60	.30			
Slate and Tile	9.00	.60	.30			
Slate helpers	8.00	.60	.30			
Sheet Metal workers	8.70	.50	.51		.05	
Sprinkler fitters	9.08	.40	.60		.05	
Waterproofers:						
Cheshire-Meriden-Prospect-Wallingford-Wolcott	8.20	.425	.50	.30		
Remainder of County	8.75	.60	.30			
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 of service as Vacation Pay Credit.

b. Paid Holidays: A through F.

c. 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 (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.

e. Paid Holidays: C and D; providing the employee works the day before and the day after the holiday.

FOOTNOTES (Cont'd):

f. Paid Holidays: B through D, plus Good Friday, provided the employee has been employed 14 consecutive days immediately prior to the holiday.

g. Paid Holidays: B through E.

h. Paid Holidays: A through F, plus Good Friday.

j. Paid Holidays: C, D and E.

k. Paid Holidays: Labor Day.

l. 2 Paid Holidays C and D and ½ day paid holiday the Friday after Thanksgiving

m. Paid Holidays C and D.

n. Paid Holidays: D and Good Friday.

o. Paid Holidays B and D and ½ day paid holiday the Friday after Thanksgiving and the last working day before Christmas.

AO-3018 P. 5

CONN-SW-LAB-A

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	6.70	.45	.40		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	6.95	.45	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.20	.45	.40		.05	
Open Air Caisson, Cylindrical Work, and Boring Crew:						
Bottom man	7.20	.45	.40		.05	
Top man	6.70	.45	.40		.05	
Laborers (Heavy and Highway):						
Laborers	6.70	45	.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	6.95	.45	.40		.05	
Air track operators, block pavers, rammers, curb setters	7.20	.45	.40		.05	
Powdermen and blasters	7.45	.45	.40		.05	

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SW-CONN-1-R

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-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Dinky Machine Operator, Power Pavement Breaker Operator	$8.02	.30	.50+a	b		
Fireman (High Pressure)	7.91	.30	.50+a	b		
Oiler	7.54	.30	.50+a	b		
Crane with boom, excluding Jib, over 150 feet - .25 extra						
Crane with boom, excluding Jib, over 200 feet - .50 extra						
PAID HOLIDAYS (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						

FOOTNOTES:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

AQ-3018 P. 8

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.	O
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 are 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	

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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.	C

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.

AQ-3018 P. 10
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		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: Connecticut COUNTY: New London
DECISION NO.: AQ-3019 DATE: Date of Publication
Supersedes Decision No. AP-853, dated June 29, 1973, in 38 FR 17379
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

6-CONN-1-2-3-R (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers:						
Griswold, Ledyard, Lisbon, North Stonington, Preston, Stonington, Voluntown	$8.80	.505	.45		.005	
Remainder of County	8.965	.42	.28			
Boilermakers	8.705	.50	10%		.01	
Bricklayers, cement mason-finishers, marble setters, plasterers, stone masons, terrazzo workers, tile setters (Building Only):						
Norwich	8.95	.20+.15	.25			
Remainder of County	8.90	.40	.25			
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers: (Building Only)	7.65	.35	.15+.25			
Bricklayers, cement masons-finishers, stone masons (Heavy & Highway Only)	8.45	.50	.50	c		
Carpenters & Piledrivermen (Heavy and Highway Only)	8.60	.50	.30	c	.03	
Carpenters, soft floor layers, pile-drivermen (Building Only):						
Township of Stonington	8.25	.35	.35			
Remainder of County	8.55	.50	.30			
Electricians:						
East Lyme, Groton, Lyme, New London, Old Lyme, Waterford	9.00	.55	17+.20		½ of 1%	
Remainder of County	8.80	.75	17+.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	8.25	.30		c	.01	
Line Construction:						
Lineman	8.92	.20	1%	.29+d	½ of 1%	
Equipment Operators	8.32	.20	1%	.29+d	½ of 1%	
Groundman, truck driver	6.43	.20	1%	.29+d	½ of 1%	
Painters:						
Brush	7.00	.35	.50	.20		
Bridge	8.50	.25	.40	.20		
Sandblasters, steamcleaners	7.73	.35	.50	.20		

AQ-3019 P. 2

6-CONN-1-2-3-R (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Plumbers, Steamfitters: Groton, Lyme, Merville, New London, Old Lyme, Salem, Stonington, Waterford, East Lyme, Essex, Saybrook, Ivoryton, Old Saybrook, Montville to Four Corners	9.22	.40	.30			
Remainder of County	8.65	.40	.30	f+.27		
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 holiday: D.

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CONN-SW-LAB-A

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	6.70	.45	.40		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	6.95	.45	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.20	.45	.40		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	7.20	.45	.40		.05	
Top man	6.70	.45	.40		.05	
Laborers (Heavy and Highway):						
Laborers	6.70	.45	.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	6.95	.45	.40		.05	
Air track operators, block pavers, rammers, curb setters	7.20	.45	.40		.05	
Powdermen and blasters	7.45	.45	.40		.05	

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SW-CONN-1-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Cre
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-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	[illegible]
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.

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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.	[illegible]
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, pumperete, 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 leader	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 leader (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	

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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.	O
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.						

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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: Connecticut
COUNTY: Tolland
DECISION NO.: AQ-3020
DATE: Date of Publication
Supersedes Decision No. AP-854 dated June 29, 1973, in 38 FR 17383.
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-1-2-3-0 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Asbestos workers:						
Somers-Strafford-Union	$7.60	.39	.15		.01	
Remainder of County	8.965	.42	.28			
Boilermakers	8.705	.50	10%		.01	
Bricklayers, Cement Masons-Finishers, Marble Setters, Plasterers, Stonemasons, Terrazzo Workers, Tile Setters (Building Only)	9.00	.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	c		
Carpenters & Piledrivermen (Hvy. & Hwy.)	8.60	.50	.30	c	.03	
Carpenters, Soft Floor Layers & Piledrivermen, Millwrights (Building Only):						
Bolton	8.71	.50	.30		.05	
Remainder of County	9.00	.35	.30			
Electricians	8.35	.40	17+.20		½%	
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:						
Somers, Stafford, Stratford Spring, Straffordville, Union, Crystal Lake	7.60	.45	.25			
Remainder of County	9.15	.20	.30		.01	
Lead Burners	8.25	.30		c	.01	
Line Construction:						
Linemen	8.92	.20	1%	d+.29	½ of 1%	
Equipment Operator	8.32	.20	1%	d+.29	½ of 1%	
Groundman, Truck Driver	6.43	.20	1%	d+.29	½ of 1%	
Painters:						
Brush						
Ellington, Hebron, Rockville, Somers, Vernon	7.65	.50	.30			
Remainder of County	7.00	.35	.50	.20		
Bridge:						
Ellington, Hebron, Rockville, Somers, Vernon	8.50	.20	.20			
Spray:						
Ellington, Hebron, Rockville, Somers, Vernon	11.10	.50	.30			
Bridge:						
Remainder of County	8.50	.25	.40	.20		
Plumbers	8.87	.5322	.5322		.20	
Roofers:						
Composition	8.20	.425	.50	.30		
Slate, tile, precast concrete	8.70	.425	.50	.30		

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7-CONN-1-2-3-0 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Sheet Metal Workers	$.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.

AQ-3020 P. 3

CONN-SW-LAB-A

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	6.70	.45	.40		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	6.95	.45	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.20	.45	.40		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	7.20	.45	.40		.05	
Top man	6.70	.45	.40		.05	
Laborers (Heavy and Highway):						
Laborers	6.70	.45	.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	6.95	.45	.40		.05	
Air track operators, block pavers, rammers, curb setters	7.20	.45	.40		.05	
Powdermen and blasters	7.45	.45	.40		.05	

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SW-CONN-1-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
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-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C-
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-3020 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.
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	7.56	.30	.50 +a	b	.05
Batch plant, bulk cement plant,	7.65	.30	.50 +a	b	.05

AQ-3020 P. 7

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.	C
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.						

AQ-3020 P. 8

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: Connecticut
COUNTY: Windham
DECISION NO.: AQ-3021
DATE: Date of Publication
Supersedes Decision No. AP-855, dated June 29, 1973, in 38 FR 17386
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

8-CONN-1-2-3-0 1-2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers:						
Ashford, Chaplin, Eastford, Hampton, Scotland, Windham	$8.965	.42	.28			
Woodstock	7.60	.34	.15		.01	
Remainder of County	8.80	.505	.45		.005	
Boilermakers	8.705	.50	10%		.01	
Bricklayers, Cement Masons-Finishers, Marble Setter, Plasterers, Stonemasons Terrazzo Workers, Tile Setters, (Building Only)	6.20	.14	.15			
Bricklayers, Cement Masons-Finishers Stonemasons (Heavy and Highway)	8.45	.50	.50	f		
Carpenters & Piledrivermen (Hvy. & Hwy.)	8.60	.50	.30	f	.03	
Carpenters, Soft Floor Layers, Piledrivermen and millwrights (Building Only	9.00	.35	.30			
Electricians	8.35	.40	17+.20		½%	
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	8.25	.30		c	.01	
Line Construction:						
Linemen	8.92	.20	1%	.29+e	½ of 1%	
Equipment Operator	8.32	.20	1%	.29+e	½ of 1%	
Groundman, Truck Driver	6.43	.20	1%	.29+e	½ of 1%	
Marble Setters' helpers, Terrazzo workers helpers, Tile setters' helpers	7.65	.35	.15+.25			
Painters:						
Willimatic:						
Brush	7.65	.50	.30			
Spray	11.10	.50	.30			
Bridge (Entire County)	8.50	.20	.20			
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	7.80	.35	.50	.20		
Plumbers:						
Windham	8.87	.5322	.5322		.20	
Remainder of County	8.65	.40	.30	f+.27		

8-CONN-1-2-3-0 2-2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
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	8.65	.40	.30	f+.27		

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

AQ-3021 P. 3

CONN-SW-LAB-A

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	6.70	.45	.40		.05	
Jackhammer.op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	6.95	.45	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.20	.45	.40		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	7.20	.45	.40		.05	
Top man	6.70	.45	.40		.05	
Laborers (Heavy and Highway):						
Laborers	6.70	.45	.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	6.95	.45	.40		.05	
Air track operators, block pavers, rammers, curb setters	7.20	.45	.40		.05	
Powdermen and blasters	7.45	.45	.40		.05	

AQ-3021 P. 4

SW-CONN-1-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
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, Pumperete 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	

AQ-3021 P. 5

SW-CONN-1-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Dinky Machine Operator, Power Pavement Breaker Operator	$8.02	.30	.50+a	b		
Fireman (High Pressure)	7.91	.30	.50+a	b		
Oiler	7.54	.30	.50+a	b		
Crane with boom, excluding Jib, over 150 feet - .25 extra						
Crane with boom, excluding Jib, over 200 feet - .50 extra						

PAID HOLIDAYS (Where applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

AQ-3021 P. 6

SW-CONN-2-3-U (1 of 2)

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
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 wall 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	8.43	.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	

AQ-3021 P. 7

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.	O
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.						

AQ-3021 P. 8

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: Kansas COUNTY: Leavenworth
DECISION NO.: AQ-36 DATE: Date of Publication
Supersedes Decision No. AM-6,708, dated April 7, 1972, in 37 FR 7031.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

11 Kansas - 1 - a (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$ 8.40	.30	.30		.02	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	7.975	.35	.35	.15		
CARPENTERS	8.12	.33	.30	.25	.05	
CEMENT MASONS	7.075	.10	.15			
ELECTRICIANS (Delaware, Kickapoo, High Prairie & Leavenworth Townships): Electricians	8.30	.20	1% + .25	.70	.03	
(Remainder of County): Electricians; Technician	8.3[illegible]	.35	1% + .30		2/10%	
ELEVATOR CONSTRUCTORS	7.29	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	7.41	.35	.20	7% + c	.01	
IRONWORKERS:						
Structural; ornamental	8.50	.40	.40	.80	.05	
Reinforcing	8.50	.40	.40	.80	.05	
LABORERS:						
Laborers, unskilled	5.80	.30	.30			
Plaster tenders; Mason tenders; Stonemasons tenders; Mortar mixers; Mixer operator smaller than 10-sack; Concrete puddler vibrators; Spreading concrete; Tampers (Mechanical); Wackers; Drill operator; Jackhammer man; Tile layer sewer; Asphalt raker; Burner, cutting torch, Chain saw power; Manually or mechanically operated georgia buggy	6.05	.30	.30			
LATHERS	6.75	.20				
MARBLE SETTERS	8.675	3.65%	3.25%			
MILLWRIGHTS	8.12	.33	.30	.25	.05	
PAINTERS:						
Brush	6.25					
Spray	6.75					
Swing stage	6.50					
Structural steel	6.50					
General painting over 40 ft. on ladders	6.50					
PILEDRIVERMAN	8.12	.33	.20	.25	.04	
PIPEFITTERS	8.52	.38	.75		.06	
PLASTERERS	6.90	.20				
PLUMBERS	8.65	.40	.60		.06	
ROOFERS	6.51	.18	.40		.04	

11 Kansas - 1 - a (2-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
SHEET METAL WORKERS	8.225	.25	.25			
SPRINKLER FITTERS	8.75	.30	.50		.05	
TERRAZZO WORKERS	8.675	3.65%	3.25%			
TERRAZZO WORKERS' HELPERS	4.55					
TERRAZZO WORKERS' BASE MACHINE GRINDERS	4.90					
TILE SETTERS	8.675	3.65%	3.25%			
CEMENT MASONS (HEAVY & HIGHWAY CONST.)	8.905	.20	.45	.50	.05	
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. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b. Paid Holidays: A through F.
c. Paid Holidays: A through F, plus Friday after Thanksgiving.

AQ-36 P. 3

KAN-10-PEO-1-h (1-2)

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
"A" Frame Trucks; Boilers (1); Brooms Power Operated (all types); Chip Spreader (front man); Clef Plane Op.; Compressor (1) 105 feet or over; Concrete Saws, Self-propelled; Conveyor Operator; Crab-power operated; Curb Finishing Machine; Elevator; Finishing Machine; Firemen on Rigs; Flex Plane; Floating Machine; Form Grader; Fork-Lift - all types & sizes; Greaser; Hoist, Endless Chain - power operated; Hopper - Power Operated; Hydra Hammer (all types); Lad-A-Vator; Mixers (with Side Loaders); Pumps (with well points); Pump (water) Rollers (all types); Siphons, Jets & Jennys; Sub Grader; Tractors over 50 H.P.	$6.90	.25	.25		.02	
Asphalt Paver & Spreader; Asphalt Plant Mixor Operator; Asphalt Plant Operator Back Fillers; Back Hoe, all types: Barber-Greene Loader; Blade-Power, all types; Boats - Power; Boiler(2); Boring Machine (all types); Cableways; Cherry Pickers (all types); Chip Spreader; Clamshells; Combination Concrete Hoist & Mixer, such as mixer-mobile (with tower, 50¢ per hour additional) Compressors (2) 105 feet or over not more than 20 feet apart; Compressors - tandem (any sizes); Compressors - single, Truck Mounted; Concrete Ready-Mixed Plant, Portable (job site); Concrete Mixer Paver; Crane or Rigs (all types); Crane-over-head; Crusher, rock; Derricks & Derricks Cars (Power operated); Ditching Machines; Dozer; Draglines; Dredges, any type power; Gradeall; Hoist, Endless Chain-Power Operated with Power Travel; Loaders - all types Locomotives - all types; Mechanics & Welder; Mucking Machine; Orange Peels; Pile Drivers; Pumps - material - all types; Push Cats; Scoops (all types); Self-propelled Rotary Drill; Shovel, Power; Side Boom; Skimmer Scoop; Testhole Machine; Throttle Man	7.15	.25	.25		.02	

AQ-36 P. 4

KAN-PEO-1-h (2-2)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
Crane-tower or climbing	$7.65	.25	.25		.02	
Clamshells, crane or rigs, draglines & Pile Drivers with 80 feet of boom or over (including jib)	7.40	.25	.25		.02	
Crane or Rigs over 200 feet	7.65	.25	.25		.02	
Hoists - each additional drum over 1 drum	7.15	.25	.25		.02	
Master Mechanic	8.15	.25	.25		.02	
Master Mechanic - Assistant	7.90	.25	.25		.02	
Oiler; Tractors (except when hauling material) less than 50 H.P.	6.35	.25	.25		.02	
Oiler Driver - all types	6.60	.25	.25		.02	
Ready-Mixed Concrete Plants: Crane Operator	6.83	.25	.25		.02	
Conveyor; loader operator; plant man	6.63	.25	.25		.02	

AQ-36 P. 5

KAN - 1 - TD - 1 - h

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
TRUCK DRIVERS:						
Warehousemen and stock man	$ 4.175					
Flat beds	4.225					
Pick-ups	4.225					
Dump trucks, under 10 yards	4.225					
Dump trucks, 10 yards and over	4.30					
Straddle trucks	4.425					
Wheel tractors (when used for towing)	4.425					
Steel trucks	4.30					
Hydro lift trucks	4.425					
Hydraulically operated serial lifts	4.425					
Distributor truck drivers and operators	4.325					
Semi-truck drivers	4.30					
Heavy hauling, A-frame winch and fork lifts	4.425					
Heavy excavating (dumpter, Euclid, etc.)	4.425					
Oilers, greasers and mechanics' helpers	4.325					
Mechanics	4.525					
Transit mix, 5 yards and over	4.375					
Transit mix, under 5 yards	4.275					
Double bottom units (20 tons cap. & over)	4.425					

AQ-36 P. 6

Kan.-3-Lab-2-3

"Site Preparation & Grading"	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Board mat weavers & cable tiers; georgia buggy (manually operated); Mixerman-no skip; lift; Nailers, Salamander Tenders; Track men; Tractor Swamper; Truck Dumper; Wire Mesh Setter; Water Pump up to 4 inch; & all other general laborer including flagman	4.775	.20	.20		
Air tool operators; Cement Handlers (Bulk); Chain Saw; Georgia Buggy (Mechanically operated); Grade Man; Hot Mastic Kettlemen; Crusher Feeder; Joint Man; Jute Man; Mason Tender; Material Batch Hopper & Scale man; Mixer Man; Pier Hole Man Working 10 feet deep; Pipelayer - Drainage (concrete and/or corrugated metal); Signal Man (Crane); Truck Dumper - Dry Batch; Vibrator Operator; Wagon and Churn Drill Operator	4.925	.20	.20		
Asphalt Raker, Barco Tamper; Concrete Saw; Creosote Material - Handling & Applying; Nozzle Burner (cutting torch)	5.025	.20	.20		
Conduit Pipe; Tile & Duct Line Setter; Form Setter & Liner on concrete paving; Powderman; Sandblasting & Gunnite Nozzleman; Sanitary Sewer Pipe Layer	5.175	.20	.20		
Leadman or Pusher	5.275	.20	.20		

AQ-36 P. 7

"Site Preparation & Grading"

100 - KAN PEO 2 - 3 - h (1-

POWER EQUIPMENT OPERATORS	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Group I						
Asphalt Paver and Spreader; Auto Grader; Back Hoe; Blade Operator, all types; Boilers - 2; Booster Pump on Dredge; Boring Machine (Truck or Crane Mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator - 2; Concrete Plant Operator - Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineman; Dredge Operator; Drillcat with Compressor Mounted on Cat; Drilling or Boring Machine, Rotary, self-propelled; High Loader - Fork Lift; Locomotive Operator, Standard Gauge; Mechanics and Welders; Maintenance Operator; Mucking Machine; Pile Driver Operator; Pitman Crane Operator; Pump - 2; Quad-Trac; Scoop Operator - all types; Scoops in Tandem; Self-Propelled Rotary Drill (Leroy or Equal - not Air Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Throttle Man; Truck Crane; Welding Machine Maintenance Operator - 2; Hoisting Engine-2 active drums	$8.50	.40	.40	.50	.10	
Group II						
"A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, Drum or Boiler; Asphalt Plant Mixer Operator; Asphalt Plant Operator; Asphalt Roller Operators; Backfiller Operator; Chip Spreader; Concrete Batch Plant, dry - Power Operated; Concrete Mixer Operator, Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser; Hoisting Engine - 1 drum; LaTourneau Rooter; Multiple Compactor; Pavement Breaker, Self-Propelled, of the Hydra-Hammer or Similar Type; Power Shield; Stump Cutting Machine; Towboat Operator; Tractor Operator - over 50 HP	8.25	.40	.40	.50	.10	
Group III						
Boilers - 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator - 1; Concrete Saws, Self-Propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Oiler Driver, all types; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than High Type Asphalt; Screening and Washing Plant Operator	8.00	.40	.40	.50	.10	

AQ-36 P. 8

100 - KAN PEC 2 - 3 - h (2-

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Group III (Cont'd)						
Self-Propelled Street Broom or Sweeper; Siphons and Jets; Sub-Grading Machine Operator; Tank Car Heater Operator - Combination Boiler and Booster; Tractor - 50 HP or less, without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1	8.00	.40	.40	.50	.10	
Group IV						
Mechanic's Helper; Oiler	7.50	.40	.40	.50	.10	
Clamshells, 3 yards or over	8.75	.40	.40	.50	.10	
Crane or Rigs, 80 feet of boom or over (including jib)	8.75	.40	.40	.50	.10	
Crane or Rigs 200 feet of boom or over	9.00	.40	.40	.50	.10	
Dragline, 3 yards or over	8.75	.40	.40	.50	.10	
Pile drivers, 80 feet of boom or over (including jib)	8.75	.40	.40	.50	.10	
Shovels, 3 yards or over	8.75	.40	.40	.50	.10	

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.

AO-36 P. 9

00-Kansas-TD 2, 3 d

"Site Preparation & Grading	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	St
TRUCK DRIVERS:						
One Team; Station Wagons; Pickup Trucks; Material Trucks, Single Axle; Tank Wagon Drivers, Single Axle	$ 7.39	.50	.50	.50		
Material Trucks, Tandem; Two Teams; Semi-Trailers; Winch Truck - Fork Trucks; Distributor Drivers and Operators; Agitator and Transit Mix; Tank Wagon Drivers, Tandem or Semi-Trailer; Insley Wagons; Dump Trucks excavation 5 cu. yds. and over; Dumpsters; Half-Tracks; Speedace; Euclids and other similar excavating equipment	7.59	.50	.50	.50		
A Frame-Low Boy-Boom truck drivers	7.90	.50	.50	.50		
Mechanics & Welders	8.05	.50	.50	.50		
Mechanics' Helpers, Oilers & Greasers	7.165	.50	.50	.50		

AO-36 P. 10

Kansas Line Construction #2

"Remainder of Leavenworth County"	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Lineman	$7.95	.15	1%+.15		½%
Lineman operator	7.50	.15	1%+.15		½%
Lineman mechanic	6.37	.15	1%+.15		½%
Groundman powderman	5.47	.15	1%+.15		½%
Groundman	5.19	.15	1%+.15		½%
Groundman (1st year)	4.79	.15	1%+.15		½%
Southwest 2/3 of Leavenworth County					
LINE CONSTRUCTION:					
Lineman	$7.06	.35	1%		1/2%
Cable splicers	7.41	.35	1%		1/2%
Groundman, over 1 year	4.41	.35	1%		1/2%
Groundman, 1st year	3.37	.35	1%		1/2%
Powderman	5.86	.25	1%		1/2%
Line truck & equipment operator:					
1st year	4.52	.35	1%		1/2%
2nd year	5.39	.35	1%		1/2%
Over 2 years' experience	5.86	.35	1%		1/2%

SUPERSEDEAS DECISION

STATE: Kentucky COUNTY: Boyd
DECISION NUMBER: AQ-4020 DATE: Date of Publication
Supersedes Decision No. AP-470 dated March 23, 1973 in 38 FR 7735
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.	Othe
Asbestos workers	$8.65	.25	.25		.02	
Boilermakers-Blacksmiths	7.95	.30	.60		.01	
Boilermakers-Blacksmiths' helpers	7.70	.30	.60		.01	
Bricklayers:						
Bricklayers	8.00					
Stone masons	8.00					
Carpenters:						
Carpenters	7.36	.30	.50		.02	
Millwrights	8.70	.30	.37		.02	
Piledrivermen	7.61	.30	.50		.02	
Cement masons	8.23					
Electricians:						
Electricians	8.10	.30	1% + .27	1.02	.04	
Cable splicers (electricians)	8.91	.30	1% + .27	1.02	.04	
Linemen	8.31	.25	1% + .27	1.02	.02	
Groundmen	6.65	.25	1% + .27	1.02	.02	
Cable splicers (linemen)	9.14	.25	1% + .27	1.02		
Elevator constructors	8.08	.17	.185	½+a&b	.005	
Elevator constructors helpers	70%JR	.17	.185	½+a&b	.005	
Elevator constructors helpers (prob.)	50%JR					
Ironworkers:						
Structural	8.40	.50	.55		.01	
Ornamental	8.40	.50	.55		.01	
Reinforcing	8.40	.50	.55		.01	
Lathers	7.05		.10			
Leadburners	8.25	.30		d	.01	
Painters:						
Commercial:						
Brush	5.91					
Spray	6.43					
Industrial:						
Brush	6.86					
Spray	7.44					
Plasterers	8.23					
Plumbers and steam fitters:						
Within a 5 mile radius of 17th Street and Winchester Ave., Ashland	7.40	.35	.60	c + 1.00	.10	
Over 5 mile and within a 15 mile radius of 17th Street and Winchester Ave., Ashland	7.60	.35	.60	c + 1.00	.10	
Over 15 and within 30 mile radius of 17th & Winchester Ave., Ashland	7.80	.35	.75	c + 1.00	.10	
Over 30 miles radius of 17th Street and Winchester Ave., Ashland	7.90	.35	.60	c + 1.00	.10	
Roofers	7.89	.33	.20			
Sheet metal workers	8.68	.45	.40		.04	
Soft floor layers	7.36	.30	.50		.02	
Sprinkler fitters	9.10	.40	.60		.07	
Welders--Receive rate prescribed for craft performing operation to which welding is incidental						

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Footnotes:

a. Six paid holidays; A through F

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who worked in business less than 5 years.

c. Two paid holidays: C and F.

d. Nine paid holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

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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KY-10-Lab. - 1 L (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Laborers: Industrial Work						
Laborers, carpenters' helpers, concrete men, wreckers and wall men, handlers of empty oxygen and acetylene bottles	$5.56	.25	.25			
Hod carriers, mortar men, cement finishers' helpers, lathers and plasterers' tenders	5.71	.25	.25			
Jackhammer and electrical, gas or air power driven tools, burning torch, wagon drill operators, tile layers, handling of all creosote material, signal men and asphalt raker	5.81	.25	.25			
Wrapping, heating and applying hot and cold tar on all pipes, applying tape on pipes and operating of tester	5.73	.25	.25			
Deck hand and scow men	5.76	.25	.25			
Rock and powdermen	6.06	.25	.25			
Sand hog or mucker, tunnel miners	6.26	.25	.25			
Caisson worker	6.76	.25	.25			
Laborers: Commercial Work						
Laborers, carpenters' helpers, concrete men, wreckers, wall men, handlers of empty oxygen and acetylene bottles	5.56	.25	.25			
Hod carriers, mortar men, cement finishers' helpers, lathers and plasterers' tenders	5.71	.25	.25			
Jackhammer and electrical, gas or air power driven tools, burning torch, wagon drill operators and tile layers, handling of all creosote material, signal men, tool room men, asphalt raker and sandblasters	5.81	.25	.25			
Wrapping, heating and applying hot and cold tar on all pipes, applying tape on pipes and operating of tester	5.73	.25	.25			
Deck hand and scow men	5.76	.25	.25			
Rock and powdermen	6.06	.25	.25			
Sand hog or mucker, tunnel miners	6.26	.25	.25			
Caisson workers	6.76	.25	.25			

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KENTUCKY 1-PEO-1-I

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	
POWER EQUIPMENT OPERATORS						
Class A Operators:						
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, Clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height), all types of boom cats, core drill, hopto, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, pumperete, ross carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurries, sub-grader	$7.75	.25	.25			
Class B Operators:						
All air compressors, (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 H. P. and over) bull float, finish machine, cutbeard motor boat, flexoplane, fireman, boom type tarping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self propelled compactor, tractair and road widening trencher and farm tractor with						

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KENTUCKY 1-PEO-1 - I

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hour Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O.
Class B Operators (cont'd): attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor	$6.11	.25	.25			
Class C Operators: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper	5.67	.25	.25			

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Kentucky 10 - TD - H

TRUCK DRIVERS	Basi Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O.
Warehousemen, yardmen, truck helpers, pick-ups, station wagons, panel trucks, Flatbody material trucks (straight jobs), greasers, washers, tiremen, gas pump attendants, dump trucks (up to 5 cu. yds.)	$6.60	a28.50	a26.00	b		
Tank Trucks (straight)	6.70	a28.50	a26.00	b		
Dump trucks (5 cu. yds. or over), semi-dump trucks, semitrailers whether flat, rack or pole & hauling or pushed by trucks or tractors, agiators or mixer trucks (up to 5 cu. yds), farm type tractors, tank trucks (semi)	6.85	a28.50	a26.00	b		
Lowboys trailers, winch trucks, fork trucks, distributors trucks (front and back end), truck cranes, monirails	6.90	a28.50	a26.00	b		
Euclids, dumpsters, Turnarockers, Ross carriers, Athey wagons or similar equipment, A-Frame, Hydrolifts, dual purpose trucks & mechanics	7.25	a28.50	a26.00	b		
Agitators or mixer trucks (5 cu. yds. & over	7.00	a28.50	a26.00	b		
Material checkers and receivers mechanics helpers	6.95	a28.50	a26.00	b		

FOOTNOTES:

a. Per month, for employees employed over 30 days or more

b. Employees working a minimum of 480 hours receive 1 hour pay for each 40 hours worked with limit to 52 hours pay.

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: AQ-4021
Supersedes Decision No. AP-194
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Fayette
DATE: Date of Publication
dated May 25, 1973 in 38 FR 13926.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	$8.85	.30	.20			
Boilermakers	8.10	.30	.70	.55	.01	
Bricklayers	7.45	.25	.25	.30		
Carpenters:						
Carpenters	7.85	.30	.30		.02	
Millwrights	8.35	.30	.30		.02	
Piledrivermen	8.35	.30	.30		.02	
Cement Masons	8.45					
Electricians	8.35	.35	1%	.30	½ of 1%	
Elevator Constructors	8.45	.345	.23	2%+a+b	.015	
" " helpers	70%JR	.345	.23	2%+a+b	.015	
" " " (Prob.)	50%JR					
Glaziers	7.00					
Ironworkers:						
Structural	8.70	.50	.65		.04	
Ornamental	8.70	.50	.65		.04	
Reinforcing	8.70	.50	.65		.04	
Lathers	6.99		.10			
Leadburners	8.25	.30		c	.01	
Line Construction:						
Linemen and equipment operators	9.70	.30	1%		½ of 1%	
Groundmen truck driver	7.74	.30	1%		½ of 1%	
Groundmen truck driver with winch or pole steel handling	8.23	.30	1%		½ of 1%	
Marble Setters	7.45	e	e	.25		
Marble Setters' Helpers	5.05					
Painters:						
Brush	6.97					
Hazardous	7.72					
Spray	7.47					
Plasterers	7.25					
Plumbers and Steamfitters	8.35	.25	.45	d	.02	
Roofers	4.90	.20				
Sheet Metal Workers	8.55	.60	.60		.05	
Soft Floor Layers	7.35	.30	.30		.02	
Sprinkler Fitters	9.10	.40	.60		.07	
Stone Masons	7.45	.25	.25			
Terrazzo Workers	7.45	e	e	.25		
Terrazzo Workers' Helpers	5.05					
Tile Setters	7.45	e	e	.25		
Tile Setters' Helpers	5.05					
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays: A through F, plus Washington's Birthday, Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Employee on payroll November 24 through December 23 will receive one paid holiday--Christmas Eve.

e. Employer contributes $.35 per hour combined to health, welfare and pension funds.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Laborers:						
Tool room checkers, carpenters' tenders, landscapers, roofers' helpers, sheeting and shoring, construction laborers	5.20	.25	.25			
Air track drills, jackhammers, wagon drills, pavement breakers, chain saws, Barco tampers, all types of vibrators for concrete and grade work, concrete saws, sewer pipe layers, all storm sewers, sanitary sewers, signal man, asphalt men, rakers, batchmen, plant scale men, form setters (street or highway), hand spiker	5.40	.25	.25			
Gunnite nozzlemen	5.60	.25	.25			
" nozzle machine	5.70	.25	.25			
Powderman and blasters	5.70	.25	.25			
" helpers	5.60	.25	.25			
Tunnels and cofferdams	5.70	.25	.25			
Caisson holes (6' and over including tools)	6.40	.25	.25			
Sand hogs (free air)	6.70	.25	.25			
" " (pressure air)	6.40	.25	.25			
Miners tunnels or cofferdams	5.80	.25	.25			
Mason tenders; Plaster tenders; bug operators	5.55	.25	.25			
Fork lift	5.60	.25	.25			
Pumpmen	5.60	.25	.25			

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KENTUCKY 1-PEO-1 -I

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Class A Operators: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, Clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, buildozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height), all types of boom cats, core drill, hopto, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, pumperete, ross carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurries, sub-grader	$7.75	.25	.25		
Class B Operators: All air compressors, (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 H. P. and over) bull float, finish machine, outboard motor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self propelled compactor, tractair and road widening trencher and farm tractor with					

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KENTUCKY 1-PEO-1 - I

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
Class B Operators (cont'd): attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor	$6.11	.25	.25			
Class C Operators: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper	5.67	.25	.25			

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Truck Drivers:						
3 tons and under	$4.64					
Over 3 tons	5.04					
Semitrailer or pole trailers (pulling building material or equipment)	5.04					
Dump and tandem axle	5.04					
Euclid, low-boy and other heavy earth moving equipment	5.04					
Winch and A-frames (when used to transport building materials)	5.04					
Mechanics	4.97					
" helpers, greasers and tire changers	4.69					
Distributors	5.04					
Pavement breakers	5.04					
Mixers (all types)	5.04					
Helpers	4.69					

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: AQ-4022
COUNTY: Jefferson
DATE: Date of Publication
Supersedes Decision No. AP-171, dated March 23, 1973 in 38 FR 7738.
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.	Other
Asbestos workers	$8.85	.30	.20			
Boilermakers - Blacksmiths	8.10	.30	.70	.55	.01	
Boilermakers - Blacksmiths' helpers	7.85	.30	.70	.55	.01	
Bricklayers:						
Bricklayers and concrete block layers	8.13	.25	.40			
Caulkers	8.13	.25	.40			
Cleaners	8.13	.25	.40			
Pointers	8.13	.25	.40			
Stone masons	8.13	.25	.40			
Carpenters:						
Carpenters	8.15	.30	.30			
Carpenters when work in excess of 30' to 100' above ground or a solid floor on scaffold, skip hoist, tower or slip form	8.40	.30	.30			
Carpenters, when working in excess of 100' above ground or a solid floor on scaffold, skip hoist, tower or slip form	8.65	.30	.30			
Carpenters, when working on suspended or swinging scaffold	8.40	.30	.30			
Cement masons	8.28	.40				
Electricians, linemen and hole digger:						
Zone 1 (within 26 mile radius of 3rd & Broadway, Louisville)	9.38	.25	1%		½ of 1%	
Zone 2 (over 26 mile radius)	9.78	.25	1%		½ of 1%	
Groundmen:						
Zone 1	5.82	.25	1%		½ of 1%	
Zone 2	6.17	.25	1%		½ of 1%	
Elevator constructors	8.45	.345	.23	2%+a+b	.015	
Elevator constructors' helpers	5.915	.345	.23	2%+a+b	.015	
Elevator constructors' helpers (prob).	4.225					
Glaziers	7.15	.30	.30			
Ironworkers:						
Conveyormen, machinery movers	8.70	.50	.65		.04	
Structural, ornamental and reinforcing	8.70	.50	.65		.04	
Riggers, fence erectors, sheeters	8.70	.50	.65		.04	
Lathers	7.84	-	.20		.01	
Leadburners	8.25	.30		c	.01	
Marble, tile and terrazzo workers	7.60	.25	.40			
Marble, tile and terrazzo workers' helpers	6.85					
Millwrights	8.98	.30	.30			
Millwrights, when working 30' above ground or solid floor	9.43	.30	.30			
Painters:						
Zone 1 - 35 mile radius from Jefferson Co. Courthouse, Louisville, Ky.						
New Construction:						
Basic	7.24	.25	.10		.03	
Special	7.59	.25	.10		.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Painters (cont'd)						
Zone 1 (cont'd)						
New Construction						
Spray	$7.60	.25	.10		.03	
Old Construction:						
Basic	7.00	.25	.10		.03	
Special	7.35	.25	.10		.03	
Spray	7.45	.25	.10		.03	
Zone 2 - Over 35 miles radius from Jefferson Co. Courthouse, Louisville, Ky.						
New Construction:						
Basic	7.59	.25	.10		.03	
Special	7.94	.25	.10		.03	
Spray	8.04	.25	.10		.03	
Old Construction:						
Basic	7.35	.25	.10		.03	
Special	7.70	.25	.10		.03	
Spray	7.84	.25	.10		.03	
Work on bridges (Over navigable water) $2.00 per hour premium all Zones						
Piledrivermen	8.15	.30	.30			
Plasterers	7.60					
Plumbers	8.55	.33	.50	.77	.07	
Roofers:						
Roofers	6.20	.30	.20			
Slate, tile and precast concrete slab	6.60	.30	.20			
Helpers	4.45	.30	.20			
Sheet metal workers	8.55	.60	.60		.05	
Soft floor layers	8.15	.30	.30			
Sprinkler fitters	9.10	.40	.60		.07	
Steam fitters	8.65	.25	.60	.60	.07	

Footnotes:

a. Six paid holidays; A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays: A through F, plus Washington's Birthday, Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

PAID HOLIDAYS

A-New Year's Day; B-Memorial Day; C-Independence Day
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Laborers:						
General laborers	6.10	.25	.25			
Air tool operator and vibrator	6.30	.25	.25			
Power driven Georgia buggy and chain saw	6.25	.25	.25			
Wagon drill, pipe layer, well man, burner man and joint maker	6.30	.25	.25			
Stackman	6.50	.25	.25			
Powderman	6.55	.25	.25			
Sand hog or mucker (free air)	6.80	.25	.25			
Caisson worker	7.55	.20	.25			
Asphalt raker	6.30	.25	.25			
Side rail setter (metal)	6.45	.25	.25			
Sand miner (tunnel) (free air)	7.10	.25	.25			
Gunnite nozzle man (sewer)	6.60	.25	.25			
Tunnel (free air)	6.60	.25	.25			
Driller, air track	6.35	.25	.25			
Mason tenders, mortar mixers	6.45	.25	.25			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Class A Operators: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, Clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height), all types of boom cats, core drill, hopto, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, ross carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurries, sub-grader	87.75	.25	.25		
Class B Operators: All air compressors, (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 H. P. and over) bull float, finish machine, outboard motor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self propelled compactor, tractair and road widening trencher and farm tractor with					

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KENTUCKY 1-PEO-1 - I (2-2)

POWER EQUIPMENT OPERATORS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	(
Class B Operators (cont'd): attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor	$6.11	.25	.25			
Class C Operators: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper	5.67	.25	.25			

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KY-561-TD - 1 D (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
3 tons and under	$5.72	a	a	b		
Over 3 tons	5.83	a	a	b		
Semi-trailer, tandem axle or pole trailers and dumps	5.83	a	a	b		
Euclid and other heavy earth moving equipment and lowboy	6.00	a	a	b		
Winch truck and A-Frame and monorail truck when used to transport building materials	6.00	a	a	b		
Fork lift truck when used to transport building materials	6.00	a	a	b		
Mechanic	5.90	a	a	b		
Mechanic helpers, greasers and tire changers	5.72	a	a	b		
Helpers	5.60	a	a	b		
Concrete mixers (all types), hauling only on job site	5.90	a	a	b		

FOOTNOTES

a. Employer contributes $13.50 per week to Health and Welfare; and $14.00 per week to Pension for each employee whose name appears on the payroll that week who has been employed a minimum of 20 work days within any 90 consecutive day period.

b. Employees who have been regularly employed on a project by an employer for one year and who have worked a minimum of 1200 hours during the year receive a vacation and pay for 40 hours. Employees who have been regularly employed on a project by an employer for one year, and who have worked a minimum of 650 hours during the year receive a vacation and pay for 20 hours. Employees who have worked 1200 hours since their 2nd year of employment and have completed three years receive an additional week vacation (40 hours).

SUPERSEDEAS DECISION

STATE: Kentucky COUNTY: McCracken
DECISION NUMBER: AQ-4023 DATE: Date of Publication
Supersedes Decision No. AP-188 dated April 20, 1973 in 38 FR 9935.
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.	Oth
Asbestos Workers	$7.75	.15	.10			
Boilermakers - Blacksmiths	8.10	.30	.60		.01	
Bricklayers	6.75					
Carpenters:						
Carpenters	6.50	.25	.10		.03	
Millwrights and piledrivermen	6.75	.25	.10		.03	
Cement Masons	5.35	.40	.20		.03	
Cement Masons working on swinging scaffold up to 50'	5.60	.40	.20		.03	
Electricians:						
Electricians	8.29	.25	1%		½ of 1%	
Cable Splicers	8.54	.25	1%		½ of 1%	
Elevator Constructors:						
Elevator constructors	8.45	.345	.23	1½%+a+b	.015	
Helpers	5.915	.345	.23	1½%+a+b	.015	
" (probationary)	4.225	.345	.23	1½%+a+b	.015	
Glaziers	7.415	.26	.20		.01	
Ironworkers, structural, ornamental and reinforcing	7.15	.45	.35		.02	
Laborers:						
Unskilled	4.80	.25	.25			
Hod carriers, mason and finishers' tenders, mortar mixers, jackhammers, vibrators, wagon drill, core drill, test drill and all power driven tools used by laborers (operators), all men in tunnel and crib ditch work, riprap, rock setters and handlers, asphalt rakers, tampers and smoothers, pipe layers, powdermen, tar kettlemen, grout pumpmen, deck hand, dumpmen, log turner, swamping and all straight cable hooking, pipe doping and wrapping	5.00	.25	.25			
Lathers	6.26		.10		.01	
Leadburners	8.25	.30		c	.01	
Line Construction:						
Linemen	7.85	.20	1%		½ of 1%	
Operator, truck with winch	7.85	.20	1%		½ of 1%	
Groundmen	6.13	.20	1%		½ of 1%	
Marble masons	6.75					
Painters: Commercial						
Brush	5.65	.15				
Spray	6.90	.15				
Sandblasting	6.90	.15				
Painters: Industrial						
Brush	6.55	.15				
Spray	7.20	.15				
Sandblasting	7.20	.15				
Plasterers	6.51			.25	.01	
Plumbers and steam fitters	8.05	.45	.50	.50	.08	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Roofers	$5.90		.10		.03	
Sheet metal workers	8.55	.60	.60		.05	
Soft floor layers	6.15	.25	.10		.03	
Sprinkler fitters	9.10	.40	.60		.07	
Stone masons	6.75					
Terrazzo workers	6.75					
Tile setters	6.75					
Truck drivers:						
Up to but not including five (5) tons, such as pick-up trucks, dump, flat beds and stake bodies	5.05		d			
Five (5) tons and over, including special equipment such as Euclids, winch, dempsters, dumpsters, crawler type trucks	5.40		d			
Tractor-trailer drivers and similar equipment such as lowboys, distributors, water tank and fork lifts	5.40		d			
Ready-mix and mechanics	5.40		d			
Material checkers, tire changers, greasers, mechanics' helpers	5.10		d			
Welders - receive rate prescribed for craft performing operation to which welding is incidental						

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employer who has worked in business less than 5 years.

c. Holidays: A through F plus Washington's Birthday and Good Friday, Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Employer contributes $14.00 per week per employee.

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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KENTUCKY 1-PEO-1 -I

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Class A Operators: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, Clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, buildozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height), all types of boom cats, core drill, hopto, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, pumperete, ross carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurries, sub-grader	$7.75	.25	.25		
Class B Operators: All air compressors, (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 H. P. and over) bull float, finish machine, outboard motor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self propelled compactor, trattair and road widening trencher and farm tractor with					

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KENTUCKY 1-PEO-1 - I

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Cont'd)					
Class B Operators (cont'd): attachments except backhoe, highlift and end loader, elevator (regardless of ownership, when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor	$6.11	.25	.25		
Class C Operators: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper	5.67	.25	.25		

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: AQ-4024
Supersedes Decision No. AP-189, dated May 18, 1973 in 38 FR 13248.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Warren
DATE: Date of Publication

114-KY-1-A (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.50	.25	.15			
Boilermakers	8.10	.30	.70	.55	.01	
Bricklayers and stone masons	6.74					
Carpenters	6.69	.30				
Cement masons	5.75	.20	.10		.01	
Electricians	7.90		1%		¼ of 1%	
Glaziers	6.25	.30	.20		.02	
Ironworkers:						
Structural, ornamental and reinforcing	6.55	.30	.10		.04	
Laborers:						
Unskilled	4.50	.25	.15			
Mason tenders, mortar mixers, air tools and vibrators, power driven Georgia buggies, chain-saw, pipe layers, joint makers, plasterers tenders, marble tenders, tile tenders and sewer bottom men	4.65	.25	.25			
Wagon drill and concrete saw	4.75	.25	.25			
Sand hogs, tunnel laborers and caisson workers	4.95	.25	.25			
Hard rock miners	5.25	.25	.25			
Asphalt rakers	4.80	.25	.25			
Side rail form setters	4.85	.25	.25			
Powdermen	4.90	.25	.25			
Lathers	6.30		.20		.01	
Leadburners	8.25	.30		a	.01	
Line Construction:						
Linemen	7.40		1%		¼ of 1%	
Line truck, hole digger and cable splicer	7.90		1%		¼ of 1%	
Groundmen	5.90		1%		¼ of 1%	
Painters:						
Brush	4.50					
Spary	5.50					
Structural steel up to 40'	4.50					
Piledrivermen	6.69	.30				
Plasterers	5.75	.20	.10		.01	
Plumbers	8.55	.33	.50	.77	.07	
Roofers:						
Composition	5.70		.10	b		
Slate and tile	5.95		.10	b		
Sheet metal workers	9.30	.60	.60		.05	
Soft floor layers	6.69	[illegible]				
Sprinkler fitters	9.10	[illegible]	.60		.07	
Steam fitters	8.65	.30	.60	.60	.07	

Welders--Receive rate prescribed for craft performing operation to which welding is incidental.

Footnote:

a. Nine paid holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

b. Three paid holidays: C - D - F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AQ-4024 P. 3

KENTUCKY 1-PEO-1 -I

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
POWER EQUIPMENT OPERATORS						
Class A Operators: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, Clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height), all types of boom cats, core drill, hopto, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, ross carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurries, sub-grader	$7.75	.25	.25			
Class B Operators: All air compressors, (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 H. P. and over) bull float, finish machine, outboard motor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self propelled compactor, tractair and road widening trencher and farm tractor with						

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KENTUCKY 1-PEO-1 - I

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
POWER EQUIPMENT OPERATORS (Cont'd)						
Class B Operators (cont'd): attachments except backhoe, highlift and end loader, elevator (regardless of ownership, when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor	$6.11	.25	.25			
Class C Operators: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper	5.67	.25	.25			

KY-56-TD-1-D (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Truck Drivers:						
3 tons and under	$5.72	a	a	b		
Over 3 tons	5.83	a	a	b		
Semi-trailer, tandem axle or pole trailers and dumps	5.83	a	a	b		
Euclids and other heavy earth moving equipment and lowboy	6.00	a	a	b		
Winch truck and A-Frame and monorail truck when used to transport building materials	6.00	a	a	b		
Fork lift truck when used to transport building materials	6.00	a	a	b		
Mechanic	5.90	a	a	b		
Mechanic helpers, greasers and tire changers	5.72	a	a	b		
Helpers	5.60	a	a	b		
Concrete mixers (all types), hauling only on job site	5.90	a	a	b		

Footnotes:

a. Employer contributes $13.50 per week to Health and Welfare; and $14.00 per week to Pension for each employee whose name appears on the payroll that week who has been employed a minimum of 20 work days within any 90 consecutive day period.

b. Employees who have been regularly employed on a project by an employer for one year and who have worked a minimum of 1200 hours during the year receive a vacation and pay for 40 hours. Employees who have been regularly employed on a project by an employer for one year, and who have worked a minimum of 650 hours during the year receive a vacation and pay for 20 hours. Employees who have worked 1200 hours since their 2nd year of employment and have completed three years receive an additional week vacation (40 hours).

SUPERSEDEAS DECISION

STATE: New Mexico COUNTY: Statewide
DECISION NO.: AQ-35 DATE: Date of Publication
Supersedes Decision No. AP-740 dated July 6, 1973 in 38 FR 18148.
DESCRIPTION OF WORK: General Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy Engineering Construction.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION						
Asbestos workers (Statewide, except Union, Harding, Lea, Roosevelt, Curry, and Quay Counties)	$7.50	.50	72a		.03	
Asbestos workers (Union, Harding, Lea, Roosevelt, Curry and Quay Counties)	7.50	.30	.25		.02	
Boilermakers	7.00	.60	.75		.02	
Bricklayers (Union, Harding, Santa Fe, Valencia, Torrence, Taos, Socorro, Sierra, Mora, McKinley, Colfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo and Los Alamos Counties:						
From basing point of Albuquerque Main Post Office:						
Zone (1) - 0 to 25 road miles	6.29	.26	.40	.80		
Zone (2) - 25 to 50 road miles	6.79	.26	.40	.80		
Zone (3) - Over 50 road miles	7.29	.26	.40	.80		
Bricklayers - Stonemasons:						
Chaves County	7.42	.26				
Lincoln County	7.92	.26				
Bricklayers - Stonemasons:						
Curry and Roosevelt Counties	7.42	.26				
DeBaca, Guadalupe and Quay Counties	7.42	.26				
Bricklayers - Stonemasons:						
Lea and Eddy Counties	7.42	.26				
Bricklayers - Stonemasons (Otero County)	7.42	.26				
Bricklayers - Stonemasons:						
Dona Ana, Luna, Grant, Hidalgo, and Sierra Counties	6.21	.26			.02	

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS (LOS ALAMOS COUNT)	$7.00	.38	.40			
CARPENTER (STATEWIDE EXCEPT LOS ALAMOS COUNTY):						
From nearest basing ponts of the following cities or towns: Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas. Lordsburg, Lovington, Portales, Raton, Roswell, Ruidodo, Santa Fe, Santa Rosa, Silver City, Socorro, Taos,& Tucumcari:						
ZONE (1) - 0 to 15 road miles from nearest basing point	6.75	.38	.40		.08	
ZONE (2) - 15 to 35 road miles from nearest basing point	7.50	.38	.40		.08	
ZONE (3) - Over 35 road miles from nearest basing point	7.75	.38	.40		.08	
MILLWRIGHTS & PILEDRIVERMEN (STATEWIDE):						
From nearest basing points of the following cities or towns: Albuquerque City Limits; Santa Fe City limits; the Main Post Office at Las Cruces and Carlsbad:						
ZONE(1) - 0 to 15 road miles form nearest basing point	7.00	.38	.40		.08	
ZONE (2) - 15 to 35 road miles from nearest basing point	7.75	.38	.40		.08	
ZONE (3) - Over 35 road miles from nearest basing point	8.00	.38	.40		.08	

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Cement Masons:						
Cement Masons	5.62	.38				
Machine, composition or mastic	5.87	.38				
Electricians:						
Bernalillo, Santa Fe, Torrance, Debaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Sandoval, Valencia, Socorro, Catron, Sierra and Grant Counties and all San Juan County excluding the Navajo Indian Reservation.						
From nearest basing point cities or towns and mileage from main post office in the following towns:						
Albuquerque - 15 miles						
Santa Fe - 10 miles						
Las Vegas - 8 miles						
Farmington - 8 miles						
Raton - 6 miles						
Socorro - 6 miles						
Zone (1) Shall be established at each of these locations which shall comprise an area as designated from the main post office in the town:						
Electricians	8.20	.25	1% + .30		1/7%	
Cable splicers	9.02	.25	1% + .30		1/7%	
Zone (2) Shall extend up to 20 miles beyond Zone 1						
Electricians	8.77	.25	1% + .30		1/7%	
Cable splicers	9.59	.25	1% + .30		1/7%	
Zone (3) Shall extend up to 30 miles beyond Zone 1:						
Electricians	9.27	.25	1% + .30		1/7%	
Cable splicers	10.09	.25	1% + .30		1/7%	
Zone (4) Any area beyond 30 miles from Zone 1:						
Electricians	9.84	.25	1% + .30		1/7%	
Cable splicers	10.66	.25	1% + .30		1/7%	
Electricians (Los Alamos County):						
Electricians	9.27	.25	1% + .30		1/7%	
Cable splicers	10.09	.25	1% + .30		1/7%	

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GNERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Electricians (Chaves, Curry, Lincoln and Roosevelt Counties):						
The following zones shall be designated from the main post office of Roswell, Ruidoso, Portales and Carrizozo:						
Zone (a) 0 to 12 miles from main PO:						
Electricians	6.90		1%		1/10%	
Cable splicers	7.25		1%		1/10%	
Zone (b) 12 to 22 miles from main PO:						
Electricians	7.15		1%		1/10%	
Cable splicers	7.50		1%		1/10%	
Zone (c) Anything beyond 22 miles from main post office:						
Electricians	7.30		1%		1/10%	
Cable splicers	7.65		1%		1/10%	
Electricians:						
Zone I - Within 5 mile radius from the Post Office in Las Cruces and Alamogordo:						
Electricians	7.05	.25	1%		1/2%	
Cable splicers	8.05	.25	1%		1/2%	
Zone II - Dona Ana, Otero, Luna and Hidalgo Counties (Except that area specified in Zone I)						
Electricians	7.80	.25	1%		1/2%	
Cable Splicers	8.05	.25	1%		1/2%	
Electricians (McKinley County and that Part of San Juan County, New Mexico which comprises part of the Navajo Indian Reservation.						
Zone (a) Includes the City of Gallup and extending 10 road miles from Main Post Office:						
Electricians	7.35	.25	1%		1/2%	
Calbe Splicers	8.09	.25	1%		1/2%	
Zone (b) extending up to 20 road miles beyond Zone (a):						
Electricians	7.86	.25	1%		1/2%	
Cable Splicers	8.60	.25	1%		1/2%	
Zone (c) extending up to 30 road miles beyond Zone (a):						
Electricians	8.31	.25	1%		1/2%	
Cable Splicers	9.05	.25	1%		1/2%	

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Electricians (McKinley County and that Part of San Juan County, New Mexico which comprises part of the Navajo Indian Reservation (Cont'd)						
Zone (d) anything extending 30 road miles beyond Zone (a):						
Electricians	8.82	.25	1%		1/2%	
Cable Splicers	9.56	.25	1%		1/2%	
Electricians (Eddy and Lea Counties)						
The following zones shall be designated from the main post office of Artesia, Carlsbad, Hobbs and Lovington:						
Zone (a) 0 to 12 miles from main PO:						
Electricians	7.10	.25	1%		.01	
Cable Splicers	7.45	.25	1%		.01	
Zone (b) 12 to 22 miles from main PO:						
Electricians	7.45	.25	1%		.01	
Cable Splicers	7.80	.25	1%		.01	
Zone (c) 22 to 40 miles beyond main PO:						
Electricians	7.60	.25	1%		.01	
Cable Splicers	7.95	.25	1%		.01	
Zone (d) 40 miles and beyond main PO:						
Electricians	7.85	.25	1%		.01	
Cable Splicers	8.20	.25	1%		.01	
Elevator Costructors:						
Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union and Valencia Counties:						
Elevator constructors	7.20	.345	.23	2%+b+c	.015	
Elevator constructors	70%JR	.345	.23	2%+b+c	.015	
Elevator constructors	50%JR					
Chaves, Hidalgo, Dona Ana, Eddy, Grant, Lea, Luna, Otero and Sierra Counties:						
Elevator constructors	5.41	.195	.20	2%+b+c		
Elevator constructors	70%JR	.195	.20	2%+b+c		
Elevator constructors prob.	50%JR					
Glaziers:						
Dona Ana, Luna, Otero and Quay Cos.	4.87	.24				
Remaining Counties	5.59				.02	

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Ironworkers:						
Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, and Valencia Counties	7.09.	.40	.65			
Dona Ana County with the exception of that portion of the county that lies within the White Sands Missile Range: Chaves County; Eddy County except the Potash Basin and defined as the area 10 road miles on Highway 62 and Highway 180, east of Carlsbad	7.19	.40	.50			
Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero and Sierra Counties: also Potash Basin, White Sands and McGregor Missile Ranges	8.19	.40	.50			
Lathers:						
Lathers (Catron, Grant, Bernalillo, Roosevelt, Union, Sandoval, San Juan, Socorro, Torrance and Valencia Counties)	5.575	.26		.34	.02	
Lathers (Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe and Taos Counties)	5.70				.01	
Marble, Tile and Terrazzo workers:						
Bernalillo, Sandoval, Santa Fe, and Valencia Counties with the exception of a 15 mile radius from the center of the city of Cuba in Sandoval County and Grants in Valencia	5.775	.25				
Catron, Chaves, Colfax, Curry, DeBaca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero Quay, Rio Arriba, Roosevelt, San Juan, San Miguel, Sierra, Socorro, Taos, Torrance and Union Counties, and 15 mile radius from the center of the city of Cuba in Sandoval and Grants in Valencia	6.90	.25				
Marble, Tile and Terrazzo helpers:						
Bernalillo, Sandoval, Santa Fe and Valencia Counties with the exception of a 15 mile radius from the center of the city of Cuba in Sandoval						

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GENERAL BUILDING AND HEAVY ENGINEERING COSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Marble, Tile & Terrazzo helpers: (Cont.)						
County and Grants in Valencia	4.30	.25				
Catron, Chaves, Colfax, Curry, DeBaca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, San Juan, San Miguel, Sierra, Socorro, Taos, Torrance, Union and 15 mile radius from the center of the city of Cuba in Sandoval and Grants in Valencia	5.425	.25				
Painters:						
San Juan, McKinley, Bernalillo, torrance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Valencia, Sierra, Grant, Hidalgo and Curry Counties:						
Painters, roller and Hand texture	5.52	.30	.20		.01	
Painters, spray, sandblasting, painter on steel bridges, tanks, towers, pipes and structural	6.02	.30	.20		.01	
Paperhanger	5.77	.30	.20		.01	
Drywall finisher: Ames tool operator	6.10	.30	.20		.01	
Hand finisher machine texture	5.85	.30	.20		.01	
Painting 30 to 75 feet above ground or floor	6.17	.30	.20		.01	
Painters 75 feet or more above ground or floor - 1/2 cent per foot above the 75 foot scale.		.30	.20		.01	
Painters:						
Colfax, Harding, Los Alamos, Mora, Sandoval, San Miguel, Rio Arriba, Taos, Union and Santa Fe Counties:						
Painters and roller	5.00					
Paperhangers	5.25					
Spray; sandblast; pressure roller, and gunnite operator	5.65					
Steel painter; bridges, structural steel, machinery tank, towers, pipes boiler rooms and power plant - brush and spray	5.50					
Dry wall finisher:						
Hand finisher	5.50					
Ames tool operator and machine finishing	5.75					
High pay:						
30 to 75 feet	5.50					
75 to 100 feet	6.00					
100 feet and over	7.00					

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Painters: (Cont'd)						
Colfax, Harding, Los Alamos, Mora, Sandoval, San Miguel, Rio Arriba, Taos, Union and Santa Fe Counties: (Cont'd)						
Brush, Paperhangers, chipping and hand tools used for cleaning rollers	4.75	.24				
Steel after erection, steam cleaning, buffing with power driven tools and torches	5.14	.24				
Spray, sandblasting, waterblasting, swing stage	5.415	.24				
Painters (Luna, Otero and Dona Ana Counties)						
Brush	5.25	.24				
Spray, swing stage, sand water blasting spray and blasting on stage	5.645	.24				
Ames tool	5.385	.24				
Tapers	5.25	.24				
Steel brush	5.385	.24				
Stripping machine	5.645	.24				
Radio towers, water tanks, smoke Stacks:						
Over 100 feet	6.05	.24				
200 to 300 feet - 25¢ above scale		.24				
300 to 400 feet - 50¢ above scale		.24				
400 feet and over - 75¢ above scale		.24				
Painters (Lea and Eddy Counties):						
Zone(A)- a 40 mile radius from the courthouse in Carlsbad:						
Brush, roller & dry wall finisher	5.00	.30				
Paperhanger & Sandbalster	5.25	.30				
Spray	5.50	.30				
Zone(B)- the remainder of Eddy & Lea Counties:						
Brush, roller & dry wall finisher	5.75	.30				
Spray	6.25	.30				
Paperhanger & Sandblaster	6.00	.30				

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Plasterers	$6.50	.38	.20		.06	
Plumbers - Pipefitters:						
Basing Point Cities or Towns:						
Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Trucumcari, Truth or Consequences						
Zone (1) Shall extend a distance of five (5) road miles inclusive beyond the city or town limits of any of the basing point cities or towns as set forth above	8.00	.42	.75		.09	
Zone (2) Shall extend a distance of eight (8) road miles inclusive beyond the outer perimeter of Zone (1)	8.25	.42	.75		.09	
Zone (3) Shall extend a distance of ten (10) miles inclusive beyond the perimeter of Zone (2)	8.50	.42	.75		.09	
Zone (4) Shall extend a distance of twelve (12) road miles inclusive beyond the outer perimeter of Zone (3)	8.75	.42	.75		.09	
Zone (5) Shall extend a distance of ten (10) road miles inclusive beyond the outer perimeter of Zone 4	9.25	.42	.75		.09	
Zone (6) Shall apply to all areas not within Zones 1, 2, 3, 4 or 5	9.50	.42	.75		.09	
Plumbers - Pipefitters:						
Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range and/or Proving Grounds, Atlas Missile Complex sites in Chaves and Lincoln Counties, and the Oro Grande Camp in Dona Ana and Otero Counties	8.63	.42	.75		.09	
Roofers	5.70					
Sheet Metal Workers:						
Bernalillo, Catron, Chaves, Colfax, Curry, Debaca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval,						

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Sheet Metal Workers: (Cont'd)						
San Miguel, Santa Fe, Socorro, Union, Taos, Torrance and Valencia Counties	7.11	.31	.25		.02	
Sheet Metal Workers:						
Kirtland Air Force Base, Sandia Base and Los Alamos County	7.11	.31	.25		.02	
Sheet Metal Workers:						
San Juan County	7.11	.31	.25		.02	
Sheet Metal Workers:						
Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Sierra and Otero Counties	7.10	.29	.05		.005	
Sheet Metal Workers:						
Holloman Air Force Base, White Sands and McGregor Ranges	8.35	.20			.05	
Soft Floor Layers:						
Dona Ana, Luna and Otero Counties	5.61	.24			.02	
Remainder of State	5.75	.30			.02	
Truck Drivers:						
Dump or batch truck, under 8 cu. yds. WLC, Flat bed (bobtail) 2 ton and under, warehousemen including material checker	4.34	.26				
Distributor driver, truck and trailer (flat-bed) or Semi-trailer driver, dump truck 16 to 20 cu. yds. W.L.C. Lumber carrier driver-young-buggy or similar equipment driver, transit mix, driver-scissor truck	4.54	.26				
Dumpster and cumpcrete driver, water, fuel and oil truck driver, 3000 to 6000 gals., capacity, lowboy light equipment driver	4.59	.26				
Euclid diesel powered turnarocker, terra cobra, D.W.-10, D.W.-20, Le Tourneau pulls and similar diesel powered equipment when used to haul materials and assigned to a teamster. Lowboy heavy equipment driver, water, fuel and oil trucks drivers 6000 gal. capacity and over	4.93	.26				
Dump truck 8 to 16 cu. yds. (water level) driver, water, fuel and oil trucks driver, less than 3000 gal., Flat bed (bobtail) over 2 ton, heavy tire repair	4.42	.26				

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers: (Cont'd)						
Pick-up 3/4 ton and under, service station, lubrication, light tire repair or washer, swamper or riding helper, Teamsters 2 or 4 up	4.22	.26				
Spreader box Driver	4.27	.26				
Flaherty truck driver, Slurry truck driver - dump truck 30 to 40 cu. yds. W.L.C., Bulk cement truck driver	4.73	.26				
Vacum truck, dump truck 20 to 30 yds. WLC	4.69	.26				
Sound Installers:						
Bernalillo County	6.75	.25	1%		1/7%	
Sound Installers:						
Valencia, Sandoval, Santa Fe, Torrance and Socorro Counties	7.49	.25	1%		1/7%	
Sound Installers:						
Guadalupe, DeBaca, Quay, Mora, San Miguel, Harding, Union, Taos, Colfax, Rio Arriba, Catron, Sierra, Grant, Los Alamos and San Juan Counties excluding the Navajo Indian Reservation in the State of New Mexico	8.98	.25	1%		1/7%	
Sprinkler Fitters	8.35	.30	.50		.05	
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.						

FOORNOTES:

a. Includes $0.07 contribution to the Occupational Health Fund.
b. 1st. 6 mos. - none; 6 mos. to 5 yrs., 2%; over 5 yrs., 4% of basic hourly rate.
c. Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERES						
UNSKILLED:						
Building and Common Laborores, Carpenter tenders, Concrete workers, Chainmen, stakedrivers, Concrete buggy operators,	$4.32	.26	.15			
SEMISKILLED:						
Air and power tool operator, Asphalt rakers, Demolition, Gunite rebound men, Fog Machine Operator, Power Buggy Operators, Rodmen, Sand blasterers (pot men), Nozzlemen, Window washer, wagon, core and diamond drillers tenders outside	4.62	.26	.15			
Wagon Core, Diamond Drillers	4.72	.26	.15			
MISCELLANEOUS:						
Concrete Burner, Cement mason tenders, Hodcarriers, Mortar mixers, Plaster spreader operators, plaster tenders, Gunite nozzlemen, Pipe Layer, Pumpcrete nozzlemen	4.925	.26	.15			
Powdermen and Blasterers	5.075	.26	.15			

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
GROUP I						
Fireman, Oiler, Helpers-Mechanic Welder, Greaser Truck, Screedman Scale Operator such a (Bin-A-Batch), Rubber Tired Farm-Type Tractor, Tractors under 50 HP W/O Attachments, Breakman, Concrete Paving Curing Machine (Bridge Type)	4.78	.25	.20		.06	
GROUP II						
Rollers, Sheepsfoot or Pneumatic Self propelled W/O Dozer, Concrete Conveyor, Service Truck Operator (Head Oiler), Air Compressor (300 CFM and over), Pumps (6" and over), Screening Plants, Concrete Mixers (under 1 CY), Concrete Saw or Grinder-Span Type, Hoists, 1 drum, Air Tugger, Elevating Belt Type Loaders, Forklift Lumber Stacker, Tractor-Farm Type (under (50HP W/Attachments) Motor man and Industrial Locomotive Operator, Winch Trucks, Front End Loader (Under 2 CY), Power Plants which generate over 15 KW, Welding Machines	5.32	.25	.20		.06	
GROUP III						
Bituminous Distributors, Boilers, Retort and Hot Oil Heaters, Concrete Paver-Single Drum), Drilling Equipment, Motor Graders (Rough), Shaft and Tunnel Equipment-Refrigeration, Slusher, jumbo form, Trenching Machines (all types), Pump Crete and Gunite Machines, Slifform Paver, Mechanical Bullfloats, Concrete slab, Spreading Machine, Concrete Slab Finishing Machine, Asphalt Plants, Bituminous Finishing Machines, Crushing Plants	5.40	.25	.20		.06	
GROUP IV						
Front End Loader (2 thru 10CY), Rollers Steel Wheeled-All Types, Bulldozers, Scrapers, (Motor or Towed), Elevating Graders, Concrete Batching Plants, Self Propelled Rollers-Equipped with Dozer, Twin-Bowl Scrapers and Quad 8 or 9 Pushers (35¢ over basic rate) Three Bowl Scrapers (60¢ over basic rate)	5.46	.25	.20		.06	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (Cont'd)						
GROUP V						
Hydraulic Cranes-with less than 50 ft. of Boom (20 tons and under), Concrete Paver-Double Drum, Cat Cranes, Hysters, Side and Swingboom Cats, Hoist-2 drum, Auto Fine Grader	5.52	.25	.20		.06	
GROUP VI						
Mucking Machines-All types, Motor Grader-Finish, Mechanic-Welder	5.62	.25	.20		.06	
GROUP VII						
Steam Engineers, Loader (Front End over 10 CY)	5.72	.25	.20		.06	
GROUP VIII						
All Shovel Type Equipment: Cranes, Draglines, Backhoes, Derricks, Guy and Stiff Leg, Pipemoble (No. 2 Op.) Pile Driver, Hydraulic Cranes (20 tons and over), Mine Hoist (Belt Loader "C.M.I." Type), Cranes, Drag-Lines-with Booms and Jib over 150 ft. 25¢ per hour additional	5.90	.25	.20		.06	
GROUP IX						
Shovel (Wheel Type), Boring Machine (Tunnel or Shaft Mole), Pipe Mobile	6.70	.25	.20		.06	

AQ-35 - P. 15

HEAVY ENGINEERING CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Unskilled:						
Construction and general Laborers, carpenter tenders, concrete workers, stakedrivers, concrete buggy operator	$4.32	.26	.15			
Semi-Skilled:						
Air and power tool operators, asphalt rakers, cutting torch operators, demolition, gunite rebound men, rod and chairmen, power buggy operators, sandblasters (potmen), nozzlemen, wagon core and diamond drillers' tenders, outside scalers, for machine operator	4.62	.26	.15			
Wagon, Core, Diamond drillers	4.72	.26	.15			
MISCELLANEOUS:						
Concrete burner, cement masons tender, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunite nozzlemen, pipe layer, pump-crete	4.925	.26	.15			
Powdermen and blasterers	5.075	.26	.15			

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POWER EQUIPMENT OPERATORS HEAVY ENGINEERING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I Fireman, Oiler, Helpers-Mechanic, Welder, Grease Truck, Screedman, Scale operator such as (Bin-a-Batch), Rubber tired farm-type tractor, Tractors (under 50 HP W/O attachments), Breakman, concrete paving curing machine, (bridge type)	$4.73	.25	.20		.06	
GROUP II Rollers, Sheepsfoot or Pneumatic, Self propelled W/O Dozer, Concrete Conveyor, Service Truck Operator (Head Oiler), Air Compressor (300 CFM and Over), Pumps (6" and over), Screening Plants, Concrete Mixers (Under 1 CY), Concrete Saw or Grinder-Span Type, Hoists, 1 drum, Air Tugger, Elevating, Belt Type Loaders, Forklift Lumber Stacker, Tractor-Farm Type (Under 50 HP W/ Attachments), Motorman and Industrial Locomotive Operator, Winch Truck, Front End Loader (Under 2 CY), Power Plants which generate over 15 KW, Welding Machines	5.27	.25	.20		.06	
GROUP III Bituminous Distributors, Boilers, Retort and Hot Oil Heaters, Concrete Mixers (1 CY and over), Concrete Paver-Single Drum, Drilling Equipment, Motor Graders (Rough), Shaft and Tunnel Equipment-Refrigeration, Slusher, Jumbo Form, Trenching Machines-All types, Pump Crete and Gunite Machines, Slipform Paver, Mechanical Bullfloats, Concrete Slab finishing machine, Asphalt Plants, Bituminous Finishing Machines, Crushing Plants	5.35	.25	.20		.06	
GROUP IV Front End Loader (2 thru 7 CY), Rollers, Steel Wheeled-All Types, Bulldozers, Scrapers, (Motor or Towed), Scrapers, (Motor or Towed), Elevating Graders, Concrete Batching Plants, Self-Propelled Rollers-Equipped with Dozer, Twin-Bowl Scrapers and Quad 8 or 9, Pushers (35¢ over basic rate) Three Bowl Scrapers (60¢ over basic rate)	5.41	.25	.20		.06	

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POWER EQUIPMENT OPERATORS HEAVY ENGINEERING (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP V Front End Loader (over 7 thru 10 CY), Hydraulic Cranes-With less than 50 ft. of boom (20 tons and under), Concrete paver-double drum, Cat Cranes, Hysters, Side and Swingboom Cats, Hoist-2 Drum, Auto Fine Grader	$5.47	.25	.20		.06	
GROUP VI Mucking Machines-All types (blade-motor grader-finish), Mechanic-Welder	5.57	.25	.20		.06	
GROUP VII Steam Engineers, Loader (Front End over 10 CY)	5.67	.25	.20		.06	
GROUP VIII All Shovel Type Equipment: Cranes, Draglines, Backhoes, Derricks, Guy & Stiff Leg, Pipemobile (No. 2 Operator), Pile driver, Hydraulic Cranes (20 tons and Over), Mine Hoist (Belt Loader Loader)	5.85	.25	.20		.06	
GROUP IX Shovel (Wheel Type), Boring Machine (Tunnel or Shaft Hole), Pipe Mobile	6.65	.25	.20		.06	

AQ-35 - P. 18

Bernalillo County	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CABLE SPLICERS	$7.16	.25	1%		1/2%	
LINEMEN	6.66	.25	1%		1/2%	
TECHNICIANS	6.66	.25	1%		1/2%	
EQUIPMENT OPERATORS	6.34	.25	1%		1/2%	
EQUIPMENT MECHANICS	5.81	.25	1%		1/2%	
POWDERMAN	5.81	.25	1%		1/2%	
GROUNDMEN & JACKHAMMER OPERATORS:						
1st 6 months	3.52	.25	1%		1/2%	
2nd 6 months	4.00	.25	1%		1/2%	
Experienced	4.67	.25	1%		1/2%	

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Remainder of State	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CABLE SPLICERS	$7.82	.25	1%		1/2%	
LINEMEN	7.29	.25	1%		1/2%	
TECHNICIANS	7.29	.25	1%		1/2%	
EQUIPMENT OPERATORS	6.93	.25	1%		1/2%	
EQUIPMENT MECHANICS	6.34	.25	1%		1/2%	
POWDERMEN	6.34	.25	1%		1/2%	
GROUNDMEN & JACKHAMMER OPERAOTRS:						
1st 6 months	3.85	.25	1%		1/2%	
2nd 6 months	4.37	.25	1%		1/2%	
Experienced	5.11	.25	1%		1/2%	

SUPERSEDEAS DECISION

STATE: South Dakota

COUNTIES: Brule, Brown, Buffalo, Charles Mix, Codington, Dewey, Gregory, Hughes, Lyman, Stanley, Sully, Yankton and Ziebach

DECISION NUMBER: AQ-1045

DATE: Date of Publication

Supersedes Decision No. AQ-1037 dated September 14, 1973, in 38 FR 25852

DESCRIPTION OF WORK: Heavy and Highway Construction.

1-South Dakota-2-3-d (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Concrete Finisher	$4.56					
Form Builder	4.56					
Form Setter	4.56					
Painter	3.76					
LABORERS:						
Air tool operator	3.36					
Common laborer	3.36					
Landscape workers	3.36					
Form builder helpers (bridge and culvert)	3.76					
Manhole builder	4.30					
Piledriver (leadman)	4.20					
Pipelayer (other than culvert)	4.20					
Powderman (blaster)	5.00					
POWER EQUIPMENT OPERATORS:						
Asphalt distributor	4.50					
Asphalt distributor helper	3.76					
Asphalt paving machine	4.60					
Asphalt paving machine helper	3.36					
Asphalt plant helper	3.36					
Asphalt plant, stationary and traveling	4.60					
Auger operator (truck type)	3.76					
Automatic fine grader operator	4.70					
Beginner operator (1 year or less experience as Power Equipment Op.)	3.90					
Broom, self-propelled	3.76					
Bulldozer, 80 h.p. or less	4.10					
Bulldozer, over 80 h.p.	4.60					
Bullfloat machine	4.40					
Concrete batch plant	4.60					
Concrete mixer	3.90					
Concrete paver	5.00					
Concrete paving cure machine	4.00					
Concrete paving finishing machine	4.70					
Concrete paving form grader	4.70					
Concrete paving joint machine	4.50					
Concrete paving joint sealer	4.00					
Concrete paving saw	4.40					
Concrete paving spreader	4.70					
Concrete paving subgrader	4.60					

AQ-1045 P. 2

1-South Dakota 2-3 d (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (cont'd):						
Conveyor	3.36					
Cranes, Derricks, Draglines, Piledrivers, Backhoes and Shovels, 1¼ cu. yds. or less	4.60					
Cranes, Derricks, Draglines, Piledrivers, Backhoes and Shovels, over 1¼ cu. yds.	5.00					
Crusher (incl. those with integral screening plant)	$4.60					
Curb machine	4.00					
Fireman (boiler and retort)	3.80					
Front End Loader, 1¼ cu. yds. or less	3.90					
Front End Loader, 1¼ cu. yds. to 3¼ cu. yds.	4.40					
Front End Loader, over 3¼ cu. yds.	4.60					
Mechanic, heavy duty	4.90					
Mechanic, helper	3.90					
Mechanic, maintenance	4.40					
Motor grader, (finish)	5.00					
Motor grader, (rough)	4.50					
Oiler and greaser	4.40					
Roller, self-propelled (hot mix)	4.10					
Roller, self-propelled (other)	3.76					
Roller, sheepsfoot or 50 ton pneumatic	4.10					
Scrapers	5.20					
Spreader (materials)	4.40					
Stationary plant	4.00					
Tractor (crawler or pneumatic)	4.00					
Tractor, farm type w/attachments (including loader)	3.36					
Tractor - push	4.80					
Traveling plant (stabilization)	4.60					
Traveling plant, helper	3.36					
Trenching machine	4.40					
Wagon drill (including airtrac-trac-drill, etc.)	4.40					
TRUCK DRIVERS:						
Euclid or dumptor	3.72					
Truck crane	3.62					
Truck driver, single axle	3.36					
Truck driver, tandem or semitrailer	3.52					
WELDER:						
Welder, certified	4.70					
Welder, general	4.40					

SUPERSEDEAS DECISION

STATE: South Dakota
DECISION NUMBER: AQ-1046
COUNTIES: Meade and Pennington
DATE: Date of Publication
Supersedes Decision No. AP-262 dated February 16, 1973, in 38 FR 4641
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) heavy and highway construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$7.38				.03	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	7.35					
CARPENTERS:						
Carpenters; Acoustical and drywall applicators	6.75		.26		.05	
Piledrivermen	7.00		.26		.05	
Millwrights	7.25		.26		.05	
CEMENT MASONS	5.70	.20				
ELECTRICIANS:						
Within 15 miles radius of Rapid City Post Office						
Electricians	6.74	.20	1%	4%	1½%	
Cable splicers	7.14	.20	1%	4%	1½%	
Outside of 15 miles radius of Rapid City Post Office						
Electricians	7.49	.20	1%	4%	1½%	
Cable splicers	7.89	.20	1%	4%	1½%	
ELEVATOR CONSTRUCTORS	8.085	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Fence erectors; Ornamental; Reinforcing; Sheeter; Structural	7.10	.40	.65		.10	
LABORERS:						
Laborers	3.77	.20	.05			
Power tool operator or all mechanical air, gas, electrical tools, incl. self-propelled buggies, wagon and air track drills; Pipe layer (non-metallic); Sandblasting; Mortar mixer; Mason tender; Plasterer tender	4.02	.20	.05			
Gunnite nozzlemen; Powderman; Miner; Timberman	4.27	.20	.05			
LATHERS	4.50					
PAINTERS:						
Brush	4.95				.005	
Drywall finishing	5.10				.005	
All painting over 30 ft.; Paint mitt; Sandblasting; Spray steel (structural); Swing stage; Windowjack	5.45				.005	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PLASTERERS	$6.40					
PLUMBERS; Steamfitters	6.40	.20	.20		.02	
SHEET METAL WORKERS	6.50				.005	
SPRINKLER FITTERS	7.20	.30	.50		.05	
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

FOOTNOTE:
a. 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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1-South Dakota-2-3-d (1-2)

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Concrete Finisher	$4.56					
Form Builder	4.56					
Form Setter	4.56					
Painter	3.76					
LABORERS:						
Air tool operator	3.36					
Common laborer	3.36					
Landscape workers	3.36					
Form builder helpers (bridge and culvert)	3.76					
Manhole builder	4.30					
Piledriver (leadsman)	4.20					
Pipelayer (other than culvert)	4.20					
Powderman (blaster)	5.00					
POWER EQUIPMENT OPERATORS:						
Asphalt distributor	4.50					
Asphalt distributor helper	3.76					
Asphalt paving machine	4.60					
Asphalt paving machine helper	3.36					
Asphalt plant helper	3.36					
Asphalt plant, stationary and traveling	4.60					
Auger operator (truck type)	3.76					
Automatic fine grader operator	4.70					
Beginner operator (1 year or less experience as Power Equipment Op.)	3.90					
Broom, self-propelled	3.76					
Bulldozer, 80 h.p. or less	4.10					
Bulldozer, over 80 h.p.	4.60					
Bullfloat machine	4.40					
Concrete batch plant	4.60					
Concrete mixer	3.90					
Concrete paver	5.00					
Concrete paving cure machine	4.00					
Concrete paving finishing machine	4.70					
Concrete paving form grader	4.70					
Concrete paving joint machine	4.50					
Concrete paving joint sealer	4.00					
Concrete paving saw	4.40					
Concrete paving spreader	4.70					
Concrete paving subgrader	4.60					
Conveyor	3.36					
Cranes, Derricks, Draglines, Piledrivers, Backhoes and Shovels, 1½ cu. yds. or less	4.60					
Cranes, Derricks, Draglines, Piledrivers, Backhoes and Shovels, over 1½ cu. yds.	5.00					

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1-South Dakota-2-3-d (2-2)

POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Crusher (incl. those with integral screening plant)	$4.60					
Curb machine	4.00					
Fireman (boiler and retort)	3.80					
Front End Loader, 1¼ cu. yds. or less	3.90					
Front End Loader, 1¼ cu. yds. to 3¼ cu. yds.	4.40					
Front End Loader, over 3¼ cu. yds.	4.60					
Mechanic, heavy duty	4.90					
Mechanic, helper	3.90					
Mechanic, maintenance	4.40					
Motor grader, (finish)	5.00					
Motor grader, (rough)	4.50					
Oiler and greaser	4.40					
Roller, self-propelled (hot mix)	4.10					
Roller, self-propelled (other)	3.76					
Roller, sheepsfoot or 50 ton pneumatic	4.10					
Scrapers	5.20					
Spreader (materials)	4.40					
Stationary plant	4.00					
Tractor (crawler or pneumatic)	4.00					
Tractor, farm type w/attachments (including loader)	3.36					
Tractor - push	4.80					
Traveling plant (stabilization)	4.60					
Traveling plant, helper	3.36					
Trenching machine	4.40					
Wagon drill (including airtrac-trac-drill, etc.)	4.40					
TRUCK DRIVERS:						
Euclid or dumptor	3.72					
Truck crane	3.62					
Truck driver, single axle	3.36					
Truck driver, tandem or semitrailer	3.52					
WELDER:						
Welder, certified	4.70					
Welder, general	4.40					

SUPERSEDEAS DECISION

STATE: South Dakota COUNTY: Minnehaha
DECISION NUMBER: AQ-1048 DATE: Date of Publication
Supersedes Decision No. AP-253 dated November 25, 1972, in 37 FR 25147
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) heavy and highway construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.78					
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	8.08					
CARPENTERS:						
Carpenters	7.15		.20			
Piledrivermen	7.15		.20			
CEMENT MASONS	6.95					
ELECTRICIANS:						
0 miles through 30 miles from Sioux Falls Post Office						
Electricians	7.52	.30	1%	8%	1½%	
Cable splicers	8.24	.30	1%	8%	1½%	
Over 30 miles from Sioux Falls Post Office						
Electricians	8.12	.30	1%	8%	1½%	
Cable splicers	8.84	.30	1%	8%	1½%	
ELEVATOR CONSTRUCTORS	8.085	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.49					
LABORERS:						
Laborers	4.35					
Mortar mixers; Paving breaker; Jack hammer operator	4.45					
Nozzleman (gunite, sandblast and shotcrete)	4.60					
LATHERS	5.20				.01	
PAINTERS:						
Brush	5.72					
Spray	6.22					
Tapers	5.97					
PLASTERERS	6.82				.01	
PLUMBERS; Steamfitters	7.30	.27	.10	.07	.03	
SHEET METAL WORKERS	7.62					
SPRINKLER FITTERS	7.45	.40	.60		.05	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AQ-1048 P. 2

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Finisher	$4.56				
Form Builder	4.56				
Form Setter	4.56				
Painter	3.76				
LABORERS:					
Air tool operator	3.36				
Common laborer	3.36				
Landscape workers	3.36				
Form builder helpers (bridge and culvert)	3.76				
Manhole builder	4.30				
Piledriver (leadsman)	4.20				
Pipelayer (other than culvert)	4.20				
Powderman (blaster)	5.00				
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	4.50				
Asphalt distributor helper	3.76				
Asphalt paving machine	4.60				
Asphalt paving machine helper	3.36				
Asphalt plant helper	3.36				
Asphalt plant, stationary and traveling	4.60				
Auger operator (truck type)	3.76				
Automatic fine grader operator	4.70				
Beginner operator (1 year or less experience as Power Equipment Op.)	3.90				
Broom, self-propelled	3.76				
Bulldozer, 80 h.p. or less	4.10				
Bulldozer, over 80 h.p.	4.60				
Bullfloat machine	4.40				
Concrete batch plant	4.60				
Concrete mixer	3.90				
Concrete paver	5.00				
Concrete paving cure machine	4.00				
Concrete paving finishing machine	4.70				
Concrete paving form grader	4.70				
Concrete paving joint machine	4.50				
Concrete paving joint sealer	4.00				
Concrete paving saw	4.40				
Concrete paving spreader	4.70				
Concrete paving subgrader	4.60				
Conveyor	3.36				
Cranes, Derricks, Draglines, Piledrivers, Backhoes and Shovels, 1¼ cu. yds. or less	4.60				
Cranes, Derricks, Draglines, Piledrivers, Backhoes and Shovels, over 1¼ cu. yds.	5.00				

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
POWER EQUIPMENT OPERATORS (cont'd):						
Crusher (incl. those with integral screening plant)	$4.60					
Curb machine	4.00					
Fireman (boiler and retort)	3.80					
Front End Loader, 1½ cu. yds. or less	3.90					
Front End Loader, 1½ cu. yds. to 3½ cu. yds.	4.40					
Front End Loader, over 3½ cu. yds.	4.60					
Mechanic, heavy duty	4.90					
Mechanic, helper	3.90					
Mechanic, maintenance	4.40					
Motor grader, (finish)	5.00					
Motor grader, (rough)	4.50					
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Roller, self-propelled (hot mix)	4.10					
Roller, self-propelled (other)	3.76					
Roller, sheepsfoot or 50 ton pneumatic	4.10					
Scrapers	5.20					
Spreader (materials)	4.40					
Stationary plant	4.00					
Tractor (crawler or pneumatic)	4.00					
Tractor, farm type w/attachments (including loader)	3.36					
Tractor - push	4.80					
Traveling plant (stabilization)	4.60					
Traveling plant, helper	3.36					
Trenching machine	4.40					
Wagon drill (including airtrac-trac-drill, etc.)	4.40					
TRUCK DRIVERS:						
Euclid or dumptor	3.72					
Truck crane	3.62					
Truck driver, single axle	3.36					
Truck driver, tandem or semitrailer	3.52					
WELDER:						
Welder, certified	4.70					
Welder, general	4.40					

[FR Doc.73-21556 Filed 10-11-73;8:45 am]