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PART I

(Part II begins on page 22715)

HIGHLIGHTS OF THIS ISSUE

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

(Continued inside)

FEDERAL REGISTER

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Contents

(*Continued on next page*)

List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

5 CFR

213 (2 documents) 22665

7 CFR

401 22665
847 22665
905 (2 documents) 22666, 22667
910 22668
912 22668
915 22668

PROPOSED RULES:

1701 (2 documents) 22684

13 CFR

121 22669

14 CFR

39 (2 documents) 22670
71 (2 documents) 22670, 22671
97 22671
310 22672

PROPOSED RULES:

71 (7 documents) 22685–22687
373 22688
378 22688
378a 22688

17 CFR

270 22673

18 CFR

154 22675

21 CFR

PROPOSED RULES:

51 22685

24 CFR

1914 22679
1915 22680
1931 22681
1932 22681
1933 22682
1934 22683

29 CFR

102 22678

36 CFR

PROPOSED RULES:

212 22684
261 22684

40 CFR

30 22716
35 22724
40 22724
45 22724

41 CFR

4–12 22677
5A–2 22678
5A–72 22678

49 CFR

PROPOSED RULES:

571 22688

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is amended to show that in the National Endowment for the Arts the position of Director of Planning and Management is excepted under Schedule A, and that in the National Endowment for the Humanities the positions of Program Officer, State-Based Programs, and Program Officer, Special Projects, in the Division of State and Community Programs are excepted under Schedule A until June 30, 1973. It is also amended to reflect the current title of the Division of State and Community Programs in the titles of its Director and its present Program Officer.

Effective on publication in the FEDERAL REGISTER (11–27–71), subparagraph (18) of paragraph (a) and subparagraphs (16) and (17) of paragraph (b) are added, and subparagraphs (14) and (15) of paragraph (b) of § 213.3182 are amended as set out below.

§ 213.3182 **National Foundation on the Arts and the Humanities.**

(a) *National Endowment for the Arts.* * * *

(18) Until June 30, 1973, one Director of Planning and Management.

(b) *National Endowment for the Humanities.* * * *

(14) Until June 30, 1973, one Director, Division of State and Community Programs.

(15) Until June 30, 1973, one Program Officer, Division of State and Community Programs.

(16) Until June 30, 1973, one Program Officer, State-Based Programs, Division of State and Community Programs.

(17) Until June 30, 1973, one Program Officer, Special Projects, Division of State and Community Programs.

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

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

[FR Doc.71–17369 Filed 11–26–71;8:51 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Special Assistant to the Assistant Secretary for Mineral Resources is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (11–27–71), subparagraph (37) of paragraph (a) is added to § 213.3312 as set out below.

§ 213.3312 **Department of the Interior.**

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

(37) One Special Assistant to the Assistant Secretary for Mineral Resources.

* * * * *

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

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

[FR Doc.71–17413 Filed 11–26–71;8:51 am]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEANUT CROP INSURANCE; CORRECTION

In the above-named document [F.R. Doc. 71–16817] which was published on November 18, 1971 (36 F.R. 22003), "Runner" was listed as the type of peanuts insured in Pike County, Ala. The types of peanuts insured in Pike County, Ala., should be changed to "Runner, Southeast Spanish, Virginia."

[SEAL] MORRIE S. HILL,
Acting Secretary, Federal Crop Insurance Corporation.

[FR Doc.71–17300 Filed 11–26–71;8:45 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

PART 847—PUERTO RICO

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, Part 847 of Chapter VIII of Title 7 of the Code of Federal Regulations is revised to read as follows:

Sec.
847.1 Introduction.
847.2 Definitions.
847.3 Farm normal yield.
847.4 Eligibility for abandonment and deficiency.
847.5 Approval and certification.

AUTHORITY: The provisions of this Part 847 issued under secs. 303, 403, 61 Stat. 930, as amended, 932, as amended; 7 U.S.C. 1133, 1153, and secs. 13, 19, Public Law 92–138 approved Oct. 14, 1971.

§ 847.1 **Introduction.**

In accordance with the provisions of the "Sugar Act Amendments of 1971," Public Law 92–138 approved October 14, 1971, this revision of this Part 847 is issued to provide that, effective January 1, 1972, payments under section 303 of the Sugar Act of 1948, as amended, with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage of 1971–72 and subsequent crops of sugarcane shall be made on an individual farm basis. The regulations in the following §§ 847.2 through 847.5 are effective on January 1, 1972, and thereafter until amended, superseded or revoked.

§ 847.2 **Definitions.**

For the purpose of this part, the terms:

(a) "Act," "Director," "Area Office," and designation of a crop of sugarcane by year shall have the meanings set forth in § 893.1 of this chapter.

(b) "Yield of sugar" means hundredweight of sugar commercially recoverable as determined in accordance with Part 837 of this chapter, from sugarcane grown on the farm and marketed (or processed) for the extraction of sugar.

(c) "Planted acreage" or "planted acres" means the acreage from which sugarcane was harvested for the extraction of sugar plus the acreage of sugarcane with respect to which there was bona fide abandonment as a result of drought, flood, storm, freeze, disease, or insects.

(d) "Annual yield for the farm" means the average yield in hundredweight of sugar commercially recoverable per planted acre, as computed from the production record applicable to all of the land constituting the farm in the crop year for which such annual yield is established.

(e) "Farm" shall have the meaning set forth in Part 827 of this chapter.

§ 847.3 **Farm normal yield.**

The normal yield of commercially recoverable sugar per acre for any sugarcane farm in Puerto Rico shall be established by the Area Office for the 1971–72 and each subsequent year as follows:

(a) For a farm on which there was planted acreage in three or more of the next preceding five crop years, the normal yield shall be the simple average of all the annual yields for the farm for such years.

(b) For a farm on which there was no planted acreage in three or more of the next preceding five crop years, the normal yield shall be the simple average of

the normal yields established pursuant to paragraph (a) of this section for not less than six nearby farms having similar production potentials.

§ 847.4 Eligibility for abandonment and deficiency payments.

For each crop, each farm having abandonment of planted sugarcane acreage, or having a crop deficiency of harvested sugarcane acreage below 80 percent of the normal yield for such acreage, or having both such abandonment and deficiency, shall be approved by the Director for payments relating thereto if the following conditions with respect to the farm are met:

(a) The abandonment or deficiency was caused directly by drought, flood, storm, freeze, disease, or insects.

(b) The planted acres that were abandoned, or the harvested acres with respect to which there was such a crop deficiency, were suitable for the production of sugarcane and were cared for up to the time of harvest or abandonment, as the case may be, in a manner which could have been expected under average conditions to produce a normal crop of sugarcane.

(c) With respect to acreage abandonment, the area office was notified of the intention to abandon the acreage before the sugarcane was destroyed or the acreage was used for other purposes: *Provided*, That the Director may waive the requirement of prior notification if he (1) has knowledge that sugarcane was planted on the abandoned acreage and the extent of such plantings, (2) has knowledge of widespread crop damage in the locality where the farm or part of the farm is located, and (3) is satisfied that the abandonment on the farm in question resulted directly from drought, flood, storm, freeze, disease, or insects.

(d) There was compliance with all the other conditions for payment prescribed by the Act.

§ 847.5 Approval and certification.

Approval by the Director of an application for an abandonment payment or a crop deficiency payment, or both, shall constitute a determination that the farm with respect to such application is made is eligible for an abandonment or a deficiency payment, or both, as the case may be.

STATEMENT OF BASES AND CONSIDERATIONS

Pursuant to the amendment, effective January 1, 1972, of section 303 of the Sugar Act of 1948, as provided in Public Law 92–138, approved October 14, 1971, this revision of regulations authorizes payment for abandoned acreage and for deficiency of production on an individual farm basis. Heretofore, to receive payment the farm must have been located in an approved local producing area wherein damage to the crop had to affect 10 percent of the farms or 10 percent of the planted acres in the area.

All of the other eligibility requirements for approving abandonment and deficiency for the farm which were included in § 847.2 (27 F.R. 6080) approved June 22, 1962, remain unchanged. The Director, Caribbean Area ASCS Office, must determine that (1) the abandonment of deficiency was caused by drought, flood, storm, freeze, disease, or insects; and (2) the acres that were abandoned or the harvested acres from which there was crop deficiency were suitable for the production of sugarcane and were cared for up to the time of abandonment or harvest in a manner which would produce a normal crop under average conditions. Also, the producer must notify the area office of his intention to abandon acreage before the sugarcane is destroyed or the acreage is used for other purposes, subject to certain exceptions.

Effective date. Since Public Law 92–138 approved October 14, 1971, provided that effective January 1, 1972, payments are authorized to be made to sugarcane producers in Puerto Rico on an individual farm basis for acreage abandonment of planted acres and crop deficiencies of harvested acres; and as this revision of the regulation also provides for relief from the requirement in the previous regulation concerning the need for prior notification of the producer's intention to abandon acres, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 533 is unnecessary and not in the public interest, and this revision shall become effective on January 1, 1972.

Accordingly, I hereby find and conclude that the foregoing revision of Part 847 will effectuate the applicable provisions of the Act.

Signed at Washington, D.C., on November 19, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-17340 Filed 11-26-71;8:49 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 69, Amdt. 2]

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

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Navel, Temple, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the committees reflects their appraisal of the Florida orange crop and the current and prospective market conditions. Except for Navel oranges, more restrictive regulation requirements should be made effective during the period November 29 through December 26, 1971, because the maturity of oranges is such that larger amounts are available, hence, a higher minimum grade regulation for Florida oranges for fresh shipment is needed to (1) maintain returns to producers consistent with the declared policy of the act by preventing the shipment of less desirable oranges to fresh market outlets, and (2) provide consumers with oranges of the most desirable quality.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 29, 1971. Domestic shipments of Florida oranges, except Temple, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, are currently regulated pursuant to Orange Regulation 69 (36 F.R. 20215, 22054) and determinations as to the need for, and extent of, continued regulation of Florida orange shipments must await the development of the crop and the availability of information on the demand for such fruit, the recommendations and supporting information for regulation of orange shipments subsequent to November 28, 1971, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on November 18, 1971. Such meeting was held to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views; the provisions of this amendment are identical with the aforesaid recommendation of the committee, and information concerning such provisions has been disseminated among handlers of such oranges; it is necessary in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 905.536 (Orange Regulation 69; 36 F.R. 20215, 22054) the provisions of paragraph (a)(1) are amended and a new paragraph (c) is added to read as follows:

§ 905.536 Orange Regulation 69.

(a) * * *

(1) Any oranges, except Navel, Temple, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That during the period November 29 through December 26, 1971, no handler may ship any oranges, except Navel, Temple, Murcott Honey oranges and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least Florida No. 1 Grade for oranges;

* * * * *

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meanings as given to the respective terms in said amended marketing agreement and order; "Florida No. 1 Grade" shall have the same meaning as when used in sec. (1)(a) of Regulation 105–1.02, as amended, effective October 28, 1970, of the Regulations of the Florida Citrus Commission, and terms relating to grade and diameter as used herein, shall have the same meanings as given to the respective terms in the U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

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

Dated: November 24, 1971, to become effective November 29, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–17425 Filed 11–26–71;8:52 am]

[Tangerine Reg. 42, Amdt. 2]

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

Limitation of Shipments

Notice was published in the FEDERAL REGISTER on November 19, 1971 (36 F.R. 22066), that consideration was being given to a proposal relative to limitation of shipments of tangerines handled between the production area and any point outside thereof in the continental United States, Canada, or Mexico, recommended by the committees, established under 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. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice provided that all written data, views, or arguments in connection with the proposed amendment be submitted by November 23, 1971. None were received within the prescribed time. However, at their meetings on November 18, 1971, the committees recommended that the proposed amendment be modified to provide for less restrictive regulation requirements than initially proposed during the period November 29, through December 5, 1971.

The initial recommendation by the committees for more restrictive size requirements on shipments of tangerines was based on the increasing available supply of smaller size tangerines. The committee reported that tangerines of the later maturing Dancy variety are beginning to be shipped in volume to fresh market outlets adding to the currently available supply of the earlier maturing Robinson variety tangerine. The later recommendation by the committees is based upon its later appraisal of the supply situation which indicates that in the prevailing situation it is desirable to curtail all except a relatively small percentage of tangerines of the smaller size in shipments during the period November 29 through December 5, 1971, to prevent a buildup of such sizes in the markets during the period of an increasing supply so as to maintain orderly marketing conditions. The higher minimum size requirement recommended for the period December 6 through December 19, 1971, is necessary to prevent a general weakening of the price structure for all sizes of tangerines during the period of peak volume. It is anticipated by the committees that the supply situation will be such that fresh market outlets will accept smaller tangerines after December 19, 1971, at prices which will provide favorable returns to producers.

After consideration of all relevant matters presented, including the recommendations made by the committees at their meetings on November 11, 1971, as set forth in the aforesaid notice, and on November 18, 1971, and other available information, it is hereby found that the regulation, as hereinafter set forth, is in accordance with 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 of November 26, 1971, was published in the FEDERAL REGISTER on November 19, 1971 (36 F.R. 22066), and no objection to this amendment or such effective date was received; (2) except for the less stringent size requirement during the period November 29 through December 5, 1971, the provisions of this amendment are identical with the aforesaid recommendation of the committees of November 11, 1971, which was published in the aforesaid notice; (3) the recommendation and supporting information for regulation of shipments of tangerines were submitted to the Department after open meetings of the committees on November 11 and 18, 1971, which were held to consider recommendations for regulation, after giving due notice of such meetings, and interested persons were afforded an opportunity to submit their views at these meetings; (4) information concerning such provisions and effective time has been disseminated among handlers of tangerines; and (5) 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.

Order. In § 905.537 (Tangerine Regulation 42; 36 F.R. 20215, 22066) the provisions of paragraph (a)(2) are amended and a new paragraph (c) is added to read as follows:

§ 905.537 Tangerine Regulation 42.

(a) * * *

(2) Any tangerines, grown in the production area, which are of a size smaller than 2$^{4}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Tangerines: *Provided,* That during the period November 26, through December 19, 1971, no handler may ship tangerines, grown in the production area, which are of a size smaller than 2$^{5}/_{16}$ inches in diameter except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Tangerines: *Provided further,* That during the period November 29, through December 5, 1971, any handler may ship a quantity of tangerines which are smaller than the 2$^{5}/_{16}$ inches in diameter, including the aforesaid tolerance, if (i) the number of standard packed boxes of such smaller tangerines does not exceed 15 percent of the total shipments of tangerines by such handler during the last previous week, within the current fiscal period, in which he shipped tangerines; and (ii) such smaller tangerines are of a size not smaller than 2$^{4}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Tangerines.

* * * * *

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

amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title); the term "week" shall mean the 7-day period beginning at 12:01 a.m., local time, on Monday of one calendar week and ending at 12:01 a.m., local time, on Monday of the following calendar week.

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

Dated: November 24, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-17405 Filed 11-24-71;11:25 am]

[Lemon Reg. 509]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.809 Lemon Regulation 509.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), 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) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 23, 1971.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period November 28, 1971, through December 4, 1971, is hereby fixed at 190,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: November 24, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-17426 Filed 11-26-71;8:52 am]

[Grapefruit Reg. 82]

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

Limitation of Handling

§ 912.332 Grapefruit Regulation 82.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 23, 1971.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period November 29, 1971, through December 5, 1971, is hereby fixed at 150,000 standard packed boxes.

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

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

Dated: November 24, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-17407 Filed 11-26-71;8:51 am]

[Avocado Order 5, Amdt. 8; Avocado Reg. 6, Amdt. 3; Avocado Reg. 13, Amdt. 2]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitations on Handling

On November 17, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 21894), regarding a proposal, which would limit the handling of avocados grown in Florida by amending the container requirements of § 915.305 *Avocado Order 5* (36 F.R. 20670), the pack requirements of § 915.306 *Avocado Regulation 6* (36 F.R. 20670), and the size, quality, and maturity requirements of § 915.313 *Avocado Regulation 13* (36 F.R. 11509, 20670). The amendment was recommended by the Avocado Administrative Committee, established pursuant to the

amended marketing agreement and Order No. 915, as amended (7 CFR Part 915; 36 F.R. 14126), regulating the handling of avocados grown in South Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Avocado Administrative 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.

The recommendation of the Avocado Administrative Committee reflects its appraisal of the avocado crop and current and prospective market conditions. Seasonally heavy shipments of avocados are now in progress. On October 25, 1971, the aforementioned regulations were amended to permit the handling within the production area of avocados which would have failed to meet the container, pack, and grade requirements in effect just prior thereto. Industry experience since that date has shown that, under present circumstances, current regulations have not had desired results. Lower quality avocados sold in urban markets within the production area have adversely affected sales of avocados meeting container, pack, and grade requirements. Additionally, such markets for avocados of all levels of quality are reported to have been depressed. Consequently, the committee has recommended reestablishment of the regulation requirements in effect just prior to October 25, 1971.

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 of November 29, 1971, was published in the FEDERAL REGISTER (36 F.R. 21894), and no objection to this amendment or such effective date was received; (2) the recommendation and supporting information for regulation during the period specified herein were submitted to the Department after an open meeting of the Avocado Administrative Committee on November 9, 1971, which was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (3) the provisions of this amendment, including the effective time hereof, are identical with the aforesaid recommendation of the committee; (4) information concerning such provisions and effective time has been disseminated among handlers of such avocados; (5) compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; (6) shipments of the current crop of such avocados are now in progress, and this amendment should be applicable, as soon as is practicable, to all shipments of such avocados in order to effectuate the declared policy of the act.

1. The provisions of paragraph (a) (1) of § 915.305 (Avocado Order 5; 36 F.R. 20670) are hereby amended to read as follows:

§ 915.305 Avocado Order 5.

(a) *Order.* (1) On and after November 29, 1971, no handler shall handle any variety of avocados in containers having a capacity of more than 4 pounds of avocados, unless such avocados are handled in containers meeting the following specifications and conform to all other applicable requirements of this section:

* * * * *

2. The provisions of paragraph (a) (2) of § 915.306 (Avocado Regulation 6; 36 F.R. 20670) are hereby amended to read as follows:

§ 915.306 Avocado Regulation 6.

(a) *Order.* * * *

(2) On and after November 29, 1971, no handler shall handle any container of avocados, grown in the production area, unless the avocados in such container meet the requirements of standard pack and one of the pack specifications established in subparagraph (1) of this paragraph, and each container in each lot is marked or stamped to show the U.S. grade applicable to such lot: *Provided,* That, in lieu of such marking requirement, any handler may affix to the container a label, brand or trademark, registered with the Avocado Administrative Committee in accordance with the following, which appropriately identifies the grade of such avocados:

* * * * *

3. The provisions of paragraph (a) (1) of § 915.313 (Avocado Regulation 13; 36 F.R. 11509, 20670) are hereby amended to read as follows:

§ 915.313 Avocado Regulation 13.

(a) *Order.* (1) During the period November 29, 1971, through April 30, 1972, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade;

* * * * *

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

Dated: November 24, 1971, to become effective November 29, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–17444 Filed 11–26–71;9:40 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 10, Amdt. 11]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition for Purpose of Government Procurements for Fluid Milk Products

On June 15, 1971, there was published in the FEDERAL REGISTER (36 F.R. 11525) a notice that the Administrator of the SBA proposed to reduce the definition of a small business for the purpose of bidding on products classified into Standard Industrial Classification (SIC) Industry 2026, Fluid Milk, from 750 employees to 500 employees. Interested parties were given 30 days in which to submit written statements of facts, opinions, or arguments concerning this proposal.

A common concern of the concerns which filed responses is the encroachment of national dairy and food chains as well as large cooperatives upon their local markets. However, based on Department of Defense (DOD) procurement data for the last 3 fiscal years, it does not appear that "large" dairy firms have made considrable gains in the Government market. DOD expenditures on dairy food products have declined precipitously in the past 3 fiscal years. From fiscal year 1969 to fiscal year 1971, the number of actions and dollar volume has decreased by 47 percent and 50 percent, respectively. Nonetheless, the small business share of these procurements has increased. In fiscal year 1969, small business accounted for 43 percent of the total number of DOD actions and 44 percent of the dollar volume. In fiscal year 1971, 55 percent of the actions went to small business, accounting for 60 percent of the aggregate dollar value. It is evident that small dairy firms as presently defined can continue to maintain their share of the Government market during a period of sharp decline. Under all of the circumstances, it has been determined to adopt the change as proposed.

Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby further amended by deleting from Schedule B of § 121.3–8, the 750-employee size standard for fluid milk (Census Classification Code 2026).

Effective date. This amendment shall become effective 30 days after publication in the FEDERAL REGISTER, but shall apply only to procurements issued on or after that date.

Dated: November 19, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71–17309 Filed 11–26–71;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-28-AD; Amdt. 39-1347]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 56TC Airplanes

A condition exists in some Beech Model 56TC airplanes which may adversely affect the safe operation of these airplanes. Specifically, the presently installed placard does not properly identify the correct margin between the placarded maximum structural cruising speed and the never exceed speed in certain of these model airplanes. Under certain operating conditions and situations, this discrepancy can result in the airplane being operated beyond its never exceed speed. To correct this condition, and at the request of the manufacturer, an Airworthiness Directive is being issued requiring owners/operators to revise applicable placards, and remark the airspeed indicator in Beech Model 56TC airplanes to reflect the correct margin between maximum structural cruising speed and never exceed speed, as specified in Aircraft Specification No. 3A16, revised January 10, 1969.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Model 56TC (Serials Nos. TG-1 through TG-76) Airplanes.

Compliance: Required as indicated, unless already accomplished.

To provide information reflecting applicable operating limitations and margin between maximum structural cruising speed and never exceed speed, within the next 50 hours' time in service after the effective date of this AD, revise placards and change airspeed indicator marking as follows:

(1) Install placard at lefthand cabin side, adjacent to ignition switch panel reading: "This airplane must be operated as a Normal Category airplane in compliance with the operating limitations stated in the form of placards, markings and manuals (Pilot's Check List). Occupied seats must be in upright position during takeoff and landing. Maximum weight 5,990 lb. No acrobatic maneuvers including spins approved.

"Max. speed w/landing gear extended (normal) (TG-1 through TG-71)—165 m.p.h. (143 knots); (TG-72 and up—175 m.p.h. (152 knots).
"Max. speed with flaps extended (15° down)—175 m.p.h. (152 knots).
"Max. speed with flaps extended (normal)—144 m.p.h. (125 knots).
"Max. design maneuver speed—183 m.p.h. (159 knots).
"Minimum control speed single engine—97 m.p.h. (84 knots).
"Max. structural cruising speed (S.L. to 20,000 ft. alt.)—233 m.p.h. (202 knots).
"Max. structural cruising speed (25,000 ft. alt.)—222 m.p.h. (193 knots).
"Max. structural cruising speed (30,000 ft. alt.)—214 m.p.h. (186 knots).
"Never exceed speed (S.L. to 20,000 ft. alt.)—262 m.p.h. (227 knots).
"Never exceed speed (25,000 ft. alt.)—249 m.p.h. (216 knots).
"Never exceed speed (30,000 ft. alt.)—240 m.p.h. (208 knots)."

2. Install placard on floating instrument panel near airspeed indicator reading: "See limitations placard for 'max. structural cruise' and 'never exceed limits'."

(3) Remark airspeed indicator to extend yellow arc from 240 m.p.h. to 233 m.p.h. so that green arc does not enter this range.

Beechcraft Service Instruction No. 0173-016 considers this subject.

This amendment becomes effective November 30, 1971.

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

Issued in Kansas City, Mo., on November 17, 1971.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.71-17312 Filed 11-26-71;8:46 am]

[Airworthiness Docket No. 71-WE-10-AD; Amdt. 39-1346]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas DC-9 Series Airplanes

Amendment 39-1189 (36 F.R. 6827), AD 71-8-2, requires affixing placard(s) in the cockpit to ensure pilot control of speed brake retraction and to prevent in-flight deployment of ground spoilers on all McDonnell Douglas DC-9 Series Airplanes. After issuing Amendment 39-1189, the agency has determined that the installation of an interlock switch in accordance with McDonnell Douglas DC-9 Service Bulletin 32-128, dated November 17, 1971, and an amendment to the Limitations Section, Airplane Flight Manual, constitute a satisfactory alternative means of compliance. Therefore, the AD is being amended to provide for affixing placard(s) in the cockpit until the aircraft is modified in accordance with the manufacturer's Service Bulletin and the FAA Approved Airplane Flight Manual is amended.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1189 (36 F.R. 6827), AD 71-8-2, is amended in pertinent part as follows:

To ensure pilot control of speed brake retraction and to prevent inflight deployment of ground spoilers, accomplish one of the following:

1. Affix a placard(s) in the cockpit in plain view of both crew members stating:

DO NOT EXTEND GEAR WITH SPEED BRAKES DEPLOYED

DO NOT ARM GROUND SPOILERS PRIOR TO GEAR EXTENSION

2.a. Install the interlock switch per McDonnell Douglas DC-9 Service Bulletin No. 32-128, dated November 17, 1971, or later FAA approved revisions, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region and

b. Amend the Limitations Section, FAA Approved Airplane Flight Manual, to include the statements:

Do not extend gear with speed brakes deployed.

Do not arm ground spoilers prior to gear extension.

NOTE: Placards previously installed per step 1 may be removed if step 2 is accomplished.

This amendment becomes effective November 30, 1971.

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

Issued in Los Angeles, Calif., on November 17, 1971.

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

[FR Doc.71-17313 Filed 11-26-71;8:46 am]

[Airspace Docket No. 71-GL-29]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone at Glenview, Ill.

The VOR approaches to Palwaukee Airport and Sky Harbor Airport have been revised. Application of controlled airspace criteria to protect these approaches reduces the length of control zone extensions now designated for these approach procedures. This will result in deleting the Chicagoland Airport from the control zone which is operationally desirable. This action is in the public interest as it reduces the impact of the controlled airspace on the public, therefore notice and public procedure hereon are unnecessary.

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

In § 71.171 (36 F.R. 2055) the following control zone is amended as follows:

GLENVIEW, ILL.

Delete "131° and 163° radials extending from the Glenview, Ill., and the Chicago, Ill. (O'Hare International Airport), 5-mile-radius zones to 1 mile south and southeast of the VOR", and insert in place "162° and 140° radials extending from the Chicago, Ill. (O'Hare International Airport), and the Glenview, Ill., 5-mile-radius zones to 3½ miles south and 3½ miles southeast of the VOR.

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

Issued in Des Plaines, Ill., on November 12, 1971.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.71-17314 Filed 11-26-71;8:47 am]

[Airspace Docket No. 71-WA-6]

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

Alteration of Terminal Control Area

On September 23, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 18872) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the New York, N.Y., terminal control area (TCA) by raising the floor from 800 feet MSL to 1,200 feet MSL in a small area immediately west of the Linden, N.J., airport.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Five comments were received in response to this proposal, three favorable and two unfavorable.

The Air Transport Association of America (ATA) objects to the proposed alteration on the premise that pilots operating to and from the Linden Airport not familiar with the area may accidentally stray beyond the eastern boundary of area "J" into the path of aircraft on the final approach to Newark's runway 4 left. Their rationale is that the eastern boundary of area "J" is visually described by U.S. Route 1 which could be confused with the New Jersey Turnpike approximately 1.3 statute miles farther east. In addition, they do not consider the visual marking used in describing area "J" to be as prominent as shorelines, bridge towers and waterways used descriptively in other portions of the New York TCA. In consideration of this reasoning along with the proximity of Linden Airport to the ILS final approach course to Newark's runway 4 left, they recommend that the Linden Airport be included in the New York TCA airspace.

The Port of New York Authority objects to the proposed alteration on the premise that it would decrease the margin of safety for passengers using Newark Airport. Their objection is based on the following points:

1. VFR aircraft could misidentify some of the terrain features used as boundary references between areas "C" and "J" and stray unintentionally into the path of aircraft executing instrument approaches to runway 4 left at Newark Airport.

2. That no application of the U.S. Standard for Terminal Instrument Procedures (TERPS) was made in designing the subareas of the TCA and that the approach plane for the ILS approach to runway 4 left at Newark is not contained within area "C".

3. That aircraft making an NDB approach to runway 4 left at Newark could descend below the floor of area "C".

The principal objection of both the ATA and the Port Authority reflects a lack of confidence in the navigational ability of pilots to recognize and honor the boundaries of designated airspace areas. Acceptance of this viewpoint would be contrary to the entire basis for charting designated airspace areas. TCA's, other controlled airspace such as control zones, transition areas and airways as well as prohibited and restricted areas are normally delineated by lines on charts without reference to electronic navigational guidance or terrain features. This method has proven to be completely satisfactory and in most cases, the only feasible method. When terrain features can be used as a boundary reference, such as those used in the proposed area "J", the pilot has an additional aid in identifying the boundaries. Therefore, this amendment is considered to be well within the safety requirements associated with the designation of airspace areas.

The ATA's recommendation to include Linden Airport within TCA airspace would require that Air Traffic Control (ATC) exercise control over all traffic operating to and from Linden Airport. This is impractical and is not being considered at this time.

The Port Authority's objections concerning the application of TERPS criteria and the NDB approach to runway 4 left at Newark are not germane to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 6, 1972, as hereinafter set forth.

In § 71.401(a) (36 F.R. 2317 and 13376) the New York, N.Y., terminal control area is amended as follows:

1. In Area B, "Areas C and D" is deleted and "Areas C, D and J" is substituted therefor.

2. Area C is amended to read "That airspace extending upward from above 800 feet MSL to and including 7,000 feet MSL within a 6.5-mile radius circle centered at latitude 40°41'30" N., longitude 74°10'00" W., and bounded by a line beginning at the point where the 6.5-mile radius circle intersects U.S. Highway No. 1, thence northeast along U.S. Highway No. 1 to its point of intersection with a 4-mile radius circle centered at latitude 40°41'30" N., longitude 74°10'00" W., at the Esso Research Center, thence direct to the Public Service powerplant, thence direct to the Staten Island Expressway at its point of intersection with the 4-mile radius circle, thence east via the Staten Island Expressway to Richmond Avenue, thence south along Richmond Avenue to the 6.5-mile radius circle, thence clockwise along the 6.5-mile radius circle to the point of beginning."

3. In Area E, "Area F" is deleted and "Areas F and J" is substituted therefor.

4. In Area G, "Area H" is deleted and "Areas H and J" is substituted therefor.

5. Area J is added as follows:

That airspace extending upward from above 1,200 feet MSL to and including 7,000 feet MSL within a 6.5-mile radius circle centered at latitude 40°41'30" N., longitude 74°10'00" W., and bounded by a line beginning at the intersection of the 6.5-mile radius circle and the tracks of the Central Railroad of New Jersey, thence eastward along the railroad tracks to their point of intersection with the 4-mile radius circle centered at latitude 40°41'30" N., longitude 74°10'00" W., thence counterclockwise along the 4-mile radius circle to U.S. Highway No. 1, thence southwest along U.S. Highway No. 1 to the 6.5-mile radius circle, thence clockwise along the 6.5-mile radius circle to the point of beginning.

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

Issued in Washington, D.C., on November 22, 1971.

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

[FR Doc.71-17315 Filed 11-26-71;8:47 am]

[Docket No. 11560; Amdt. 784]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or

from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

1. Section 97.13 is amended by establishing, revising, or canceling the following Ter VOR SIAP's, effective December 23, 1971.

Grand Canyon, Ariz.—Grand Canyon National Park Airport; VOR-3, Original; Canceled.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective December 23, 1971.

Alpena, Mich.—Phelps-Collins Airport; VOR Runway 18, Amdt. 3; Revised.
Baraboo, Wis.—Baraboo Wisconsin Dells Airport; VOR-A, Amdt. 4; Revised.
Belmar-Farmingdale, N.J.—Monmouth County Airport; VOR-A, Amdt. 7; Revised.
Crestview, Fla.—Bob Sikes Airport; VOR-A, Amdt. 4; Revised.
Dixon, Ill.—Dixon Municipal-Charles R. Walgreen Field, VOR-A, Amdt. 2; Revised.
Eau Claire, Wis.—Eau Claire Municipal Airport; VOR-A, Amdt. 15; Revised.
Eau Claire, Wis.—Eau Claire Municipal Airport; VOR/DME Runway 4, Amdt. 1; Revised.
Grand Canyon, Ariz.—Grand Canyon National Park Airport; VOR Runway 3, Original; Established.
Hancock, Mich.—Houghton County Memorial Airport; VOR Runway 25, Amdt. 6; Revised.
Knoxville, Tenn.—McGhee Tyson Airport; VOR Runway 22R, Amdt. 14; Revised.
Lapeer, Mich.—Dupont-Lapeer Airport; VOR-A, Amdt. 3; Revised.
Marquette, Mich.—Marquette County Airport; VOR Runway 8, Amdt. 8; Revised.
Marquette, Mich.—Marquette County Airport; VOR Runway 26, Amdt. 7; Revised.
Meridian, Miss.—Key Field; VOR-A, Amdt. 10; Revised.
Neptune, N.J.—Asbury Park-Neptune Airport; VOR-A, Amdt. 4; Revised.
Paducah, Ky.—Barkley Airport; VOR/DME Runway 22, Amdt. 1; Revised.
Pendleton, Oreg.—Pendleton Municipal Airport; VOR Runway 7L, Amdt. 11; Revised.
Rapid City, S. Dak.—Rapid City Regional Airport; VOR Runway 32, Amdt. 15; Revised.
Rapid City.—S. Dak.—Rapid City Regional Airport; VOR/DME Runway 14, Amdt. 6; Revised.
Tuscaloosa, Ala.—Van DeGraaff Airport; VOR Runway 22, Amdt. 3; Revised.
Welsh, La.—Welsh Airport; VOR/DME Runway 6, Original; Established.
Winner, S. Dak.—Bob Wiley Field; VOR-A, Amdt. 2; Revised.
Winnsboro, Tex.—Winnsboro Municipal Airport; VOR-A, Amdt. 1; Revised.

3. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective December 23, 1971.

Joplin, Mo.—Joplin Municipal Airport; LOC (BC) Runway 31, Amdt. 13; Revised.
Norwood, Mass.—Norwood Memorial Airport; SDF Runway 35, Amdt. 1; Revised.
Rapid City, S. Dak.—Rapid City Regional Airport; LOC (BC) Runway 14, Amdt. 3; Revised.

4. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's effective December 23, 1971.

Arkadelphia, Ark.—Arkadelphia Municipal Airport; NDB Runway 4, Amdt. 1; Revised.
Bellaire, Mich.—Bellaire-Antrim County Airport; NDB Runway 2, Amdt. 3; Revised.
Great Falls, Mont.—Great Falls International Airport; NDB Runway 34, Amdt. 11; Revised.
Joplin, Mo.—Joplin Municipal Airport; NDB Runway 13, Amdt. 16; Revised.
Knoxville, Tenn.—McGhee Tyson Airport; NDB Runway 4L, Amdt. 25; Revised.
Meridian, Miss.—Key Field; NDB Runway 1, Amdt. 13; Revised.
Norwood, Mass.—Norwood Memorial Airport; NDB Runway 35, Amdt. 3; Revised.
Pendleton, Oreg.—Pendleton Municipal Airport; NDB(ADF) Runway 25R, Amdt. 8; Canceled.
Pendleton, Oreg.—Pendleton Municipal Airport; NDB-A, Original; Established.
Vidalia, Ga.—Vidalia Municipal Airport; NDB Runway 24, Amdt. 1; Revised.
Waukegan, Ill.—Waukegan Memorial Airport; NDB Runway 23, Amdt. 2; Revised.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective December 23, 1971.

Joplin, Mo.—Joplin Municipal Airport; ILS Runway 13, Amdt. 15; Revised.
Knoxville, Tenn.—McGhee Tyson Airport; ILS Runway 4L, Amdt. 28; Revised.
Meridian, Miss.—Key Field; ILS Runway 1, Amdt. 15; Revised.
Pendleton, Oreg.—Pendleton Municipal Airport; ILS Runway 25R, Amdt. 14; Revised.
Philadelphia, Pa.—North Philadelphia Airport; ILS Runway 24, Amdt. 3; Revised.
Rapid City, S. Dak.—Rapid City Regional Airport; ILS Runway 32, Amdt. 5; Revised.
Reading, Pa.—Reading Municipal/General Carl A. Spaatz Field; ILS Runway 36, Amdt. 18; Revised.
Wheeling, W. Va.—Wheeling-Ohio County Airport; ILS Runway 3, Amdt. 10; Revised.

6. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective December 23, 1971.

Chicago, Ill.—Chicago-Midway Airport; Radar-1, Amdt. 16; Revised.
Memphis, Tenn.—Memphis International Airport; Radar-1, Amdt. 21; Revised.

7. Section 97.33 is amended by establishing, revising, or canceling the following RNAVSIAP's, effective December 23, 1971.

Atlanta, Ga.—DeKalb-Peachtree Airport; RNAV Runway 20L, Amdt. 1; Revised.
Augusta, Ga.—Daniel Field; RNAV Runway 10, Original; Established.
Gainesville, Fla.—Gainesville Municipal Airport; RNAV Runway 28, Original; Established.
Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional Airport; RNAV Runway 23, Original; Established.
Jackson, Miss.—Hawkins Field; RNAV Runway 16, Original; Established.
Joliet, Ill.—Joliet Municipal Airport; RNAV Runway 12, Original; Established.
McComb, Miss.—McComb-Pike County Airport; RNAV Runway 33, Original; Established.
Miami, Fla.—Miami International Airport; RNAV Runway 9L, Original; Established.
Miami, Fla.—Opa Locka Airport; RNAV Runway 9L, Original; Established.
Richmond, Va.—Richard Evelyn Byrd International Airport; RNAV Runway 20, Original; Established.
Sanford, Fla.—Sanford Airport; RNAV Runway 9, Amdt. 1; Revised.
South Bend, Ind.—St. Joseph County Airport; RNAV Runway 9, Original; Established.
Southern Pines, N.C.—Pinhurst-Southern Pines Airport; RNAV Runway 23, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on November 18, 1971.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71-17176 Filed 11-26-71;8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-123; Amdt. 4]

PART 310—INSPECTION AND COPYING OF BOARD OPINIONS, ORDERS, AND RECORDS

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of November 1971.

Recently, the Administrative Conference of the United States issued several recommendations for Federal agencies to follow in handling public requests for information under the Freedom of Information Act. Although the present Board Regulations are in substantial conformance with the majority of recommendations and principles set forth by the Administrative Conference, minor differences were found to exist in regard to the Board's Regulations governing the process of intraagency appeal, partial disclosure of exempt records and files, the honoring of categorical requests for records, promptness in responding to requests for records, and initial denials of requests. We find that the amendment of Part 310 of the Procedural Regulations to correspond more closely with the submitted recommendations of the Administrative Conference would provide for more expeditious handling of information requests in conformance with the statutory policy encouraging disclosure and would otherwise be of benefit to the public.

Since the amendment contained herein relates solely to matters of agency procedure, notice and public procedure thereon are not required, and the amendment may become effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 310 of the Procedural Regulations (14 CFR Part 310) effective November 27, 1971, as follows:

1. Amend § 310.6(b) to read as follows:

§ 310.6 Procedure for requesting records.

* * * * *

(b) Requests for records shall be specific and must identify the specific records or materials which are desired by name, date, number, or other identifying data sufficient to allow the Board's staff to locate, retrieve, prepare, and when necessary, edit the record for inspection or copying to delete exempted matter. Where a requested file or record does contain exempt information, the file or a copy of the record will be made available with appropriate deletions whenever this can be done without revealing the exempted information. Although the Board's staff need not honor blanket or generalized requests for records, it will endeavor to do so if compliance would not unduly burden or interfere with Board operations because of the staff time consumed or the resulting disruption of files.

2. Amend § 310.7 to read as follows:

§ 310.7 Production of Board records.

Every effort will be made to serve requests with reasonable dispatch. Requests for the same record will be filed on a "first come, first served" basis, but use of a document by the Board or its staff will be given precedence. Normally, a request for records will be honored or denied within 10 working days of its receipt. However, when additional time is required because of extenuating circumstances, the office at which the request was made shall acknowledge the request in writing within the 10-day period and shall include a brief notation of the reason for the delay and an indication of the date on which the records will be made available or a denial will be forthcoming. If the appropriate Board unit does not reply to or acknowledge a request within the 10-day period, the requester may treat such nonaction as a denial and appeal to the Managing Director as in the case of a denial.

3. Amend § 310.9 to read as follows:

§ 310.9 Refusal to make record available.

(a) Where the material requested is currently in use by another member of the public or an employee of the Board, the person making the request will be so informed by the office at which the request was made pursuant to § 310.7, and will be advised when the material will be available. The request may then be renewed at a later time.

(b) Where the material requested is not a record, is an exempted record, or is otherwise unavailable, the person making the request will be so informed by the office at which the request was made. The form of notification will be the same as that used for making the request. Whether notification is oral or in writing it shall include a reference to the specific exemption under this regulation and the Freedom of Information Act authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld and contain a description of the appeal procedure within the agency and of the ultimate availability of judicial review as set forth in paragraph (e) of this section. A copy of all denial letters and all written statements explaining why exempt records have been withheld will be collected and maintained for public inspection in the Public Reference Room.

(c) Not more than 10 days after a request for a record is denied pursuant to paragraph (b) of this section, the person making the request may appeal the denial to the Managing Director, who has been delegated authority by the Chairman to make determinations on such appeals. The appeal shall be by letter, and shall identify the materials requested and denied in the same manner as it was identified to the Board office receiving and denying the request; shall indicate the dates of the request and denial; and shall indicate the expressed basis for the denial. In addition, the letter or appeal shall state briefly and succinctly the reasons why the record should be made available.

(d) The Managing Director may consult with other members of the staff in making his determination, and shall either rule on the appeal or, at his discretion, pass the matter to the Board for its determination. If the Managing Director rules on the appeal, he shall by letter inform the requester within 7 business days after receipt of the letter of appeal whether the requested material will be made available in whole or in part. If the request is denied in whole or in part, the basis for denial will be stated and no further administrative appeal will be permitted. If the appeal is not ruled upon by the Managing Director but instead is referred to the Board, the Managing Director shall so notify the requester by letter within the above 7-day period. An appeal passed to the Board shall ordinarily be acted upon by the Board within 20 calendar days from the date of filing. However, where novel or very complicated questions are raised by the appeal, the Board may extend the time for final action for a reasonable period beyond 20 working days upon notifying the requester of the reasons for the extended deadline and the date on which a final response will be forthcoming.

(e) A decision by either the Managing Director or the Board pursuant to paragraph (d) of this section is final and will not be subject to petitions for reconsideration. It is subject to judicial review in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the Board records are situated.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324; Freedom of Information Act, 81 Stat. 54, 5 U.S.C. 552)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-17352 Filed 11-26-71;8:50 am]

Title 17—COMMODITIES AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-5208, IC-6805]

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Retroactive Registration of Certain Investment Company Shares Sold in Excess of Number of Shares Included in an Effective Registration Statement

On August 6, 1971, the Securities and Exchange Commission published notice that it had under consideration the adoption of Rule 24f-1 (17 CFR 270.24f-1) under the Investment Company Act of 1940, as amended (Act), and invited all interested persons to submit their views and comments on the proposal (Securities Act Release No. 5174; Investment Company Act Release No. 6660 (36 F.R. 15670)). The Commission has considered the comments and suggestions received and has adopted Rule 24f-1 in the form set forth below.

The rule implements the provisions of the first two sentences of section 24(f) of the Act (15 U.S.C. 80a-24(f)), which were added by the Investment Company Amendments Act of 1970, Public Law 91-547 (84 Stat. 1424).

The rule applies to securities issued by a face-amount certificate company and redeemable securities issued by an open-end management company or unit investment trust where the number of shares of such securities which have been sold exceeds the number of shares of such securities included in the registration statement of such company under the Securities Act of 1933 (1933 Act) (15 U.S.C. 77a et seq.) in effect at the time of such sale. The rule provides a procedure whereby, by filing of a notification containing the information specified in the rule and by the payment of the prescribed fee, such companies may elect to have the registration of certain excess shares, sold within 6 months prior to the payment of the fee required by the rule, deemed effective as of the time of sale of such excess shares, provided that at the time of the sale of such shares a registration statement was in effect with respect to shares of the same class or series.

The limitation of the rule to shares sold within 6 months of payment of the required fee follows the provisions of the first two sentences of section 24(f), which are as follows:

(f) In the case of securities issued by a face-amount certificate company or redeemable securities issued by an open-end management company or unit investment trust, which are sold in an amount in excess of the number of securities included in an effective registration statement of any such company, such company may, in accordance with such rules and regulations as the Commission shall adopt as it deems necessary or appropriate in the public interest or for the protection of investors, elect to have the registration of such securities deemed effective as of the time of their sale, upon payment to the Commission, within 6 months after any such sale, of a registration fee of three times the amount of the fee which would have otherwise been applicable to such securities. Upon any such election and payment, the registration statement of such company shall be considered to have been in effect with respect to such shares * * *.

In accordance with the foregoing provisions of section 24(f), which require the payment of a fee three times "the amount of the fee which would have otherwise been applicable" to the securities with respect to which an election is made, the rule requires the payment of a fee three times the amount of the registration fee, calculated in the manner specified in section 6(b) of the 1933 Act (15 U.S.C. 77f) and the rules and regulations thereunder, which would have been payable if an amendment to register the securities had been filed pursuant to section 24(e)(1) of the Act (15 U.S.C. 80a-24(f)) on the later of (i) the day 6 months before the payment of the fee under rule, or (ii) the date of the first sale of shares in excess of the number included in the registration statement then in effect. This provision reflects the fact that section 24(f) does not apply to securities sold more than 6 months prior to the payment of the fee. The minimum fee payable under the rule is $300, three times the minimum fee payable under section 6(b) of the 1933 Act.

The Report of the House Committee on Interstate and Foreign Commerce, House Rept. No 91-1382, 91st Cong., second session, p. 32, makes the following comment on the provisions of section 24 (f) quoted above:

Occasionally, due to inadvertence, a registered investment company making a continuous offering of its securities, sells more shares than are covered by its registration statement under the Securities Act of 1933. Although the number of shares sold in excess of those registered are not registered under the act, in practical effect no investor is harmed if each offeree or purchaser is given a current prospectus. However, the inadvertence may result in a violation of section 5 of the Securities Act and any person who can show that his shares were not actually registered might be entitled to the rescission rights given by section 12 of the Securities Act.

* * * the bill would add a new section 24(f) to the Act to permit the Commission to adopt rules allowing retroactive registration of securities sold in excess of the number of securities included in an effective registration statement upon payment of three times the normal registration fee for such shares * * *

In accordance with the foregoing, the proposed rule required a statement by an issuer filing a notification of election under the rule that a current prospectus was given to each purchaser of the shares with respect to which the notification is filed. In the comments received on the proposed rule, objection was made to this requirement. It was pointed out that such representation was unnecessary, since section 5(b) of the 1933 Act (15 U.S.C. 77e) requires that a purchaser be furnished a copy of a prospectus meeting the requirements of section 10 of the 1933 Act (15 U.S.C. 77j) and that a purchaser who did not receive such a prospectus would therefore have a right of action for rescission under section 12 of the 1933 Act (15 U.S.C. 77l) despite the filing by the issuer of a notification of election under Rule 24f-1. It was asserted, further, that the result of requiring such a statement would be to render the rule ineffectual since an issuer whose securities are widely distributed through a large number of dealers cannot be expected to be in a position to make the required representation.

After considering the comments received, the Commission had determined to omit from the rule, as suggested, the requirement for a statement by the issuer that a prospectus was in fact delivered to each purchaser of the shares covered by the notification filed under the rule, and to substitute a requirement for a confirmation by the issuer that such shares were sold in accordance with the issuer's usual method of distributing its registered securities, under which prospectuses are made available for delivery to offerees and purchasers in accordance with the requirements of section 5(b) of the 1933 Act. An investor who nevertheless did not in fact receive a prospectus would, of course, have a right of action under section 12(1) of the 1933 Act for violation of the prospectus requirements of section 5 of that Act.

Commission action. As adopted, Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding a new § 270.24f-1 reading as follows:

§ 270.24f-1 Retroactive registration under the Securities Act of 1933 of certain investment company shares sold in excess of number of shares included in an effective registration statement.

(a) In the case of securities issued by a face-amount certificate company or redeemable securities issued by an open-end management company or unit investment trust, which have, within 6 months prior to the payment of the fee required below, been sold in an amount in excess of the number of shares of securities of the same class or series included in a registration statement of such issuer under the Securities Act of 1933 in effect at the time of sale, the issuer may, subject to the provisions of paragraph (b) of this section, elect to have the registration of such securities under the Securities Act of 1933 deemed effective as of the time of their sale, by the filing of a notification of election in accordance with paragraph (b) of this section and the payment to the Commission, by a U.S. postal money order or a certified bank check or cash, of a fee computed in accordance with paragraph (c) of this section, but not less than $300.

(b) (1) A notification pursuant to paragraph (a) of this section shall be captioned "Notification of Election Under Rule 24f-1" and shall show the file number of the registration statement of the issuer under the Securities Act of 1933 which was in effect, at the time of sale of the shares with respect to which the notification is filed, as to securities of the same class or series. The notification shall state the name and address of the issuer, identify the security and state the number of shares thereof with respect to which such notification is filed and the period of time during which such shares were sold, and show the computation of the fee paid per share and in the aggregate.

(2) The notification shall not be effective for purposes of paragraph (a) of this section unless it includes a statement by the issuer confirming that the shares with respect to which the notification is filed were sold in accordance with the issuer's usual method of distributing its registered shares, under which prospectuses are made available for delivery to offerees and purchasers of such shares in accordance with section 5(b) of the Securities Act of 1933.

(3) The notification shall include as an exhibit a certified copy of a resolution of the board of directors of the issuer authorizing the filing of the notification and shall be signed for the issuer by a duly authorized officer thereof. Five copies of the notification shall be filed, at least one of which shall be manually signed. The other copies may have facsimile or typed signatures.

(c) The amount of the fee to be paid pursuant to paragraph (a) of this section with respect to shares as to which a notification of election is filed under this rule shall be three times the amount of the registration fee, calculated in the manner specified in section 6(b) of the Securities Act of 1933 and the rules and regulations thereunder, which have been payable if an amendment to register such shares had been filed pursuant to section 24(e)(1) of the Investment Company Act of 1940 on the later of (1) the day 6 months before the payment of the fee made pursuant to paragraph (a) of this section, or (2) the date of the first sale of shares in excess of the number included in the registration statement in effect at the time of such sale.

(Sec. 24, 54 Stat. 825, 84 Stat. 1424, 15 U.S.C. 80a-24; sec. 38, 54 Stat. 841, 15 U.S.C. 80a-37; Public Law 91-547)

By the Commission, November 5, 1971.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-17310 Filed 11-26-71;8:46 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

[Opinion No. 607, Docket No. AR67-1, etc.]

PART 154—RATE SCHEDULES AND TARIFFS

Just and Reasonable Rates for Natural Gas Produced in the Other Southwest Area

On October 29, 1971, the Commission issued Opinion No. 607, which, among other things, set up a new § 154.109a in the regulations under the Natural Gas Act, relating to the pricing of natural gas produced in the Other Southwest Area.

In the opinion, the Commission directed the Secretary to cause prompt publication to be made in the FEDERAL REGISTER of the findings and ordering paragraphs and a notice of availability of the entire opinion. Pursuant thereto, the findings and ordering paragraphs are set out below.

Excerpts from Federal Power Commission Opinion No. 607, Area Rate Proceeding et al. (Other Southwest Area), FPC Docket No. AR67-1 et al., 46 FPC ——, issued October 29, 1971:

FURTHER FINDINGS AND ORDER

Upon consideration of the entire record in this proceeding, which includes public notice, public hearing with opportunity for the submission of oral and documentary evidence, for cross-examination, and for the submission of rebuttal evidence, initial decision by an examiner, exceptions thereto, and oral argument before the Commission, the Commission further finds:

(1) The Other Southwest Area comprises: (a) The State of Mississippi and the Federal domain offshore thereof; (b) Northwest Alabama, consisting of Marion, Fayette, Lamar, and Pickens Counties; (c) Northern Louisiana, consisting of that portion of Louisiana lying north of the 31° parallel through Concordia, Pointe Coupee, Avoyelles, Rapides, and Vernon Parishes; (d) Texas Railroad Commission Districts Nos. 5, 6, and 9; (e) Other Oklahoma, consisting of Adair, Atoka, Bryan, Carter, Cherokee, Choctaw, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Delaware, Garvin, Greer, Harmon, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburgh, Pontotoc, Stephens (except Carter-Knox Area), Tillman, Tulsa, Wagoner, Washington, Pottawatomie, Pushmataha, Rogers, Seminole, and Sequoyah Counties; (f) Northern Arkansas, consisting of Sevier, Howard, Pike, Clark, Dallas, Cleveland, Drew, and Desha Counties, and all other Arkansas counties north of this group; (g) Southern Arkansas, consisting of Little River, Hempstead, Miller, Lafayette, Nevada, Columbia, Ouachita, Union, Calhoun, Bradley, Ashley, and Chicot Counties, Ark.

(2) Each of the respondents[1] listed in Appendix A[2] to this opinion and order is, and at the time of all past sales with which we are here concerned was, a "natural gas company" within the meaning of the Natural Gas Act and is engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of this Commission.

(3) Past, present, and proposed sales of natural gas to which the order herein applies are subject to the jurisdiction of this Commission.

(4) Rates for all sales of natural gas, subject to the jurisdiction of the Commission by the producers in the Other Southwest Area that are above the applicable area rates prescribed herein, have not been shown to be just and reasonable or otherwise lawful under the provisions of the Natural Gas Act and should be disallowed, and refunds should be required as hereafter provided.

(5) The just and reasonable rates for past, present, and prospective sales of natural gas to which this order applies are the applicable area rates set forth in ordering paragraphs (A) and (B) below.

(6) Rates in excess of the applicable just and reasonable rates determined herein are in that respect unjust and unreasonable.

(7) It is necessary and appropriate to carry out the provisions of the Natural Gas Act that the Commission adopt the orders and regulations herein prescribed.

(8) Except as herein granted the exceptions to the initial decision and proposed order should be denied.

Acting pursuant to sections 4, 5, and 16 of the Natural Gas Act (52 Stat. 822, as amended, 823, 830; 15 U.S.C. 717c, 717d, 717o) and sections 553, 556, and 557 of title 5 of the United States Code (the Administrative Procedure Act, 60 Stat. 238, 239, 241, 242, as codified September 6, 1966, by 80 Stat. 383, 384, 386, 387), the Commission orders:

(A) Part 154 of the Commission's regulations under the Natural Gas Act, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations is amended by adding a new § 154.109a reading as follows:

§ 154.109a Area rates—Other Southwest area.

(a) From and after January 1, 1972, and prior to July 1, 1976, no rate or charge made, demanded, or received under a rate schedule filed pursuant to this part for gas produced in the Other Southwest Area shall exceed the applicable area rate prescribed by this section except in compliance with a specific order of the Commission.

(b) Applicable area rate means the base area rate established in paragraph (c) of this section adjusted to the extent required by paragraph (d) of this section.

(c) The base area rates: The following base area rates per Mcf (at 14.65 p.s.i.a. unless otherwise noted) are hereby established for the period from January 1, 1972, to July 1, 1976, subject to the adjustments provided in paragraph (d) of this section, for gas gathered and delivered by the seller at either a central point in the field, the tailgate of a plant or point on the buyer's pipeline, or an offshore platform to the buyer's line, by the following:

(1) Gas sold under contracts dated prior to October 1, 1968:

	From Jan. 1, 1972 through Sept. 30, 1973	Beginning Oct. 1, 1973
Other Oklahoma	19.4	20.4
Texas Railroad District No. 9	19.7	20.7
Northern Arkansas	18.8	19.8
Texas Railroad District No. 6	19.1	20.1
Northern Louisiana (at 15.025 p.s.i.a.)	20.6	21.6
Southern Arkansas	18.25	19.25
Mississippi and Alabama (at 15.025 p.s.i.a.)	20.0	21.0

(2) Gas sold under contracts dated on or after October 1, 1968:

	From Jan. 1, 1972 through Sept. 30, 1973	Beginning Oct. 1, 1973
Other Oklahoma	23.75	24.75
Texas Railroad District No. 9	24.0	25.0
Northern Arkansas	23.0	24.0
Texas Railroad Districts Nos. 5 and 6	23.5	24.5
Northern Louisiana (at 15.025 p.s.i.a.)	25.0	26.0
Southern Arkansas	22.5	23.5
Mississippi and Alabama (at 15.025 p.s.i.a.)	25.0	26.0
Federal Domain Offshore of Mississippi	26.0	27.0

(3) The applicable area rate shall be adjusted downward, for gas delivered closer to the wellhead than a central point in the field, the tailgate of a plant, a point on the buyer's pipeline or an offshore platform on the buyer's line by the following:

Other Oklahoma, Texas Railroad District No. 9, and Northern Arkansas.	1.5 cents per Mcf.
Texas Railroad District Nos. 5 and 6, Northern Louisiana and Southern Arkansas.	1 cent per Mcf.
Mississippi and Alabama.	1.25 cents per Mcf.

(d) Quality standards and adjustments to the base area rates. The base area rates established in paragraph (c) of this section are subject to adjustment as follows:

[1] Where the term "respondents" is used in the finding and ordering paragraphs hereinafter set forth, it is to be regarded as referring to all named respondents in the Commission orders issued in this case, and to all parties on whose behalf such named respondents have filed FPC gas rate schedules for sales of gas produced in the Texas Gulf Coast area.

[2] Filed as part of the original document.

(1) B.t.u. adjustment: For gas with more than the maximum standard of B.t.u.'s per cubic foot, at 60° F. and 14.73 p.s.i.a., upward adjustments shall be made on a proportional basis from a base equal to the maximum standard. For gas with less than the minimum standard of B.t.u.'s per cubic foot, at 60° F. and 14.73 p.s.i.a., downward adjustments shall be made on a proportional basis from a base equal to the minimum standard. Measurement of B.t.u. shall be on a wet basis. The applicable maximum and minimum standards are:

	Maximum	Minimum
Other Oklahoma, Texas Railroad District No. 9, and Northern Arkansas	1,060	1,000
Texas Railroad Districts Nos. 5 and 6, Northern Louisiana and Southern Arkansas	1,030	1,000
Mississippi and Alabama	990	950
Federal Domain Offshore of Mississippi	1,060	1,000

(2) The following additional quality standards shall apply:

(i) *Water content.* The gas shall not contain in the aggregate more than 7 pounds of water, either in the form of liquid or vapor, per million cubic feet of gas at 60° F. and 14.73 p.s.i.a. (0.007 lbs. per Mcf).

(ii) *Hydrogen sulphide.* The gas shall not contain more than 1 grain of hydrogen sulphide per 100 cubic feet of gas at 60° F. and 14.73 p.s.i.a. (10 gr. per Mcf).

(iii) *Total sulphur.* The gas shall not contain more than 20 grains of total sulphur per 100 cubic feet of gas at 60° F. and 14.73 p.s.i.a. (200 gr. per Mcf).

(iv) *Carbon dioxide.* The gas shall not contain more than 3 percent by volume of carbon dioxide.

(v) *Other impurities.* The gas shall contain no oxygen, dust, dirt, gum, or other impurity in sufficient amounts to require the buyer to incur processing costs to eliminate such impurities in order for the gas to meet either customary commercial standards or the customary requirements of any of the interstate pipelines in the area.

(vi) *Delivery pressure.* The gas shall be delivered at a pressure sufficient to enter the buyer's pipeline except that a minimum of 500 p.s.i.g. must be available at the point of delivery.

(3) When a purchaser buys gas which deviates from the quality standard established in subparagraph (2) of this paragraph, the base area rate shall be adjusted for any deviations from such standards as follows:

(i) The applicable area rate shall be adjusted downward by the net cost, actually incurred prior to ultimate consumption, of processing the gas to bring it up to standard.

(*a*) If the processing is performed by the purchaser, a reasonable return upon the net investment should be included as part of the processing cost incurred in bringing the gas up to pipeline quality.

(*b*) If such processing reduces the volume of the gas, the purchaser shall pay for only the volume remaining after processing.

(ii) In the case of delivery by seller of gas containing carbon dioxide in excess of the standards herein permitted, notwithstanding anything to the contrary in subparagraph (2)(iv) of this paragraph, the producers shall have the alternative of receiving payment for the total volume of gas delivered, including the carbon dioxide, providing that the B.t.u. content of the gas is measured before the removal of the carbon dioxide for the purposes of the B.t.u. adjustments specified in this order, or receiving payment for the volumes exclusive of the carbon dioxide with the B.t.u. measured by the volumes of gas only.

(e) Prior to July 1, 1976, any seller seeking to charge a rate in excess of the applicable area rate or requesting a change in the applicable area rate must file a petition for waiver or amendment of this section pursuant to § 1.7(b) of the Commission's rules of practice and procedure in this chapter (18 CFR 1.7(b)) fully justifying the relief sought in the light of this opinion and order. Prior to July 1, 1976, the seller may not file any rate increase in excess of the applicable area rate herein prescribed unless and until the Commission grants the petition.

(B) For the purpose of computing refunds in all section 4(e) proceedings now pending with respect to gas produced in the Other Southwest Area, the following base area rates (at 14.65 p.s.i.a. unless otherwise noted) are hereby established, for gas gathered and delivered by the seller at either a central point in the field, the tailgate of a plant, or a point on the buyer's pipeline:

(1) Gas sold under contracts dated prior to January 1, 1961:

	Prior to Jan. 1, 1965	From Jan. 1, 1965 through Sept. 30, 1968	From Oct. 1, 1968
Other Oklahoma	17.5	18.4	19.4
Texas Railroad District No. 9	17.8	18.7	19.7
Northern Arkansas	17.0	17.9	18.8
Texas Railroad District No. 6	16.0	17.0	19.1
Northern Louisiana (at 15.025 p.s.i.a.)	16.7	18.6	20.6
Southern Arkansas	14.4	16.25	18.25
Mississippi and Alabama (at 15.025 p.s.i.a.)	19.0	19.5	20.0

(2) Gas sold under contracts dated from January 1, 1961, through September 30, 1968:

	Prior to Jan. 1, 1965	From Jan. 1, 1965 through Sept. 30, 1968	From Oct. 1, 1968 until Jan. 1, 1972
Other Oklahoma	18.4	18.9	19.4
Texas Railroad District No. 9	18.7	19.2	19.7
Northern Arkansas	17.8	18.3	18.8
Texas Railroad District No. 6	18.1	18.6	19.1
Northern Louisiana (at 15.025 p.s.i.a.)	19.6	20.1	20.6
Southern Arkansas	17.25	17.75	18.25
Mississippi and Alabama (at 15.025 p.s.i.a.)	19.0	19.50	20.0

(3) Gas sold under contracts dated on or after October 1, 1968:

Other Oklahoma	23.75
Texas Railroad District No. 9	24.0
Northern Arkansas	23.0
Texas Railroad Districts Nos. 5 and 6	23.5
Northern Louisiana (at 15.025 p.s.i.a.)	25.0
Southern Arkansas	22.5
Mississippi and Alabama (at 15.025 p.s.i.a.)	25.0

(4) The applicable area rate shall be adjusted downward, for gas delivered closer to the wellhead than a central point in the field, the tailgate of a plant, or a point on the buyer's pipeline in the same amounts provided in such cases in paragraph (d) of § 154.109a as added by ordering paragraph (A) hereof, to Part 154 of the Commission's regulations under the Natural Gas Act, and shall be subject to the same quality standards and adjustments as provided by paragraph (d) of § 154.109a.

(C) The applicable area rates as defined in ordering paragraph (A) above, shall be effective from and after January 1, 1972, and any amounts collected in excess thereof on or after that date shall be subject to refund plus interest at 7 percent. In addition, with respect to the rates involved in section 4(e) proceedings set out in Appendix A, the applicable area rate as defined in ordering paragraph (B) above, shall be effective from the date such section 4(e) rates were collected subject to refund and all amounts collected under those section 4(e) rates prior to the effective date of this opinion in excess of the applicable area rate shall be subject to refund, plus interest at the rate specified in the respective section 4(e) proceeding, in accordance with the provisions of ordering paragraphs (E) and (F) herein: *Provided, however,* That with respect to such 4(e) dockets no refunds are required below the rate allowed in a final, unconditioned permanent certificate previously granted for such sale.

(D) By February 1, 1972, each respondent shall file a supplement to each applicable rate schedule, effective as of January 1, 1972, reflecting any reductions required to bring any or all of its rates into conformity with the applicable base area rates established by ordering paragraph (A) herein. The timely filing of a completed statement in conformity with Appendix D [1] hereto shall constitute compliance with this paragraph (D).

(E) Each person having on file with this Commission a rate schedule with regard to gas produced or sold within the Other Southwest Area, or hereafter filing such a rate schedule (including a contract or amendment adding acreage or new reserves) shall, with regard to such rate schedule or amendment, file by February 1, 1972, or within 90 days from the date of first delivery under the rate schedule or amendment, whichever is later, a statement in conformity with Appendix D hereto. All statements herein required shall be signed by both the seller and the purchaser. If the seller and the purchaser are unable to agree upon any or all of the particulars entering into the computation of the applicable area rate, the seller shall file the statements herein required which shall indicate the absence of agreement and

[1] Filed as part of the original document.

supply the information required to compute the applicable area rate as well as the contentions of the parties with respect to the quality and amount of the adjustment for any item in dispute. The purchaser may file a separate statement setting forth its views within the period herein provided.

(2) The statement filed hereunder which reflects full agreement between the seller and purchaser shall be deemed accepted by the Commission unless the Commission, within 120 days after such filing, shall otherwise order. In the event of disagreement between the seller and purchaser or, where the Commission otherwise determines that the statement filed is inconsistent with the provisions of ordering paragraph (A) herein, the Commission will after appropriate proceedings, prescribe the applicable area rate to be applied.

(3) Any respondent will be exempt from filing the statement required by subparagraph (1) hereof for any sales which are "small producer sales" as defined in the Commission's regulations under the Natural Gas Act if a producer seeks to qualify thereunder. If the Commission subsequently finds that such a producer does not qualify as a small producer such applicant shall be required to file the statement required by subparagraph (1) hereof within 90 days after any such Commission finding.

(F) *Refund reports.* By February 1, 1972, refund reports shall be filed with this Commission in triplicate, and one copy served on the buyer, by each respondent involved in one or more of the section 4(e) proceedings set out in Appendix A and as to which refunds are required under the terms of this decision. Within 20 days from the filing of the refund report the buyer shall file its written concurrence or disagreement with such report. Each producer within 30 days of filing a refund report shall notify each working interest owner under each rate schedule of any refunds, including interest, applicable to its gross interest. The report shall set forth the following information (if more than one rate schedule is involved the respondent shall supply the information for each schedule separately):

(i) The rates collected during the period subject to refund, and the periods during which each rate was collected.

(ii) The volume of gas sold at each such rate.

(iii) The difference between the total amount collected during the period subject to refund and the amount that would have been collected at the applicable area rate as defined herein subject to the proviso of ordering paragraph (C).

(iv) The computation of the applicable area rate and the basis for any difference between it and the base area rate.

(v) The interest, at rates as specified in each section 4(e) proceeding, on the above refundable excess revenues, subject to the limitation by § 154.102(f) of the Commission's regulations under the Natural Gas Act. The interest shall be calculated to the date of the refund report.

(G) *Treatment of refunds.* Each respondent shall retain the amounts shown in the report required under ordering paragraph (F) subject to further order of the Commission directing the disposition of those amounts. If a respondent elects to commingle these retained refunds with its general assets and use them for its corporate purposes, it is authorized so to do after notice to the Commission; and it shall pay interest thereon at the prime rate, in effect as of 12 m. on the date of issuance of this opinion and order for loans made by the Chase Manhattan Bank, on all funds thus available from the effective date of this order to the date on which they are paid over to the person ultimately determined to be entitled thereto in a final order of the Commission. If a respondent elects to deposit the retained funds in a special escrow account, the respondent shall make such deposit and shall comply with the escrow agreement requirements of § 250.12 of the regulation under the Natural Gas Act (18 CFR 250.12). Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the escrow agreement shall be deemed to be satisfactory and to have been accepted for filing.

(H) The provisions of § 154.63 of the Commission's regulations under the Natural Gas Act are waived to permit pipeline companies to file rate increase applications to track producer rate increases filed pursuant to the provisions of this order; such tracking applications may be filed by pipeline purchasers or by pipelines purchasing from such pipeline purchasers which are not authorized to track rate changes of their suppliers with regard to gas from Other Southwest: *Provided,* That pipelines filing such an adjustment submit working papers with the filing showing the computation thereof, and, provided further, that the rate or rates as revised by such rate increase applications shall be collected subject to reduction and refund from the effective date of such increased rate or rates.

(I) Section 2.52, *General policy and interpretations,* of the Commission's general rules is waived so as to permit the filing of a rate increase application to track producer rate increases filed pursuant to the provisions of this order by a pipeline purchaser or by a pipeline purchasing from such a pipeline purchaser where the pipeline has a proposed increased rate or rates under suspension at the time of such tracking application.

(J) The procedures for establishing and revising the amount of reserves in new dedications, and the reports required, will be established by later order of the Commission.

(K) These proceedings shall remain open for such further action as may be necessary with respect to individual respondents and such other action as may be necessary in the premises.

(L) The Secretary of the Commission is authorized to accept filings of rate changes and quality statements made in accordance with this opinion and order.

(M) Except as herein granted the exceptions to the initial decision and proposed order are hereby denied.

(N) The Secretary shall cause prompt publication of the findings and ordering paragraphs, together with notice of the availabilitiy of this entire opinion, to be made in the FEDERAL REGISTER.

(O) This order does not relieve any of the applicants herein of any responsibility imposed by, and is expressly subject to, the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), including such amendments as the Commission may require, and Executive Order No. 11615.

Copies of the complete text of Opinion No. 607 may be obtained in person from the Office of Public Information of the Federal Power Commission, or by written request addressed to the Secretary, Federal Power Commission, 441 G Street NW., Washington, DC 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17225 Filed 11-26-71;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PART 4-12—LABOR

Procurement

These amendments involve matters relating to agency management and include rules interpreting and implementing existing regulations of other Federal agencies, which are not subject to the notice and public procedure requirements for rule making under 5 U.S.C. 553. In addition, the amendments contain provisions requiring the inclusion of the equal opportunity clause in all contracts with financial institutions regardless of the dollar amounts involved. It is in the public interest that these provisions be made effective immediately. Accordingly, under 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

(E.O. 11246, as amended by E.O. 11375; 41 CFR Part 12-1; 41 CFR Part 60)

1. Section 4-12.803-9 is revised as follows:

§ 4-12.803-9 Notice to bidders regarding preaward equal opportunity compliance reviews.

The Contracting Officer shall be responsible for inclusion of the Preaward Equal Opportunity Compliance Reviews clause prescribed in § 1-12.803-9 of this

title in the invitation for bids or request for proposals for each nonconstruction contract which may result in an award of $1 million or more.

2. Section 4–12.804–1 is amended by adding a new paragraph (g) as follows:

§ 4–12.804–1 General.

* * * * *

(g) Exemptions based on dollar amounts do not apply to contracts with financial institutions. All contracts with financial institutions shall include the Equal Opportunity Clause as set forth in § 1–12.803–2 of this title.

3. Section 4–12.805–1(a) is revised and paragraph (b) is deleted to read as follows:

§ 4–12.805–1 Duties of the Department.

(a) The Director of the Office of Equal Opportunity for the Department has been designated Department Contract Compliance Officer pursuant to § 1–12.805–1(b) of this title. The Chief of the Contract Compliance Review Staff has been designated as Deputy Contract Compliance Officer.

(b) [Deleted]

4. Section 4–12.805–5 is amended by designating the first paragraph as (a) and by adding new paragraphs (b) and (c) as follows:

§ 4–12.805–5 Compliance reviews.

* * * * *

(b) Upon receipt of a bid or offer for any nonconstruction contract which may result in an award of $1 million or more, the Contracting Officer shall submit, by telephone, telegram, or letter, the following information to the Department Contract Compliance Officer, his Deputy, or Assistant:

(1) Names and address of the firm or individual submitting the bid or proposal, also name and address of each known subcontractor;

(2) Name of the person signing the bid or offer;

(3) Dollar amount of the bid or offer;

(4) Date bid or offer will expire;

(5) Date by which the Contracting Officer must receive advice from the Department Contract Compliance Officer in order to award a valid and binding contract.

The Department Contract Compliance Officer will comply with the requirements of § 1–12.805–5(d) of this title and advise the Contracting Officer as to whether the low bidder or offeror, and his first-tier subcontractors are in compliance with the Equal Opportunity clause.

(c) The following information shall be prepared by each agency for all construction contracts exceeding $10,000 and submitted in duplicate to the Contract and Supply Management Staff, Office of Plant and Operations, by January 20 for the 6-month period July 1 through December 31, and by July 20 for the 6-month period January 1 through June 30 of each fiscal year:

(1) Name of agency;

(2) Contract number;

(3) Description of project;

(4) Names and address of contractor(s);

(5) Amount of contract and date of award;

(6) Percent of completion.

5. The table of contents for Part 4–12 is amended as follows:

Sec.
4–12.805–1 Duties of the Department.

Effective date: Upon publication in the FEDERAL REGISTER (11–27–71).

Done at Washington, D.C., this 23d day of November 1971.

JOHN J. KEANEY,
Acting Director of Plant and Operations.

[FR Doc.71–17357 Filed 11–26–71;8:51 am]

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

PART 5A–72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Miscellaneous Amendments

The table of contents for Part 5A–2 is amended to include the following new entry:

Sec.
5A–2.407–53 Disposition of contract documents.

Subpart 5A–2.4—Opening of Bids and Award of Contract

Section 5A–2.407–53 is added as follows:

§ 5A–2.407–53 Disposition of contract documents.

Each no-bid response to an invitation for bids (original only) shall be retained by the buying activity for a period of 3 months after the date of contract award and thereafter destroyed. (See also § 5–2.407–53.)

Subpart 5A–72.5—Procurement of Items for Self-Service Stores

1. Section 5A–72.502 is revised as follows:

§ 5A–72.502 Replenishment of standard stock catalog items, except buildings maintenance supplies.

Stock catalog items stocked by self-service stores normally shall be replenished by submission of an order from the store manager to the supply control activity, in accordance with standard procedures. When such an order cannot be filled due to nonavailability of stock, the item will be back ordered. If an emergency requirement exists for a back-ordered item the store manager will make a followup to the supply control activity to determine the estimated availability date. In the event the estimated date of availability will not satisfy the emergency requirement, the self-service store manager may purchase up to $100 value for a single line item of stock catalog items. When the emergency requirement for a back-ordered item exceeds $100 for a single line item, the store manager will request assistance through normal channels from the regional Chief, Inventory Management Branch, the Chief, Inventory Management Branch, will take action to satisfy the requirement by expediting delivery, arranging for interwarehouse transfer, substitution, or initiating an emergency local purchase request to the Procurement Division. (For different limitation applying to buildings maintenance items, see § 5A–72.505.)

2. Section 5A–72.503(b) is revised as follows:

§ 5A–72.503 Replenishment of other self-service store items.

* * * * *

(b) Orders issued against Federal Supply Schedule contracts or other established sources of supply shall be prepared by the regional Procurement Division unless blanket purchase arrangements (made by the regional Procurement Division) exist, in which case store managers are authorized to place delivery orders.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. These regulations are effective on the date shown below.

Dated: November 12, 1971.

L. E. SPANGLER,
Acting Commissioner, Federal Supply Service.

[FR Doc.71–17349 Filed 11–26–71;8:50 am]

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 102—RULES AND REGULATIONS, SERIES 8

Subpart B—Procedure Under Section 10 (a) to (i) of the Act for the Prevention of Unfair Labor Practices

HEARINGS

Section 102.35(i) is corrected to read as follows:

§ 102.35 Duties and powers of trial examiners.

* * * * *

(i) To make and file decisions in conformity with Public Law 89–554, 5 U.S.C. section 557;

* * * * *

This correction is effective upon publication in the FEDERAL REGISTER (11–27–71).

[SEAL] OGDEN W. FIELDS,
Executive Secretary.

NOVEMBER 23, 1971.

[FR Doc.71–17341 Filed 11–26–71;8:49 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Los Angeles	Arcadia	I 06 037 0120 05 I 06 037 0120 06	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Clerk, City Hall, Post Office Box 60, Arcadia, CA 91006.	Nov. 26, 1971.
Do	do	Walnut	I 06 037 4069 05 I 06 037 4069 06	do	Office of the City Manager, City of Walnut, 20550 East Carrey Rd., Walnut, CA 91789.	Do.
Colorado	Boulder	Longmont				Do.
Connecticut	Hartford	Farmington				Do.
Florida	Palm Beach	Riviera Beach				Do.
Massachusetts	Barnstable	Provincetown				Do.
Do	do	Truro				Do.
Michigan	Wayne	Redford Township.				Do.
Missouri	Clay	Unincorporated areas.				Do.
New Jersey	Somerset	Bridgewater Township.				Do.
Do	Atlantic	Hamilton Township.				Do.
Do	Cape May	Middle Township.				Do.
Do	Monmouth	Sea Girt				Do.
New York	Nassau	Freeport				Do.
Do	do	Island Park				Do.
Pennsylvania	Delaware	Springfield Township.				Do.
Do	Chester	Western Township.				Do.
Texas	San Patricio		I 48 409 0000 03 through I 48 409 0000 13	Texas Water Development Board, Post Office Box 12386, Capital Station, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	Office of the County Clerk, San Patricio County Courthouse, Sinton, Tex. 78387.	Do.
Do	McLennan	Waco				Do.

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

Issued: November 19, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-17264 Filed 11-26-71;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Los Angeles	Arcadia	H 06 037 0120 05 H 06 037 0120 06	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012 and 1407 Market St., San Francisco, CA 94103.	Office of the City Clerk, City Hall, Post Office Box 60, Arcadia, CA 91006.	Sept. 2, 1970 and Nov. 17, 1970.
Do.	do.	Walnut	H 06 037 4060 05 H 06 037 4060 06	do.	Office of the City Manager, City of Walnut, 20550 East Carrey Rd., Walnut, CA 91789.	Dec. 15, 1970.
Colorado	Boulder	Longmont				Nov. 26, 1971.
Connecticut	Hartford	Farmington				Do.
Florida	Palm Beach	Riviera Beach				Do.
Massachusetts	Barnstable	Provincetown				Do.
Do.	do.	Truro				Do.
Michigan	Wayne	Redford Township.				Do.
Missouri	Clay	Unincorporated areas.				Do.
New Jersey	Somerset	Bridgewater Township.				Do.
Do.	Atlantic	Hamilton Township.				Do.
Do.	Cape May	Middle Township				Do.
Do.	Monmouth	Sea Girt				Do.
New York	Nassau	Freeport				Do.
Do.	do.	Island Park				Do.
Pennsylvania	Delaware	Springfield Township.				Do.
Do.	Chester	Westtown Township.				Do.
Texas	San Patricio		H 48 409 0000 03 through H 48 409 0000 13	Texas Water Development Board, Post Office Box 12386, Capital Station, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	Office of the County Clerk, San Patricio County Courthouse, Sinton, Tex. 78387.	June 17, 1970
Do.	McLennan	Waco				Nov. 26, 1971.

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

Issued: November 19, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-17265 Filed 11-26-71;8:45 am]

[Docket No. R-71-109]

FEDERAL CRIME INSURANCE PROGRAM

Miscellaneous Amendments

The following amendments to Subchapter C have six major purposes: (1) To clarify those provisions of the existing regulations which appear to have been misunderstood during the 3 months the program has been in operation, particularly the protective device requirements set forth in Part 1932 and the certification by the applicant and by the agent or broker on the application form; (2) to eliminate from the existing protective device requirements with respect to both residential properties and commercial properties the additional requirement in Part 1932 for door latches, and to permit the use of security screens and padlocks on commercial properties; (3) to offer three new reduced-coverage options, with correspondingly reduced premiums, to commercial properties which applicants believe are not exposed to both burglary and robbery perils in the same degree, so that insureds can vary the amounts of coverage they purchase in accordance with their anticipated exposure; (4) to eliminate protective device requirements on commercial properties where only robbery coverage is purchased, inasmuch as the requirements set forth in Part 1932 are essentially intended to reduce burglary perils and do not relate to robbery perils; (5) to significantly lower the amounts of present deductibles on both residential and commercial risks (of low-to-moderate sales volume) because of early indications that an inadequate amount of protection is being provided in relation to premiums charged and to actual exposure, particularly in connection with robbery coverages; and (6) to reduce the territorial rate classifications of four metropolitan areas in accordance with recently published data, resulting in correspondingly reduced premiums. The four areas are Albany, N.Y.; Harrisburg, Pa.; Kansas City, Mo.; and Pittsfield, Mass.

Although it is the general policy of the Federal Insurance Administration to propose its regulatory changes for public comment whenever practical and in the public interest, it has been determined in this instance that since (1) none of the following changes results in any detriment to the public or restricts benefits under the crime insurance program in any way and (2) there is a demonstrated need to make the new optional coverages and modified protective device requirements available as rapidly as possible to those who need crime insurance, it is in the public interest to make the following changes effective as soon as they can be fully implemented. The regulations will therefore become effective on January 1, 1972, without further publication.

The changes in the protective device requirements and in the amounts of applicable deductibles will be effective both with respect to all Federal crime insurance policies written after the effective date of these amendments and, at the

option of the insured, to all losses under existing policies which occur on or after such effective date. No endorsement forms will initially be required in connection with any existing insurance policy, but one-page endorsement forms reflecting these changes will be available in quantity from the servicing companies prior to the effective date of the changes.

AUTHORITY: The following amendments to Subchapter C issued under sec. 1247, 82 Stat. 566; 12 U.S.C. 1749bbb–17.

Subchapter C of Chapter VII of Title 24 is amended as follows:

SUBCHAPTER C—FEDERAL CRIME INSURANCE PROGRAM

PART 1931—PURCHASE OF INSURANCE AND ADJUSTMENT OF CLAIMS

1. Subparagraph (1) of paragraph (a) of § 1931.2 is revised to read as follows:

§ 1931.2 Eligibility requirements applicable to property owners.

(a) * * *

(1) Apply separately for coverage for each eligible premises within an eligible State and personally sign each application, either on the application form itself or on any applicable amendatory endorsement, or both, as the insurer may require;

* * * * *

2. Section 1931.4 is amended by adding a new paragraph (c), reading as follows:

§ 1931.4 Terms and conditions of policy to govern.

* * * * *

(c) Changes in the provisions of this subchapter which broaden or liberalize the coverages being provided under the prescribed policy forms, but do not require any additional premium to be charged, shall be applicable to all existing and future policies of insurance as of the date of their adoption, without the necessity of endorsement.

3. The first sentences of paragraph (c) and the final sentence of paragraph (d) of § 1931.7 are revised to read as follows:

§ 1931.7 Cancellations, modifications, and renewals of coverage.

* * * * *

(c) Changes in limits of coverage may be made only upon the submission of a new or renewal application. * * *

(d) * * * Except as provided by § 1932.4 of this chapter, cancellations by the insurer for either of the remaining two grounds, or as provided by paragraph (e) of this section, shall be upon 30 days' written notice, and the insured shall be entitled to a short-rate refund of unearned premium, if any.

PART 1932—PROTECTIVE DEVICE REQUIREMENTS

* * * * *

4. Paragraphs (b), (g), (h), and (i) of § 1932.1 are revised to read as follows:

§ 1932.1 Definitions.

* * * * *

(b) "Central station, supervised service alarm system" means a silent alarm system that is constantly in operation, which signals upon any breach of a door, window (including storefront windows and unbarred skylights), or other accessible opening to the protected premises, at a private sentry or guard headquarters that is attended and monitored 24 hours a day, that dispatches guards to the protected premises immediately upon the activation of the alarm, that periodically checks the operation and effectiveness of the system, and that notifies law enforcement authorities as soon as the breach of the premises is confirmed;

* * * * *

(g) "Local alarm system" means an alarm system that signals loudly at the premises by means of one or more tamper-protected sounding devices upon any breach of a door, window (including storefront windows and unbarred skylights), or other accessible opening to the protected premises.

(h) "Silent alarm system" means an alarm system that signals at a location other than the location where it is installed upon any breach of a door, window (including storefront windows and unbarred skylights), or other accessible opening to the protected premises; and

(i) "Throw," when used in the context of a locking device, means the distance that its bolt or latch protrudes from the body of the device when the bolt or latch is in a locked position.

5. Section 1932.2 is amended by adding a new paragraph (c), reading as follows:

§ 1932.2 Purpose of protective device requirements.

* * * * *

(c) Protective device standards that impose less-stringent or optional alternate requirements upon applicants and insureds, as well as clarifications of existing standards, may be published at any time and shall be applicable both to new policies and to renewals and, at the option of the insured, to crime insurance policies already in force.

6. Section 1932.21 is revised to read as follows:

§ 1932.21 Minimum standards for residences and apartments.

In order to be eligible for Federal crime insurance, residential premises shall meet the following minimum standards:

(a) Each exterior doorway or doorway leading to garage areas, public hallways, terraces, balconies, or other areas affording easy access to the insured premises, shall be protected by a door which, if not a sliding door, shall be equipped with a dead lock using either an interlocking vertical bolt and striker, or a minimum ½-inch throw dead bolt, or a minimum ½-inch throw self-locking dead latch.

(b) All sliding doors, first floor and basement windows, and windows opening onto stairways, fire escapes, porches, terraces, balconies, or other areas affording easy access to the premises, shall be equipped with a locking device of any kind.

7. Section 1932.31 is revised to read as follows:

§ 1932.31 Minimum standards for industrial and commercial properties.

In order to be eligible for Federal crime insurance, a nonresidential premises shall meet the following minimum standards:

(a) Except for doorways that are completely protected during nonbusiness hours by heavy-duty overhead doors or metal security screens or the equivalent, each exterior door shall be equipped with either a heavy-duty dead lock (utilizing either interlocking vertical bolts and striker or else a 1-inch dead bolt that extends at least one-half inch into the frame of the door), or a heavy-duty padlock (with casehardened steel shackle, five-pin tumbler operation, and unremovable key when in unlocked position), or a comparable dead lock or padlock that provides equivalent protection. Where applicable fire and safety laws permit their use, double-cylinder locks are recommended.

(b) All exterior grate or grill-type doors, overhead doors, and security screens or grillwork (unless permanently installed) shall be equipped with locks that meet the requirements of paragraph (a) of this section.

(c) Except for doorways that are completely protected during nonbusiness hours by heavy-duty overhead doors or metal security screens or the equivalent, each exterior door shall be of heavy gauge metal, tempered glass, or solid wood core (not less than 1⅜ inches thick) construction, or else shall be covered with metal sheeting of at least 16 gauge (1/16-inch thick) or its equivalent, or with grillwork, to give like protection;

(d) Outside hinge pins shall be welded, flanged, or screw-secured, nonremovable pins;

(e) Except where expressly prohibited by applicable laws pertaining to fire protection, accessible openings exceeding 96 square inches in area and 6 inches in the smallest dimension (other than storefront display windows), shall either meet the standards for exterior doors, or else shall be protected by inside or outside iron bars one-half inch in diameter, or by flat steel material, spaced not more than 5 inches apart and securely fastened, or by iron or steel grills of ⅛-inch material of 2-inch mesh, securely fastened, or by other heavy-duty material that provides equivalent protection. The requirements of this paragraph shall not apply to skylights protected by alarm systems.

(f) The following types of establishments whose inventories pose a particularly heavy risk shall, as a minimum, in addition to the requirements of paragraphs (a) through (e) of this section, be protected by the type of alarm system indicated. If the system specified in subparagraph (1) of this paragraph is not

available in the community in which the premises are located, the type of system specified in subparagraph (2) of this paragraph shall be permitted.

(1) Central station, supervised service, alarm systems shall be required for the following:

(i) Jewelry—manufacturing, wholesale, and retail;
(ii) Gun and ammunition shop;
(iii) Wholesale liquor;
(iv) Wholesale tobacco;
(v) Wholesale drug; and
(vi) Fur store.

(2) Silent alarm systems shall be required for the following:

(i) Liquor store;
(ii) Pawn shop;
(iii) Electronic equipment store;
(iv) Wig shop;
(v) Clothing (new) store;
(vi) Coin and stamp shop;
(vii) Industrial tool supply house;
(viii) Camera store; and
(ix) Precious metal storage facility.

(3) Local alarm systems shall be required for the following:

(i) Antique store;
(ii) Art gallery; and
(iii) Service station.

(g) The protective device requirements set forth in this section shall not apply to premises which are insured only under Option 2 against the peril of robbery only, as provided in paragraph (c) of § 1933.25 of this chapter.

PART 1933—COVERAGES, RATES, AND PRESCRIBED POLICY FORMS

8. In paragraph (c) of § 1933.1, the last sentence is revised to read as follows:

§ 1933.1 Descripiton of residential coverage.

* * * * * * *

(c) * * * Premises in hotels (other than residence hotels where normal occupancy exceeds 6 months in duration) and premises within residential properties used in whole or in part for business purposes are not eligible for coverage under the residential policy.

9. The first sentence of § 1933.3 is amended by reducing the amount of the deductible from "$100" to "$75", so that the revised sentence reads as follows:

§ 1933.3 Amount of residential policy deductible.

The residential crime insurance policy shall be subject to a deductible in the amount of $75 for each loss occurrence, or 5 percent of the gross amount of the loss, whichever is greater. * * *

10. Section 1933.5 is amended by revising the following in paragraph (a): The note following Item 2. of the Application; the first sentence of the Certification by Applicant and first sentence of the Certification by Agent or Broker in the Application. A new paragraph (c) is added to this section to read as follows:

§ 1933.5 Required residential policy form.

* * * * * * *

(a) * * *

APPLICATION

* * * * * * *

2. * * *

NOTE: Coverage is subject to a deductible of $75 or 5 percent of the gross amount of any loss, whichever is greater.

* * * * * * *

Certification by Applicant:

"I certify, under penalty of Federal law for fraud or intentional misrepresentation as set forth in 18 U.S.C. 1001, (1) that the statements I have made in this application, including the signature date set forth below, are true and correct to the best of my knowledge and belief, (2) that I have read the applicable eligibility requirements and protective device requirements, and (3) that to the best of my knowledge and belief the insured premises meet such requirements. * * *"

* * * * * * *

Certification by Agent or Broker:

"I certify, under penalty of Federal law for fraud or intentional misrepresentation as set forth in 18 U.S.C. 1001, (1) that I am an agent or broker licensed in the State in which the premises are located, (2) that the date of this application is correct, and is the date on which the applicant submitted this completed application to me, and (3) that to the best of my knowledge and belief I have fully explained to the applicant the nature of the protective device requirements which are prerequisite for coverage under this policy. * * *"

* * * * * * *

(c) Such endorsements to the owner's or tenant's Residential Crime Insurance Policy forms as the insurer may approve.

11. The first sentence of paragraph (a) of § 1933.23 is amended by reducing the amount of the deductible for each of four categories, so that the revised sentence reads as follows and paragraph (b) of § 1933.23 is amended by reducing the amount of the deductible from $200 to $100, so that the revised paragraph reads as follows:

§ 1933.23 Amount of commercial policy deductible.

(a) The commercial crime insurance policy for industrial and commercial risks shall be subject to a deductible in the following amounts for each loss occurence, or 5 percent of the gross amount of the loss, whichever is greater, in accordance with the categories established in § 1933.25(b)(3): Category I, $50; Category II, $75; Category III, $100; Category IV, $150; all other categories, $200. * * *

* * * * * * *

(b) The commercial crime insurance policy for nonprofit or public property risks shall be subject to a deductible in the amount of $100 for each loss occurrence, or 5 percent of the amount of loss, whichever is greater.

12. Section 1933.25 is amended by revising paragraph (b)(5) and by adding new paragraphs (c), (d), and (e) to read as follows:

§ 1933.25 Commercial crime insurance rates.

* * * * * * *

(b) * * *

(5) The product derived in accordance with subparagraph (4) of this paragraph shall then be rounded to the next higher dollar above $0.49 to obtain the chargeable annual policyholder premium for full coverage under all insuring agreements (both robbery and burglary), subject to the specified dollar limit for each single occurrence. This combination of equal amounts of robbery and burglary coverages shall be referred to as "Option 1", and all crime insurance applications shall be assumed to be for coverage under Option 1 unless otherwise specified in Line 6 of the Application.

(c) Option 2: An applicant may elect to purchase coverage only under Insuring Agreements I, II, VI, and VII of the Commercial Crime Insurance Policy, dealing with Robbery, Observed Theft, and Damage resulting from losses under Insuring Agreements I and II only, subject to the specified dollar limit for each single occurrence. To obtain coverage under Option 2, the applicant or his agent or broker shall enter the words "Option 2," the limit of coverage being applied for, and the words "robbery only" on Line 6 of the application form. Thus, if $5,000 in coverage under Option 2 is being applied for, the entry on Line 6 should read, "Option 2: $5,000—robbery only". The premium for coverage under Option 2 shall be determined in accordance with the procedure set forth in Paragraph (b) of this section, multiplied by a factor of 0.60 and then rounded to the next higher dollar above $0.49.

(d) Option 3. An applicant may elect to purchase coverage only under Insuring Agreements III, IV, V, VI, and VII of the Commercial Crime Insurance Policy, dealing with Safe Burglary, Theft from Night Depository, and Burglary or Robbery of a Watchman, and Damage resulting from losses under Insuring Agreements III and V only, subject to the specified dollar limit for each single occurrence. To obtain coverage under Option 3, the applicant or his agent or broker shall enter the words "Option 3", the limit of coverage being applied for, and the words "burglary only" on Line 6 of the application form. Thus, if $5,000 in coverage under Option 3 is being applied for, the entry on Line 6 should read, "Option 3: $5,000—burglary only". The premium for coverage under Option 3 shall be determined in accordance with the procedure set forth in paragraph (b) of this section, multiplied by a factor of 0.50 and then rounded to the next higher dollar above $0.49.

(e) Option 4. An applicant may elect to purchase coverage under both Option 2 and Option 3 only in the same policy and only if both coverages are applied for (or else one is renewed or rewritten and the other is added) at the same time. To obtain coverage under Option 4, the applicant or his agent or broker shall enter the words "Option 2," followed by the limit of coverage being applied for under that option, and "Option 3," followed by the limit of coverage being applied for under that option, on Line 6 of the application form. Thus, if $5,000 in coverage under Option 2 and $10,000

in coverage under Option 3 are being applied for, the entry on Line 6 should read, "Option 2—$5,000; Option 3—$10,000". The premium for combined coverage under Option 4 shall consist of the sum of the applicable premiums for the individual coverage under Option 2 and the coverage under Option 3, determined in accordance with paragraphs (c) and (d) of this section.

13. Section 1933.26 is amended by making the following changes:

1. In paragraph (a): The note following Item 6. of the application; the first sentence of the Certification by Applicant and the first sentence of the Certification by Agent or Broker in the application are revised.

2. In paragraph (b): The Commercial Crime Insurance Policy form is corrected by renumbering Insuring Agreement "VIII. Policy period, territory." to read "VII. Policy period, territory."

3. A new paragraph (c) is added.

§ 1933.26 Required commercial policy form.

(a) * * *

APPLICATION

* * * * *

6. * * *

NOTE: Coverage is subject to a deductible of $50 if gross receipts are less than $25,000, $75 if gross receipts are between $25,000 and $50,000, $100 if gross receipts are between $50,000 and $100,000, $150 if gross receipts are between $100,000 and $300,000, and $200 if gross receipts are $300,000 or over, or 5 percent of the gross amount of any loss, whichever is greater.

* * * * *

Certification by Applicant:

"I certify, under penalty of Federal law for fraud or intentional misrepresentation as set forth in 18 U.S.C. 1001, (1) that the statements I have made in this Application, including the signature date set forth below, are true and correct to the best of my knowledge and belief, (2) that I have read the applicable eligibility requirements and protective device requirements, and (3) that to the best of my knowledge and belief the insured premises meet such requirements."

* * * * *

Certification by Agent or Broker:

"I certify, under penalty of Federal law for fraud or intentional misrepresentation as set forth in 18 U.S.C. 1001, (1) that I am an agent or broker licensed in the State in which the premises are located, (2) that the date of this Application is correct, and is the date on which the Applicant submitted this completed Application to me, and (3) that to the best of my knowledge and belief I have fully explained to the Applicant the nature of the protective device requirements which are a prerequisite for coverage under this policy."

* * * * *

(b) * * *

VII. *Policy period, territory.* * * *

* * * * *

(c) Such endorsements to the Commercial Crime Insurance Policy forms as the insurer may approve.

PART 1934—CLASSIFICATION OF TERRITORIES

14. The territories section of the Federal Crime Insurance manual set forth under paragraph (b) of § 1934.2 is amended by revising the "Rate territory" classification of the following SMSA's to read as follows:

§ 1934.2 List and classification of territories.

* * * * *

(b) * * *

SMSA	Statistical code	Rate territory
* * *	* * *	* * *
Albany-Schenectady-Troy, N.Y. (Includes Albany, Rensselaer, Saratoga, and Schnectady Counties)	0160	1
* * *	* * *	* * *
Harrisburg, Pa. (Includes Cumberland, Dauphin, and Perry Counties)	3240	1
* * *	* * *	* * *
Kansas City, Mo.-Kan. (Includes Clay, Jackson, Cass, and Platte Counties, Mo., and Johnson and Wyandotte Counties, Kans.)	3760	2
* * *	* * *	* * *
Pittsfield, Mass. (Includes Berkshire County)	6320	1
* * *	* * *	* * *

Effective date. These amendments shall be effective on January 1, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-17323 Filed 11-26-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Parts 212, 261]

ADMINISTRATION OF FOREST DEVELOPMENT TRANSPORTATION SYSTEM

Road Closure and Damage

Notice is hereby given that pursuant to the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35, as amended; 16 U.S.C. 551) and the Act of July 22, 1937 (50 Stat. 526; 7 U.S.C. 1011(f)), it is proposed to amend Parts 212 and 261 of Title 36, Code of Federal Regulations as follows:

1. Part 212, § 212.7(a) is amended by adding subparagraphs (3) and (4) as follows:

§ 212.7 Road system management.

(a) *Traffic rules.* * * *

(3) *Closures.* The Chief may close roads, or segments thereof, under the jurisdiction of the Forest Service to all vehicle use or to use by certain classes of vehicles. Notices of closures shall be posted at the entrances to such roads or road segments and be available to the public at the offices designated in § 200.7 of this chapter.

(4) *Road damage.* Damaging and leaving in a damaged condition roads which are under the jurisdiction of the Forest Service is prohibited.

* * * * *

§ 261.4 [Amended]

2. Part 261 Trespass, § 261.4 is amended by deleting paragraphs (e) and (h).

(26 Stat. 1103, 16 U.S.C. 471; 30 Stat. 35, 36, U.S.C. 478, 551; 50 Stat. 526, 7 U.S.C. 1011(f); 72 Stat. 885, as amended, 23 U.S.C. 101, 205; 78 Stat. 1089, 16 U.S.C. 532–538; 74 Stat. 215, 16 U.S.C. 528–531)

The purpose of this amendment is to transfer regulations concerning closure of roads and damage to roads from Part 261 Trespass to Part 212 Administration of the Forest Development Transportation System. Minor changes in wording have been made.

All persons who wish to submit written data, views, or objections pertaining to the proposed amendment may do so by submitting them in duplicate to the Department of Agriculture, Forest Service, Division of Engineering, Room 1108, 1621 North Kent Street, Arlington, VA 22209, within 30 days of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be available for public inspection in the Division of Engineering during regular business hours. (7 CFR 1.27(b))

T. K. COWDEN,
Assistant Secretary of Agriculture.

NOVEMBER 22, 1971.

[FR Doc.71-17339 Filed 11-26-71;8:49 am]

Rural Electrification Administration

[7 CFR Part 1701]

ACCOUNTING SYSTEM FOR REA TELEPHONE BORROWERS

Prescribed System of Accounts

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.). REA proposes to issue revised REA Bulletin 461–1, Accounting System Requirements for Telephone Borrowers of the Rural Electrification Administration. This REA Bulletin prescribes the accounting and records system to be established and maintained by REA telephone borrowers. On final issuance of this revised REA Bulletin, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the provisions of revised REA Bulletin 461–1 may submit written data, views, or comments to the Director, Borrowers' Financial Management Division, Room 4307, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Borrowers' Financial Management Division during regular business hours.

A copy of proposed REA Bulletin 461–1 may be secured in person or by written request from the Director, Borrowers' Financial Management Division.

A summary of the changes proposed in this REA Bulletin for the system of accounts prescribed by REA for its telephone borrowers is as follows:

REA Bulletin 461–1, Accounting System Requirements for Telephone Borrowers of the Rural Electrification Administration, is being revised to be effective January 1, 1972. The principal changes are:

1. Interfund Accounts 120.29/1660.39, Accounts Receivable—REA Construction Fund (memo), and 159.29/2320.29, Accounts Payable—Due REA Construction Fund (memo), have been deleted. They were determined to be no longer required.

2. Subaccounts 335.1/7200.1, Interest on Funded Debt/Interest on Long-Term Debt, and 335.2/7200.2, Interest on Long-Term Debt—REA Notes, have been deleted. The segregation of interest charges on REA loans from interest on other funded debt is no longer necessary. Interest on REA Notes and on other funded debt should be charged to Account 335/7200, Interest on Funded Debt/Interest on Long-Term Debt.

3. Subaccount 1600.6, Special Cash Deposits, was established to clarify the accounting for special cash deposits for Class C telephone companies.

4. The REA long-term debt accounts have been changed from Account 157/2290 to 154/2200 to properly classify the REA long-term debt in conformance with the FCC System of Accounts, Long-term debt accounts, 154.13/2200.3, Telephone Bank Notes, and 154.17/2200.7, Telephone Bank Notes—Unadvanced, Dr., have been added to provide separate accounting for loans from the Rural Telephone Bank.

5. The retirement work in progress clearing account number has been reclassified from Account 139.2/1890.2 to Account 171–X/2600–X to be consistent with the FCC System of Accounts.

Dated: November 23, 1971.

E. F. RENSHAW,
Assistant Administrator—Telephone.

[FR Doc.71-17358 Filed 11-26-71;8:51 am]

[7 CFR Part 1701]

DESIGN AND CONSTRUCTION OF RURAL TELEPHONE FACILITIES

Procedure for Coordination of Borrowers' Activities With Connecting Systems

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue revised REA Bulletin 340–3, Coordination of Borrowers' Activities With Connecting Systems. This bulletin sets forth REA procedures and requirements for coordinating the design, construction, and interconnection of borrowers' facilities with those of connecting systems. On final issuance of this revised REA Bulletin, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revision of REA Bulletin 340–3 may submit written data, views, or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

The text of revised REA Bulletin 340–3 is as follows:

REA BULLETIN 340–3[1]

COORDINATION OF BORROWERS' ACTIVITIES WITH CONNECTING SYSTEMS

I. *Purpose.* This bulletin provides guidance for coordinating the design, construction, and interconnection of borrowers' facilities with those of connecting systems.

II. *General.* A. Effective coordination between the borrower and the connecting systems is essential if subscribers are to be provided service expeditiously.

B. Meetings to discuss interconnection may be desirable. However, discussions can often be handled satisfactorily by telephone. In either case, discussion should be confirmed in writing.

C. REA Form 809, "Fundamental Plan Information," is required with the proposed system design submitted by new borrowers. Existing borrowers need prepare it only when the proposed loan project involves new exchange areas not currently served by REA-financed facilities or when there will be significant changes in trunking or trunk ownership.

D. REA Form 810, "Central Office Equipment Engineering Information," is required in the plans and specifications for central office equipment whenever a new central office is to be purchased. A completed form should be included for each connecting system having trunks to the office.

III. *Supplemental loan proposal or area coverage design.* A. During the preparation of the plan for serving the area, alternate methods of providing trunking should be examined as a basis for discussion with personnel of the connecting system. The method selected should be consistent with the long range plans of the connecting system.

B. Form 809 and a trunking diagram, as described in paragraph 8 of section 205 in the Telephone Engineering and Construction Manual, should be discussed with the connecting system personnel and submitted for their written concurrence when appropriate. See paragraph II.C of this bulletin.

C. Copies of pertinent correspondence and minutes of meetings, if any, submitted in support of the loan application should clearly cover the agreements reached on all matters relating to interconnection. The detail required depends on the amount of change from the existing method of providing facilities and services.

IV. *Central office equipment plans and specifications.* A. Prior to, or during, the preparation of plans and specifications (REA Forms 524c or 558c) for the purchase of a new central office, the borrower's engineer should complete Part A of REA Form 810 for each connecting system having trunking with the new office. The completed form should show only the trunking requirements of the connecting system office(s) involved. The engineer should send two copies of the form for each new central office together with a new trunking diagram to the appropriate connecting system(s) with the request for completion of Part B and the return of one copy.

V. *Continuing coordination.* If the connecting system is expected to be ready for interconnection at the same time as the borrower, it must be given adequate lead time and must be kept informed concerning the following:

1. All modifications in the system design which may affect previous agreements.
2. Manufacture and type of equipment being provided for central office switching, trunk signaling, trunk carrier, and other special equipment; schedule for installation of the equipment as well as subsequent changes in the schedules.
3. Changes in "Work Schedule and Progress Report" (See REA Bulletin 340–4).
4. Preparation of Directory, and customer instructions.
5. Other cutover planning so that activities of mutual interest may be fully coordinated.
6. Post-cutover activities which involve the facilities or services provided by the connecting company.

Copies of REA Forms 809 and 810[2] are available from REA upon request.

Dated: November 23, 1971.

E. F. RENSHAW,
Assistant Administrator—Telephone.

[FR Doc.71–17359 Filed 11–26–71;8:51 am]

[1] Revision of Apr. 10, 1959, edition to indicate meetings are not required for coordination and to present 1971 revision of REA Forms 809 and 810.

[2] Filed as part of the original document.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 51]

CANNED DRY PEAS

Proposed Establishment of Separate Standards of Identity, Quality, and Fill of Container

Notice is given that a petition has been filed by the Washington and Idaho Dry Pea and Lentil Commissions, Post Office Box 463, Moscow, ID 83843, proposing (1) that the standard of identity for canned peas (21 CFR 51.1) be amended by deleting all references to dried peas, and (2) that new standards of identity, quality, and fill of container be established for the food prepared by canning dry peas. The petitioner proposes that in the new standards the name "cooked dry peas" or "soaked dry peas" be used to differentiate the food from canned succulent peas. It is not proposed that the modifying words "early," "June," "early June," "sweet," "sweet wrinkled," or "sugar" be required on labels for the food prepared by canning dry peas. In general the petition proposes that the requirements of the standards of identity, quality, and fill of container as applicable to canned succulent peas (21 CFR 51.1, 51.2, and 51.3) be incorporated into the new standards for canned dry peas with the exception that the percentage of alcohol-insoluble solids shall not be included as a factor of quality for canned dry peas.

Grounds given in support of the proposal are that: (1) Canned dry peas and canned succulent peas are both included in the standards of identity, quality, and fill of container for canned peas. However, the two foods differ greatly in composition, nutrients, texture, and flavor;

(2) The standard of quality for canned peas (21 CFR 51.2) is based on the attributes of succulent peas. All canned dry peas exceed the maximum percentage specified for alcohol-insoluble solids and must, according to the requirements of the quality standard, be labeled as substandard. Such labeling requirements have contributed to the disappearance of canned dry peas, a wholesome and nutritious food product, from interstate commerce; and

(3) Since consumers expect canned dry peas to be more starchy than canned succulent peas, it would be reasonable to establish for canned dry peas separate standards which do not include a maximum percentage for alcohol-insoluble solids.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of FEDERAL REGISTER publication. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: November 14, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71–17336 Filed 11–26–71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71–SW–66]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to designate a 700-foot transition area at Almyra, Ark.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed

amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added.

ALMYRA, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Almyra Municipal Airport (latitude 34°24'30" N., longitude 91°27'30" W.).

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Almyra Municipal Airport.

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

Issued in Fort Worth, Tex., on November 18, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-17322 Filed 11-26-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-172]

TRANSITION AREA

Proposed Designation

The Federal Aviation Admininistration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Brewton, Ala., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Brewton transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Brewton Municipal Airport (lat. 31°03'00" N., long. 87°04'00" W.); within 5 miles each side of Crestview, Fla., VORTAC 303° radial, extending from the 6.5-mile-radius area to 16 miles northwest of the VORTAC.

The proposed designation is required to provide controlled airspace protection for IFR operations at Brewton Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Crestview, Fla., VORTAC, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on November 18, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-17319 Filed 11-26-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-GL-22]

TRANSITION AREA

Proposed Alteration

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

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

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

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

Two new public instrument approach procedures have been developed for Bolton Field, Columbus, Ohio. To protect these approaches, additional transition area must be designated. Accordingly, it is necessary to alter the Columbus, Ohio, transition area to adequately protect the aircraft executing the new approach procedures and to comply with the new transition area criteria.

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

In § 71.181 (36 F.R. 2140), the following transition area is amended:

Columbus, Ohio: Add "within a 6½-mile radius of Bolton Field (latitude 39°54'07" N., longitude 83°08'12" W.)" to the 700-foot transition area description.

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

Issued in Des Plaines, Ill., on November 10, 1971.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.71-17317 Filed 11-26-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-GL-20]

TRANSITION AREA

Proposed Designation

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

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also

be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

A new public use instrument approach procedure has been developed for the Iosco County Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at East Tawas, Mich. The new procedure will become effective concurrently with the designation of the transition area.

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

In § 71.181 (36 F.R. 2140), the following transition area is added:

EAST TAWAS, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Iosco County Airport (latitude 44°-18'48" N., longitude 83°25'30" W.), excluding the portion which overlies the Oscoda, Mich., transition area.

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

Issued in Des Plaines, Ill., on November 9, 1971.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.71-17316 Filed 11-26-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-173]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Meridian, Miss. (OLF Bravo Field), transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Meridian (OLF Bravo Field) transition area would be designated as):

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of OLF Bravo Field (lat. 32°47'33" N., long. 88°49'40" W.).

The proposed designation is required to provide controlled airspace protection for IFR operations at OLF Bravo Field. A prescribed instrument approach procedure to this airport, utilizing the Navy Meridian TACAN, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on November 18, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-17320 Filed 11-26-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-NW-19]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Spokane, Wash., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

A review of the airspace requirements in the area south and southeast of Spokane, Wash., indicates a requirement for additional transition area to provide controlled airspace for the en route vectoring of aircraft in the Pullman-Spokane-Mullan Pass-area.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (36 F.R. 2140), the description of the Spokane, Wash., transition area as amended (36 F.R. 5288), is further amended as follows:

In line 10 delete "* * * on the east by longitude 117°32'00" W. * * *" and substitute therefor, "* * * on the east by the west edge of V-253 * * *"

In line 13; after "* * * to the 024° radials, * * *", add "* * * and that area southeast of Spokane bounded on the northwest by the 52-mile arc, on the north by the south edge of V-2S on the southeast by the north edge of V-536, on the southwest by the northeast edge of V-253 * * *"

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

Issued in Seattle, Wash., on November 16, 1971.

C. B. WALK, Jr.,
Director.

[FR Doc.71-17318 Filed 11-26-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 70-SW-5]

CONTROL ZONES

Withdrawal of Proposed Designation and Alteration

On February 20, 1970, F.R. Doc. 70-2132 was published in the FEDERAL REGISTER (35 F.R. 3235) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Waco, Tex., terminal area. It was proposed to designate a new control zone at Waco, Tex. (James Connally Airport), and also alter the existing Waco, Tex., control zone.

The proponent has now informed the Federal Aviation Administration that it is desired to withdraw the prior request for designation of a control zone at James Connally Airport, Waco, Tex. Should the need for designation of a control zone at James Connally Airport arise at a later date, the proponent will submit an additional request.

In consideration of the foregoing, notice is hereby given that the proposal contained in Airspace Docket No. 70-SW-5, published in the FEDERAL REGISTER on February 20, 1970, as F.R. Doc. 70-2132, is withdrawn.

This notice of withdrawal is made under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on November 18, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-17321 Filed 11-26-71;8:47 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 70-2, Notice 3]

MOTOR VEHICLE SAFETY STANDARDS

Reclassified Tires

This notice proposes that the sale, for any purpose, of passenger car tires that have not been certified to conform to Standard No. 109 be prohibited.

Motor Vehicle Safety Standard No. 109 was amended on October 29, 1970 (35 F.R. 16734), and January 26, 1971 (36 F.R. 1195), to allow the sale of tires designed for passenger car use but not certified as complying with Standard No. 109, if the manufacturer took certain prescribed steps to prevent the sale of these tires for use on public highways. This proposed amendment would repeal that amendment, and prohibit the sale of these tires.

Since January 1, 1968, the effective date of Standard No. 109, certain tire manufacturers have marketed tires manufactured to specifications for passenger car tires, but which they believed might not comply with the performance requirements of the standard, as "off highway" or "farm use only" tires. Despite manufacturers' intentions of restricting the sale of these tires to off-road vehicles, they have been offered for sale and sold for use on public highways in many parts of the United States. The Administration has attempted to prevent their sale for highway use through enforcement proceedings on a case-by-case basis, and by the amendments to Standard No. 109 mentioned above.

The tires in question appear physically to be the same as passenger car tires, but are sold at a lower cost. For this reason they are easily sold for use on passenger cars to purchasers who either are unconcerned about the tires' safety, believe false claims that the warning labels are purely a formality and can be safely ignored, or are unaware of the potential danger because the warning labels have been removed.

The NHTSA's previous action in this area was designed to allow manufacturers to meet a legitimate market for low-speed, off-road, inexpensive tires. This agency has reevaluated its position in light of its experience under the rule permitting sale of these tires, and has tentatively determined that it is not in the public interest to allow their sale to continue. Despite strict labeling conditions imposed by the amendments of October 29, 1970, and January 26, 1971, the Administration has received information showing that tires manufactured after the amendments went into effect are being sold to the public for passenger car, on-highway use. More than 80,000 of such tires have been distributed to dealers since December 1, 1970, a much higher number than was believed necessary to satisfy the off-road market. There is no effective method available to insure that these tires are not used on the nation's highways. Furthermore, information that the agency has received indicates that the tire industry now has available for sale tires designed specifically for safe off-highway use, which carry only a slightly higher retail price than the "reclassified" tires.

In light of the above, it is proposed that Motor Vehicle Safety Standard No. 109, in § 571.21 of Title 49, Code of Federal Regulations, be amended as set forth below.

1. The definition of Reclassified Tire in S3. of Standard No. 109 would be deleted.

2. Paragraph S6., "Reclassified Tires", would be deleted and a new paragraph S6. would be added to read as set forth below:

S6. *Nonconforming Tires.* On or after March 1, 1972, no tire of a type and size designation specified in Table 1 of Appendix A shall be sold, offered for sale, imported, or introduced or delivered for introduction in interstate commerce, for any purpose, unless it conforms to all the requirements of this standard.

Proposed effective date: March 1, 1972.

Interested persons are invited to comment on the proposal. Comments should refer to the docket number and be submitted to the Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted. All comments received before the close of business on December 30, 1971, will be considered, and will be available for examination in the docket both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

This notice of proposed rulemaking is issued under the authority of sections 103, 112, 119, and 201 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1407, 1421), and the delegations of authority at 49 CFR 1.51 and 501.8.

Issued on November 18, 1971.

ROBERT L. CARTER,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.71-17342 Filed 11-26-71;8:49 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 373, 378, 378a]

[Docket No. 23940]

STUDY GROUP CHARTERS BY CERTAIN AIR CARRIERS, STUDY GROUP CHARTERERS, AND TOUR OPERATORS

Modification of Surety Bond Provisions; Extension of Time

NOVEMBER 23, 1971.

The Board, by circulation of notice of proposed rule making SPDR-26, dated October 26, 1971, and published at 36 F.R. 20895, gave notice that it had under consideration modification of the surety bond provisions of Parts 373, 378, and 378a of the Board's special regulations and certain miscellaneous amendments to these parts (14 CFR Parts 373, 378, 378a). Interested persons were invited to participate in the proceeding by submission of twleve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before December 2, 1971.

Subsequent to the issuance of the proposed rule, several supplemental air carriers, namely, Modern, ONA, Saturn, TIA, Universal, and World, requested an extension of time to January 10, 1972, for filing comments. Through their counsel, these carriers assert that the proposed amendments involve complex, and possibly controversial, questions on many of which comment is impossible until facts have been gathered from carrier personnel, tour operators, study group charterers, and surety companies. It is further stated that since the proposed rule is intended to be merely a codification of current staff interpretations, policies, and practices, the extension of time requested would not adversely affect the public, any air carrier, or the administration of the several parts to which the amendments pertain.

The undersigned finds that good cause has been shown for the extension of time requested.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments to January 10, 1972.

(Sec. 204(a) of the Federal Aviation Act, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates.

[FR Doc.71-17354 Filed 11-26-71;8:50 am]

Notices

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

HEAD, CONTRACT ADMINISTRATION STAFF, LINE CONSTRUCTION SECTION, AND HEAD, CONTRACT ADMINISTRATION, SUBSTATION CONSTRUCTION SECTION

Redelegations of Authority

Redelegations of Authority published in the FEDERAL REGISTER on July 6, 1968 (33 F.R. 9784), and amended on September 13, 1968 (33 F.R. 12974), February 21, 1969 (34 F.R. 36), August 9, 1969 (34 F.R. 152), September 18, 1969 (34 F.R. 179), May 1, 1971 (36 F.R. 85), June 8, 1971 (36 F.R. 110), and July 24, 1971 (36 F.R. 143) are further amended by:

1. Section 10.11 is amended to include the following:

10.11 *Construction and Clearing Contracts.* * * *

c. The Head, Contract Administration Staff, Line Construction Section, and the Head, Contract Administration Unit, Substation Construction Section, may exercise the authority of the Construction Contracting Officer in administering all provisions of construction and clearing contracts except for (1) execution of supplemental agreements or amendments to contracts; (2) terminating the contractor's right to proceed for any reason; (3) determining final acceptance of completed work; or (4) making final decisions under the "Disputes" clause of any contract.

10.23 [Deleted]

2. Section 10.23 is deleted.

H. R. RICHMOND,
Administrator.

NOVEMBER 16, 1971.

[FR Doc.71-17301 Filed 11-26-71;8:45 am]

Bureau of Land Management

[A 5968]

ARIZONA

Notice of Termination of Proposed Withdrawal and Reservation of Lands (in Part) and Amendment of Proposed Withdrawal

Notice of a Forest Service, Department of Agriculture application, A 5968, for withdrawal and reservation of lands for an administrative site, was published as F.R. Doc. No. 70-16421 on page 18631 of the issue for December 8, 1970. The applicant agency has canceled its application insofar as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 10 N., R. 10 E.,
Sec. 2, S½SW¼.

The area described aggregates 80 acres.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1), such lands at 10 a.m. on November 9, 1971, were relieved of the segregative effect of the above mentioned application.

The Forest Service has amended its application to also withdraw the additional lands as described below, from mining location and entry under the General Mining Laws, subject to existing valid claims:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 10 N., R. 10 E.,
Sec. 2, lot 2, SW¼NE¼, and NW¼SE¼.

The area described aggregates 119.68 acres.

The lands now involved in the withdrawal application are described, in their entirety, as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

CLINE CABIN WILDLIFE ENCLOSURE

T. 4 N., R. 9 E. (unsurveyed),
Sec. 3, NW¼NE¼.

PAYSON ADMINISTRATIVE SITE

T. 10 N., R. 10 E.,
Sec. 2, lots 2, 3, and 4, SW¼NE¼, S½NW¼, N½SW¼, and NW¼SE¼.

The areas described aggregate 398.90 acres, more or less.

Dated: November 17, 1971.

JOE T. FALLINI,
State Director.

[FR Doc.71-17304 Filed 11-26-71;8:46 am]

UTAH

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

1. Plats of survey of the lands described below will be officially filed in the Utah State Office, Salt Lake City, Utah, effective at 10 a.m., on December 20, 1971:

SALT LAKE MERIDIAN

Plats of survey accepted October 20, 1971:

T. 38 S., R. 17 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Secs. 8 to 15;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½.

The area described aggregates 10,357.59 acres.

2. The following lands are within State Exchange application U 3710, and are not open to application, selection and petition unless it is withdrawn or finally rejected, in which event these lands will become open as provided by CFR 2244.2-3(c):

T. 38 S., R. 17 E.,
Secs. 1, 3, 4, 5, and 6.

3. Subject to valid existing rights, the provisions of existing withdrawals, C and MU Classification U 8131, and the requirements of applicable law, the remaining lands are hereby open to application, petition, location, and selection except for appropriations under the agriculture land laws (43 U.S.C., Parts 7 and 9, 25 U.S.C. sec. 334) and from sales under sec. 2455 of Revised Statutes (43 U.S.C. 1171). Also segregates from entry or location and surface use and occupancy: Sec. 13, S½; sec. 14, S½SW¼, SE¼; sec. 15, S½S½; sec. 17; S½S½; sec. 18, S½S½; and lands within 50 feet of the Mormon Trail.

4. All valid applications received at or prior to 10 a.m. on December 20, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. These lands are semiarid in character and not suitable for farming. The lands have values for watershed, grazing, wildlife, and recreation, which can best be managed under principles of multiple use.

5. Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Utah State Office, Post Office Box 11505, Salt Lake City, UT 84111.

J. E. KEOGH,
Chief,
Division of Technical Services.

NOVEMBER 11, 1971.

[FR Doc.71-17303 Filed 11-26-71;8:46 am]

Geological Survey

[Power Site Cancellation 256]

NORTH PLATTE RIVER, COLO.

Cancellation of Power Site

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classifications 59, 343, 355, and 374 are hereby canceled to the extent that they affect the following described land:

SIXTH PRINCIPAL MERIDIAN

Power Site Classification 59 of March 13, 1924:

T. 12 N., R. 84 W.,
Sec. 20, NE¼NE¼.
Area—40 acres.

Power Site Classification 343 of September 14, 1943:

T. 10 N., R. 79 W.,
Sec. 8, NW¼NE¼, S½NE¼, E½NW¼, SW¼SW¼, E½SW¼, and SE¼;
Sec. 17, W½NE¼, E½NW¼, and NW¼SE¼;
Sec. 27, SE¼SW¼ and SW¼SE¼;
Sec. 28, NW¼NW¼.

T. 10 N., R. 80 W.,
Sec. 3, NW¼SW¼ and SE¼SW¼;
Sec. 10, W½NE¼, E½W½, SW¼SW¼, and NW¼SE¼;
Sec. 13, E½SE¼ and SW¼SE¼;
Sec. 15, NW¼ and N½SW¼;
Sec. 26, E½SW¼;
Sec. 27, SE¼NW¼;
Sec. 34, W½NW¼ and S½SE¼;
Sec. 35, E½NW¼, SW¼NW¼, and W½SW¼.
T. 11 N., R. 79 W.,
Sec. 19, NE¼SE¼.
T. 11 N., R. 80 W.,
Sec. 24, S½NW¼;
Sec. 34, SW¼SE¼;
Sec. 35, E½NE¼, NE¼SW¼, and NW¼SE¼.
Area—2,360 acres.
Power Site Classification 355 of October 31, 1944:

T. 12 N., R. 84 W.,
Sec. 21, SW¼NW¼.
Area—40 acres.
Power Site Classification 374 of March 23, 1945:

T. 11 N., R. 80 W.,
Sec. 2, NW¼SE¼ and S½SE¼.
T. 12 N., R. 80 W.,
Sec. 35, SE¼NE¼.
T. 12 N., R. 82 W.,
Sec. 22, lots 3 and 4, and N½SW¼.
Area—332.80 acres.

The total area described aggregates about 2,773 acres.

W. A. RADLINSKI,
Acting Director.

NOVEMBER 19, 1971.

[FR Doc.71-17302 Filed 11-26-71;8:45 am]

National Park Service

MOUNT RAINIER NATIONAL PARK

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965; (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Rainier National Park Co. authorizing it to provide concession facilities and services for the public at Mount Rainier National Park, for a period of one (1) year from January 1, 1972 through December 31, 1972.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Division of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: November 18, 1971.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

[FR Doc.71-17305 Filed 11-26-71;8:46 am]

CEDAR BREAKS NATIONAL MONUMENT

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Utah Parks Co., authorizing it to provide concession facilities and services for the public at Cedar Breaks National Monument for a period of one (1) year from January 1, 1972, through December 31, 1972.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Division of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: November 18, 1971.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

[FR Doc.71-17306 Filed 11-26-71;8:46 am]

Office of Hearings and Appeals

[Docket No. M 72-18]

JUANITA COAL AND COKE CO.

Petition Regarding Modification of Mandatory Safety Standard

In regard to petition of the Juanita Coal and Coke Co. for modification of mandatory safety standard (section 308(b)).

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. section 861(c) (1970)), notice is given that the Juanita Coal and Coke Co. has filed a petition to modify the application of section 308(b) of the Act, 30 U.S.C. section 868(b) (1970), to its King mine located at Bowie, Delta County, Colo. The petition for modification is signed by the president of the company and also by the Safety Committeeman, United Mine Workers of America.

Section 308(b) reads as follows:

(b) High-voltage circuits extending underground and supplying portable, mobile, or stationary high-voltage equipment shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit, except that the Secretary or his authorized representative may permit ungrounded high-voltage circuits to be extended underground to feed stationary electrical equipment if such circuits are either steel armored or installed in grounded, rigid steel conduit throughout their entire length, and upon his finding that such exception does not pose a hazard to the miners. Within 100 feet of the point on the surface where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed and so equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected, except that the Secretary or his authorized representative may permit such devices to be installed at a greater distance from such area of the mine if he determines, based on existing physical conditions, that such installation will be more accessible at a greater distance and will not pose any hazard to the miners.

Petitioner stated that the King mine uses an ungrounded high-voltage circuit to feed stationary electrical equipment at 2,400 volts a.c. It asks that the standard be modified to the extent that part of the cable now used in the mine not be required to be placed in rigid steel conduit and that it not be required to comply with the requirements for an underground high-voltage resistance grounded system with a fail safe ground check and monitor. Petitioner describes the high-voltage power system in the King mine as follows:

Source transformers are at the company powerplant, approximately 2,000 feet from the mine portal. Power is purchased from Western Colorado Power Co. and is carried into three 150-kw. transformers at 44,000 volts where it is transformed to 2,400 volts. Visual disconnects are provided on both the high- and low-voltage sides. The power is carried into the powerplant where it is divided into separate [sic] circuits for distribution to various installations. Mine power enters an oil circuit breaker and from there through lead sheathed submarine cable to the outside of the building. From this point it is carried on three bare copper conductors to the mine. Lightning arresters are provided on each end of these lines.

A branch circuit is taken off into an oil circuit breaker to provide power for a 200-h.p. hoist motor. Another branch circuit is taken into an oil circuit breaker to provide power for a 150-h.p. fan motor. The bare copper line terminates at an oil circuit breaker at the mine portal. Here it enters a pot head on lead sheathed submarine cable enclosed in rigid steel conduit. The submarine cable is carried in conduit for 750 feet.

From this point the lead sheathed cable is supported on messenger wire for a distance of 3,720 feet to a permanent transformer station where it enters an oil switch. From this switch one branch goes to three 75-KW. transformers provided with fused disconnects. The other branch goes on to another permanent transformer installation and is carried in steel armored cable for a distance of 2,040 feet. From this point it is carried by nonmetallic armored cable, containing metallic shielded cables and ground wires, for a distance of 820 feet to the permanent transformer installation of three 75-KW. transformers. Visual fused disconnects are provided on the high-voltage side and an oil circuit breaker on the low-voltage (440 v.) side.

From this oil circuit breaker the 440-volt power is carried on three insulated single conductors, supported on insulators, to the working section of the mine. Fused nips are presently being used to provide trailing cable protection, with ground wires solidly connected to a 2-inch galvanized iron water pipeline. Circuit breakers are on order to provide trailing cable protection as called for in the Act.

Transformer installations, metallic sheath and messenger wires are grounded to a 2-inch galvanized iron water pipeline that runs parallel to this entire underground circuit and in turn is continuous to a sump near the company powerplant, where water is pumped to the mine for underground use. In addition this pipeline lays in many wet areas where effective grounding is provided.

Petitioner states that to comply with the requirements for an ungrounded high-voltage circuit, it would have to replace or put in rigid steel conduit 3,720 feet of lead sheathed cable and 820 feet of nonmetallic armored cable. Petitioner states that to comply with the requirements for an underground high-voltage resistance grounded system with fail safe ground check and monitor, it would have to replace all of the underground circuit with the exception of 820 feet of nonmetallic armored cable. Petitioner states that this would involve 6,510 feet of cable, 9,400 feet of pilot check wire, and 2,000 feet of bare ground wire, and in addition grounding monitoring equipment, zig-zag transformers, and numerous circuit breakers.

Petitioner states that its ungrounded high-voltage system described above has been in operation at the mine for 49 years and that no injuries to workmen or equipment malfunctions have occurred that can be attributed to the use of the system. Petitioner states that the mine area will be worked out in approximately 5 years.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

NOVEMBER 18, 1971.

[FR Doc.71-17307 Filed 11-26-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (36 F.R. 17451, 19270, and 20538) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as indicated in the following table listing species at additional establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Spencer Foods, Inc.	648	(*)					
Central Foods, Inc.	5510	(*)				(*)	
Behn's Lean Meats, Inc.	5574					(*)	
Dinner Bell Meat Products, Inc.	7440	(*)	(*)	(*)		(*)	
Dales Meat Processing Plant	7781	(*)		(*)		(*)	
New establishments reported 5.							

Done at Washington, D.C., on November 22, 1971.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Program.

[FR Doc.71-17292 Filed 11-26-71;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. C-359]

RICHARD THOMAS ENNIS

Notice of Loan Application

NOVEMBER 19, 1971.

Richard Thomas Ennis, 315 Marina Street, Post Office Box 845, Morro Bay, CA 93442, has applied for a loan from the Fisheries Loan Fund to assist in financing the purchase of a new steel fishing vessel, about 55 feet in length, to engage in the fishery for salmon, tuna, Dungeness crab, and bottom fish.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.71-17326 Filed 11-26-71;8:48 am]

[Docket No. C-356]

JOHN FAVALORA

Notice of Loan Application

NOVEMBER 19, 1971.

John Favalora, 491 Strawberry Canyon Road, Watsonville, CA 95076, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new steel vessel, about 58 feet in length, to engage in the fishery for bottom fish, salmon, and tuna.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will

or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.71-17327 Filed 11-26-71;8:48 am]

[Docket No. C-357]

VERNON K. AND BETTY A. ROBERTS

Notice of Loan Application

NOVEMBER 19, 1971.

Vernon K. Roberts and Betty A. Roberts, Post Office Box 172, Albion, CA 95410, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 50-foot in length, to engage in the fishery for salmon, Dungeness crab, sablefish, and tuna (albacore, yellowfin, and skipjack).

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.71-17328 Filed 11-26-71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-399; NADA No. 7-955V]

HAVER-LOCKHART LABORATORIES

Smearalba 335; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of September 5, 1970 (35 F.R. 14168, DESI 901V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Smearalba 335, NADA (new animal drug application) No. 7-955V, Haver-Lockhart Laboratories, Post Office Box 676, Kansas City, MO 64141, holder of said NADA, responded to the announcement by advising the Commissioner that said drug has been deleted from the market and requesting that approval of said NADA be withdrawn.

Based on the grounds set forth in said announcement and the firm's response, the Commissioner concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 7-955V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of publication of this document.

Dated: November 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-17337 Filed 11-26-71;8:49 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-332]

ALLIED-GULF NUCLEAR SERVICES ET AL.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations, notice is hereby given that a copy of a report entitled "Barnwell Nuclear Fuel Plant Environmental Report," submitted by Allied-Gulf Nuclear Services, Allied Chemical Nuclear Products, Inc., and Gulf Oil Corp. (Allied-Gulf), and dated November 5, 1971, is being placed for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545. A copy of the report is also being placed for public inspection in the State Clearinghouse, Office of the Governor, State Planning and Grants Division, 915 Main Street, Columbia, SC 29201; the regional clearinghouse, Lower Savannah Regional Planning and Development Commission, Post Office Box 850, Aiken, SC 29801; and at the Barnwell County Courthouse, Office of the County Commissioners, Barnwell, S.C. 29812. The report discusses environmental considerations related to the application by Allied-Gulf for a license to reprocess spent nuclear fuel at a facility presently under construction at a site in Barnwell County, S.C. Comments on the report may be submitted by interested persons to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Notice of availability of the original environmental report entitled "Applicant's Environmental Report," dated July 7, 1970, was published in the FEDERAL REGISTER on October 6, 1970 (35 F.R. 12567). Notice of availability of the Commission's detailed statement on environmental considerations was published in the FEDERAL REGISTER on October 28, 1970 (35 F.R. 16705). Notice of issuance of a construction permit to Allied-Gulf was published in the FEDERAL REGISTER on December 29, 1970 (35 F.R. 19708). Subsequent to the publishing of the latter notice, on July 23, 1971, the U.S. Court of Appeals for the District of Columbia Circuit held in "Calvert's Cliffs Coordinating Committee, Inc., et al. v. United States Atomic Energy Commission et al." that AEC regulations for the implementation of the National Environmental Policy Act of 1969 did not comply in several specified respects with the dictates of the Act and remanded the proceedings to AEC for rule making consistent with the court's opinion. Accordingly, the Commission's regulation 10 CFR Part 50, "Licensing of Production and Utilization Facilities," Appendix D, was amended September 9, 1971, to conform with the court's decision. Under the provisions of the amended regulation, it was required that Allied-Gulf furnish additional environmental information for consideration by the Commission. It is in conformity with that requirement that the new environmental report described in the first paragraph above has been submitted.

After the new environmental report has been reviewed by the Commission's regulatory staff in the light of the revised 10 CFR Part 50, Appendix D, a supplemental draft detailed statement on environmental considerations related to the proposed activity will be prepared. Upon completion of the supplemental draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of its availability. The summary notice will request, within thirty (30) days or such longer period as the Commission may determine to be practicable, comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 19th day of November 1971.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
Acting Director,
Division of Materials Licensing.

[FR Doc.71-17325 Filed 11-26-71;8:48 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Interim Provisional Operating License; Notice of Amendment

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Provisional Operating License No. DPR-20 to Consumers Power Co. (the licensee) which permits operation, at steady state power levels not to exceed 440 megawatts thermal, of the Palisades Plant (the facility), a pressurized water nuclear

reactor located at the licensee's site on the eastern shore of Lake Michigan in Covert Township, Van Buren County, Mich. The facility is designed for operation at approximately 2,200 megawatts thermal, but in accordance with the provisions of Interim Provisional Operating License No. DPR–20, as amended, activities under the license are restricted to operation at steady state power levels not to exceed 440 megawatts thermal (20 percent of the facility's rated power level of 2,200 MWT).

A notice of proposed issuance of a provisional operating license for the facility was issued by the Commission on March 10, 1970 (35 F.R. 4310). The notice provided that within 30 days from the date of publication, any person whose interest might be affected by the issuance of the license could file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, "Rules of Practice". Petitions for leave to intervene and requests for hearing were filed by a number of persons. The notice of hearing issued by the Commission on May 18, 1970 (35 F.R. 7750), ordered a hearing held in the matter, permitted intervention by petitioners, and appointed a presiding atomic safety and licensing board (the Board).

On March 24, 1971, pursuant to an initial decision by the Board, on a motion by the licensee, the Commission issued Interim Provisional Operating License No. DPR–20 authorizing fuel loading and initial operation limited to 1 megawatt thermal.

On September 27, 1971, the licensee requested the Board, in accordance with the provisions of paragraph D.2 of 10 CFR Part 50, Appendix D, to issue an order authorizing the Director of Regulation to issue an amendment to Interim Provisional Operating License No. DPR–20 authorizing operation of the Palisades Plant at power levels not to exceed 1,320 megawatts thermal (60 percent of the facility's rated power level of 2,200 MWT). Subsequently, the licensee presented information to the Board as to the environmental impact of such operation, and the Commission's staff presented information as to the environmental impact of operation at power levels up to 440 megawatts thermal. On November 9, 1971, the Board issued an order authorizing the Director of Regulation to make appropriate findings on the matters set forth in 10 CFR 50.57 (a) and to issue an amendment to Interim Provisional Operating License No. DPR–20 authorizing operation at steady state power levels not to exceed 440 megawatts thermal, and directing the inclusion of a condition limiting thermal discharges to Lake Michigan.

The Commission's regulatory staff has inspected the facility and has determined that, for operation as authorized by the amendment, the facility has been constructed in accordance with the application, as amended, the provisions of Interim Provisional Construction Permit No. CPPR–25, the Atomic Energy Act of 1954, as amended, and the Commission's regulations. The licensee has previously submitted proof of financial protection in satisfaction of the requirements of 10 CFR Part 140.

The Director of Regulation has made the findings set forth in the license, and has concluded that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter 1, and that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

The license amendment is effective as of the date of issuance and shall expire on September 24, 1972, unless extended for good cause shown or upon the earlier issuance of a superseding operating license.

Copies of (1) the Board's order dated November 9, 1971, (2) Amendment No. 1 to Interim Provisional Operating License No. DPR–20, Technical Specifications, and (3) "Discussion and Conclusions by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Pursuant to Appendix D of 10 CFR Part 50, Supporting the Issuance of a License to Consumers Power Co., Inc., Authorizing Limited Operations of the Palisades Nuclear Generating Plant, Docket No. 50–255, dated October 13, 1971," are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington DC. Copies of the amended license, and item (3) above may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 20th day of November 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Deputy Director,
Division of Reactor Licensing.

[FR Doc.71–17351 Filed 11–26–71;8:50 am]

[Docket No. 50–309]

MAINE YANKEE ATOMIC POWER CO.

Determination Not To Suspend Construction Activities Pending Completion of NEPA Environmental Review

The Maine Yankee Atomic Power Co. (the licensee), is the holder of Construction Permit No. CPPR–55 (the construction permit), issued by the Atomic Energy Commission on October 21, 1968. The construction permit authorizes the licensee to construct a pressurized water nuclear power reactor designated as the Maine Yankee Atomic Power Station, at the licensee's site in Lincoln County, Maine. The facility is designed for initial operation at approximately 2,440 megawatts (thermal).

In accordance with section E.3 of the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), Appendix D of 10 CFR Part 50 (Appendix D), the licensee has furnished to the Commission a written statement of reasons, with supporting factual submission, why the construction permit should not be suspended, in whole or in part, pending completion of the NEPA environmental review. This statement of reasons was furnished to the Commission on October 20, 1971.

The Director of Regulation has considered the licensee's submission in light of the criteria set out in section E.2 of Appendix D, and has determined, after considering and balancing the criteria in section E.2 of Appendix D, that construction activities at the Maine Yankee Atomic Power Station authorized pursuant to CPPR–55 should not be suspended pending completion of the NEPA environmental review.

Further details of this determination are set forth in a document entitled "Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Permit for the Maine Yankee Atomic Power Station, Docket No. 50–309".

Pending completion of the full NEPA review, the holder of Construction Permit No. CPPR–55 proceeds with construction at its own risk. The determination herein and the discussion and findings hereinabove referred to do not preclude the Commission, as a result of its ongoing environmental review, from continuing, modifying or terminating the construction permit or from appropriately conditioning the permit to protect environmental values.

Any person whose interest may be affected by this proceeding, other than the licensee, may file a request for a hearing within thirty (30) days after publication of this determination in the FEDERAL REGISTER. Such request shall set forth the matters, with reference to the factors set out in section E.2 of Appendix D, alleged to warrant a determination other than that made by the Director of Regulation and shall set forth the factual basis for the request. If the Commission determines that the matters stated in such request warrant a hearing, a notice of hearing will be published in the FEDERAL REGISTER.

The licensee's statement of reasons, furnished pursuant to section E.3 of Appendix D, as to why the construction permit should not be suspended pending completion of the NEPA environmental review, and the document entitled "Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Permit for the Maine Yankee Atomic Power Station, Docket No. 50–309", are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine 04578. Copies of the "Discussion and Findings" document may be obtained upon request addressed to the Atomic

Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 23d day of November 1971.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.71-17414 Filed 11-26-71;8:51 am]

[Docket No. 50-280]

VIRGINIA ELECTRIC AND POWER CO.

Establishment of Atomic Safety and Licensing Board

On November 24, 1971, the Commission published in the FEDERAL REGISTER a notice of hearing to consider the application filed by the Virginia Electric and Power Co. for a facility operating license which would authorize the operation of a pressurized water reactor, identified as Surry Power Station, Unit No. 1. That notice indicated that the Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations in Title 10, Code of Federal Regulations, Part 2 (Rules of Practice) and the notice of hearing referred to above, notice is hereby given that the Licensing Board in this proceeding will consist of Dr. Stuart G. Forbes, Dr. Charles E. Winters, and Mr. James R. Yore, Chairman. Dr. J. M. B. Kellogg has been designated as a technically qualified alternate and Mr. Samuel W. Jensch has been designated as an alternate qualified in the conduct of administrative proceedings.

As provided in the notice of hearing, the date and place of a prehearing conference will be set by the Board, and the date and place of the hearing will be set at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 24th day of November 1971.

WILLIAM L. WOODARD,
Assistant Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.71-17379 Filed 11-26-71;8:51 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23486; Order 71-11-82]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare Matters

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to passenger fare matters. Docket 23486, Agreement CAB 22663, R-44 through R-49.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of November 1971.

There have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, an agreement among various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA) and adopted at the passenger rate conference at Miami in the fall of 1971.

The agreement, adopted for early effectiveness, embraces passenger rates and related matters for application in Traffic Conference 1. The expedited resolutions described herein are subject to varying expiration dates ranging from 3 to 17 months from the date of effectiveness. The principal elements of the agreement are described below.

An amendment is proposed to the existing resolution governing economy-class service so as to liberalize conditions governing lounges and seat pitch for implementation on April 1, 1972, or 30 days after the Board decides Phase 6A of the Domestic Passenger-Fare Investigation. This amendment is proposed with the proviso that reconfiguration may not be implemented prior to advising other carrier members, at which time a special meeting would be convened to agree upon economy-class configurations and related matters. In the event that such a meeting does not reach unanimous agreement, the instant resolution shall expire 30 days after termination of the meeting.

GIT fares between the United States and Venezuela are amended so as to provide for midweek fare reductions for groups of 50 or more. These resolutions provide for discounts ranging from 8.5 to 18 percent over weekend fares. In addition to the $70 minimum for land arrangements above the air fare cost during the winter period, a $50 minimum is proposed for land arrangements during the summer season.

Additionally, normal first-class, economy, and first-class and economy excursion fares are established between Atlanta and Kingston. These fares are comparable to those currently in effect between Kingston and other U.S. points.

GIT fares, for groups of 50, are proposed between New York and Aruba/Curacao/Bonaire at $150. These fares provide for a stay of from 7 to 14 days and require a minimum expenditure of $50 for ground accommodations. Approval of the resolutions governing GIT fares is subject to the conditions the Board has applied in the past.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, finds:

1. That the following resolutions, incorporated in the agreement as indicated, are not adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to the conditions hereinafter ordered.

Agreement CAB 22663	IATA No.	Title	Application
R-44	001zz	Special Effectiveness Resolution TC1 Fares Atlanta/Jamaica (New).	1.
R-45	060	Economy-Class Conditions of Service (Amending)	1.
R-46	084j	TC1-14-Day Group Inclusive Tour Fares-Venezuela (Revalidating and Amending).	1.
R-47	084u	TC1 Group Inclusive Tour Fares-Netherlands Antilles (New)	1.
R-49	072	JT2-3 Creative Fares (Amending)	2/3.

2. That the following resolution, incorporated in the agreement as indicated, does not affect air transportation within the meaning of the Act:

Agreement CAB 22663	IATA No.	Title	Application
R-48	001l	Closing and Opening, Ndola Airport (Revalidating and Amending).	2; 2/3.

Accordingly, it is ordered, That:

1. Those portions of Agreement CAB 22663, as set forth in finding paragraph 1 above be and hereby are approved: *Provided*, That with respect to R-46 and R-47 of the subject agreement,

(a) The provision which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added costs;

(b) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin;

(3) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel;

(4) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from point of origin to point of cancellation.

2. Jurisdiction is disclaimed with respect to that portion of Agreement CAB

22663 as set forth in finding paragraph 2 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-17353 Filed 11-26-71;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

AMERICAN HOECHST CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2H2667) has been filed by American Hoechst Corp., 11312 Hartland Street, North Hollywood, CA 91605, proposing issuance of a food additive tolerance (21 CFR Part 121) of 35 parts per million for total residues of the insecticide endosulfan (6,7,8,9,10,10-hexachloro - 1,5,5a,6,9,9a - hexahydro - 6,9 - methano - 2,4,3 - benzodioxathiepin - 3 - oxide) and its metabolite endosulfan sulfate (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a - hexahydro - 6,9 - methano - 2,4,3 - benzodioxathiepin-3,3-dioxide) in or on dried tea.

Dated: November 18, 1971.

WILLIAM M. UPHOLT, *Deputy Assistant Administrator for Pesticides Programs.*

[FR Doc.71-17348 Filed 11-26-71;8:50 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1047]

CARLO INTERNATIONAL & CO.

Order of Revocation

By letter dated October 20, 1971, George Carlo doing business as Carlo International & Co., Port Everglades Station, Fort Lauderdale, Fla. 33316, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1047 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before November 17, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

George Carlo doing business as Carlo International & Co. has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 9/29/70);

It is ordered, That the Independent Ocean Freight Forwarder License of George Carlo doing business as Carlo International & Co. be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of George Carlo doing business as Carlo International & Co. be and is hereby revoked effective November 17, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon George Carlo doing business as Carlo International & Co.

WM. JARREL SMITH, Jr., *Deputy Managing Director.*

[FR Doc.71-17346 Filed 11-26-71;8:49 am]

[Docket No. 71-77; Special Permission No. 5406]

DILLINGHAM LINES, INC.

Increases in Rates on All Commodities in the U.S. Pacific Coast/Hawaii Trade; Second Supplemental Order

By the original order in this proceeding served August 19, 1971, the Commission placed under investigation certain rate increases of the subject carrier in Tariff FMC-F No. 3, and suspended to and including December 22, 1971. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

By Special Permission Application No. 3, filed by Dillingham Lines, Inc., authority is sought under the provisions of section 2 of the Intercoastal Shipping Act, 1933, to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the original order in this proceeding to the extent necessary to permit the filing, upon statutory notice, of a Revised Page 30, which will change tariff matter continued in effect by reason of suspension in this proceeding.

A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part hereof:

It is ordered, That:

1. Authority to depart from Rule 20(c) of Tariff Circular No. 3 and the terms of the order in Docket No. 71-77 to make the changes in rates and provisions as set forth in Special Permission Application No. 3, said changes to become effective on full statutory notice, be and it is hereby granted.

2. Publications issued and filed under this authority shall bear the following notation: "Authority to depart from the terms of the order in I & S Docket No. 71-77 granted under Federal Maritime Commission Special Permission No. 5406."

3. This special permission does not modify any outstanding formal orders of the Commission except insofar as it allows the aforementioned rate changes to become effective, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-17347 Filed 11-26-71;8:50 am]

GALVESTON WHARVES AND UNITED FRUIT CO.

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, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. 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.

Mr. C. S. Devoy, Port Director and General Manager, 802 Rosenberg, Post Office Box 328, Galveston, TX 77550.

Agreement No. T-2571, between Galveston Wharves (Port) and United Fruit Co. (United), provides for the 2-year lease to United with certain renewal options of certain marine terminal facilities at Galveston, Tex., for the berthing, loading, and unloading of United's container vessels. The lease also provides for the exclusive use of a berth, the preferential use of a public wharf, apron, and certain improvements to be made by the Port to the leased premises. As compensation, the

Port is to receive a fixed annual sum plus a fee for each box of bananas in addition to all applicable tariff charges for cargo other than bananas moving through the facility. Should United implement banana containership operations at any other U.S. Gulf port, it will pay the Port all costs of improvements made under this agreement, less all revenues generated pursuant to the term of this agreement.

Dated: November 23, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-17344 Filed 11-26-71;8:49 am]

PACIFIC-STRAITS CONFERENCE

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, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. 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:

Mr. R. E. Spaulding, Secretary, Pacific-Straits Conference, 635 Sacramento Street, San Francisco, CA 94111.

Agreement No. 5680-15 modifies the preamble of Pacific-Straits Conference's basic agreement by deleting the word "Malaysia" and adding the Republic of Singapore, Federation of Malaysia and Sultanate of Brunei to "* * * clearly reflect the governmental and political areas" covered by the agreement.

Dated: November 23, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-17345 Filed 11-26-71;8:49 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. F-130]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Massachusetts Department of Public Utilities (Docket No. 17150) in a proceeding involving a rate increase for services provided by the New England Telephone and Telegraph Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROBERT L. KUNZIG,
Administrator of General Services.

NOVEMBER 19, 1971.

[FR Doc.71-17350 Filed 11-26-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. CS72-390 etc.]

THOMAS D. CABOT, JR., ET AL.

Notice of Applications for "Small Producer" Certificates [1]

NOVEMBER 16, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS72-390...	11- 1-71	Thomas D. Cabot, Jr., 10 Copper Beech Rd., Greenwich, CT 06830.
CS72-391...	11- 2-71	Neil D. Naiden, 1140 Connecticut Avenue NW., Washington, DC 20036.
CS72-392...	11- 2-71	K. M. McClain, 520 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.
CS72-393...	11- 1-71	Vanderbilt Resources Corp., 211 North Ervay, Dallas, TX 75201.
CS72-394...	11- 3-71	The Veeder Supply and Development Co., Post Office Box 201, Cherryvale, KS 67335.
CS72-395...	11- 3-71	Raymond H. Hedge, Jr., 314 Peoples Bank Bldg., Tyler, Tex. 75701.
CS72-396...	11- 3-71	Joel M. Hedge, 314 Peoples Bank Bldg., Tyler, Tex. 75701.
CS72-397...	11- 3-71	Ruth D. Gross, 314 Peoples Bank Bldg., Tyler, Tex. 75701.
CS72-398...	11- 3-71	The Peoples National Bank & Sol Edelman, trustees for Harris M. Gross, Post Office Box 2001, Tyler, TX 75701.
CS72-399...	11- 3-71	The Peoples National Bank & Sol Edelman, trustees for Sara A. Gross, Post Office Box 2001, Tyler, TX 75701.
CS72-400...	11- 4-71	E. A. Roberts, Jr., 108 Suburban Bldg., 5526 Dyer St., Dallas, Tex. 75206.

[FR Doc.71-17233 Filed 11-26-71;8:45 am]

[Docket No. CP72-137]

DELHI GAS PIPELINE CORP.

Notice of Application

NOVEMBER 23, 1971.

Take notice that on November 18, 1971, Delhi Gas Pipeline Corp. (applicant),

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Fidelity Union Tower Building, Dallas, Tex. 75201, filed in Docket No. CP72-137 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) in Refugio County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to commence the sale to United within the contemplation of § 2.68 of the Commission's general policy and interpretations (18 CFR 2.68) and requests authorization to continue said sale for 1 year commencing at the termination of the 60-day emergency sale or on the date of authorization herein within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to charge and collect 35 cents per Mcf at 15.025 p.s.i.a. The estimated daily sales volume is 5,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before December 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17399 Filed 11-26-71;8:51 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Authorization for System Foreign Currency Operations

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below paragraph 2 of the Committee's Authorization for System Foreign Currency Operations. The amendment, which was effective August 12, 1971, was adopted by actions taken by members of the Committee on August 9 and 11, 1971, and ratified by action of the Committee at its meeting on August 24, 1971.

2. The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under section 214.5 of Regulation N, Relations with Foreign Banks and Bankers, and with the approval of the Committee to renew such arrangements on maturity:

Foreign bank	*Amount of arrangement (millions of dollars equivalent)*
Austrian National Bank	200
National Bank of Belgium	600
Bank of Canada	1,000
National Bank of Denmark	200
Bank of England	2,000
Bank of France	1,000
German Federal Bank	1,000
Bank of Italy	1,250
Bank of Japan	1,000
Bank of Mexico	130
Netherlands Bank	300
Bank of Norway	200
Bank of Sweden	250
Swiss National Bank	1,000
Bank for International Settlements:	
Dollars against Swiss francs	600
Dollars against authorized European currencies other than Swiss francs	1,000

NOTE: For paragraph 1 of the authorization, see 34 F.R. 9044; for paragraph 3, see 36 F.R. 11239; and for paragraphs 4 through 10, see 32 F.R. 9583.

By order of the Federal Open Market Committee, November 17, 1971.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.71-17331 Filed 11-26-71;8:48 am]

FEDERAL OPEN MARKET COMMITTEE

Continuing Authority Directive With Respect to Domestic Open Market Operations

In accordance with § 271.5 of its rules regarding availability of information, notice is given that at its meeting on August 24, 1971, the Committee amended paragraph 1(a) of its continuing authority directive to the Federal Reserve Bank of New York with respect to domestic open market operations to authorize outright operations in securities issued by Federal agencies. With this amendment, the first part of the directive read as follows:

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, to the extent necessary to carry out the most recent current economic policy directive adopted at a meeting of the Committee:

(a) To buy or sell U.S. Government securities and securities that are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States in the open market, from or to securities dealers and foreign and international accounts maintained at the Federal Reserve Bank of New York, on a cash, regular, or deferred delivery basis, for the System Open Market Account at market prices and, for such Account, to exchange maturing U.S. Government and Federal agency securities with the Treasury or the individual agencies or to allow them to mature without replacement: *Provided*, That the aggregate amount of U.S. Government and Federal agency securities held in such Account at the close of business on the day of a meeting of the Committee at which action is taken with respect to a current economic policy directive shall not be increased or decreased by more than $2 billion during the period commencing with the opening of business on the day following such meeting and ending with the close of business on the day of the next such meeting.

NOTE: For paragraph 3 of the directive, see 35 F.R. 447, for paragraph 2, see 36 F.R. 19277, and for the remainder of the directive, see 32 F.R. 9584.

By order of the Federal Open Market Committee, November 17, 1971.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.71-17332 Filed 11-26-71;8:48 am]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive of August 24, 1971

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on August 24, 1971.[1]

The information reviewed at this meeting indicates that real output of goods and services has been expanding moderately, that unemployment has remained substantial, and that prices and wages have been rising rapidly on average in recent months. However, the economic program announced by the President on August 15 enhances prospects for higher rates of growth in real economic activity, increased job opportunities, and curtailed inflationary pressures. In July inflows of consumer-type time and savings funds slowed markedly at banks, but inflows to nonbank thrift institutions continued large. Growth in the narrowly defined money stock remained rapid in July, but growth in broadly defined money slowed and bank credit continued to expand at about the second-quarter pace. Interest rates on most types of market securities declined sharply in the days following the announcement of the new program. The deficit in the U.S. balance of payments reached extraordinarily large proportions in early August, mainly reflecting an acceleration of capital outflows related to expectations of ships in foreign exchange rates. Following the suspension of convertibility of the

[1] The Record of Policy Actions of the Committee for the meeting of Aug. 24, 1971, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

dollar into gold and other reserve assets, major European central banks discontinued foreign exchange market operations for a week. When most of the European markets were reopened on August 23 these central banks pursued diverse exchange rate policies, but all allowed at least some types of market transactions to take place at rates of exchange for their currencies relative to the dollar above previous upper intervention limits. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions consistent with the aims of the new governmental program, including sustainable real economic growth and increased employment, abatement of inflationary pressures, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, the Committee seeks to achieve more moderate growth in monetary and credit aggregates over the months ahead. System open market operations until the next meeting of the Committee shall be conducted with a view to achieving bank reserve and money market conditions consistent with that objective.

By order of the Federal Open Market Committee, November 17, 1971.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.71-17330 Filed 11-26-71;8:48 am]

FIRST BANC GROUP OF OHIO, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Banc Group of Ohio, Inc., which is a bank holding company located in Columbus, Ohio, for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares of the successor by merger of The Ashland Bank and Savings Co., Ashland, Ohio.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve system, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

Board of Governors of the Federal Reserve System, November 22, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-17333 Filed 11-26-71;8:48 am]

FIRST BANK SYSTEM, INC.

Proposed Acquisition of IDS Credit Corp.

First Bank System, Inc., Minneapolis, Minn., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(a)(8)) and § 222.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of IDS Credit Corp., Minneapolis, Minn. Notice of the application was published in newspapers and circulated in:

Atlanta, Ga.; The Atlanta Journal, October 5, 1971.
Baton Rouge, La.; State-Times, October 5, 1971.
Chicago, Ill.; Chicago Tribune, October 6, 1971.
Cincinnati, Ohio; The Cincinnati Enquirer, October 6, 1971.
Cleveland, Ohio; The Cleveland Press, October 4, 1971.
Corpus Christi, Tex.; Corpus Christi Caller, October 5, 1971.
Dallas, Tex.; The Dallas Morning News, October 5, 1971.
Detroit, Mich.; The Detroit News, October 5, 1971.
Dublin, Ga.; Dublin Courier-Herald, October 5, 1971.
Greensboro, N.C.; Greensboro Daily News, October 5, 1971.
Houston, Tex.; The Houston Chronicle, October 7, 1971.
Indianapolis, Ind.; The Indianapolis Star, October 6, 1971.
Kansas City, Mo.; The Kansas City Times, October 5, 1971.
Minneapolis, Minn.; Finance and Commerce, October 5, 1971.
Oklahoma City, Okla.; Daily Oklahoman, October 5, 1971.
St. Louis, Mo.; St. Louis Post-Dispatch, October 5, 1971.
San Antonio, Tex.; San Antonio Express, October 5, 1971.
Tulsa, Okla.; Tulsa World, October 6, 1971.

Applicant states that the proposed subsidiary engages in the activities listed below, all of which have been specified by the Board in § 222.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 222.4(b):

(1) Purchasing and servicing instalment obligations arising from the sale of materials and services for the installation and construction of improvements to real property, from the sale of homes, and from the sale of motor vehicles, appliances, and other personal property;

(2) Making direct consumer loans pursuant to licenses granted under small loan laws of Minnesota and Texas; and

(3) Making available to its borrowers, at the borrower's option, reducing group credit life and disability insurance covering the declining balance on the borrower's indebtedness through an insurance policy written by a nonaffiliated insurance company in which IDS Credit Corp. is the assured policyholder.

Some of the foregoing activities are conducted through three wholly owned subsidiary corporations, IDS Homes Corp., Empire Loan and Thrift Co., and IDS Credit Corporation of Texas.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

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.

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 December 15, 1971.

Board of Governors of the Federal Reserve System, November 22, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-17334 Filed 11-26-71;8:48 am]

FIRST NATIONAL BANKSHARES OF FLORIDA, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by First National Bankshares of Florida, Inc., Pompano Beach, Fla., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of First National Bank of Pompano Beach, Pompano Beach; First National Bank of North Broward County, Lighthouse Point; First National Bank of Margate, Margate; and Beach First National Bank of Pompano Beach, Pompano Beach, all in the State of Florida.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Board of Governors of the Federal Reserve System, November 22, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-17335 Filed 11-26-71;8:48 am]

PRICE COMMISSION

FOOD RETAILERS AND WHOLESALERS IN PUERTO RICO

Authorization for Temporary Price Increases in Perishable Foods

The Price Commission has been requested to authorize temporary price increases on perishable foods shipped to Puerto Rico by air. Because of the East Coast longshoremen strike virtually no shipments of food to Puerto Rico by water have been made. As stocks on the island are exhausted the only way foods can be shipped is by air, which obviously results in much higher shipping costs. Puerto Rico does not have sufficiently large food producing resources to provide for its inhabitants.

In view of the foregoing, the Price Commission hereby grants authority to retailers and wholesalers in Puerto Rico to temporarily increase the prices on perishable foods (meat, poultry, seafoods, dairy products, frozen foods, and other perishables) shipped to Puerto Rico by air. The authorized price increases may be made without regard to any requirement in Part 300 of the regulations of the Price Commission that all retailers post at the place of sale base prices with respect to food products or best-selling products before increasing any price, and without regard to the requirement therein that the Price Commission be informed of customary initial percentage markups. Base prices must, however, be posted before January 2, 1972. Each price increase shall be limited to that part of the shipping cost by air that is over and above the ordinary shipping cost of the product involved and that is due to the tieup of U.S. East Coast docks, plus the customary initial percentage markup usually applied to that product, a product line, department, store, or other pricing basis.

The Price Commission reserves the right to change, revise, or revoke the authority granted herein as soon as the strike is settled or other circumstances warrant.

Issued in Washington, D.C., on November 24, 1971.

C. JACKSON GRAYSON, Jr.,
Chairman of the Price Commission.

[FR Doc.71-17418 Filed 11-26-71;8:52 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0151]

FAIRFIELD EQUITY CORP.

Notice of Approval of Application for Exemption for Conflict of Interest Transaction

Pursuant to the provisions of section 312 of the Act and § 107.1004 of the Small Business Administration (SBA) rules and regulations (13 CFR Part 107.1004 (1971)) (Regulations), a notice of filing of an application for exemption for a conflict of interest transaction was published in the FEDERAL REGISTER on October 13, 1971 (36 F.R. 19947 and 19948), and in a newspaper of general circulation on October 20, 1971, in Nyack, N.Y., the area most directly affected by the transaction.

Interested parties were given 15 days to send their comments to SBA on the proposed conflict of interest transaction. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby grants an exemption for Fairfield Equity Corp. to consummate conflict of interest financing to Entertainment Investors, Inc.

Dated: November 17, 1971.

STEPHEN H. BEDWELL,
Acting Associate Administrator for Operations and Investment.

[FR Doc.71-17308 Filed 11-26-71;8:46 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions and Modifications; New Determinations

There are set forth below general Area Wage Determination Decisions Nos. AM-6314 and AM-6370 of the Secretary of Labor. These decisions 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 decisions are applicable to Federal and federally assisted construction in described localities situated within the States of California and Hawaii.

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 F.R. 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, and of Secretary of Labor's Orders 12-71 and 15-71 (36 F.R. 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 or 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. 533, 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 such procedures to be impractical and contrary to the public interest.

These wage determinations are effective for a period of 120 days from the date of publication in the FEDERAL REGISTER and are to be used in accordance with the provisions of 29 CFR Part 5. Accordingly, the applicable determination together with any modification issued subsequent to this date during this 120-day period, 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.

The area wage determination decisions for localities within the above States are set forth below.

MODIFICATION TO AREA WAGE DETERMINATION DECISIONS

Modification to Area Wage Determination Decisions for Specified Localities in Arizona, Connecticut, Delaware, Indiana,

Kentucky, Louisiana, Maryland, Texas, Utah, Virginia, and Wisconsin and Washington, D.C.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	Date
AM-1589	Aug. 6, 1971
AM-352, AM-355, AM-356, AM-359, AM-360, AM-361, AM-362, AM-364, AM-367, AM-368, AM-370	Aug. 13, 1971
AM-427, AM-428	Aug. 18, 1971
AM-478, AM-479, AM-480, AM-481, AM-482, AM-1841, AM-1842, AM-1843	Aug. 20, 1971
AM-3555, AM-3626, AM-3627, AM-3628, AM-3629	Aug. 25, 1971
AM-2508	Aug. 27, 1971
AM-2529, AM-2531	Sept. 3, 1971
AM-6116	Nov. 12, 1971

are hereby modified as set forth below.

These modifications are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications 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 46 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following the Secretary of Labor's Order No. 24–70) containing provisions for 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 the Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, 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.

The modifications are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified were issued and are to be used in accordance with the provisions of 29 CFR Part 5. The modifications to the area wage determination decisions listed above are set forth below.

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, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. section 553 is set forth in the document being modified.

Signed at Washington, D.C., this 19th day of November 1971.

HORACE E. MENASCO,
Administrator, Employment Standards Administration.

State, California: Counties: Kern, Riverside, San Bernardino, Santa Barbara and Ventura; Decision No. AM-6,370; Date of Decision, November 26, 1971.
Description of work: Residential construction consisting of single family homes and garden type apartments up to and including four stories.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Kern County						
Asbestos workers	$9.77	$0.48	$0.35		$0.025	
Bollermakers	7.20	.30	.70	$0.45	.02	
Bollermakers' helpers	6.90	.30	.70	.45	.02	
Bricklayers; stonemasons	7.20	.40	.40	.30	.05	
Brick tenders	5.85	.45	.85	.30		
Carpenters:						
Carpenters	6.33	.61	.75	.50	.01	
Saw filers	6.41	.61	.75	.50	.01	
Table power saw operator	6.43	.61	.75	.50	.01	
Shinglers	6.46	.61	.75	.50	.01	
Hardwood floor layers; millwrights	6.53	.61	.75	.50	.01	
Pneumatic nailer	6.58	.61	.75	.50	.01	
Piledrivermen:						
Rock slingers	6.44	.61	.75	.50	.01	
Bridge, dock carpenters; derrick bargemen	6.46	.61	.75	.50	.01	
Head rock slingers	6.56	.61	.75	.50	.01	
Cement masons:						
Cement masons	5.77	.80	.85	.60	.0225	
Cement floating and troweling machine operator	6.02	.80	.85	.60	.0225	
Drywall installers	7.25	.46	.55	.50	.04	
Electricians (Edwards Air Force Base and Naval Ordnance Test Station):						
Electricians; technicians	9.80	.35	1%+.50		.10	
Cable splicers	10.78	.35	1%+.50		.10	
Electricians (remainder of county):						
Electricians; technicians	7.80	.35	1%+.50		.10	
Cable splicers	8.58	.35	1%+.50		.10	
Elevator constructors (South of Tehachapi)	7.58	.185	$0.20	2%+b		
Elevator constructors (North of Tehachapi)	8.15	.185	.20	2%+b		
Elevator constructors' helpers	70%JR	.185	.20	2%+b		
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers:						
Reinforcing	$7.98	.43	.425	$0.50	.02	
Fence erectors	7.89	.43	.425	.50	.02	
Ornamental; structural	8.03	.43	.425	.50	.02	
Lathers	6.73	.35	.65	.50		
Line construction (Edwards Air Force Base and Naval Ordnance Test Station):						
Groundmen	7.85	.35	1%+.50		.10	
Linemen	9.80	.35	1%+.50		.10	
Cable splicers	10.78	.35	1%+.50		.10	
Line construction (remainder of county):						
Linemen	7.80	.35	1%+.50		.10	
Cable splicers	8.58	.35	1%+.50		.10	
Painters (cities of Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station, and Edwards AFB):						
Brush	6.75	.305	$0.30	.25		
Structural steel, bridge; tapers	6.87	.305	.30	.25		
Brush swing stage (13 stories or less); paperhangers; sandblasters; spray	7.00	.305	.30	.25		
Sandblaster swing stage; spray swing stage	7.25	.305	.30	.25		
Painters (rest of county):						
Brush	6.67	.20	.30			
Brush swing stage; structural steel	6.82	.20	.30			
Tapers, sheet rock	6.87	.20	.30			
Paperhangers; sandblasters; spray	6.92	.20	.30			
Sandblaster swing stage; spray swing stage	7.07	.20	.30			
Painters, parking lot striping work and/or highway markers	4.88	.20	.20	c		
Painters, parking lot striping work and/or highway markers' helpers; sandblasters	4.38	.20	.20	c		
Plasterers	7.07	.30	.35	$0.50	.01	
Plasterers' tenders	6.385	.45	.85	.30		

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Plumbers; steamfitters (east of Los Angeles Aqueduct)	9.22	.60	1.00	.50	.08	
Plumbers; steamfitters (remaining portion of county)	7.22	.60	1.00	.50	.08	
Roofers	6.30	.30	.30			
Sheet metal workers	7.07	.30	23			
Soft floor layers (east of Los Angeles Aqueduct)	7.29	.29	.28	.39	.015	
Soft floor layers (remaining portion of county)	6.36	.29		.34		
Sprinkler fitters	10.55	.25	.40		.05	
Terrazzo workers:						
Terrazzo workers	6.42	.15		.15		
Helpers; floor machine operators	5.58	.15		.45		
Tile setters	5.75	.40		.30	a	
Riggers; welders: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						

Footnotes:
a. Employer contributes the sum of $1 per month to Apprenticeship Training Fund.
b. Employer contributes 4 percent of basic hourly rate for 5 years' service and 2 percent of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.
c. Employer contributes $0.17 per hour to Holiday Fund plus $0.10 per hour to Vacation for 1 years' service, $0.20 per hour after 1 year but less than 5 years' service, $0.30 per hour after 5 years but less than 10 years' service, $0.40 per hour after 10 years' service.

Riverside County

Asbestos workers	$9.77	.48	.35		.025	
Boilermakers	7.20	.30	.70	.45	.02	
Boilermakers' helpers	6.90	.30	.70	.45	.02	
Bricklayers; stonemasons; blocklayers	6.26	.29	.17			
Bricklayers' tenders	5.85	.45	.85	.30		
Carpenters:						
Carpenters	6.33	.61	.75	.50	.01	
Saw filers	6.41	.61	.75	.50	.01	
Table power saw operators	6.43	.61	.75	.50	.01	
Shinglers	6.46	.61	.75	.50	.01	
Hardwood floor layers; millwrights	6.53	.61	.75	.50	.01	
Pneumatic nailer	6.58	.61	.75	.50	.01	
Pilefitrivermen:						
Rock slingers	6.44	.61	.75	.50	.01	
Bridge, dock carpenters; derrick bargemen	6.46	.61	.75	.50	.01	
Head rock slinger	6.56	.61	.75	.50	.01	
Cement Masons:						
Cement masons	5.77	.80	.85	.60	.0225	
Cement floating and troweling machine operator	6.02	.80	.85	.60	.0225	
Drywall installers	7.25	.46	.55	.30	.04	
Electricians:						
Electricians	7.72	.40	1%+.40		.02	
Cable splicers	8.02	.40	1%+.40		.02	
Elevator constructors	7.58	.185	$0.20	2%+a		
Elevator constructors' helpers	70%J R	.185	.20	2%+a		
Elevator constructors' helpers (prob.)	50%J R					
Glaziers	$7.03	.30	.30		.04	
Ironworkers:						
Reinforcing	7.98	.43	.425	$0.50	.02	
Fence erectors	7.89	.43	.425	.50	.02	
Structural; ornamental	8.03	.43	.425	.50	.02	
Irrigation and lawn sprinklers	6.50	10%	16%	13%	1%	
Lathers	7.375	$0.24	.105	$0.53	.01	
Line construction:						
Groundmen	5.79	.40	1%+.40		.02	
Linemen; line equipment operators	7.72	.40	1%+.40		.02	
Cable splicers	8.02	.40	1%+.40		.02	
Painters:						
Brush-paint burner	6.93	.39	$0.39	.60	.03	
Brush, swing stage; spray; painter (groundwork)	7.18	.39	.39	.60	.03	
Sandblaster	7.43	.39	.39	.60	.03	
Sandblaster swing stage	7.68	.39	.39	.60	.03	
Steeplejack work	8.33	.39	.39	.60	.03	
Parking lot striping work and/or highway markers	4.88	.20	.20	b		
Parking lot striping work and/or highway markers' helpers; sandblasters	4.38	.20	.20	b		
Plasterers	9.905					
Plasterers' tenders	7.93	.45	.85	$0.30		
Plumbers; steamfitters; lead burners	8.30	10%	16%	13%	1%	
Roofers	6.10		$0.20	$0.20	$0.01	
Sheet metal workers	6.65	$0.39	.40		.03	
Soft floor layers	7.29	.29	.28	.39	.015	
Sprinkler fitters	10.55	.25	.40		.05	
Terrazzo workers	6.42	.15		.15		
Terrazzo workers' helpers:						
Floor machine operator; helpers	5.58	.15		.45		
Tile setters	6.75	.40	.40		.025	
Tile setters' helpers	5.21	.145	.50		.08	
Air conditioning and refrigeration	6.15	.29	.31	.39	.03	
Welders-riggers: Receive rate prescribed for craft performing operation to which welding or rigging 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 percent basic hourly rate for over 5 years' service and 2 percent of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.
b. Employer contributes $0.17 per hour to Holiday Fund plus $0.10 per hour to Vacation for 1 year's service, $0.20 per hour after 1 year but less than 5 years' service, $0.30 per hour after 5 years but less than 10 years' service, $0.40 per hour after 10 years' service.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
San Bernardino County						
Asbestos workers	9.77	.48	.35		.025	
Boilermakers	7.20	.30	.70	.45	.02	
Boilermakers' helpers	6.90	.30	.70	.45	.02	
Bricklayers; stonemasons	6.26	.29	.17			
Bricklayers' tenders	5.85	.45	.85	.30		
Carpenters:						
Carpenters	6.33	.61	.75	.50	.01	
Saw filers	6.41	.61	.75	.50	.01	
Table power operators	6.43	.61	.75	.50	.01	
Shinglers	6.46	.61	.75	.50	.01	
Hardwood floor layers; millwrights	6.53	.61	.75	.50	.01	
Pneumatic nailer	6.58	.61	.75	.50	.01	
Piledrivermen:						
Rock slingers	6.44	.61	.75	.50	.01	
Bridge, dock carpenters; derrick bargemen	6.46	.61	.75	.50	.01	
Head rock slingers	6.56	.61	.75	.50	.01	
Cement masons:						
Cement masons	5.77	.80	.85	.60	.0225	
Cement floating and troweling machine operator	6.02	.80	.85	.60	.0225	
Drywall installers	7.25	.46	.55	.50	.04	
Electricians:						
Electricians	8.47	.35	1%+.30		.02	
Cable splicers	8.77	.35	1%+.30		.02	
Electricians (tunnel):						
Electricians	9.40	.35	1%+.30		.02	
Cable Splicers	9.73	.35	1%+.30		.02	
Elevator constructors	7.58	.185	$0.20	2%+a		
Elevator constructors' helpers	70%J R	.185	.20	2%+a		
Elevator constructors' helpers (prob.)	50%J R					
Glaziers	$7.03	.30	.30		.04	
Ironworkers:						
Reinforcing	7.98	.43	.425	$0.50	.02	
Fence erectors	7.89	.43	.425	.50	.02	
Structural; ornamental	8.03	.43	.425	.50	.02	
Irrigation and lawn sprinklers	6.50	10%	.10%	13%	1%	
Lathers	8.61	$0.245	$0.60		$0.015	
Line construction:						
Groundmen	6.35	.35	1%+.30		.02	
Linemen	8.47	.35	1%+.30		.02	
Cable splicers	8.77	.35	1%+.30		.02	
Painters:						
Parking lot striping work and/or highway markers	4.88	.20	$0.20	b		
Parking lot striping work and/or highway markers' helpers; sandblasters	4.38	.20	.20	b		
Painters (western portion of county including China Lake Area, Johannesburg, Boron, and Wrightwood Area):						
Brush	6.75	.305	.30	$0.25		
Bridge; paint burner; steel; taper	6.87	.305	.30	.25		
Brush swing stage (13 stories or less); paperhangers; sandblasters; spray	7.00	.305	.30	.25		
Bridge swing stage; steel swing stage	7.15	.305	.30	.25		
Spray, sandblaster swing stage (13 stories or less)	7.25	.305	.30	.25		
Steeplejack work	8.00	.305	.30	.25		
Painters (Remainder of county):						
Brush; paint burner	6.23	.39	.39	.60	.03	
Brush swing stage; spray	7.18	.39	.39	.60	.03	
Paperhangers; sheet rock taper; steel and bridge on swing; sandblaster	7.43	.39	.39	.60	.03	
Steeplejack work	8.33	.39	.39	.60	.03	
Plasterers	9.995					
Plasterers' tenders	7.93	.45	.85	.30		
Plumbers; steamfitters; lead burners	8.39	10%	10%	13%	1%	
Roofers	6.10		$0.20	$0.20	$0.01	
Sheet metal workers	6.65	$0.39	.40		.03	
Soft floor layers	7.29	.29	.28	.39	.015	
Sprinkler fitters	10.55	.25	.40		.05	
Sprinkler fitters (Ontario)	8.69	.29	.25	1.40	.02	
Terrazzo workers	6.42	.15		.15		
Terrazzo workers' helpers:						
Helper; floor machine operator	5.58	.15		.45		
Tile setters	6.75	.40	.40		.025	
Tile setters' helpers	5.21	.145	.80		.08	
Air conditioning and refrigeration	6.15	.29	.31	.39	.03	

Welders—Receive rate prescribed for craft performing operation to which welding is incidental.

Paid holidays:

A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

a. Employer contributes 4 percent basic hourly rate for over 5 years' service and 2 percent basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $0.17 per hour to Holiday Fund plus $0.10 per hour to Vacation for 1 year's service, $0.20 per hour after 1 year but less than 5 years' service, $0.30 per hour after 5 years but less than 10 years' service, $0.40 per hour after 10 years' service.

Santa Barbara County						
Asbestos workers	9.77	.48	.35		.025	
Boilermakers	7.20	.30	.70	.45	.02	
Boilermakers' helpers	6.90	.30	.70	.45	.02	
Bricklayers; blocklayers; stonemasons	8.175	.40	.40			
Brick tenders (except Santa Maria)	5.37	.45	.85	.475		
Carpenters:						
Carpenters	6.33	.61	.75	.50	.01	
Saw filers	6.41	.61	.75	.50	.01	
Table power saw operators	6.43	.61	.75	.50	.01	
Shinglers	6.46	.61	.75	.50	.01	
Hardwood floor layers; millwrights	6.53	.61	.75	.50	.01	
Pneumatic nailer	6.58	.61	.75	.50	.01	
Piledrivermen:						
Rock slingers	6.44	.61	.75	.50	.01	
Bridge, dock carpenters; derrick bargement	6.46	.61	.75	.50	.01	
Head rock slingers	6.56	.61	.75	.50	.01	
Cement masons:						
Cement masons	5.77	.80	.85	.60	.0225	
Cement floating and troweling machine operator	6.02	.80	.85	.60	.0225	
Drywall installers	7.25	.46	.55	.50	.04	
Electricians (Vandenberg Air Force Base):						
Electricians	9.33	.42	1%+.45		.03	
Cable splicers	10.33	.42	1%+.45		.03	
Electricians (remainder of county):						
Electricians	8.08	.42	1%+.45		.03	
Cable splicers	9.08	.42	1%+.45		.03	

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Elevator constructors	7.58	.185	$0.20	2%+a		
Elevator constructors' helpers	70%JR	.185	.20	2%+a		
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	$7.03	.30	.30		.04	
Ironworkers:						
Reinforcing	7.98	.43	.425	$0.50	.02	
Fence erectors	7.89	.43	.425	.50	.02	
Ornamental; structural	8.03	.43	.425	.50	.02	
Irrigation and lawn sprinklers	6.50	10%	10%	13%	1%	
Line construction (Vandenberg AFB):						
Groundmen	6.95	$0.35	1%+.45		$0.03	
Linemen	8.85	.35	1%+.45		.03	
Cable splicers	9.10	.35	1%+.45		.03	
Line construction (remainder of county):						
Linemen	7.60	.35	1%+.45		.03	
Cable splicers	7.85	.35	1%+.45		.03	
Painters:						
Brush	6.76	.35	$0.30		.02	
Iron and steel; paperhanger; paste machine operator; sandblaster; taper	7.01	.35	.30		.02	
Sprayman	7.26	.35	.30		.02	
Steeplejack	7.76	.35	.30		.02	
Parking lot striping work and/or highway markers	4.88	.20	.20	b		
Parking lot striping work and/or highway markers' helpers; sandblasters	4.38	.20	.20	b		
Plasterers	7.94	.40	.75		.01	
Plasterers' tenders (except Santa Maria)	6.5375	.35	.60	$1.00		
Plumbers; steamfitters; lead burners	8.30	10%	10%	13%	1%	
Roofers	6.48	$0.175	$0.15	$0.35	$0.0025	
Sheet metal workers	8.57	.59	.90	.86		
Soft floor layers	7.29	.29	.28	.30	.015	
Sprinkler fitters	10.55	.25	.40		.05	
Terrazzo workers	6.42	.15		.15		
Terrazzo workers' helpers:						
Floor machine operators; helpers	5.58	.15		.45		
Tile setters	8.175	.40	.40			

Riggers; welders: Receive rate prescribed for craft performing operation to which welding or rigging 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 percent basic hourly rate for over 5 years' service and 2 percent basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.
b. Employer contributes $0.17 per hour to Holiday Fund plus $0.10 per hour to Vacation for 1 year's service, $0.20 per hour after 1 year but less than 5 years' service, $0.30 per hour after 5 years but less than 10 years service, $0.40 per hour after 10 years' service.

Ventura County

Asbestos workers	9.77	.48	.35		.025	
Boilermakers	7.20	.30	.70	.45	.02	
Boilermakers' helpers	6.90	.30	.70	.45	.02	
Carpenters:						
Carpenters	6.33	.61	.75	.50	.01	
Saw filers	6.41	.61	.75	.50	.01	
Table power saw operators	6.43	.61	.75	.50	.01	
Shinglers	6.46	.61	.75	.50	.01	
Hardwood floor layers; millwrights	6.53	.61	.75	.50	.01	
Pneumatic nailer	6.53	.61	.75	.50	.01	
Piledrivermen:	6.58	.61	.75	.50	.01	
Rock slingers	6.44	.61	.75	.50	.01	
Bridge, dock carpenters; derrick bargemen	6.46	.61	.75	.50	.01	
Head rock slingers	6.56	.61	.75	.50	.01	
Cement masons:						
Cement masons	5.77	.80	.85	.60	.0225	
Cement floating and troweling machine operator	6.02	.80	.85	.60	.0225	
Drywall installers	7.25	.46	.55	.50	.01	
Electricians:						
Electricians	7.68	.35	1%+.45		25.00py	
Cable splicers	8.45	.35	1%+.45		25.00py	
Elevator constructors	7.58	.185	$0.20	2%+a		
Elevator constructors' helpers	70%JR	.185	.20	2%+a		
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	$7.03	.30	.30		$0.04	
Ironworkers:						
Reinforcing	7.98	.43	.425	$0.50	.02	
Fence erectors	7.89	.43	.425	.50	.02	
Ornamental; structural	8.03	.43	.425	.50	.02	
Irrigation and lawn sprinklers	6.50	10%	10%	13%	1%	
Lathers	6.11	$0.30	$0.50	$0.60	$0.01	
Line construction:						
Groundmen	6.50	.25	1%		25.00py	
Linemen	7.68	.25	1%		25.00py	
Cable splicers	8.45	.25	1%		25.00py	
Painters:						
Brush	6.76	.35	$0.30		$0.02	
Iron and steel; paperhangers; paste machine operators; sandblaster; taper	7.01	.35	.30		.02	
Spraymen	7.26	.35	.30		.02	
Steeplejack	7.76	.35	.30		.02	
Parking lot striping work and/or highway markers	4.88	.20	.20	b		
Parking lot striping work and/or highway markers' helpers; sandblasters	4.38	.20	.20	b		
Plasterers	7.74	.25	.30	$0.50	.02	
Plasterers' tenders	6.86	.45	1.35	1.00		
Plumbers; steamfitters; lead burners	8.30	10%	10%	13%	1%	
Roofers	6.29	$0.33	$0.35		$0.02	
Sheet metal workers	8.57	.59	.90	$0.86		
Soft floor layers	7.29	.29	.28	.39	.015	
Sprinkler fitters	10.55	.25	.40		.05	
Sprinkler fitters (Santa Paula)	8.60	.29	.25	1.40	.02	
Terrazzo workers	6.42	.15		.15		
Terrazzo workers' helpers:						
Helper, and floor machine operator	5.58	.15		.45		

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Tile setters	6.95	.145	.35		.02	
Tile setters' helpers	5.46	.145	.50		.08	
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 percent of basic hourly rate for over 5 years' service and 2 percent of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F. b. Employer contributes $0.17 per hour to Holiday Fund plus $0.10 per hour to Vacation for 1 year's service, $0.20 per hour after 1 year but less than 5 years' service, $0.30 per hour after 5 years but less than 10 years' service, $0.40 per hour after 10 years' service.						
Laborers:						
Cleaning and handling of pannel forms; concrete screeding for rough strike off; concrete, water curing; demolition laborer, the cleaning of brick and lumber; dry packing of concrete, plugging, filling of shee-bolt holes; fire watcher, limbers, brush leaders, pilers and debris handler; gas and oil pipeline; laborers, general or construction; laborer, temporary water and air lines; material hoseman (walls, slab, floors and decks); mixer-truck chute man (walls, slabs decks, floors foundations and footing-curb and gutter and sidewalks); rigging and signaling; slip form raisers; window cleaner	5.045	.45	.85	.30		
Cutting torch (demolition); scaler; tarman; mortarman	5.095	.45	.85	.30		
Guinea chaser	5.225	.45	.85	.30		
Asphalt shoveler; fine grader, highway and street paving, airports, runways, and similar type heavy construction; landscape graderner and nursery man	5.145	.45	.85	.30		
Packing rod steel and pans; tanks scaler and cleaner	5.17	.45	.85	.30		
Underground (including caisson bellower)	5.175	.45	.85	.30		
Chucktender; septic tank digger and installer	5.195	.45	.85	.30		
Cesspool digger and installer	5.225	.45	.85	.30		
Concrete curer—impervious membrane and form oiler: Riprap stonepaver placing stone or sacked concrete; sandblaster (pot tender)	5.235	.45	.85	.30		
Pipelayers' backupman, coating, grouting, making of joints, sealing, caulking	5.335	.45	.85	.30		
Buggymobile man; cement dumper (on 1 yd. or larger mixer and handling bulk cement); gas and oil pipeline wrapperpot tender; power broom sweepers (small); roto scraper and tiller; tree climber, filler, chain saw operator, Pittsburgh chipper and similar type brush shredders; trenching machine, hand propelled	5.255	.45	.85	.30		
Asphalt raker, luteman and ironer; concrete core cutter, grinder or sender concrete saw man, cutting, scoring old or new concrete; impact wrench, multiplate; pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; tampers, Barko Wacker and similar type	5.355	.45	.85	.30		
Rock slinger	5.305	.45	.85	.30		
Driller, jackhammer—2½ drill steel or longer	5.435	.45	.85	.30		
Concrete vibrator operator, 70 lbs. and over	5.455	.45	.85	.30		
Pipelayer (nonmetallic including sewer, drain and underground tile); prefabricated manhole installer	5.455	.45	.85	.30		
Gas and oil pipeline wrapper (6-inch and over;) kettlemen, potmen and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials	5.385	.45	.85	.30		
Cribber, shorer, lagging, sheeting, and trench bracing, hand-guided lagging hammer	5.505	.45	.85	.30		
Blaster powderman	5.505	.45	.85	.30		
Steel headerboard man and guideline setter	5.47	.45	.85	.30		
Sandblaster (nozzleman)	5.495	.45	.85	.30		
Driller (core-diamond-wagon)	5.595	.45	.85	.30		
Head rock slinger	5.565	.45	.85	.30		
Gunite laborers:						
Nozzlemen and rodmen	6.37	.45	.85	.30		
Gunmen	5.87	.45	.85	.30		
Reboundmen	5.11	.45	.85	.30		
Power equipment operators:						
Group I: Brakeman; compressor operator; deck hand; engineer oiler; generator operator; heavy duty repairman helper; pump operator; signalman; switchman	6.03	.45	.80	.30	.02	
Group II: Concrete mixer, skip type; conveyor; fireman; generator, pump or compressor, (2-5 inclusive) portal units—over 5 units, $0.10 per hour for each additional unit up to nine units; hydrostatic pump; oiler crusher (asphalt or concrete plant); plant operator, generator, pump or compressor; skiploader—wheel type up to ¾ yd. without attachment; tar pot fireman; temporary heating plant operator; trenching machine oiler; truck crane oiler	6.27	.45	.80	.30	.02	
Group III: A-frame or winch truck; chainman; elevator (inside); equipment greaser (rock); Ford Ferguson (with dragtype attachments); power concrete curing machine; power concrete saw; power-driven jumbo form setter; Ross carrier (jobsite); stationary pipe wrapping and cleaning machine	6.51	.45	.80	.30	.02	
Group IV: Asphalt plant fireman; boring machine; boxman or mixerman (asphalt or concrete); chip spreading machine; concrete pump (small portable); bridge type unloader and turntable; dinky locomotive or motorman (up to and including 10 tons); equipment greaser (grease truck); helicopter hoist operator; highline cableway signalman; Hydra-Hammer-Aero stomper; power sweeper; roller (compacting); screed (asphalt or concrete); rodman; trenching machine (up to 6 ft.)	6.62	.45	.80	.30	.02	
Group V: Asphalt plant engineer; concrete batch plant operator—(oiler or journeyman-trainee required); backhoe (up to and including ¾ yd.); bit sharpener; concrete joint machine operator (canal and similar type); concrete planer; derrickman (oilfield type); deck engine operator; drilling machine (including water wells); forklift (under 5-ton capacity); hydrographic seeder machine (straw, pulp or seed); machine tool; Maginnis internal ful slab vibrator; mechanical berm, curb or gutter (concrete or asphalt); mechanical finisher operator (concrete Clary-Johnson-Bidwell or similar); pavement breaker (truck mounted, oiler); road oil mixing machine; roller operator (asphalt or finish); rubber tired earth moving equipment (single engine, up to and including 25 yds. struck); self-propelled tar pipelining machine operator; slip form pump (power driven hydraulic lifting device for concrete forms); tagger hoist (1 drum); tunnel locomotive operator (over 10 and up to and including 30 tons); stinger crane (Austin-Western or similar type; skiploader operator (crawler and wheel type over ¾ yd. and up to and including 1½ yds.); tractor operator-bulldozer, tamper scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-8 and similar type)	6.81	.45	.80	.30	.02	

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Group VI: Asphalt or concrete spreader (tamping or finishing); asphalt paving machine (Barber-Greene or similar type-2 screedman required); BHL Lima road pactor, Wagner Pactor or similar; bridge crane operator; cast in place pipe laying machine operator; combination mixer and compressor (gunite work); concrete pump (truck mounted) (oiler required); concrete mixer operator—paving; crane operator (up to and including 25 tons capacity); crushing plant operator; elevating grader forklift (over 5 tons); grade checker; Gradall operator; grouting machine; heading shield; heavy duty repairman; hoist operator (Chicago boom and similar type); Koiman belt loader and similar type; LeTourneau blob compactor or similar type; lift slab machine (Vagtburg and similar types); lift mobile operator; loader operator (Athey, Euclid, Sierra and similar type); material hoist; mucking machine (¾ yd.—rubber-tired, rail or track type); pneumatic concrete placing machine (Hackley-Presswell or similar type); pneumatic heading shield (tunnel); pumperete gun; rotary drill (excluding caisson type); rubber-tired earth moving equipment (single engine-Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); rubber-tired scraper (self-loading—paddle wheel type; skiploader (crawler and wheel type—over 1½ yds., up to and including 6½ yds.); surface heaters and planer; rubber-tired earth moving equipment, multiple engine (up to and including 25 yds. struck); trenching machine (over 6 ft. depth capacity, manufacturers rating); tower crane; tractor compressor drill combination; tractor (any type larger than D–5—100 flywheel h.p. and over, or similar) (bulldozer, tamper, scraper, and push tractor, single engine); tractor (boom attachments); traveling pipe wrapping, cleaning and bending machine; tunnel locomotive (over 30 ton); shovel, backhoe, dragline, clamshell (over ¾ yd. and up to 5 cu. yds. M.R.C.	6.91	.45	.80	.30	.02	
Group VII: Crane—over 25 tons up to and including 100 tons; derrick barge; dual drum mixer; monorail locomotive (diesel, gas or electric); motor patrol—blade (single engine); multiple engine tractor (Euclid and similar type, except Quad 9 Cat); rubber-tired earth moving equipment, single engine over fifty (50) yds. struck; rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar, and similar) (over 25 yds. and up to 50 cu. yds. struck); tractor loader (crawler and wheel type over 6½ yds.); tower crane repairman; shovel, backhoe, dragline, clamshell (over 5 cu. yds.) M.R.C.; Woods mixer and similar pugmill equipment; heavy duty repairman—welder combination	7.01	.45	.80	.30	.02	
Group VIII: Auto grader operator; automatic slip form; crane—over 100 tons; hoist, stiff legs, Guy derricks or similar types (capable of hoisting 100 tons or more); mass excavator; mechanical finishing machine; motor patrol (multiengine); pipe mobile machine; rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); rubber-tired scraper (push-pull) (0.50 cents per hour additional to base rate); tandem equipment operator (2 units only); tandem tractor operator (Quad 9 or similar type); tunnel mole boring machine operator	7.15	.45	.80	.30	.02	
Group IX: Canal liner; canal trimmer; helicopter pilot; highline cableway; rubber-tired self-loading scraper (paddle wheel—auger type self-loading—2 or more units); wheel excavator (over 750 cu. yds.); remote controlled earth moving equipment operator ($1 per hour additional)	7.25	.45	.80	.30	.02	
Truck drivers: Truck repairman (welder)	6.115	.65	.45	.55		
Dump (40 yds. or more water level, single unit or combination of vehicles); DW 10 and DW 20 Euclid-type equipment, LeTourneau pulls, Terra Cobras and similar types of equipment; also PB and similar type truck when performing work within teamsters jurisdiction, regardless of types of attachments and when pulling aqua pak and water tank trailer; truck repairman	6.015	.65	.45	.55		
Dump (25 yds. but less than 40 yds. water level)	5.89	.65	.45	.55		
A-frame or Swedish crane, or similar type equipment driver; fork lift; Rosa carrier (highway)	5.735	.65	.45	.55		
Dump (16 yds., but less than 25 yds. water level); legal payload capacity (20 tons or more); dumpster or dumptor truck; transit-mix (3 yds. or more); dumpcrete (6½ yds. water level and over)	5.43	.65	.45	.55		
Truck greaser and fireman	5.38	.65	.45	.55		
Water or tank-type truck driver (4,000 gallons and over)	5.35	.65	.45	.55		
Transit-mix truck, (under 3 yds.); dumpcrete truck (less than 6½ yards water level)	5.29	.65	.45	.55		
Truck repairman helper	5.285	.65	.45	.55		
Cement distributor truck; fuel truck; water or tank-type (2,500 gallons to 4,000 gallons)	5.23	.65	.45	.55		
Dump (12 yds. but less than 16 yds. water level); legal payload capacity (15 tons to 20 tons)	5.21	.65	.45	.55		
Dump (8 yds. but less than 12 yds. water level); legal payload capacity (10 tons to 15 tons):	5.13	.65	.45	.55		
Truck mounted power broom; warehouseman-clerk; water or tank-type (under 2,500 gallons)	5.11	.65	.45	.55		
Dump (4 yds. but less than 8 yds. water level); legal payload capacity (6 tons to 10 tons)	5.08	.65	.45	.55		
Dump (less than 4 yds. water level); traffic-control pilot car excluding moving heavy equipment: legal payload capacity, (less than 6 tons)	5.05	.65	.45	.55		
Warehouseman and teamster	4.97	.65	.45	.55		

State: Hawaii; County: Statewide; decision No. AM-6, 314, date of decision: November 26, 1971.
Description of work: Residential construction consisting of single-family homes and garden-type apartments up to and including four stories.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
1-HAW-1-2-3-t:						
Asbestos workers	$5.80	$0.23	$0.40		$0.02	
Boilermakers; blacksmith	6.00	.10	.15		.01	
Boilermakers' helpers; blacksmiths' helpers	5.40	.10	.15		.01	
Bricklayers	5.82	.17	.30		.02	
Carpenters:						
Carpenters; piledrivermen	5.95	.25	.35		.02	
Millwrights	6.10	.25	.35		.02	
Cementmasons:						
Cementmasons	5.52	.17	.30		.02	
Trowel machine operators	5.62	.17	.30		.02	
Drywall installers	6.05	.25	.35		.07	
Electricians:						
Groundmen	4.50	.23	.75	7.2%	.08	
Line equipment operator	5.40	.23	.75	7.2%	.08	
Electricians; linemen	6.00	.23	.75	7.2%	.08	
Cable splicers	6.60	.23	.75	7.2%	.08	
Elevator constructors	6.90	.185	.20	2%+b		
Elevators constructors' helpers	70% J R	.185	.20	2%+b		
Elevator constructors' helpers (prob.)	50% J R					
Glazers	$5.10	c		d	.04	
Ironworkers:						
Ornamental; structural; bridge	6.60		.30		.02	
Reinforcing	6.60	$0.92a	.40			
Lathers (metal, wire and wood)	6.65	.24	.50		.01	
Marble setters; stonemasons	5.82	.17	.30		.02	
Painters:						
Brush	5.95	.30	.25		.04	
Spray	6.30	.30	.25		.04	
Taper	6.15	.30	.25		.04	
Plasterers:						
Plasterers	6.55	.35	.30		.15	
Mortar mixers	4.95	.23	.30		.02	
Hod carriers	4.75	.23	.30		.02	
Plumbers; steamfitters	6.70	.26	.75	8%	.05	
Sheet metal workers	6.80	.35	.70	7.35%	.05	
Soft floor layers	5.65	.15		$0.10	.04	
Sprinkler fitters	7.95	.25	.40		.05	
Terazzo workers:						
Terazzo workers	5.95	.15	.30			
Terazzo base grinder	5.65	.15	.30			
Floor machine grinder and helper	4.85	.15	.30			
Terazzo workers' helpers:						
1st 60 calendar days' experience	4.60	.15	.30			
Tile setters (ceramic)	5.95	.15	.30			
Tile setters' helpers (ceramic):						
1st 60 calendar days' experience	4.60	.15	.30			
Over 60 but less than 90 calendar days' experience	4.70	.15	.30			
After 90 calendar days' experience	4.85	.15	.30			
Truck drivers:						
Flatbed	5.10	.37	.525	.20	.10	
Dump, 8 yds. and under; Water truck (up to and including 1,500 gals.)	5.36	.37	.525	.20	.10	
Water truck (over 1,500 gals.)	5.51	.37	.525	.20	.10	
Tandem, semitrailer, or semidump	5.97	.37	.525	.20	.10	
Slip-in or rock cans	6.27	.37	.525	.20	.10	
End dumps, unlicensed (Euclid, Mack, caterpillar, or similar); tractor-trailer (hauling equipment)	6.19	.37	.525	.20	.10	
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. Represents hourly equivalent of monthly cost for health and welfare based on 40 hours per week; average of 173 hours per month.
b. Employer contributes 4 percent of basic hourly rate for 5 years' service and 2 percent of basic hourly rate for 6 months to 5 years' service as vacation pay credit. Six paid holidays: A through F.
c. HMSA plan 4; single—$9.86 per month; family—$27.60 per month.
d. Employee with 1 year's continuous service with employer is eligible for a vacation of 2 weeks or 80 hours at his straight-time rate if he has worked at least 1,800 straight-time hours during his employment year; with 5 or more years' continuous service, vacation of 3 weeks or 120 hours, at his straight-time rate. Nine paid holidays: A through F—Kamehameha Day, President's Day and General Election Day.
e. In lieu of vacations, holiday pay and employment office assistance, employer shall pay $.11 per hour into the credit union for employee.

Laborers:						
Group I: Asphalt ironers and rakers; Barko and similar type tampers; buggymobile; chainsaw, faller, logloader and bucker; concrete and magnesite mixer under ½ yd.; concrete grinder; concrete pan work; concrete saw (walking or hand type); cribbers; cut granite curb setter; Form raisers; header board; mortar mixers (block-brick-masonary); Jackhammer operator; Jackson and similar type compactors; lagging, sheeting, whaling bracing, trench-jacking, hand-guided lagging hammer; magnesite and mastic workers (wet or dry); mechanical drillers not covered elsewhere; pavement breakers; pipelayers, caulkers, bander; pipe-wrappers, kettlemen, potmen and men applying asphalt, Lay-Kold, creosote and similar type materials; post-hole diggers (hand-held—gas, air and electric); riprap, stonepaver and rock slinger, including placing of sacked concrete (wet or dry); rotary scarifier; rototiller; sandblasters; tank cleaners; tree climbers; vibra-screed (bull float in connection with laborers work); vibrator; burning, welding, signaling, and rigging in connection with laborers work; concrete pump machine; Joy drill model TWM-2A, Gardner-Denver DH-143, and similar type drills (track drillers, diamond core, and wagon drillers) and Davis Trencher T-66 or similar	$5.12	.25	.35		.02	
Group II: Asphalt shovelers; cement dumpers; choke setter and rigger (clearing work); concrete chipping; concrete laborers (wet or dry) including bucket tender for concrete; driller's helper, chuck tender, outside nipper; Guinea chaser (stakeman); high-pressure nozzleman—hydraulic monitor (over 100 lb. pressure) excl. levee work, loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; mucker (underground); sloper; all pneumatic, gas and electric tools not listed in Group I	4.92	.25	.35		.02	
Group III: All cleanup work of debris, grounds and buildings; bridge laborers; construction laborers; dumpman; gardeners, horticultural and landscape laborers; general laborers; limbers, brush loaders and pilers; maintenance, repair (track and roadbeds)	4.82	.25	.35		.02	

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
1-HAW-1-2-3-t—Continued						
Miners' helpers	5.17	.25	.35		.02	
Mason tenders, more than 60 days' service	5.05	.25	.35		.02	
High scaler	5.37	.25	.35		.02	
Gunite operator	5.42	.25	.35		.02	
Miners	5.52	.25	.35		.02	
Powderman	5.62	.25	.35		.02	
Power equipment operators:						
Group I:						
Partsman (heavy duty repair shop parts room when needed); repairman helper	4.59	.27	.425	.145	.05	
Group II:						
Compressor, electrically, deisel or gas powered etc.; hydraulic monitor; material loader and/or conveyor operator (handling building material); mixer box operator (concrete plant); pump operator; spreader boxman (with screeds); tarpot fireman (power agitated); rodman or chainman	4.69	.27	.425	1.45	.05	
Group III:						
Oiler; fireman; switchman; brakeman; deckhand; tarpot fireman; box operator (bunker); locomotive (up to and including 30 tons); roller (5 tons and under); screed-man (except asphaltic concrete paving); self-propelled, automatically applied concrete curing machine on (streets, highways, airports and canals); tugger hoist, single drum	4.83	.27	.425	.145	.05	
Group IV:						
Boom truck or dual purpose A-frame truck; forklift or lumber stacker (construction job site); material hoist (1 drum); straddle truck; Ross carrier and similar (jobsite); dinky operator	5.08	.27	.425	.145	.05	
Group V:						
Concrete mixer (up to 2 yds.); concrete pumps or pumperete guns; generators, gasoline or diesel driven (100 kw.); lubrication and service engineer (mobile and grease rack); tower-mobile; welding machine (gasoline or diesel); Agri-Cat (mini-Cat); slip form pumps (power-driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms)	5.35	.27	.425	.145	.05	
Group VI:						
Combination loader and backhoe including Hopto (up to and including ½ yd.); concrete batch plants (wet or dry); concrete saws and/or grinder (self-propelled unit on streets, highways, airports and canals); drilling machinery (not to apply to waterliners, wagon drills or jackhammers); highline cable-way signalman; loader (up to and including 2½ cu. yds.); lull high lift; crushers plant engineer; grade setter (mechanical or otherwise); pavement breaker; Maginnis internal full slab vibrator (on airports, highways, canals, and warehouses); mechanical finishers (concrete) (large Clary, Johnson Bidwell bridge deck or similar types); mobile crane driver; portable crushers; power jumbo operator setting slip forms, etc., in tunnels); rollers (over 5 tons); self-propelled compactor (single-engine); small rubber-tired tractors; trencher (up to and including 6 feet)	5.66	.27	.425	.145	.05	
Group VII:						
Dual drum mixer; instrument man; hoist (2 drums); Kolman loader; loader (over 2½ cu. yds., up to and including 5 cu. yds.); mechanical finishers or spreader machine asphalt (Barber-Greene and similar) (screedman required); mine or shaft hoist; pavement breaker, truck mounted, with compressor combination; pavement breaker with compressor combination (operates 1 or 2); pipe cleaning machine (tractor-propelled and supported); pipe wrapping machine (tractor-propelled and supported); pipe bending machine (pipe lines only); self-propelled elevating grade plane; slusher operator; trencher (over 6 feet); water tanker (pulled by Euclids, T-pulls, DW-10, 20, 21 or similar); mixermobile (over 5 tons); small tractor (with boom D-6 or similar)	5.94	.27	.425	.145	.05	
Group VIII:						
Boring machine; cast-in-place pipelaying machine; concrete batch plant (multiple units); combination loader and hydraulic backhoe (over ½ yd. to and including ¾ yd.); conveyor (tunnel); engineer, locomotive (over 30 tons up to and including 100 tons); finishing machine operator (airports and highways); hydraulic backhoe (over ½ yd. to and including ¾ yd.); mechanical trench shield; mucking machine; no-joint pipelaying machine; portable crushing and screening plants; saurman type dragline (under 5 yds.); self-propelled boom type lifting device; stationary pipe wrapping cleaning and bending machine; surface heater and planer; tunnel badger; tri-batch paver	6.04	.27	.425	.145	.05	
Group IX:						
Boom type backfilling machine; combination mixer and compressor (gunite); Do-mar loader and Adams Elegrader; Lull Hi-lift (40 feet or over); rubber-tired earthmoving equipment (up to 12 cu. yds.); wheel trencher (over 6 feet)	6.14	.27	.425	.145	.05	
Group IX-A:						
Dozers; heavy duty repairman or welder; push cats.; scrapers; self-propelled compactor with dozer; sheep foot; tractors; tractors (with boom, larger than D-6, and similar)	6.29	.27	.425	.145	.05	
Group X:						
Chicago boom; hoist (3 drums); Koehring skooper; loader (over 5 yds. up to and including 12 yds.); locomotive (over 100 tons) (single or multiple units); power blade operator; rubber-tired earthmoving equipment (up to and including 35 cu. yds. Euclids, T-pulls, DW-10, 20, 21 and similar); Saurman type dragline (5 yds. or over); soil stabilizer (P&H equal); sub-grader (Gurries or other automatic type); track-laying type earthmoving machine (single-engine with tandem scraper); tractor, compressor, drill combination; tractor (tandem scraper); tractors (D-9 or equivalent)	6.40	.27	.425	.145	.05	
Group X-A:						
Cranes (not over 25 tons); power shovels, clamshells, draglines, gradealls (up to and including 1 cu. yd.)	6.53	.27	.425	.145	.05	
Group XI:						
Automatic slip form paver (concrete or asphalt) (gradesetter, screedman required); cranes (over 25 tons); DW-10, 20, etc. (tandem); earth-moving machines (multiple propulsion power units and 2 or more scrapers) (up to and including 35 cu. yds. struck "MRC"); highline cableway; lift slab machine; loader (over 12 yds.); Power shovels, clamshells, draglines, backhoes, gradealls (over 1 yd. and up to 7 yds.); power blade operator (16 or over); pre-stress wire wrapping machine; self-propelled compactor (with multiple propulsion power units); single-engine rubber-tired earth moving machine (with tandem scraper); tandem cats.; tower cranes, mobile; trencher (pulling attached shield); wheel excavator (up to and including 750 cu. yds.)	6.65	.27	.425	.145	.05	
Group XII:						
Band wagon (in conjunction with wheel excavator); derricks; drill rigs; multipropulsion earth-moving machines (2 or more scrapers) (over 35 cu. yds. "struck" mrc); power shovels and draglines (7 cu. yds. mrc and over); rubber-tired earthmoving equipment (over 35 cu. yds. Euclids, T-pulls, DW-10, 20, 21 and similar); wheel excavator (over 750 cu. yds.)	6.98	.27	.425	.145	.05	

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-2,529—36 F.R. 17685, Phoenix, Glendale, Mesa, Scottsdale, Tempe, Luke AFB, Williams AFB, Maricopa County, Ariz., Modification No. 1						
CHANGE:						
Painters:						
Brush	$6.25	$0.275	$0.20	$0.15	$0.02	
Steel and bridge, brush	6.60	.275	.20	.15	.02	
Spray	6.50	.275	.20	.15	.02	
Soft floor layers	6.25	.275	.20	.15	.02	
ADD:						
Roofers	6.10	.30	.20		.02	
WD No. AM-2,531—36 F.R. 17695, Statewide, Arizona.[1] *Modification No. 1*						
CHANGE:						
Painters (Phoenix area):						
Brush:						
Zone A (0-40 miles from Phoenix Court House; Mesa; and including Williams and Luke Fields)	6.25	.275	.20	.15	.02	
Zone B (41-60 miles from Phoenix Court House)	7.25	.275	.20	.15	.02	
Zone C (61 miles and over from Phoenix Court House)	7.75	.275	.20	.15	.02	
Brush, steel and bridge:						
Zone A	6.60	.275	.20	.15	.02	
Zone B	7.60	.275	.20	.15	.02	
Zone C	8.10	.275	.20	.15	.02	
Spray, steel and bridge:						
Zone A	6.80	.275	.20	.15	.02	
Zone B	7.80	.275	.20	.15	.02	
Zone C	8.30	.275	.20	.15	.02	

[1] Establish a point 35 miles due north from the city hall of the city of Flagstaff, and establish another point 35 miles due north from the city hall of the city of Kingman; then draw a straight line from the first point to the second point and extend that same line to the intersection of the Arizona-Nevada State line. Establish a third point 35 miles due north of the city hall of the city of Holbrook, and draw a straight line from the first point to the third point; and from the third point extend a line due east to the intersection of the Arizona-New Mexico State line.

WD No. AM-6,116—36 F.R. 21721, Phoenix, Glendale, Mesa, Scottsdale, Tempe, Luke AFB, and Williams AFB, Maricopa County, Ariz. Modification No. 1						
CHANGE:						
Soft floor layers	6.25	.275	.20	.15	.02	
WD No. AM-1,589—36 F.R. 14845, Fairfield County, Conn. Modification No. 1						
CHANGE:						
Laborers, building:						
Greenwich:						
Laborers, carpenter tenders and wrecking laborers	6.20	.30	.25	.35	.05	
Carpenters, soft floor layers (building only):						
Remainder of county	8.15	.20	.20	j		

Footnote:
j. Paid holidays: Labor Day; ½ day on Christmas Eve and New Year's Eve.

WD No. AM-1,841—36 F.R. 16835, Statewide, Delaware. Modification No. 1						
ADD:						
Dredge 1—*Atlantic*—U:						
Dipper and clamshell dredges:						
Operators	6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic dredges:						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill boats:						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, welder, machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

Paid holidays:
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnotes:
a. Holidays: A through F; Washington's Birthday and Veterans Day.
b. Holidays: A through F; Washington's Birthday and Veterans Day; 6¼ days of vacation with pay for 104 days of service, 1 additional day of vacation with pay for each additional 21⅔ days of service, all in 1 calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in 1 calendar year.

WD No. AM-552—36 F.R. 15282, Bartholomew County, Ind. Modification No. 3						
CHANGE:						
Building construction:						
Glaziers	$7.77					
WD No. AM-555—36 F.R. 15297, Delaware County, Ind. Modification No. 3						
CHANGE:						
Building construction:						
Glaziers	7.77					
Roofers	5.50	.15	.10			
WD No. AM-556—36 F.R. 15303, Grant County, Ind. Modification No. 3						
CHANGE:						
Building construction:						
Glaziers	7.77					

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-359—36 F.R. 15327, Marion County, Ind. Modification No. 4						
CHANGE:						
Building construction:						
Glaziers	7.77					
WD No. AM-360—36 F.R. 15335, Monroe County, Ind. Modification No. 3						
CHANGE:						
Building construction:						
Glaziers	7.77					
WD No. AM-361—36 F.R. 15340, Porter County, Ind. Modification No. 2						
CHANGE:						
Building construction:						
Glaziers	7.05					
WD No. AM-362—36 F.R. 15348, St. Joseph County, Ind. Modification No. 3						
CHANGE:						
Building construction:						
Cementmasons	7.12	.30	.80		.01	
WD No. AM-364—36 F.R. 15358, Vigo County, Ind. Modification No. 3						
CHANGE:						
Building construction:						
Glaziers	7.77					
WD No. AM-367—36 F.R. 15374, Blackford, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Jay Johnson, Madison, Marion, Randolph, Rush, Shelby, Union, and Wayne Counties, Ind. Modification No. 1						
CHANGE:						
Cementmasons:						
Shelby County	6.20					
WD No. AM-369—36 F.R. 15382, Crawford, Du Bois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, and Warrick Counties, Ind. Modification No. 1						
CHANGE:						
Cementmasons:						
Gibson and Pike Counties	6.65	.30			.01	
WD No. AM-370—36 F.R. 15386, Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Monroe, Ohio, Orange, Ripley, Scott, Switzerland, and Washington Counties, Ind., Modification No. 1						
CHANGE:						
Cement masons:						
Monroe County	6.90					
Martin County	6.65	.30			.01	
Bartholomew and Brown Counties	6.20					
Ironworkers:						
Southwest half of Martin County	8.15	.25	.25			
Northwest one-sixth of Lawrence County and the northern portion of Martin County, excluding the city of Shoals	7.80	.40	.65			
Southeast half of Martin County, southern half of Jackson County, southern half of Jennings County, southern two-thirds of Lawrence County and the remaining counties	7.75	.40	.65		.04	
WD No. AM-478—36 F.R. 16427, Boyd County, Ky. Modification No. 2						
CHANGE:						
Carpenters	6.96	.30	.50		.02	
Soft floor layers	6.96	.30	.50		.02	
Millwrights	7.38	.30	.37		.02	
Piledrivermen	7.21	.30	.50		.02	
Power equipment operators—building and heavy construction:						
Class A operators	6.65	.25	.25			
Class B operators	5.50	.25	.25			
Class C operators	5.10	.25	.25			
WD No. AM-479—36 F.R. 16432, Fayette County, Ky. Modification No. 3						
CHANGE:						
Soft floor layers	6.80	.30	.15		.02	
Power equipment operators—Building and heavy construction:						
Class A operators	6.65	.25	.25			
Class B operators	5.50	.25	.25			
Class C operators	5.10	.25	.25			
WD No. AM-480—36 F.R. 16437, Jefferson County, Ky. Modification No. 2						
CHANGE:						
Plumbers	7.73	.20	.25	.77	.045	
Steamfitters	7.75	.20	.50	.50	.045	
Up to a 35-mile radius of Jefferson and Warren County Courthouse:						
Plumbers	8.18	.20	.25	.77	.045	
Steamfitters	8.20	.20	.50	.50	.045	
Beyond a 35-mile radius of Jefferson County and Warren County Courthouse:						
Plumbers	8.43	.20	.25	.77	.045	
Steamfitters	8.45	.20	.50	.50	.045	
Power equipment operators—Building and heavy construction:						
Class A operators	6.65	.25	.25			
Class B operators	5.50	.25	.25			
Class C operators	5.10	.25	.25			
WD No. AM-481—36 F.R. 16442, McCracken County, Ky. Modification No. 2						
CHANGE:						
Power equipment operators—Building and heavy construction:						
Class A operators	6.65	.25	.25			
Class B operators	5.50	.25	.25			
Class C operators	5.10	.25	.25			
WD No. AM-482—36 F.R. 16446, Warren County, Ky. Modification No. 2						
CHANGE:						
Plumbers and steamfitters	8.18	.20	.25	.77	.045	
Millwrights	6.63	.15	.15			
Piledrivermen	6.69	.30				
Soft floor layers	6.69	.30				
Power equipment operators—Building and heavy construction:						
Class A operators	6.65	.25	.25			
Class B operators	5.50	.25	.25			
Class C operators	5.10	.25	.25			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-3,827—36 F.R. 16758, Caddo and Bossier Parishes, La., Modification No. 2						
CHANGE:						
Electricians:						
Electricians	6.40	.25	1%		2/10%	
Ironworkers:						
Structural, ornamental	6.05	.20	$0.25		$0.04	
Reinforcing	6.05	.20	.25		.04	
Sheeters	6.05	.20	.25		.04	
Sheet Metal Workers	5.87	.30	.25		.02	
Stone Masons	6.55					
WD No. AM-3,836—36 F.R. 16736, East Baton Rouge Parish, La., Modification No. 1						
CHANGE:						
Millwrights	6.775					
WD No. AM-3,839—36 F.R. 16742, Rapides Parish, La., Modification No. 1						
CHANGE:						
Plumbers-steamfitters	6.55	.30			.05	
Sheet metal workers	5.87	.30	.25		.02	
WD No. AM-3,888—36 F.R. 16740, Orleans, Plaquemines, Jefferson, St. Bernard Parishes, La. Modification No. 2						
CHANGE:						
Carpenters:						
Piledrivers	6.17	.20	.10		.04	
Millwrights	6.355	.20	.10		.04	
Electricians:						
Electricians, linemen, cable splicers and welders	7.075	.20	1%+.10		.015	
Marble setters helpers	4.30					
LA-6-PEO-1-n:						
Power equipment operators:						
Heavy equipment operator:						
A-frame truck, when working with ironworkers and pipefitters; bulldozers D-6 and larger; cableways; concrete mixers (over 16S); paving machines; cranes; derricks, draglines and clamshells; deck winches (2); gradealls; hi-ho and similar type equipment; hoist, 1 drum, 4 stories and over; hoist, 2 drums or more; hydro cranes; mechanic; motor patrols; pile drivers; rollers on brick and asphalt; rubber-tired front-end loader, with or without blade attachment, 1 cu. yd. capacity or more; scrapers; shovels, backhoes (all types); side boom cats; stabilizers, 3 drums or more; traxcavators; trenching machines; unit operator; welder journeyman; well points systems; (gas, diesel, electric, etc.)	6.37	.10	.15			
Light equipment operator:						
A-frame truck, except when working with ironworkers or pipefitters; air compressor; asphalt plant engineers; asphalt finisher, screed men; blade graders; boat operator; bull floats; concrete joining machines; concrete mixers, 16S and under; concrete spreader; crusher operator; deck winch operator (1); distributors, asphalt "Ditch Witch" and similar equipment; electric elevators (inside); finishing machine; firemen; form graders; fork lifts; hoist, 1 drum, under 4 stories; power subgraders pug mill operators; pull tractor; pump, pumperete; rollers, except on brick and asphalt; rubber-tired front end loader (with or without blade attachment) less than 1 cu. yd. capacity; scale operator; scoop-mobile; snatch cats; spray machines; stabilizers, less than 3 drums; straddle-buggy; tract machines and equivalent machines; tractors or bulldozers smaller than D6	5.50	.10	.15			
Batch plant operator	5.12	.10	.15			
Mechanic helpers	5.12	.10	.15			
Oilers (drivers)	5.12	.10	.15			
Oilers	4.85	.10	.15			
WD No. AM-3,855—36 F.R. 16775 Bexar County, Tex. Modification No. 5						
CHANGE:						
Building Construction:						
Terrazzo workers' helpers:						
Terrazzo helpers	3.50					
Floor machine operators	3.70					
Tile setters' helpers	3.50					
WD No. AM-2,508—36 F.R. 17159, Statewide, Utah. Modification No. 3						
CHANGE:						
Piledrivermen; bridge, wharf, and dock carpenters, riggers, boom men	7.63	.15	.20	.15	.02	
WD No. AM-427—36 F.R. 15979, Kenosha County, Wis. Modification No. 4						
CHANGE:						
Building construction:						
Plasterers	7.25	.40				
WD No. AM-428—36 F.R. 15984, La Crosse County, Wis. Modification No. 4						
CHANGE:						
Building construction:						
Plasterers:						
Plasterers	6.15					
Swing scaffold	6.40					
WD No. AM-1,818—36 F.R. 16838, Montgomery and Prince Georges Counties, Md.; city of Alexandria, Va.; Arlington County, Va.; Dulles International Airport. Modification No. 3						
CHANGE:						
Building construction:						
Ironworkers, reinforcing	6.85	.35	.25		.03	
WD No. AM-1,845—36 F.R. 16841, Washington, D.C. Modification No. 4						
CHANGE:						
Building construction:						
Ironworkers, reinforcing	6.85	.35	.25		.03	

[FR Doc.71-17123 Filed 11-26-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

NOVEMBER 23, 1971.

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.

MC 61440 Sub 114, Lee Way Motor Freight, Inc., assigned at Washington, D.C., application dismissed.

MC 110585 Sub 15, Republic Van & Storage Co., now being assigned continued hearing November 29, 1971, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 2860 Sub 100, National Freight, Inc., now being assigned hearing January 24, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 30237 Sub 21, Yeatts Transfer Co., now being assigned hearing January 27, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 Sub 223, Schneider Transport & Storage, Inc., now being assigned hearing February 3, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 637 Sub 6, Ajax Transport, Inc., assigned at Fort Worth, Tex., application dismissed.

MC 23618 Sub 13, McAlister Trucking Co., application dismissed.

MC 60157 Sub 13, C. A. White Trucking Co., application dismissed.

MC 79999 Sub 5, E. Jack Walton Trucking Co., application dismissed.

MC 105984 Sub 9, John B. Barbour Trucking Co., assigned at Dallas, application dismissed.

MC 106623 Sub 11, Southwest Oilfield Transportation Co., application dismissed.

MC 106775 Sub 24, Atlas Truck Line, Inc., application dismissed.

MC 107678 Sub 40, Hill & Hill Truck Line, Inc., application dismissed.

MC 119176 Sub 6, The Squaw Transit Co., application dismissed.

MC 119774 Sub 17, Eagle Trucking Co., application dismissed.

MC 61592 Sub 210, Jenkins Truck Lines, Inc., application dismissed.

MC 124306 Sub 11, Kenan Transport Co., Inc., now being assigned January 10, 1972, at Richmond, Va., in a hearing room to be designated later.

MC 61592 Sub 219, Jenkins Truck Line, now assigned February 24, 1972, at Salt Lake City, Utah, hearing room to be designated later.

MC 73165 Sub 293, Eagle Motor Lines, now assigned March 1, 1972, at Los Angeles, Calif., hearing room to be designated later.

MC 134947, Masao Yamashiro Contract Carrier Application, now assigned March 2, 1972, at Los Angeles, Calif., hearing room to be designated later.

MC 135585, Sid Cockrell, doing business as Commercial Auto Delivery, now assigned February 28, 1972, at Los Angeles, Calif., hearing room to be designated later.

MC 115092 Sub 14, Weiss Trucking, now assigned February 22, 1972, at Salt Lake City, Utah, hearing room to be designated later.

MC 134884 Sub 1, Farwest Furniture Transport, now assigned March 6, 1972, at San Francisco, Calif., hearing room to be designated later.

MC 120761 Sub 2, Newman Bros. Trucking Co., assigned January 10, 1972, at Austin, Tex., is canceled and application dismissed.

MC-C 7327, Mason Trucking, Carroll Truck Lines, West Gin Co., Investigation of Operations and Practices, assigned December 14, 1971, at Memphis, Tenn., postponed indefinitely.

MC 134542 Sub 4, Quick-Livick, Inc., assigned January 27, 1972, at Washington, D.C., postponed to January 31, 1972, in Room 517, Doremus Gym, Washington and Lee University, Lexington, Va.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-17356 Filed 11-26-71;8:50 am]

CUMULATIVE LIST OF PARTS AFFECTED—NOVEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR

	Page
PROCLAMATIONS:	
3279 (amended by Proc. 4092)	21397
4091	21329
4092	21397
4093	21401
4094	21805
EXECUTIVE ORDERS:	
Nov. 9, 1871 (see PLO 5144)	21036
July 2, 1910 (revoked in part by PLO 5144)	21036
June 16, 1911 (revoked in part by PLO 5144)	21036
Mar. 21, 1917 (revoked in part by PLO 5144)	21036
Dec. 9, 1926 (see PLO 5144)	21036
11627:	
Amended by EO 11630	21023
Amended by EO 11632	22221
11630	21023
11631	21575
11632	22221

5 CFR

	Page
213	20931, 21577, 21665, 22051, 22665
230	21180
733	22052
771	22052
772	22052

6 CFR

	Page
101	21788, 21952
201	21790, 21952, 22581
300	21792, 21953, 22013

7 CFR

	Page
20	21577
53	22279
68	22139
81	22053
210	21867
220	21870
245	21870
301	22284
401	22000–22006, 22665
402	22006
403	22006
404	22006
406	22007
408	22007
409	22007
410	22007
413	22007
601	21403
706	22359
722	21751, 21870
777	21256
796	21277
811	21871
815	21277

7 CFR—Continued

	Page
847	22665
874	21449, 22284
905	22054, 22666, 22667
906	21403
907	21119, 21577, 21874, 22007, 22359
908	21119, 21578
910	20932, 21331, 21751, 21817, 22143, 22668
911	22008
912	21331, 21752, 22668
913	21331, 21752
915	22668
926	21025
928	22359
932	21874, 22223
944	22008
959	21875
966	21449
982	22285
984	22054, 22144
989	22055, 22361
1030	22056
1036	21578
1094	22285
1421	22223
1464	21875
1808	21877
1823	21666
1890p	21450
Ch. XXVII	22361

7 CFR—Continued

PROPOSED RULES:

706 22583
724 21208
780 21291
905 22066
906 22340
907 21894
910 22588
912 22067
913 21522
914 22589
915 21894
928 20980
929 21411
930 21218
932 21059
959 22165
982 21411
984 21291
989 20981, 21599
993 22306
1030 20981, 21413
1049 20981
1124 21819
1207 22166, 22168
1443 21894
1464 21209
1701 21522, 22067, 22684

8 CFR

211 22145
212 22145
214 21277

9 CFR

75 21755
76 20932, 21181, 22362
78 22363
92 20932
101 21579
102 21579
112 21579
113 21579
114 21579
117 21579
120 21579
132 21579

PROPOSED RULES:

11 21318
76 21652
113 21058
201 21683
309 21414
318 20984

10 CFR

50 21579
140 21580

PROPOSED RULES:

71 22184
100 22601

12 CFR

11 21451
210 21403
213 22145
222 21666
225 21666, 21807, 21808
545 21025
563 21667
572 21667

PROPOSED RULES:

222 21897
269 21212
291 21212
545 21363
546 21066
563 21067, 22186

13 CFR

120 21332
121 21183, 22669

14 CFR

23 21278
25 21278
27 21278
29 21278
39 21729, 21581, 21668, 21752, 22008, 22009, 22056, 22224, 22225, 22363, 22365, 22366, 22670
65 21280
71 21029, 21030, 21182, 21280–21282, 21403, 21582–21584, 21670, 21808, 21878, 22009, 22010, 22056, 22057, 22146, 22226, 22227, 22366, 22367, 22670, 22671
73 22227
75 21030, 21584–21586, 21670, 21671, 22057
95 21671
97 21282, 21673, 22057, 22671
103 21183, 21878
221 22227
241 20933
298 22230
310 22672
385 22230
1204 21753
1241 22010

PROPOSED RULES:

39 21064, 21210, 21833, 22180, 22598
47 21414
63 22015
71 21064, 21065, 21211, 21293, 21415, 21416, 21600, 21601, 21696, 21697, 21763, 22070–22072, 22241, 22599, 22600, 22685–22687
75 22072, 22241
91 22180
103 22181
225 21601
228 22076
245 21361
373 22688
378 22688
378a 22688
1245 21068

15 CFR

368 22010
369 22011
371 22011
373 22011
375 22012
379 22012
386 22012

16 CFR

13 21586, 22146–22151
251 21517
410 21518, 22286

PROPOSED RULES:

436 21607, 22187
501 22311

17 CFR

1 22286
231 22013
240 21178
249 21178
270 22673

PROPOSED RULES:

240 21525, 22312
270 21897

18 CFR

2 22367
154 21963, 22058, 22675
201 21962, 21964
204 21966
205 21967
260 21963, 21968
Ch. V 22368

PROPOSED RULES:

125 22187
154 22187
157 22187
225 22187
260 22076

19 CFR

1 21335
4 21025
16 21336

PROPOSED RULES:

21 22162

20 CFR

PROPOSED RULES:

404 21360, 21696, 21895
405 21895, 22240, 22310

21 CFR

3 21587
121 21588, 22058
130 21026
135 21404
135a 21404, 22059
135b 21404, 21405, 21808
135c 21184, 21404, 21452, 21809
135e 20938, 21405
135g 21186
141a 22573
141c 22573
146a 21879, 22573
146c 21186, 21879, 22573
146d 21188
146e 21188
148i 20938
148m 21879
148n 21879
191 21809, 22059, 22287
295 22151
308 21336, 22153
Ch. III 22574
420 21189, 21190

PROPOSED RULES:

3 21688
19 22068, 22310
27 20985
31 20985
51 22685
148i 20985
191 20985, 20986
295 21833
311 21057
312 21057

22 CFR

41 22153
42 20939
121 20939
123 20940
124 20940
125 20941
126 20942
201 21190

23 CFR

204 22574

24 CFR

Page

242 ... 21674
1914 ... 20942, 21408, 21589, 21882, 22679
1915 ... 20943, 21409, 21590, 21882, 22680
1931 ... 22681
1932 ... 22681
1933 ... 22682
1934 ... 22683

PROPOSED RULES:

511 ... 22590
541 ... 22590
551 ... 22590
561 ... 22590
1710 ... 21043

26 CFR

1 ... 20944

PROPOSED RULES:

1 ... 20980, 21057, 21206, 21207, 21291, 21894, 22304

28 CFR

50 ... 21028

29 CFR

55 ... 21282, 21337
102 ... 22678
545 ... 21810
681 ... 21810
782 ... 21778

PROPOSED RULES:

201 ... 21930
202 ... 21930
203 ... 21930
204 ... 21930
205 ... 21930
206 ... 21930
1904 ... 21687, 22589

30 CFR

75 ... 21756, 22061
81 ... 21405

PROPOSED RULES:

270 ... 21610

31 CFR

315 ... 22287
405 ... 21338

32 CFR

1 ... 21120
2 ... 21128
3 ... 21128
4 ... 21131
5 ... 21133
6 ... 21136
7 ... 21139
8 ... 21152
9 ... 21152
10 ... 21153
11 ... 21153
12 ... 21153
13 ... 21159
14 ... 21160
15 ... 21161
16 ... 21167
17 ... 21168
18 ... 21168
19 ... 21169
22 ... 21169
24 ... 21174
25 ... 21174
26 ... 21174
30 ... 21175
40 ... 22574
41 ... 22287

32 CFR—Continued

Page

45 ... 21178
49 ... 22575
52 ... 22575
61 ... 21339
65 ... 21339
75 ... 22231
76 ... 22575
78 ... 21339
87 ... 21178
89 ... 22576
101 ... 22235
103 ... 22576
141 ... 21339
155 ... 21815
187 ... 21339
245 ... 22153
275 ... 20944
288 ... 22236
713 ... 21519
714 ... 22287
725 ... 21968
742 ... 21883
761 ... 21889
1467 ... 21339
1806 ... 21178

PROPOSED RULES:

1600 ... 21216
1602 ... 21072
1603 ... 21072
1604 ... 21072, 21216
1606 ... 21216
1609 ... 21216
1611 ... 21072
1613 ... 21216
1617 ... 21072, 21216
1619 ... 21216
1621 ... 21072, 21216
1622 ... 21072
1623 ... 21072
1624 ... 21072
1625 ... 21072
1626 ... 21072
1627 ... 21072
1628 ... 21072
1630 ... 21072
1631 ... 21072
1632 ... 21072
1642 ... 21072
1655 ... 21072
1660 ... 21072, 21294

32A CFR

OEP (Ch. I):

ES Reg. 1 ... 21761
Circ. 25 ... 21598
Circ. 26 ... 21761
Ch. X ... 21284

PROPOSED RULES:

Ch. X ... 22163

33 CFR

110 ... 21756
117 ... 21359, 21590, 21890, 22292, 22293
204 ... 22237
208 ... 21190

PROPOSED RULES:

26 ... 22598
110 ... 22598
117 ... 21063, 21763, 22310
199 ... 21523
209 ... 22065

36 CFR

7 ... 20945, 21666, 21881

PROPOSED RULES:

212 ... 22684
261 ... 22684

38 CFR

Page

3 ... 20945, 22144
17 ... 21030
21 ... 21406

39 CFR

3002 ... 21994

40 CFR

Ch. I ... 22369
30 ... 22716
35 ... 22724
40 ... 22724
45 ... 22724

41 CFR

1–16 ... 21453
4–12 ... 21815, 21891, 22677
5A–1 ... 21676
5A–2 ... 21406, 22678
5A–72 ... 21891, 21995, 22678
5A–73 ... 21892
5A–74 ... 21892
5B–2 ... 21407
5B–18 ... 21407
8–2 ... 21676
8–4 ... 21676
9–4 ... 21191, 22293
9–5 ... 22293
9–51 ... 22293
14–1 ... 20946, 22577
14–2 ... 20947
14–3 ... 20947, 22577
14–6 ... 20947
14–7 ... 20947, 22577
14–10 ... 22577
15–1 ... 20947
15–3 ... 21192
18–1 ... 21454
18–2 ... 21469
18–3 ... 21472
18–5 ... 21485
18–6 ... 21485
18–7 ... 21486
18–8 ... 21492
18–9 ... 21496
18–11 ... 21498
18–13 ... 21499
18–15 ... 21500
18–16 ... 21501, 21588
18–26 ... 21504
18–50 ... 21507
18–51 ... 21508
18–52 ... 21513
29–1 ... 22159
29–3 ... 22159
101–11 ... 21031
101–26 ... 21284
114–47 ... 22293

PROPOSED RULES:

101–17 ... 21059
101–18 ... 21059
101–20 ... 21059

42 CFR

Ch. IV ... 22578

PROPOSED RULES:

52 ... 21292
73 ... 21292, 21696
90 ... 21833

43 CFR

4 ... 21284, 21756, 22062
24 ... 21034
2090 ... 22238
2200 ... 22238
2780 ... 21677
3100 ... 21035

43 CFR—Continued

Page

PUBLIC LAND ORDERS:
5116 ... 21591
5142 ... 21195
5143 ... 21036
5144 ... 21036

PROPOSED RULES:
25 ... 21207
3000 ... 21610
3045 ... 21610
3104 ... 21610
3200 ... 21610

45 CFR

15 ... 22368
213 ... 21520
234 ... 22238
249 ... 21409, 21591
250 ... 21591
801 ... 20949
1061 ... 22062
Ch. XII ... 22368

PROPOSED RULES:
170 ... 21600
220 ... 22177

46 CFR

2 ... 21196
146 ... 21196, 21284
222 ... 21892
309 ... 22296
380 ... 21816
512 ... 22578

PROPOSED RULES:
146 ... 22069, 22177
542 ... 21524
546 ... 21524

47 CFR

Page

1 ... 21677
21 ... 21677
73 ... 21197, 21592, 21996, 21999, 22579
74 ... 21677
81 ... 20956
83 ... 20970
85 ... 20977
87 ... 22239
89 ... 21200, 21677
91 ... 21200, 21677
93 ... 21200, 21677
95 ... 21677

PROPOSED RULES:
2 ... 22605
21 ... 22016, 22605
73 ... 21066, 21293, 21602
74 ... 20988, 21835
81 ... 21602
83 ... 21602
89 ... 22605
91 ... 22605

49 CFR

171 ... 21201
172 ... 21201, 21287, 22300
173 ... 21201, 21287, 21339, 21343, 21817
174 ... 21201, 21202
175 ... 21201
177 ... 21201, 21202
178 ... 21202, 21287
179 ... 21339, 21343, 21893
566 ... 20977, 22063
571 ... 21355, 21594, 22239
1033 ... 21203, 21452, 22063, 22300
1048 ... 21452

49 CFR—Continued

Page

1056 ... 21358, 22579
1061 ... 22579
1062 ... 21596
1311 ... 22300

PROPOSED RULES:
171 ... 22181
172 ... 21360, 22073
173 ... 21360, 22073, 22181
174 ... 22181
175 ... 22181
177 ... 22181
178 ... 22073
192 ... 21698, 21834
195 ... 21211
233 ... 22015
234 ... 22015
566 ... 20987
571 ... 22688
1047 ... 21071
1048 ... 21524
1115 ... 21698
1252 ... 21610
1300 ... 22241

50 CFR

10 ... 22302
28 ... 21203, 22239, 22302
32 ... 21203, 21597, 21817, 22580
33 ... 21407, 21520, 21597, 21598, 21817, 21893, 22302, 22303
260 ... 21037

PROPOSED RULES:
32 ... 21411

LIST OF FEDERAL REGISTER PAGES AND DATES—NOVEMBER

Pages	Date
20925–21016	Nov. 2
21017–21112	3
21113–21270	4
21271–21321	5
21323–21391	6
21393–21442	9
21443–21567	10
21569–21658	11
21659–21745	12
21747–21799	13
21801–21860	16
21861–21955	17
21957–22043	18
22045–22132	19
22133–22216	20
22217–22272	23
22273–22352	24
22353–22657	25
22659–22728	27

federal register

SATURDAY, NOVEMBER 27, 1971
WASHINGTON, D.C.

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

GRANT PROGRAMS

Interim Regulations

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER B—GRANTS

INTERIM REGULATIONS

The following regulations are promulgated as interim regulations applicable to all grant programs of the Environmental Protection Agency. Because of the urgent need for a better and more explicit public statement of EPA grant policies and procedures and for uniformity among the EPA grant programs, these regulations are hereby adopted as interim regulations. Interested parties and government agencies are encouraged to submit written comments, views, or data to the Director, Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460. All such submissions received on or before March 15, 1972, will be considered prior to the promulgation of final EPA general grant regulations.

Supplemental interim or final regulations will be promulgated as soon as possible for particular grant administration and program requirements of each of the grant programs of the agency under Part 35 (State and Local Assistance), Part 40 (Research and Demonstrations), and Part 45 (Training Grants and Fellowships) of this Subchapter B.

Previously published EPA grant regulations were revoked on November 25, 1971 (36 F.R. 22369), but were maintained as uncodified regulations. Such uncodified grant regulations will continue as uncodified regulations, to the extent not inconsistent with the regulations promulgated hereby, pending publication of appropriate additional final or interim regulations.

Effective date. The interim regulations and procedures of this part shall become effective on January 1, 1972, and shall govern all Environmental Protection Agency grants awarded on or after January 1, 1972. In addition, these interim regulations and procedures shall govern all grants awarded prior to January 1, 1972, by the Environmental Protection Agency or its predecessor departments or agencies to the extent not inconsistent with the terms and conditions of such grants.

WILLIAM D. RUCKELSHAUS,
Administrator.

NOVEMBER 17, 1971.

PART 30—GENERAL GRANT REGULATIONS AND PROCEDURES

AUTHORITY: The provisions of this Part 30 issued under the authorities cited in § 30.101.

§ 30.100 Purpose of regulation.

This subchapter (hereinafter referred to as "Regulation") establishes and codifies uniform policies and procedures for all grants awarded by the U.S. Environmental Protection Agency (EPA).

§ 30.101 Authority.

This Regulation is promulgated by the Administrator of the Environmental Protection Agency pursuant to the authority conferred by Reorganization Plan No. 3 of 1970 and pursuant to the following statutes which authorize the award of Environmental Protection Agency grants:

(a) The Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.);

(b) The Clean Air Act, as amended (42 U.S.C. 1857 et seq.);

(c) The Solid Waste Disposal Act, as amended (42 U.S.C. 3251 et seq.);

(d) The Noise Pollution and Abatement Act of 1970 (42 U.S.C. 1858 et seq.);

(e) Section 210 of the National Emission Standards Act, as amended (42 U.S.C. 1857f–6b);

(f) Section 301 et seq. of the Public Health Service Act, as amended (42 U.S.C. 241, 242b, 243, and 246);

(g) Section 204(5) of the National Environmental Policy Act (42 U.S.C. 4321 et seq.); and

(h) The Grant Act (42 U.S.C. 1891 et seq.).

§ 30.102 Applicability and scope.

This part contains policies and procedures which will apply to all grants made by the Environmental Protection Agency and is designed to achieve maximum uniformity throughout the various grant programs of the Agency. Except as directed by the President, Congress, or other superior authority, these policies and procedures are mandatory with respect to all Environmental Protection Agency grants and shall apply to grants awarded or administered within and outside the United States, unless otherwise specified herein.

§ 30.103 Publication.

This Regulation is published (in Title 40) in the daily issue of the FEDERAL REGISTER, in cumulated form in the Code of Federal Regulations, and in separate loose-leaf volume form.

§ 30.104 Copies.

Copies of this Regulation in FEDERAL REGISTER and Code of Federal Regulations form may be purchased by Federal agencies and the public from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of this Regulation in loose-leaf volume form may be obtained by Federal agencies from the Environmental Protection Agency, in a very limited quantity, and may be purchased by the public from the Superintendent of Documents.

§ 30.105 Citation.

This Regulation will be cited in accordance with FEDERAL REGISTER standards. Thus, this section, when referred to in divisions of this Regulation, should be cited as "§ 30.105 of this subchapter." When this section is referred to formally in official documents, such as legal briefs, it should be cited as "40 CFR 30.105." Any section of this Regulation may be informally identified, however, for purposes of brevity, as "EPA–GR" followed by the section number, such as "EPA–GR 30.105."

§ 30.106 Amendment.

This Regulation may be amended from time to time to establish new or improved grant policies and procedures, to simplify and abbreviate grant application procedures, to simplify and standardize grant conditions and related requirements, and to improve the administration of grants by the Agency as well as the grantee. The development of new grant techniques, procedures, or policies is encouraged. To the maximum practicable extent, and where appropriate and feasible, public comment and the views of interested Federal agencies will be solicited in the development of this Regulation. Suggestions for changes to this Regulation may be addressed to the Director, Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460.

§ 30.107 Grant information.

Information concerning Agency grants and application forms may be obtained through the Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460, or any Regional Office Grants Administration Branch of the Environmental Protection Agency:

Region	Address	States
I	John F. Kennedy Federal Bldg., Room 2303, Boston, Mass. 02203.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
II	26 Federal Plaza, Room 847, New York, N.Y. 10007.	New Jersey, New York, Puerto Rico, Virgin Islands.
III	6th and Walnut, Curtis Bldg., Philadelphia, Pa. 19106.	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
IV	Suite 300, 1421 Peachtree St. NE., Atlanta, GA 30309.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
V	1 North Wacker Dr., Chicago, IL 60606.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
VI	1600 Patterson St., 11th Floor, Dallas, TX 75202.	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
VII	911 Walnut St., Room 702, Kansas City, MO 64106.	Iowa, Kansas, Missouri, Nebraska.
VIII	Room 900, Lincoln Tower, 1860 Lincoln St., Denver, CO 80203.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
IX	100 California St., San Francisco, CA 94111.	Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of Pacific Islands, Wake Islands.
X	1200 6th Ave., Seattle, WA 98101.	Alaska, Idaho, Oregon, Washington.

Subpart A—Basic Policies

§ 30.200 The role of EPA.

The Environmental Protection Agency has a broad mandate to prevent and abate degradation of the environment and to promote environmental enhancement. Grants constitute one of EPA's principal means of achieving these objectives. EPA assistance may be awarded for research, demonstration, training and fellowships, State and local government assistance, or such other programs as will advance the mission of the Agency.

§ 30.201 Role of the Administrator.

The Administrator is responsible pursuant to Reorganization Plan No. 3 of 1970 for the administration of the grant activities of the Environmental Protection Agency.

§ 30.202 Responsibility of the grantee.

It is the responsibility of the grantee to comply with all the terms and conditions of the grant, to efficiently and effectively manage grant funds within the approved budget, and to complete the project in a diligent and professional manner; this responsibility may be neither delegated nor transferred. The extent to which the Government will monitor grant performance will depend upon a variety of factors. However, neither the extent of monitoring performed by or on behalf of the Government nor the amount of EPA grant assistance shall serve to diminish or shift the responsibility of the grantee. For purposes of this Regulation, an award of a grant shall be deemed to constitute a public trust. This trust is placed in the grantee upon whom the burden of performing the project is principally placed. The personnel of the Environmental Protection Agency must assure that the best interest of the public is served.

§ 30.203 Grant objectives.

EPA grants are intended to encourage accomplishment of statutory and EPA goals with the minimum administrative requirements necessary to protect the public interest.

§ 30.204 Records of grant actions.

An official file shall be established for each EPA grant which shall contain documentation of actions taken with respect to such grant, from application to final disposition. To the extent that retained copies of documents do not represent all significant actions taken, suitable memoranda or a summary statement of such undocumented actions should be prepared promptly and be retained in the grant file.

§ 30.205 Comprehensive grants.

A comprehensive grant is a grant funded under more than one grant authority by EPA or an EPA grant awarded in conjunction with one or more Federal agencies. A comprehensive grant shall be awarded and administered pursuant to such conditions and procedures for EPA assistance as the Administrator may direct, which requirements shall comply with this Regulation to the greatest extent practicable.

§ 30.206 Foreign grants.

Foreign grants shall be awarded and administered pursuant to such conditions and procedures for EPA assistance as the Administrator may direct, which requirements shall comply with this Regulation to the greatest extent practicable. Grants or agreements entered into with funds under the Special Activities Overseas Program which utilize U.S.-owned excess foreign currencies shall not be subject to the Regulation.

§ 30.207 Cost sharing.

Cost sharing is mandatory for all projects for which EPA grants are awarded. There must be a contribution by the grantee (see § 30.702) of no less than 5 percent of the allowable actual project costs, except as otherwise required by statute, and provided that in the case of grants for wastewater treatment works contributions by other Federal or State agencies may be credited toward grantee contributions.

Subpart B—Application and Award

§ 30.300 Preapplication procedures.

Informal inquiries by potential grant applicants will generally expedite preparation of the grant application documents by the grantee as well as evaluation of these documents by EPA. Grantees are encouraged, therefore, to make full use of such preapplication procedures as are available through the grant program office. Such procedures will range from informal telephone advice to the potential applicant to briefings of individual potential applicants or classes of applicants.

§ 30.300–1 Preproposal.

Applications for grants which are received by EPA grant offices but which do not substantially comply with the requirements of this Regulation may be deemed to be preproposals. The party submitting a preproposal shall be promptly notified by the appropriate grant office (a) that the documents submitted fail to comply with this Regulation; (b) that EPA grant application requirements may be found in this Regulation; and (c) that informal assistance will be rendered upon request to enable the potential applicant to comply with grant application requirements.

§ 30.301 Application for grant.

Submittals which substantially comply with this Regulation shall be deemed to be applications. An application shall consist of all documents submitted pursuant to §§ 30.301–2 and 30.302–1, including the application form, technical documents and supplementary materials furnished the applicant.

§ 30.301–1 Form.

All applications for EPA grants shall be submitted upon such forms as the Administrator shall prescribe. Each grant application shall bind the applicant to accept the grant conditions and other requirements of this Regulation; the grantee shall clearly indicate any requested deviations and the justification therefor, in accordance with § 30.1001. EPA reserves the right to make grant awards in appropriate cases, notwithstanding failure to comply with formal grant application requirements.

§ 30.301–2 Content.

Each application shall include the information set forth below:

(a) Name and address of the applicant;

(b) Date of submission of the application;

(c) Type of applicant (individual; profit, nonprofit, educational, or political organization; other);

(d) Type of project for which a grant award is sought (construction; research; demonstration; training; planning; etc.);

(e) The name, address and telephone number of administrative, financial, and technical personnel who may be contacted by EPA for further information regarding the grant application, for evaluation of the proposal, or for negotiation of a grant award;

(f) Proposed starting and completion dates, expressed either as calendar dates or in relation to award of a grant;

(g) The type (new or continuation) and amount of the grant requested, expressed both as a percentage of the total estimated allowable project cost and dollars;

(h) Proposed budget, including detailed cost estimates;

(i) Proposed subagreements;

(j) Names of any other Federal agencies to which an application has been submitted for Federal assistance for all or a part of the project, or an integrally related project; or which is funding the proposed project, any portion thereof, or an integrally related project;

(k) The period (not less than 90 days) for which the application proposal is valid, or the date (if any) by which the grant award must be made for the project;

(l) Applications for continuation of grant support should be accompanied by an estimate of the amount of unspent, uncommitted funds which will be carried over beyond the term of the prior grant, and shall be accompanied by a statement comparing expenditures with the previously approved project budget for each of the categories identified pursuant to paragraph (h) of this section;

(m) A project proposal including objectives, strategies, and expected results; required financial, facility, equipment, and manpower resources; and such technical and other information as may be required by Parts 35, 40 or 45 of this subchapter;

(n) Each application containing data, including confidential data, which the applicant desires to be held confidential and to be used by EPA for evaluation purposes only, shall be marked on the cover sheet with the following, or similar, legend:

> Data contained in pages..... of this application shall not be used or disclosed, except for evaluation purposes, unless such data is obtained from another source without restriction. If, however, a grant or contract is awarded as a result of or in connection with this application, the Government shall have the unlimited right to duplicate, use or disclose such data for any purpose, unless otherwise provided in such grant or contract. Such data may be subject to disclosure pursuant to the Freedom of Information Act, 5 U.S.C. 552. If a grant or contract is not awarded as a consequence of this application, those portions of this application containing such data shall be returned promptly to the applicant no later than 6 months after receipt, unless such period of time is extended at the request of the applicant.

(o) The signature of a person authorized to obligate the applicant to the terms and conditions of the grant, if approved.

§ 30.301–3 Time of submission.

Applications should be submited well in advance of the desired grant award date. Generally grant application processing requires 90 days.

§ 30.301–4 Place of submission.

(a) All applications for research, demonstration, and training grants and fellowships should be addressed to the Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460 for the following programs described in the 1971 edition of the Catalog of Federal Domestic Assistance:

Catalog No.	*Program*
66.002	Air Pollution Fellowships.
66.003	Air Pollution Manpower Training Grants.
66.004	Air Pollution Research Grants.
66.005	Air Pollution Survey and Demonstration Grants.
66.100	Pesticides Research Grants.
66.200	Radiation Research Grants.
66.201	Radiation Training Grants.
66.300	Solid Waste Dem. and Resource Recovery System Grants.
66.301	Solid Waste Planning Grants.
66.302	Solid Waste Research Grants.
66.303	Solid Waste Training Grants.
66.405	Water Pollution Control-Research, Dev. and Dem. Grants.
66.406	Water Pollution Control-Research Fellowships.
66.410	Water Pollution Control Training Grants.
66.414	Water Hygiene Research Grants.

(b) Applications for EPA grant programs listed below should be transmitted to the appropriate EPA Regional office, Grants Administration Branch (§ 30.107):

Catalog No.	*Program*
66.001	Air Pollution Control Program Grants.
66.400	Wastewater Treatment Works Construction Grants.
66.401	Water Pollution Control Comprehensive Basin Planning Grants.
66.407	Water Pollution Control State and Interstate Program Grants.

§ 30.301–5 Number of copies of application.

An original and three copies of each application shall be submitted.

§ 30.302 Evaluation of applications.

Each application shall be subjected (a) to administrative evaluation to determine the adequacy of the application in relation to this Regulation and (b) to technical and program evaluation to determine the merit and relevancy of the project.

§ 30.302–1 Supplemental information.

Each applicant shall be notified that the application has been received and is in the process of evaluation pursuant to this Regulation. The applicant may be requested to furnish information or documents required by this Regulation and necessary in order to complete administrative, program, or technical evaluation of the application; the applicant shall be notified that evaluation will be suspended until such additional information or documents have been furnished.

§ 30.302–2 Procedure.

Every application shall be evaluated in accordance with the following procedure:

(a) Preliminary administrative evaluation; (b) program relevance; (c) technical and scientific evaluation; (d) final administrative evaluation. At each stage of the evaluation, such informal contact or negotiations as are required shall be conducted. Technical, scientific and program relevancy evaluation shall be performed by the appropriate program office(s), with the advice of such advisory councils or boards as are required by statute or established pursuant to this Regulation.

§ 30.303 Criteria for award of grant.

Each application shall be evaluated in accordance with the requirements and criteria established pursuant to this Regulation and promulgated herein. Program award critera may be found in Parts 35, 40, and 45 of this subchapter. Grants may be awarded without regard to nonstatutory criteria in exceptional cases, particularly in the case of comprehensive grants: *Provided*, That the appropriate Regional or Assistant Administrator shall make a written statement setting forth the basis for each such award, which shall be included within the grant file prior to grant award.

§ 30.304 Responsible prospective grantee.

§ 30.304–1 Scope.

The policy and procedures established by this section shall be followed to determine, prior to award of any grant, whether a prospective grantee will qualify as responsible.

§ 30.304–2 General policy.

The award of grants to applicants who are not responsible is a disservice to the public, which is entitled to receive full benefit from the award of grants for the protection and enhancement of the environment. It frequently is inequitable to the applicants themselves, who may suffer hardship, sometimes even financial failure, as a result of inability to meet grant or project requirements. Moreover, such awards are unfair to other competing applicants capable of performance, and may discourage them from applying for future grants. It is essential, therefore, that precautions be taken to award grants only to reliable and capable applicants who can reasonably be expected to comply with grant and project requirements. A responsible prospective grantee is one which is found to meet the minimum standards set forth in § 30.304–3 and such additional standards as may be prescribed and promulgated for a specific grant program.

§ 30.304–3 Standards.

In order to qualify as responsible, a prospective grantee must meet the following standards as they relate to the particular proposed grant under consideration:

(a) Has adequate financial resources for performance, or has the ability to obtain such resources as required;

(b) Has the necessary experience, organization, technical qualifications, and facilities, or has the ability to obtain them (including proposed subagreements);

(c) Is able to comply with the proposed or required completion schedule for the project;

(d) Has a satisfactory record of integrity, judgment, and performance, including, in particular, performance upon grants and contracts from the Federal Government;

(e) Appears to be able to conform to the Equal Opportunity requirements of this Regulation;

(f) Is otherwise qualified and eligible to receive a grant award under applicable laws and regulations.

Acceptable "ability to obtain" financial resources, experience, organization, technical qualifications, skills, and facilities (see paragraphs (a) and (b) of this section) generally shall comprise a firm commitment or arrangement to obtain financial resources, experience, organization, technical qualifications, skills or facilities.

§ 30.304–4 Determination of responsibility.

No grant shall be awarded to any applicant unless after adequate and appropriate evaluation a determination has first been made in writing and included within the grant file that the applicant is responsible within the meaning of §§ 30.304–2 and 30.304–3. Any applicant who is not determined to be responsible shall be notified in writing of such finding and of the basis therefor.

§ 30.305 Award of grant.

Generally, within 90 days after receipt of a completed application (excluding suspension periods for submission of supplemental information), the application will be (a) approved for grant award; (b) deferred due to lack of funding or other specified reason; or (c) disapproved. The applicant shall be promptly notified in writing of any deferral or disapproval. A deferral or disapproval of an application shall not preclude its reconsideration or a reapplication. The applicant shall not be notified of an approval or grant award prior to transmittal of the grant agreement for execution by the applicant pursuant to § 30.305–2.

§ 30.305–1 Amount and term of grant.

The amount and term of a grant shall be determined by the Administrator or his authorized representative at the time of grant award.

§ 30.305–2 Grant agreement.

Upon approval of a grant for award, the grant agreement will be transmitted by certified mail (return receipt requested) to the applicant for execution. The grant agreement must be executed by the applicant and returned to the Grants Officer within 3 weeks after receipt, or within any extension of such time that may be granted by the Grants Officer. The grant agreement shall set forth the approved project work, approved budget and the approved commencement and completion dates for the project or major phases thereof. In the case of State and local assistance grants, the grant shall become effective and shall constitute an obligation of Federal funds in the amount and for the purposes stated in the grant agreement, at the time of approval of the project for grant award. In the case of all other EPA grants, the grant shall become effective and shall constitute an obligation of Federal funds in the amount and for the purposes stated in the grant instrument, only upon execution of the grant agreement by the parties thereto. Except as may be otherwise provided by statute, no costs may be incurred prior to the execution of the grant agreement by the parties thereto.

§ 30.305–3 Effect of grant award.

Neither the approval of a project nor the award of any grant shall commit or obligate the United States to award any continuation grant or enter into any grant amendment with respect to any approved project or portion thereof.

§ 30.306 Continuation grants.

Upon written application and after receipt of such progress, fiscal or other reports as may be required pursuant to this Regulation, a continuation grant may be awarded in accordance with this Subpart B upon a finding by the Grants Officer that the progress made during the budget period warrants continuation within the project period.

Subpart C—Grant Conditions

§ 30.400 General.

All EPA grants shall be subject to applicable statutory provisions, to requirements imposed pursuant to Executive orders, and to the Grant Conditions set forth in this subpart or in Appendix A to this subchapter. Additional special conditions necessary to assure accomplishment of the project or of EPA objectives may be imposed upon any grant or class of grants by agreement with the grantee.

§ 30.401 Statutory conditions.

All EPA grants are awarded subject to the following statutory requirements, in addition to such statutory provisions as may be applicable to particular grants or grantees or classes of grants or grantees.

(a) The National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., as amended, particularly as it relates to the assessment of the environmental impact of federally assisted projects (42 U.S.C. 102(1)(C)).

(b) Section 306 of the Clean Air Act, 42 U.S.C. 1857h–4, as amended, requiring that facilities receiving Federal assistance by way of grant, loan, or contract shall comply with the Clean Air Act.

(c) The Civil Rights Act of 1964, 42 U.S.C. 2000a et. seq., as amended, and particularly title VI thereof, which provides that no person in the United States shall on the ground of race, color, religion, sex, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving

Federal financial assistance, as implemented by regulations issued thereunder.

(d) The Hatch Act, 5 U.S.C. 1501 et seq., relating to political activities of certain State and local employees.

(e) The Freedom of Information Act, 5 U.S.C. 552, as amended, relating to the right of the public to obtain information and records.

(f) The National Historic Preservation Act of 1966, 16 U.S.C. 470 et seq., as amended, relating to the preservation of historic landmarks.

(g) The Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3301 et seq., as amended, and particularly section 204 thereof, which requires that applications for Federal assistance for a wide variety of public facilities projects in metropolitan areas must be accompanied by the comments of an areawide comprehensive planning agency covering the relationship of the proposed project to the planned development of the area, as implemented by OMB Circular No. A-98 (June 5, 1970).

(h) The Intergovernmental Cooperation Act of 1968, 42 U.S.C. 4201 et seq., as amended, which requires coordination by and between local, regional, State, and Federal agencies with reference to plans, programs, and development projects and activities, as implemented by OMB Circular N. A-95 (Rev. Feb. 9, 1971) and OMB Circular No. A-98 (June 5, 1970).

§ 30.402 Executive orders.

All EPA grants are subject to the requirements imposed by the following Executive orders, in addition to such other lawful provisions as may be applicable to particular grants or grantees or classes of grants or grantees.

(a) Executive Order 11246 dated September 24 ,1965, as amended, with regard to equal employment opportunities, and all rules, regulations and procedures prescribed pursuant thereto.

(b) Executive Order 11296 dated August 10, 1966, regarding evaluation of flood hazard in locating federally owned or financed buildings, roads, and other facilities, and in disposing of Federal lands and properties.

(c) Executive Order 11514 dated March 5, 1970, providing for the protection and enhancement of environmental quality in furtherance of the purpose and policy of the National Environmental Policy Act of 1969.

(d) Executive Order 11602 dated June 29, 1971, requiring compliance with the Clean Air Act in the award and administration of Federal grants, and all rules, regulations, and procedures prescribed pursuant thereto.

§ 30.403 Additional requirements—federally assisted construction.

Grants for projects that involve construction are subject to the following additional requirements:

(a) The Davis-Bacon Act, as amended, 40 U.S.C. 276a et seq., 276c, and the regulations issued thereunder, 29 CFR 5.1 et seq., respecting wage rates for federally assisted construction contracts in excess of $2,000.

(b) The Copeland (Anti-Kickback) Act, 18 U.S.C. 874, 40 U.S.C. 276c, and the regulations issued thereunder, 29 CFR 3.1 et seq.

(c) The Contract Work Hours and Safety Standards Act, 40 U.S.C. 327 et seq., and the regulation issued thereunder.

(d) The Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, 42 U.S.C. 4621 et seq., 4651 et seq., and the regulations issued thereunder, 40 CFR Chapter 1, Part 4.

§ 30.404 Noncompliance with grant conditions.

In addition to such other remedies as may be provided by law, in the event of noncompliance with any condition imposed pursuant to this Regulation, a grant may be annulled and all EPA grant funds recovered or it may be terminated pursuant to Article 5 of the Grant Conditions (Appendix A), the project work may be suspended pursuant to Article 4 of the Grant Conditions, an injunction may be entered by an appropriate court, or such other action may be taken by the Grants Officer as the Administrator shall direct: *Provided*, That no such action shall be taken without prior consultation with the grantee.

Subpart D—Patents, Data, and Copyrights

§ 30.500 Patents and inventions.

§ 30.500–1 Scope.

This subpart sets forth (a) policy and procedures regarding patents, data and copyrights under EPA grants or fellowships involving experimental, developmental or research work, and (b) the grant clauses and regulations which define and implement said policy.

§ 30.500–2 Definitions.

Definitions applicable to this Subpart D, in addition to those set forth in § 30.1000, are set forth in Appendix B to this subchapter.

§ 30.501 General.

It is the policy of EPA to allocate rights to inventions that result from federally supported grants or fellowships that involve, or are likely to involve, research, developmental or experimental work, in accordance with the guidance and criteria set forth in the Statement of Government Patent Policy by the President of the United States on August 23, 1971 (36 F.R. 16887) (hereinafter referred to as "Statement"). The Statement sets forth in section 1 thereof three major categories (1(a), 1(b), and 1(c)) of contract or grant objectives, and prescribes the manner for allocation of rights to inventions that result from a grant or contract which falls within the particular category.

(a) Under section 1(a) of the Statement, the United States, at the time of grant award, normally acquires or reserves the right to acquire the principal or exclusive rights to any invention made under the grant or contract. Generally this is implemented by the United States taking all domestic rights to such invention. However, section 1(a) permits that in exceptional circumstances, the grantee may acquire greater rights than a nonexclusive license at the time of grant award where the Administrator certifies that such action will best serve the public interest. Section 1(a) also prescribes circumstances under which the grantee or contractor may acquire such greater rights after an invention is identified.

(b) Under section 1(b) of the Statement the grantee normally acquires principal rights at the time of grant award.

(c) Section 1(c) applies to grants that are not covered by section 1(a) or 1(b), and provides that allocation of rights is deferred until after inventions have been identified.

§ 30.502 Required patent provision.

Every EPA grant or fellowship involving research, developmental, or experimental work shall be deemed subject to section 1(a) of the Statement and shall include the patent provisions set forth in Appendix B to this subchapter.

§ 30.503 Request for rights to identified inventions.

A grantee or fellow may address a request for rights to a reported invention to the Grants Officer pursuant to any of the terms of the patent provisions (Appendix B).

§ 30.504 Data and copyrights.

§ 30.504–1 General.

EPA's data policy is to expedite general utilization or further development, of new or improved pollution prevention and abatement technology and procedures developed under EPA grants and fellowships. Therefore, it is most important that the results of EPA sponsored research include data that is sufficient to enable those skilled in the particular area to promptly utilize or further develop such technology and procedures. Availability of adequate data permits accurate assessment of the progress achieved under a grant or fellowship so that EPA priorities can be established.

§ 30.504–2 Required provision.

Every EPA grant or fellowship involving research, developmental or experimental work shall include the rights in data and copyrights provisions set forth in Appendix C to this subchapter.

§ 30.505 Deviations.

Any request for deviation from the patent provisions in Appendix B to this subchapter and from the rights in data and copyrights provisions in Appendix C to this subchapter must be submitted in writing pursuant to § 30.1001.

Subpart E—Administration and Performance of Grants

§ 30.600 General.

The primary responsibility for administration of a grant must remain with the grantee, who is responsible for the success of the project for which the grant was made. Although grantees are

encouraged to seek the advice and opinions of EPA on problems that may arise, the giving of such advice shall not shift the responsibility for final decisions to EPA. The primary concern of EPA is that granted funds be used to achieve the objectives of the grant project in a manner that will accord with program objectives and will make a maximum contribution to the betterment of the environment. Grantees and those assisting them on project work must direct their efforts to this end.

§ 30.601 Adherence to original budget estimates.

Expenditures shall follow the cost allocations (i.e., by budget line item or program elements) of the approved budget. The Grants Officer shall be notified of fund transfers among budget cost components (rebudgeting) pursuant to § 30.900.

§ 30.602 Payment.

EPA grant funds shall be paid in advance or by way of reimbursement, subject to such conditions as may be imposed pursuant to this Regulation for allowable project costs. Payments may be made periodically and shall be based upon estimated requirements or actual costs. Such payments may be increased or decreased by the amount that prior payments are less than or exceed the EPA share of the costs of the project. All payments will be recorded by the grantee in separate fund accounts which identify such grant funds and their disposition.

§ 30.602–1 Retention.

An amount not to exceed ten percent (10%) of the EPA grant funds may be withheld until the grantee has complied with all grant conditions, including the patent provisions (Appendix B), and with such other requirements as may be imposed pursuant to this Regulation, including the submission of reports.

§ 30.603 Grant related income.

Income derived from a project, including proceeds from the sale or disposition of assets (see § 30.800–3), during the period of EPA support until final settlement (see § 30.802) shall be credited to the EPA grant payments in a proportion equal to the ratio of the EPA grant to total project costs. Equitable title to interest or dividends earned or paid upon any deposit or investment by the grantee of grant funds shall vest in the United States, except where the grantee is a State (in accordance with OMB Circular No. A–96). Except as otherwise provided in this Regulation or in the grant agreement, such interest or dividends and refunds, rebates, and royalties from copyrights and patents shall be credited to the grant payments and fully accounted for by the grantee. State and local governments are not accountable for income earned by a facility in which the Federal financial participation was limited to assistance in developing, constructing, or equipping the facility.

§ 30.604 Grantee publications and publicity.

§ 30.604–1 Publicity.

Press releases and other public dissemination of information by the grantee shall acknowledge EPA grant support of the project.

§ 30.604–2 Publications.

Grantees shall give notice in writing to the Grants Officer at least 30 days, or such shorter period as the Grants Officer may allow, prior to the publication or other dissemination of information (other than publicity) resulting directly or indirectly from a grant supported activity. Any such written publication shall acknowledge Federal grant assistance by including a statement substantially as follows: "This project has been financed in part with Federal funds from the Environmental Protection Agency under grant number ------. The contents do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use."

§ 30.604–3 Surveys and questionnaires.

A grantee (or party to subagreement) collecting information from the public on his own initiative in connection with an EPA supported project may not represent that the information is being collected by or for EPA without prior agency approval. If reference is to be made to EPA, prior clearance of plans and report forms must be requested by the grantee through the Grants Officer to assure compliance with the Federal Reports Act of 1942 (44 U.S.C. 3501–3511).

§ 30.604–4 Signs.

Where project work is visible to the public, the grantee shall erect and suitably display such informational sign(s) as the Grants Officer may approve to identify the project and EPA grant support.

§ 30.605 Accounting.

Accounting for project funds (including receipts, grantee contributions, and expenditures) will be in accordance with generally accepted accounting principles and practices, consistently applied, regardless of the source of funds. Supporting records of grant expenditures must be recorded in sufficient detail to show that grant funds were used for the purpose for which the grant was made.

§ 30.605–1 Personnel.

Salaries and wages, whether treated as direct costs or allocated as indirect costs, will be supported by appropriate time distribution records.

§ 30.606 Audits and inspections.

Grant records are subject to audit and inspection by the Comptroller General of the United States and EPA in addition to other audit and inspections provided for in the grant agreement or this Regulation.

§ 30.607 Reports.

Grantees shall prepare and submit to the Grants Officer an acceptable final report and such progress, financial and other reports relating to the conduct and results of the approved project as may be specified in the grant agreement. Failure to submit reports required by the grant agreement or this Regulation may result in (a) retention of grant funds (see § 30.602–1), (b) suspension or termination of the grant, (c) a finding of nonresponsibility for future grant awards (see § 30.304), or (d) such other action as the Grants Officer may be authorized to take.

Subpart F—Expenditures by Grantee

§ 30.700 Use of funds.

All Federal assistance received under EPA grants shall be expended by the grantee solely for carrying out the approved project in accordance with the terms of the grant agreement and this Regulation. The grantee may not delegate or transfer his responsibility for the use of such funds.

§ 30.701 Allocation and allowability of costs.

Except as otherwise provided by statute, allocation and allowability of costs will be governed in the case of grants to educational institutions by the provisions of Office of Management and Budget (OMB) Circulars Nos. A–21 (Revised), and A–88, and in the case of grants to State and local governments by the provisions of OMB Circular A–87. All other grants shall be governed by the policies and principles established in the Federal Procurement Regulations, Title 41, Code of Federal Regulations, Chapter 1, Subpart 1–15.2 to the greatest practicable extent.

§ 30.702 Cost sharing.

In addition to direct and in-kind contributions, the grantee's cost share (see § 30.207) may include allowable indirect costs. The grantee must maintain records to adequately evidence the required cost-sharing contribution in relation to actual allowable project costs.

Subpart G—Grantee Accountability

§ 30.800 Equipment, materials, or supplies.

Except as may be otherwise provided by law or in this Regulation or in the grant agreement, title to movable or fixed equipment, materials, or supplies (materials) shall vest in the grantee, subject to such equitable interest in the United States as may be provided for in this Regulation or in the grant agreement. The grantee shall assure that the interest of the United States in the materials is adequately reflected and protected in compliance with all recordation or registration requirements of the Uniform Commercial Code or other applicable local laws. Expenditures of project funds for materials may be allowed as

direct costs only to the extent such materials are required for the conduct of the approved project during the period for which EPA grant support is provided. Any materials on hand on the date of termination or conclusion of EPA grant support (excluding expendable supplies within such limitations as the Grants Officer may prescribe) shall be accounted for, or accountability waived, by one or a combination of the following methods:

§ 30.800–1 Waiver of equipment accountability.

Under research grants where the grantee is an organization within the terms of the Grant Act of September 6, 1958 (42 U.S.C. 1891–93), the obligation to account for the value of any fixed or movable equipment purchased with funds under a research grant may be waived.

§ 30.800–2 Retention by the grantee.

Upon written approval by the Grants Officer prior to the final accounting (see § 30.801), materials may be retained, without adjustment of accounts, for use by the grantee in the approved program or project, other EPA grants, or other Federal grant programs. Materials may be retained by the grantee for use in other operations provided that the grantee compensates the United States for the latter's equity in the property in the final accounting (see § 30.801) as part of final settlement (see § 30.802).

§ 30.800–3 Sale or other disposition by grantee.

Upon written approval by the Grants Officer prior to final accounting (see § 30.801), materials (a) may be sold by the grantee and the (1) net proceeds of sale or (2) fair market value at the time of sale, whichever is greater, shall be paid to the United States in the proportion which EPA assistance bears to the actual allowable project cost, or (b) may be disposed of in any other manner by the grantee upon payment to the United States of such proportion of the fair market value at time of final accounting.

§ 30.800–4 Transfer to the United States.

Prior to the final accounting the Grants Officer may require or approve, transfer of title to materials to the United States or its designee for such use or disposition as may be authorized by law, except for materials utilized in construction under grants, with equitable settlement for the grantee's matching share.

§ 30.800–5 Other provisions.

When materials purchased with grant funds are used for credit or "trade-in" on the purchase of new materials, the foregoing requirements shall apply to such new materials.

§ 30.801 Final accounting.

In addition such other accounting as may be required pursuant to this Regulation or the grant agreement, each grantee shall render an acceptable final account no later than 90 days following the end of the project period or the date of complete termination of grant support, whichever occurs first, or within such additional time as the Grants Officer may allow for good cause.

§ 30.802 Final settlement.

At the time EPA grant support for a project terminates or ceases, there shall be payable to the United States as final settlement the total sum of (a) any unexpended grant funds, (b) any amounts payable to the United States for equipment, materials, or supplies, (c) other grant related income, and (d) an amount equivalent to that portion of project costs which have been disallowed or which are unallowable, in proportion to the EPA share and to the extent grant payments therefor have been made. Such final settlement shall constitute a debt owed by the grantee to the United States and if not paid at the time of final accounting shall be recovered from the grantee or its successors by setoff or other action as provided by law.

Subpart H—Modification, Suspension and Termination of Grants

§ 30.900 Project changes.

§ 30.900–1 Notice of project changes.

The grantee shall promptly notify the Grants Officer in writing by certified mail (return receipt requested) of all project changes, including but not limited to:

(a) Rebudgeting (see § 30.601);

(b) Changes in the technical plans or specifications for the project;

(c) Acceleration or deceleration in the time for performance of the project, or any major phase thereof;

(d) Changes which may increase or decrease the total cost of a project;

(e) Changes which may affect the approved scope of a project;

(f) Changed site conditions;

(g) Changes in personnel identified as key personnel in the grant agreement;

(h) Absence of personnel identified as key personnel in the grant agreement from the project at critical project points or for periods of time longer than 3 months;

(i) Substantial reduction of effort on the project by personnel identified as key personnel in the grant agreement; or

(j) Changes or amendments to non-Federal enabling legislation, regulations, standards, ordinances, or enforcement procedures which may affect the project.

§ 30.900–2 Disapproval of project changes.

The Grants Officer may disapprove project changes in writing by certified mail (return receipt requested) not later than 3 weeks after receipt of notice pursuant to § 30.900–1. Failure on the part of the grantee to give notice pursuant to § 30.900–1 or disapproval by the Grants Officer of the proposed change shall result in disallowance of costs incurred which are attributable to the change or in termination of the grant. No action taken pursuant to this section shall commit or obligate the United States to any increase in the amount of a grant or payments thereunder, but shall not preclude consideration of a request for a grant amendment pursuant to § 30.901.

§ 30.901 Grant amendments.

Approved project changes which do not substantially alter the objective or scope of a project may give rise to grant amendments to increase or decrease the dollar amount, the term, or other provisions of a grant. A grant amendment shall be effected only by a written amendment to the grant agreement executed by the Grants Officer on behalf of the Government and by the Project Manager on behalf of the grantee entered into after the effective date of the grant. No grant amendment may be made unless the Grants Officer has received timely notification of the proposed project change and has approved the proposed change provided, that the Grants Officer, if he decides that the circumstances justify such action, may receive and act upon any request for grant amendment submitted prior to final payment under the grant. Failure to agree upon the amount of a grant amendment shall constitute a dispute under the "Disputes" article of the grant agreement.

§ 30.902 Suspension of grants.

Work on a project or on a portion or phase of a project for which a grant has been awarded may be ordered stopped by the Grants Officer pursuant to Article 4 of the Grant Conditions.

§ 30.902–1 Use of stop-work orders.

Work stoppage may be required for good cause including default by the grantee, failure to comply with the terms and conditions of the grant, realignment of programs, lack of adequate funding, or advancements in the state of the art. Inasmuch as stop work orders may result in increased costs to the Government by reason of standby costs, such orders will be issued only with prior approval at a level above the Grants Officer. Generally, use of a stop-work order will be limited to those situations where it is advisable to suspend work on the project or a portion or phase of the project for important program or agency considerations and a supplemental agreement providing for such suspension is not feasible. Although a stop-work order may be used pending a decision to terminate by mutual agreement or for other cause, it will not be used in lieu of the issuance of a termination notice after a decision to terminate has been made.

§ 30.902–2 Contents of orders.

Prior to issuance, stop-work orders should be discussed with the grantee and should be appropriately modified, in the light of such discussions. Stop-work orders should include (a) a clear description of the work to be suspended, (b) instructions as to the issuance of further orders by the grantee for materials or services, (c) guidance as to action to be taken on subagreements, and (d) other suggestions to the grantee for minimizing costs.

§ 30.902–3 Subsequent action.

As soon as feasible after a stop-work order is issued, (a) the grant will be terminated, or (b) the stop-work order will either be canceled or—if necessary and if the grantee agrees—be extended beyond the period specified in the order. In any event, this must be done before the specified stop-work period expires. When an extension of the stop-work order is necessary, it shall be evidenced by a written grant amendment. Any cancellation or bilateral extension of a stop-work order shall be subject to the same approvals as were required for the issuance of the order.

§ 30.902–4 Disputes provision.

Failure to agree upon the amount of an equitable adjustment due under a stop-work order shall constitute a dispute under the "Disputes" article of the grant instrument.

§ 30.903 Termination of grants.

A grant may be terminated in whole or in part by the Grants Officer pursuant to Article 5 of the Grant Conditions: *Provided*, That no termination will be effected without prior approval at a level above the Grants Officer.

§ 30.903–1 Termination agreement.

The parties may enter into an agreement to terminate the grant at any time pursuant to terms which are consistent with this Regulation.

§ 30.903–2 Project termination by grantee.

A grantee may not terminate a project for which a grant has been awarded except for good cause. If the Grants Officer finds that a grantee has terminated the project work without good cause, then he shall annul the grant and all EPA grant funds previously paid to the grantee shall be returned to the United States as final settlement. If the Grants Officer finds that there is good cause for the termination of project work, he shall (a) enter into a termination agreement pursuant to § 30.903–1 or (b) terminate the grant pursuant to § 30.903–3, effective with the date of termination of the project by the grantee.

§ 30.903–3 Termination by EPA.

The Grants Officer, by written notice and after consultation with the grantee, may terminate a grant, in whole or in part, pursuant to the Article 5 of the grant agreement, for cause including default by the grantee, failure to comply with the terms and conditions of the grant, realignment of programs or change in program requirements or priorities, lack of adequate funding, or advancements in the state of the art.

§ 30.903–4 Termination costs.

If a grant is terminated, the Government shall be liable only for payment in accordance with the termination provisions of the grant.

§ 30.903–5 Disputes provision.

Failure to agree upon the amount of termination costs or upon a good cause determination pursuant to § 30.903–2 shall constitute a dispute under the "Disputes" article of the grant agreement.

Subpart I—Miscellaneous

§ 30.1000 Definitions.

All terms used in this Regulation which are defined in the statutes cited in § 30.101 and which are not defined in this section, shall have the meaning given to them in the relevant statutes. As used throughout this Regulation, the words and terms defined in this paragraph shall have the meanings set forth below, unless (a) the context in which they are used clearly requires a different meaning, or (b) a different definition is prescribed for a particular part or portion thereof. The words and terms defined in this section shall have the meanings set forth herein whenever used in any correspondence, directives, orders, or other documents of the Environmental Protection Agency relating to grants, unless the context clearly requires a different meaning.

§ 30.1000–1 Administrator.

The Administrator or Acting Administrator of the U.S. Environmental Protection Agency.

§ 30.1000–2 Agency.

The U.S. Environmental Protection Agency (EPA).

§ 30.1000–3 Applicant.

Any party which has filed an application for a grant pursuant to this Regulation.

§ 30.1000–4 Budget.

The financial plan for expenditure of all funds for a project, including grant funds or other Federal assistance, which is developed by cost components in the grant application.

§ 30.1000–5 Budget period.

The length of time approved for funding in the grant agreement (see § 30.305–2).

§ 30.1000–6 Cost sharing.

Participation by the grantee in the cost of conducting the project (see § 30.207).

§ 30.1000–7 Educational institution.

Any institution which (a) has a faculty, (b) offers courses of instruction, and (c) is authorized to award a degree or certificate upon completion of a specific course of study.

§ 30.1000–8 Federal assistance.

The entire Federal contribution for a project including but not limited to the EPA grant amount.

§ 30.1000–9 Grant.

An award of funds or other assistance by a written grant agreement pursuant to this Regulation, except fellowships.

§ 30.1000–10 Grant agreement.

The written agreement and amendments thereto between EPA and a grant applicant in which the terms and conditions governing the grant are stated and agreed to by both parties pursuant to § 30.305.

§ 30.1000–11 Grantee.

A party which has accepted a grant award.

§ 30.1000–12 Grants officer.

Any employee of the Environmental Protection Agency who is exercising the responsibility for negotiating or coordinating the negotiation of terms and conditions of specific grants with grant applicants, or administering grants, and who is authorized to serve as EPA's principal contact with the grantee within the limits of his authority.

§ 30.1000–13 Matching share.

That portion of the project costs which is not derived from Federal assistance.

§ 30.1000–14 Nonprofit organization.

Any corporation, trust, foundation, or institution (a) which is entitled to exemption under section 501(c)(3) of the Internal Revenue Code, or (b) which is not organized for profit and no part of the net earnings of which inure to the benefit of any private shareholder or individual.

§ 30.1000–15 Project.

An undertaking for which grant funds are awarded.

§ 30.1000–16 Project costs.

All costs incurred by a grantee in accomplishing the objectives of a grant project, not limited to those costs which are allowable in computing the final EPA grant amount or total Federal assistance.

§ 30.1000–17 Project manager.

The person authorized and designated by the grantee to serve as the grantee's principal contact with EPA.

§ 30.1000–18 Project period.

The period of time approved by EPA for completion of a supported project.

§ 30.1000–19 Subagreement.

A written agreement between a grantee and a third party for the furnishing of services or supplies necessary to complete the project for which a grant was awarded, including contracts and purchase orders.

§ 30.1001 Deviation.

§ 30.1001–1 Applicability.

A deviation shall be considered to be any of the following:

(a) When a prescribed grant clause is set forth verbatim in this Regulation, use of a clause covering the same subject matter which varies from, or has the effect of altering, the prescribed clause, or changing its application;

(b) When a grant clause is set forth in this Regulation but not for use verbatim, use of a clause covering the same subject matter which is inconsistent with the intent, principle and substance

of the Regulation clause or related coverage of the subject matter;

(c) Omission of any mandatory grant clause;

(d) When an EPA or other form is prescribed by this Regulation, use of any other form for the same purpose;

(e) Alteration of an EPA or other form prescribed in this Regulation except as authorized herein;

(f) When limitations are imposed by this Regulation upon the use of a grant clause, form procedure, or any other grant action, the imposition of lesser or greater limitations; or

(g) When a policy, procedure, method or practice of administering or conducting grant actions is prescribed by this Regulation, any policy, procedure, method, or practice inconsistent therewith.

§ 30.1001–2 Request for deviation.

Requests for deviations from this Regulation shall be submitted as far in advance as the exigencies of the situation will permit. Where the deviation would involve more than a unique special situation, e.g., will affect grantees as a class, concurrence in the request for deviation by the appropriate Assistant or Regional Administrator(s) will be additionally required. Each request for a deviation shall contain as a minimum:

(a) Identification of the section of this Regulation from which a deviation is sought;

(b) A full description of the deviation and the circumstances in which it will be used;

(c) A description of the intended effect of the deviation;

(d) A statement as to whether the deviation has been requested previously, and if so, circumstances of the previous request;

(e) The name of the grantee and identification of the grant affected, including the dollar value; and

(f) Detailed reasons supporting the request, including any pertinent background information which will contribute to a fuller understanding of the deviation sought.

§ 30.1001–3 Approval of deviation.

Deviations from this Regulation will be authorized only when essential to effect necessary grant actions or where special circumstances make such deviations clearly in the best interests of the Government. Such deviations may be approved only by the Director of the Grants Administration Divison or his duly authorized representative, and a copy of such written approval shall be retained in the grant file.

PART 35—STATE AND LOCAL ASSISTANCE [RESERVED]

PART 40—RESEARCH AND DEMONSTRATIONS [RESERVED]

PART 45—TRAINING GRANTS AND FELLOWSHIPS [RESERVED]

APPENDIX A

GENERAL GRANT CONDITIONS

1. Access: The Government and any persons designated by the Grants Officer shall at all reasonable times have access to the premises where any portion of the project for which the grant was awarded is being performed. Subsequent to cessation of EPA grant support EPA personnel shall at all reasonable times have access to the project records (as defined in Article 2, below) and to the project site, to the full extent of the Grantee's right to access.

2. Audit and records: (a) The grantee shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly (1) the amount, receipt and disposition by the grantee of all assistance received for the project, including both Federal assistance and any matching share or cost sharing, and (2) the total cost of the project, including all direct and indirect costs of whatever nature incurred for the performance of the project for which the EPA grant has been awarded. The foregoing constitute "records" for the purposes of this article.

(b) The grantee's facilities, or such facilities as may be engaged in the performance of the project for which the EPA grant has been awarded, and his records shall be subject at all reasonable times to inspection and audit by the Grants Officer, the Comptroller General of the United States, or any authorized representative, until completion of the project for which the EPA grant was awarded.

(c) The grantee shall preserve and make his records available to the Grants Officer, the Comptroller General of the United States, or any authorized representative (1) until expiration of 3 years from the date of final payment under this grant, or of the time periods for the particular records specified in 41 CFR Part 1–20, whichever expires earlier, and (2) for such longer period, if any, as is required by applicable statute or lawful requirement, or by (1) or (2) below.

(1) If this grant is terminated completely or partially, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final termination settlement.

(2) Records which relate to (i) appeals under the "Disputes" clause of this grant, (ii) litigation or the settlement of claims arising out of the performance of the project for which this grant was awarded, or (iii) costs and expenses of the project as to which exception has been taken by the Grants Officer or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

3. Reports: The grantee shall prepare and file with the Grants Officer an acceptable final report and such progress, financial and other reports relating to the conduct and results of the approved project as are specified in the grant agreement. Failure to timely submit reports required by the grant agreement may result in (a) retention of grant funds pursuant to EPA–GR 30.602–1, (b) suspension of the grant pursuant to Article 4, EPA General Grant Conditions, (c) termination of the grant pursuant to Article 5, EPA General Grant Conditions, (d) a finding of nonresponsibility for future EPA grant awards pursuant to EPA–GR 30.304, or (e) such other action as the Grants Officer may be authorized to take.

4. Stop-work order: (a) The Grants Officer may, at any time, by written order to the grantee, require the grantee to stop all, or any part of the project work for a period of not more than thirty (30) days after the order is delivered to the grantee, and for any further period to which the parties may agree. Any such order shall be specifically identified as a stop-work order issued pursuant to this clause. Upon receipt of such an order, the grantee shall forthwith comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within a period of not more than thirty (30) days after a stop-work order is delivered to the grantee, or within any extension of that period to which the parties shall have agreed, the Grants Officer shall either—

(1) Cancel the stop-work order, or

(2) Terminate the work covered by such order as provided in the "Termination" article of this grant.

(b) If a stop-work order issued under this article is canceled or the period of the order or any extension thereof expires, the grantee shall resume work. An equitable adjustment shall be made in the grant period, the project period, or grant amount, or all of these, and the grant instrument shall be amended accordingly, if:

(1) The stop-work order results in an increase in the time required for, or in the grantee's cost properly allocable to, the performance of any part of the project, and

(2) The grantee asserts a written claim for such adjustment within thirty (30) days after the end of the period of work stoppage: *Provided*, That if the Grants Officer decides the circumstances justify such action, he may receive and act upon any such claim asserted at any time prior to final payment under this grant.

(c) If a stop-work order is not canceled and the work covered by such order is terminated, the reasonable costs resulting from the stop-work order shall be allowed in arriving at the termination settlement.

(d) Costs incurred by the grantee after a stop-work order is delivered, or within any extension of the stop-work period to which the parties shall have agreed, which are not authorized by this article or by the Grants Officer shall not be allowable costs.

5. Termination: (a) *Grant Termination by EPA.* The Grants Officer, by written notice and after consultation with the grantee, may terminate the grant, in whole or in part: *Provided*, That such termination action has been authorized and approved by the appropriate EPA official(s) superior to the Grants Officer. Cause for termination shall include, but not be limited to, default by the grantee, failure by the grantee to comply with the terms and conditions of the grant, realignment of programs, change in program requirements or priorities, lack of adequate funding, or advancements in the state of the art. Upon such termination, the grantee shall refund to the United States any unexpended grant funds, except such portion thereof as may be required by the grantee to meet commitments which had become firm prior to the effective date of termination and are otherwise allowable.

(b) *Project termination by grantee.* A grantee may not terminate a project for which the grant has been awarded, except for good cause. If the Grants Officer finds that there is good cause for the termination of all or any portion of a project for which the grant has been awarded, he shall enter into a termination agreement or unilaterally terminate the grant, effective with the date of termination of the project by the grantee. If the Grants Officer finds that the grantee has terminated the project without good cause, then he shall annul the grant and all EPA grant funds previously paid or owing to the grantee shall be returned to the United States as final settlement.

6. Project changes: The grantee shall promptly notify the Grants Officer in writing of all project changes pursuant to the provisions of EPA–GR 30.900. The Grants Officer may disapprove proposed project changes by written notice to the grantee within 3 weeks

after receipt of notice. Failure on the part of the grantee to give timely notice of proposed project changes or disapproval by the Grants Officer of a project change may result in disallowance of costs incurred which are attributable to the change or in termination of the grant. Neither approval nor failure to disapprove a project change shall commit or obligate the United States to any increase in the amount of the grant or payments thereunder, but shall not preclude consideration of a request for a grant amendment. A grant amendment may not alter the objective or scope of a project for which the grant has been awarded.

7. Disputes: (a) Except as otherwise provided by law or any other grant provision, any dispute arising under this grant which is not disposed of by agreement shall be decided by the Grants Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the grantee. The decision of the Grants Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the grantee mails or otherwise furnishes to the Grants Officer a written appeal address to the Administrator. The decision of the Administrator or his duly authorized representative for the determination of such appeal, shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with an appeal proceeding under this clause, the grantee shall be afforded an opportunity to be heard and to offer evidence in support of any appeal.

(b) This "disputes" clause does not preclude consideration of questions of law in connection with decisions provided for in paragraph (a) above: *Provided*, That nothing in this grant shall be construed as making final the decision of any administrative official, representative, or board, on a question of law.

8. Equal opportunity: During the performance of the project for which this grant is awarded, the grantee agrees to comply with the Civil Rights Act of 1964, 42 U.S.C. 2000a et seq., as amended and all Executive Orders and regulations promulgated pursuant thereto.

9. Covenant against contingent fees: The grantee warrants that no person or agency has been employed or retained to solicit or secure this grant upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide offices established and maintained by the grantee for the purpose of securing grants or business. For breach or violation of this warranty, the Government shall have the right to annul this grant without liability or in its discretion to deduct from the grant award, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

10. Officials not to benefit: No member of, or delegate to Congress, or Resident Commissioner, shall be permitted to any share, or part of this grant, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this grant if made with a corporation for its general benefit.

11. Subagreements: All subagreements in excess of $2,500 and not identified in the approved budget require the written approval of the Grants Officer. All subagreements must be in writing. A subagreement may not be in the nature of a grant. A copy of each subagreement shall be furnished to the Grants Officer upon request.

12. Requirements pertaining to federally assisted construction: The grantee warrants and represents that during the performance of work on the project for which this grant has been awarded, it will comply, and will ensure that parties to subagreements will comply, with the following requirements:

(a) The Davis-Bacon Act, as amended, 40 U.S.C. 276a et seq., 276c, and the regulations issued thereunder, 29 CFR 5.1 et seq., respecting wage rates for federally assisted construction contracts in excess of $2,000;

(b) The Copeland (Anti-Kickback) Act, 18 U.S.C. 874, 40 U.S.C. 276c, and the regulations issued thereunder, 29 CFR 3.1 et seq.;

(c) The Contract Work Hours and Safety Standards Act, 40 U.S.C. 327 et seq., and the regulations issued thereunder;

(d) The Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, 42 U.S.C. 4621 et seq., 4651 et seq.;

(e) Convict labor shall not be used in such construction unless it is labor performed by convicts who are on work release, parole or probation.

APPENDIX B

PATENTS AND INVENTIONS

A. Definitions: (1) "Background Patent" means a foreign or domestic patent (regardless of its date of issue relative to the date of the EPA grant):

(i) Which the grantee, but not the Government, has the right to license to others, and

(ii) Infringement of which cannot be avoided upon the practice of a Subject Invention or Specified Work Object.

(2) "Commercial Item" means—

(i) Any machine, manufacture, or composition of matter which, at the time of a request for a license pursuant to part D of this appendix, has been sold, offered for sale or otherwise made available commercially to the public in the regular course of business, at terms reasonable in the circumstances, and

(ii) Any process which, at the time of a request for a license, is in commercial use, or is offered for commercial use, so the results of the process or the products produced thereby are or will be accessible to the public at terms reasonable in the circumstances.

(3) "Specified Work Object" means the specific process, method, machine, manufacture or composition of matter (including relatively minor modifications thereof) which is the subject of the experimental, developmental, or research work performed under this grant.

(4) "Grantee" is the party which has accepted this grant award and includes entities controlled by the grantee. The term "controlled" means the direct or indirect ownership of more than 50 percent of outstanding stock entitled to vote for the election of directors, or a directing influence over such stock: *Provided, however*, That foreign entities not wholly owned by the grantee shall not be considered as "controlled."

(5) "Subagreement" includes subagreements at any tier under this grant.

(6) "Domestic" and "foreign" refer, respectively, (i) to the United States of America, including its territories and possessions, Puerto Rico and the District of Columbia and (ii) to countries other than the United States of America.

(7) "Government" means the Federal Government of the United States of America.

(8) "Subject Invention" means any invention, discovery, improvement or development (whether or not patentable) made in the course of or under this grant or any subagreement (at any tier) thereunder.

(9) "Made," when used in connection with any invention, means the conception of first actual reduction to practice of such invention.

(10) To "practice an invention or patent" means the right of a licensee on his own behalf to make, have made, use or have used, sell or have sold, or otherwise dispose of according to law, any machine, design, manufacture, or composition of matter physically embodying the invention, or to use or have used the process or method comprising the invention.

(11) The term "to bring to the point of practical application" means to manufacture in the case of composition or product, to use in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(12) "Statement" means the President's Patent Policy Statement of August 23, 1971, 36 F.R. 16,889, August 26, 1971.

B. Domestic patent rights in Subject Inventions: (1) The grantee agrees that he will promptly disclose to the Grants Officer in writing each Subject Invention in a manner sufficiently complete as to technical details to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation and, as the case may be, the physical, chemical, biological, or electrical characteristics of the invention. However, if any Subject Invention is obviously unpatentable under the patent laws of the United States, such disclosure need not be made thereon. On request of the Grants Officer, the grantee shall comment respecting the differences or similarities between the invention and the closest prior art drawn to his attention.

(2) Except in the instance of a determination, pursuant to paragraph (3) of this section, by the Administrator to leave to the grantee, rights greater than a nonexclusive license, the grantee agrees to grant and does hereby grant to the Government the full and entire domestic right, title, and interest in the Subject Invention. The Government may upon written request, grant to the grantee a revocable or irrevocable, as deemed appropriate, royalty-free and nonexclusive license to practice the Subject Invention. Any such license granted shall extend to any existing and future companies, controlled by, controlling or under common control with the grantee and shall be assignable to the successor of the part of the grantee's business to which such invention pertains.

(3) Not later than (3) months after the disclosure of a Subject Invention pursuant to paragraph (1) of this section, and without regard to whether the invention is a primary object of this grant, the grantee may submit a request in writing to the Grants Officer for a determination by the Administrator leaving the grantee greater rights than that reserved to the grantee in paragraph (2) of this section. Such request should set forth information and facts which in the grantee's opinion, would justify a determination that:

(i) In the case of a Subject Invention which is clearly a primary object of this grant, the acquisition of such greater rights by the grantee is both consistent with the intent of section 1(a) of the Statement and is either, a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application or is justified because the Government's contribution to such invention is small compared to that of the grantee; or that

(ii) The Subject Invention is not a primary object of this grant, and that the acquisition of such greater rights will serve the public interest as expressed in the Statement, particularly when taking into account the scope and nature of the grantee's stated intentions to bring the invention to the point of commercial application and the guidelines of section 1(a) of the Statement.

The Administrator will review the grantee's request for greater rights and will make a determination, either granting the request in whole or in part, or denying the request in its entirety. The grantee will be notified of such determination.

(4) In the event greater rights in any Subject Invention are vested in or granted to the grantee pursuant to paragraph (3) of this section:

(i) The grantee's rights in such inventions shall, as a minimum, be subject to a nonexclusive, nontransferable, paid-up license to the Government to practice the invention throughout the world by or on behalf of the Government (including any Government agency) and States and domestic municipal governments, unless the Administrator determines that it would not be in the public interest to acquire the license for the States and domestic municipal governments; and said license shall include the right to sublicense any foreign government pursuant to any existing or future treaty or agreement if the Administrator determines it woud be in the national interest to acquire this right; and

(ii) The grantee further agrees to and does hereby grant to the Government the right to require the granting of a license to a responsible applicant(s) under any such invention:

(a) On a nonexclusive or exclusive basis on terms that are reasonable under the circumstances, unless the grantee, its licensees or its assignees demonstrate to the Government, at the Government's request, that effective steps have been taken within three (3) years after a patent issued on any such invention to bring it to the point of practical application or that it has been made available for licensing royalty-free or on terms that are reasonable in the circumstances, or can show cause why the time period should be extended or

(b) On a nonexclusive or exclusive basis on terms that are reasonable in the circumstances to the extent that the invention is required for public use by Governmental regulations or as may be necessary to fulfill health or safety needs or for such other public purposes as are stipulated in this grant and

(iii) The grantee shall file in due form and within six (6) months of the granting of such greater rights a U.S. patent application claiming the Subject Invention and shall furnish, as soon as practicable, the information and materials required under paragraph (2) of section F. As to each Subject Invention in which the grantee has been given greater rights, the grantee shall notify the Grants Officer at the end of six (6) months period if he has failed to file or caused to be filed a patent application covering such invention. If the grantee has filed or caused to be filed such an application within six (6) month period but elects not to continue prosecution of such application, he shall so notify the Grants Officer not less than sixty (60) days before the expiration of the response period. In either of the situations covered by the two immediately preceding sentences, the Government shall be entitled to all right, title and interest in such Subject Inventions subject to the reservation to the grantee of a royalty-free, nonexclusive license therein.

(iv) The grantee shall, if requested by the Government, either before or after final closeout of this grant, furnish written reports at reasonable intervals, as to:

(a) The commercial use that is being made or is intended to be made of such invention;

(b) The steps taken by the grantee to bring such invention to the point of practical application, or to make the invention available for licensing.

C. Foreign rights and obligations: (1) Subject to the waiver provisions of paragraph (2) of this section, it is agreed that the entire foreign right, title and interest in any subject invention shall be in the Government, as represented for this purpose by the Administrator. The Government agrees to grant and does hereby grant to the grantee a royalty-free nonexclusive license to practice the invention under any patent obtained on such subject invention in any foreign country. The license shall extend to existing and any future companies controlled by controlling or under common control with the grantee, and shall be assignable to the successor of the part of the grantee's business to which such invention pertains.

(2) The grantee may request the foreign rights to a subject invention at any time subsequent to the reporting of such invention. The response to such request and notification thereof to the grantee will not be unreasonably delayed. The Government will waive title to the grantee to such subject invention in foreign countries in which the Government will not file an application for a patent for such invention, or otherwise secure protection therefor. Whenever the grantee is authorized to file in any foreign country the Government will not thereafter proceed with filing in such country except on the written agreement of the grantee, unless such authorization has been revoked pursuant to paragraph (3) of this section.

(3) In the event the grantee is authorized to file a foreign patent application on a subject invention, the Government agrees that it will use its best efforts not to publish a description of such invention until a United States or foreign application on such invention is filed, whichever is earlier, but neither the Government, its officers, agents or employees shall be liable for an inadvertent publication thereof. If the grantee is authorized to file in any foreign country, he shall, on request of the Grants Officer, furnish to the Government a patent specification in English within six (6) months after such authorization is granted, prior to any foreign filing and without additional compensation. The Grants Officer may revoke such authorization on failure on the part of the grantee to file any such foreign application within nine (9) months after such authorization has been granted.

(4) If the grantee files patent applications in foreign countries pursuant to authorization granted under paragraph (2) of this section, the grantee agrees to grant to the Government an irrevocable, nonexclusive, paid-up license to practice by or on its behalf the invention under any patents which may issue thereon in any foreign country. Such license shall include the right to issue sublicenses pursuant to any existing or future treaties or agreements between the Government and a foreign government for uses of such foreign government, provided the Administrator determines that it is in the national interest to acquire such right to sublicense. The grantee further agrees to grant under such foreign patents a nonexclusive royalty-free license (i) to sell and to use, but not to make, any composition of matter, article of manufacture, apparatus or system, made under a license granted by the Government to practice the Subject Invention in the United States, and (ii) to practice any process comprising the Subject Invention. Said licensees must be U.S. citizens or U.S. corporations in which 75 percent of the voting stock is owned by U.S. citizens.

(5) In the event the Government or the grantee elects not to continue prosecuting any foreign application or to maintain any foreign patent on a Subject Invention, the other party shall be notified no less than sixty (60) days before the expiration of the response period or maintenance tax due date, and upon written request, shall execute such instruments (prepared by the party wishing to continue the prosecution or to maintain such patent) as are necessary to enable such party to carry out its wishes in this regard.

D. Licenses under Background Patents: (1) The grantee agrees that he will make his Background Patent(s) available for use in conjunction with a Subject Invention or Specified Work Object for use in the specific field of technology in which the purpose of this grant or the work called for or required thereunder falls. This may be done (i) by making available, in quality, quantity, and price all of which are reasonable to the circumstances, an embodiment of the Subject Invention or Specified Work Object, which incorporates the invention covered by such Background Patent, as a Commercial Item, or (ii), by the sale or an embodiment of such Background Patent as a Commercial Item in a form which can be employed in the practice of a Subject Invention or Specified Work Object or can be so employed with relatively minor modifications, or (iii) by the licensing of the domestic Background Patent(s) at reasonable royalty to responsible applicants on their request.

(2) If the Administrator determines after a hearing that the quality, quantity, or price of embodiments of the Subject Invention or Specified Work Object sold or otherwise made available commercially as set forth in (D) (1) (i) is unreasonable in the circumstances, he may require the grantee to license such domestic Background Patent to a responsible applicant at reasonable terms, including a reasonable royalty, for use in the specific field of technology in which the purpose of this grant or the work called for thereunder falls, and for use in connection with (i) a Specified Work Object, or (ii) a Subject Invention.

(3) (i) When a license to practice a domestic Background Patent in conjunction with a Subject Invention or Specified Work Object is requested, in writing by a responsible applicant, for use in the specific field of technology in which the purpose of this grant or the work called for thereunder falls, and such Background Patent is not available as set forth in D(1) (i) or (ii), the grantee shall have six (6) months from the date of his receipt of such request to decide whether to make such Background Patent so available. The grantee shall promptly notify the Grants Officer of any request in writing for a license to practice a Background Patent in conjunction with a Subject Invention or Specified Work Object, which the grantee or his exclusive licensee wish to attempt to make available as set forth in D(1) (i) or (ii).

(ii) If the grantee decides to make such domestic Background Patent so available either by himself or by an exclusive licensee, he shall so notify the Administrator within the said six (6) months, whereupon the Administrator shall then designate the reasonable time within which the grantee must make such Background Patent available in reasonable quantity and quality, and at a reasonable price. If the grantee or his exclusive licensee decides not to make such Background Patent so available, or fails to make it available within the time designated by the Administrator, the Background Patent shall be licensed to a responsible applicant at reasonable terms, including a reasonable royalty, in conjunction with (a) a Specified Work Object, or (b) a Subject Invention, and may be limited to the specific field of technology in which the purpose of this grant or the work called for thereunder falls.

(iii) The grantee agrees to grant or have granted to a designated applicant, upon the

written request of the Government, a nonexclusive license at reasonable terms, including reasonable royalties, under any foreign Background Patent in furtherance of any treaty or agreement between the Government of the United States and a foreign government for practice by or on the behalf of such foreign government, if an embodiment of the Background Patent is not commercially available in that country: *Provided, however,* That no such license will be required unless the Administrator determines that issuance of such license is in the national interest. Such license may be limited by the licensor to the practice of such Background Patent in conjunction with a Subject Invention or a Specified Work Object and for use in only the specific field of technology in which the purpose of this grant or the work called for thereunder falls.

(iv) The grantee agrees it will not seek injunctive relief or other prohibition of the use of the invention in enforcing its rights against any responsible applicant for such license and that it will not join with others in any such action. It is understood and agreed that the foregoing shall not affect the grantee's right to injunctive relief or other prohibition of the use of Background Patents in areas not connected with the practice of a Subject Invention or Specified Work Object in the specific field of technology in which the purpose of this grant or the work called for thereunder falls, or where the grantee has made available a Commercial Item as set out in paragraph D(1) (i) or (ii).

(4) For use in the specific field of technology in which the purpose of this grant or the work called for thereunder falls, and in conjunction with a Subject Invention or a Specified Work Object, the grantee agrees to grant to the Government a license under any Background Patent. Such license shall be nonexclusive, nontransferable, royalty-free and worldwide to practice such patent which is not available as a Commercial Item as specified in paragraph D(1)(ii) for use of the Federal Government in connection with pilot plants, demonstration plants, test beds, and test modules. For all other Government uses, any royalty charged the Government under such license shall be reasonable and shall give due credit and allowance for the Government's contribution, if any, toward the making, commercial development or enhancement of the invention(s) covered by the Background Patent.

(5) Any license granted under a process Background Patent for use with a Specified Work Object shall be additionally limited to employment of the Background Patent under conditions and parameters reasonably equivalent to those called for or employed under this grant.

(6) It is understood and agreed that the grantee's obligation to grant licenses under Background Patents shall be limited to the extent of the grantee's right to grant the same without breaching any unexpired contract it had entered into prior to this grant or prior to the identification of a Background Patent, or without incurring any obligation to another solely on account of said grant. However, where such obligation is the payment of royalties or other compensation, the grantee's obligation to license his Background Patents shall continue and the reasonable license terms shall include such payments by the applicant as will at least fully compensate the grantee under said obligation to another.

(7) On the request of the Grants Officer the grantee shall identify and describe any license agreement which would limit his right to grant licenses under any Background Patent.

(8) In the event the grantee has a parent or an affiliated company, which has the right to license a patent which would be a Background Patent if owned by the grantee, but which is not available as a Commercial Item as specified in paragraph D(1) (i) or (ii), and a qualified applicant requests a license under such patent for use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and in connection with the use of a Subject Invention or Specified Work Object, the grantee shall, at the written request of the Government, recommend to his parent company, or affiliated company, as the case may be, the granting of the requested license on reasonable terms, including reasonable royalties, and actively assist and participate with the Government and such applicant, as to technical matters and in liaison functions between the parties, as may reasonably be required in connection with any negotiations for issuance of such license. For the purpose of this subparagraph, (i) a parent company is one which owns or controls, through direct or indirect ownership of more than 50 percent of the outstanding stock entitled to vote for the election of directors, another company or other entity and, (ii) affiliated companies are companies or other entities owned or controlled by the same parent company.

E. Related inventions: The grantee shall submit to the Grants Officer within six (6) months after the submission of the final invention report submitted pursuant to paragraph F(6), written information concerning the conception or actual reduction to practice, or both, as may be applicable, of every invention made by the grantee pertaining to the work called for in this grant which was conceived or first actually reduced to practice within the period of three (3) months prior, during, or three (3) months subsequent to the term of this grant, which invention would be a Subject Invention if made under this grant, but which the grantee believes was made outside the performance of work required under this grant. The Grants Officer may require additional information to be furnished in confidence by the grantee. At the request of the Grants Officer made during or subsequent to the term of this grant including any extensions for additional research and development work, the grantee shall furnish information concerning any other invention which appears to the Grants Officer to reasonably have the possibility of being a Subject Invention.

All information supplied by the grantee hereunder shall be of such nature and character as to enable the Grants Officer reasonably to ascertain whether or not the invention concerned is a Subject Invention. Failure to furnish such information called for herein shall, in any subsequent proceeding, place on the grantee the burden of going forward with the evidence to establish that such invention is not a Subject Invention. If such evidence is not then presented the invention shall be deemed to be a Subject Invention. After receipt of information furnished pursuant hereto, the Grants Officer shall not unduly delay rendering his opinion on the matter. The Grants Officer's decision shall be subject to the Disputes Clause of the grant. The grantee may furnish the information required under this section E as grantee confidential information, which shall be identified as such.

F. General provisions: (1) The grantee shall obtain the execution of and deliver to the Grants Officer any document relating to Subject Inventions as the Grants Officer may require under the terms hereof to enable the Government to file and prosecute patent applications therefor in any country and to evidence and preserve its rights. Each party hereto agrees to execute and deliver to the other party on its request suitable documents to evidence and preserve license rights derived from this appendix.

(2) The Government and the grantee shall promptly notify each other of the filing of a patent application on a Subject Invention in any country, identifying the country or countries in which such filing occurs and the date and serial number of the application, and on request shall furnish a copy of such application to the other party and a copy of any action on such patent application by any Patent Office and the responses thereto. Any applications or responses furnished shall be kept confidential.

(3) Any other provisions of this appendix notwithstanding, the Grants Officer, or his authorized representative shall, until the expiration of three (3) years after final payment under this grant, have the right to examine in confidence any books, records, documents, and other supporting data of the grantee which the Grants Officer or his authorized representative shall reasonably deem directly pertinent to the discovery or identification of Subject Inventions or to the compliance by the grantee with the requirements of this appendix.

(4) Notwithstanding the grant of a license under any patents to the Government pursuant to any provisions of this appendix, the Government shall not be prevented from contesting the validity, enforceability, scope, or title of such licensed patent.

(5) The grantee shall furnish to the Grants Officer every 12 months, or earlier as may be agreed in this grant (the initial period shall commence with the date of award of this grant) a interim report listing all Subject Inventions required to be disclosed which were made during the interim reporting period or certify that there are no such unreported inventions.

(6) The grantee shall submit a final report under this grant listing all Subject Inventions required to be disclosed which were made in the course of the work performed under this grant, and all subagreements subject to this appendix. If to the best of the grantee's knowledge and belief, no Subject Inventions have resulted from this grant, the grantee shall so certify to the Grants Officer. If there are no such subagreements, a negative report is required.

(7) The interim and final reports submitted under F (5) and (6) and Subject Invention disclosures required under B(1) shall be submitted on EPA forms which will be furnished by the Grants Officer on request. Any equivalent form approved by the Grants Officer may be used in lieu of EPA forms. Such reports and disclosures shall be submitted in triplicate.

(8) Any action required by or of the Government under this patent provision shall be undertaken by the Grants Officer as its duly authorized representative unless otherwise stated.

(9) The Government may duplicate and disclose reports and disclosures of Subject Inventions required to be furnished by the grantee pursuant to this appendix without additional compensation.

(10) The grantee shall furnish to the Grants Officer, in writing, and as soon as practicable, information as to the date and identity of any first public use, sale or publication of any Subject Invention made by or known to the grantee, or of any contemplated publication of the grantee.

(11) The Administrator shall determine the responsibility of an applicant for a license under any provision of this patent provision when this matter is in dispute and his detremination thereof shall be final and binding.

(12) The grantee shall furnish promptly to the Grants Officer on request an irrevocable power to inspect and make copies of each U.S. patent application filed by or on

behalf of the grantee covering any Subject Invention.

(13) The grantee shall include in the first paragraph in any U.S. patent application which it may file on a Subject Invention the following statement:

This invention resulted from work done under Grant No. ---------- with the Environmental Protection Agency and is subject to the terms and provisions of said Grant.

(14) All information furnished in confidence pursuant to this appendix shall be clearly identified by an appppropriate written legend. Such information shall be subject to the provisions of the Freedom of Information Act, 5 U.S.C. 552 and shall in any event cease to be confidential if it is or becomes generally available to the public, or has been made or becomes available to the Government (i) from other sources, or (ii) by the grantee without limitation as to use, or was already known to the Government when furnished to it.

(15) Any action by the Grants Officer affecting the disposition of rights to patents or inventions pursuant to this appendix shall be taken only after review by the Office of General Counsel.

G. Warranties: (1) The grantee warrants that whenever he has divested himself of the right to license any Background Patent (or any invention owned by the grantee which could become the subject of a Background Patent) prior to the date of this grant, such divestment was not done to avoid the licensing requirements set forth in section D of this appendix. After a Background Patent, or invention which could become the subject of a Background Patent, is identified, the grantee shall take no action which shall impair the performance of his obligation to issue Background Patent licenses pursuant to this grant.

(2) The grantee warrants that he will take no action which will impair his obligation to assign to the Government any invention first actually conceived or reduced to practice in the course of or under this grant.

(3) The grantee warrants that he has full authority to make obligations of this appendix effective, by reason of agreements with all of the personnel, including consultants who might reasonably be expected to make inventions, and who will be employed in work on the project for which the grant has been awarded, to assign to the grantee all discoveries and inventions made within the scope of their employment.

H. Subagreements: This appendix shall be included in any subagreement over $10,000 under this grant where a purpose of the subagreement is the conduct of experimental, developmental or research work, unless the Grants Officer authorizes the omission or modification of this appendix. The grantee shall not acquire any rights to Subject Inventions made under such subagreement for his own use (as distinguished from such rights as may be required solely to fulfill his grant obligations to the Government in performance of this grant). Upon completion of work under such a subagreement, the grantee shall promptly notify the Grants Officer in writing of such completion, and shall upon request furnish a copy of the subagreement to the Grants Officer. The grantee hereby assigns to the Government all rights of the grantee to enforce the obligations of the party to such subagreement with respect to Subject Inventions, Background Patents, and pursuant to section E of this appendix. The grantee shall cooperate with the Government at the Government's request and expense in any legal action to secure the Government's rights.

APPENDIX C

RIGHTS IN DATA AND COPYRIGHTS

1. The term "Subject Data" as used herein includes writings, sound recordings, magnetic recordings, pictorial reproductions, drawings, or other graphical representations, and works of any similar nature (whether or not copyrighted) which are specified to be delivered under this grant. The term does not include financial reports, cost analyses, and other information incidental to grant administration.

2. Except as may otherwise be provided in the grant agreement, when publications, films, or similar materials are developed directly or indirectly from a project supported by the Environmental Protection Agency, the author is free to arrange for copyright without approval. However, such materials shall include acknowledgement of EPA grant assistance. The grantee agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, nonexclusive, and irrevocable license throughout the world for Government purposes to publish, translate, reproduce, deliver, perform, dispose of, and to authorize other so to do, all Subject Data, or copyrightable material based on such data, now or hereafter covered by copyright.

3. The grantee shall not include in the Subject Data any copyrighted matter, without the written approval of the Grants Officer, unless he provides the Government with the written permission of the copyright owner for the Government to use such copyrighted matter in the manner provided in article 2 above.

4. The grantee shall report to the Grants Officer, promptly and in reasonable written detail, each notice or claim of copyright infringement received by the grantee with respect to all Subject Data delivered under this grant.

5. Nothing contained in this appendix shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other rights otherwise granted to the Government under any patent.

6. Unless otherwise limited below, the Government may, without additional compensation to the grantee, duplicate, use, and disclose in any manner and for any purpose whatsoever, and have others so do, all Subject Data delivered under this contract.

7. Notwithstanding any provisions of this grant concerning inspection and acceptance, the Government shall have the right at any time to modify, remove, obliterate, or ignore any marking not authorized by the terms of this grant on any piece of Subject Data furnished under this grant.

8. Data need not be furnished for standard commercial items or services which are normally or have been sold or offered to the public commercially by any supplier and which are incorporated as component parts in or to be used with the product or process being developed or investigated, if in lieu thereof identification of source and characteristics (including performance specifications, when necessary) sufficient to enable the Government to procure the part or an adequate substitute, are furnished; and further, proprietary data need not be furnished for other items or processes which were developed at private expense and previously sold or offered for sale or commercially practiced in the case of a process, including minor modifications thereof, which are incorporated as component parts in or to be used with the product or process being developed or investigated, if in lieu thereof the grantee shall identify such other items or processes and that "proprietary data" pertaining thereto which is necessary to enable reproduction or manufacture of the item or performance of the process. For the purpose of this clause, 'proprietary data" means data providing information concerning the details of a grantee's secrets of manufacture, such as may be contained in but not limited to his manufacturing methods or processes, treatment and chemical composition of materials, plant layout and tooling, to the extent that such information is not readily disclosed by inspection or analysis of the product itself and to the extent that the grantee has protected such information from unrestricted use by others.

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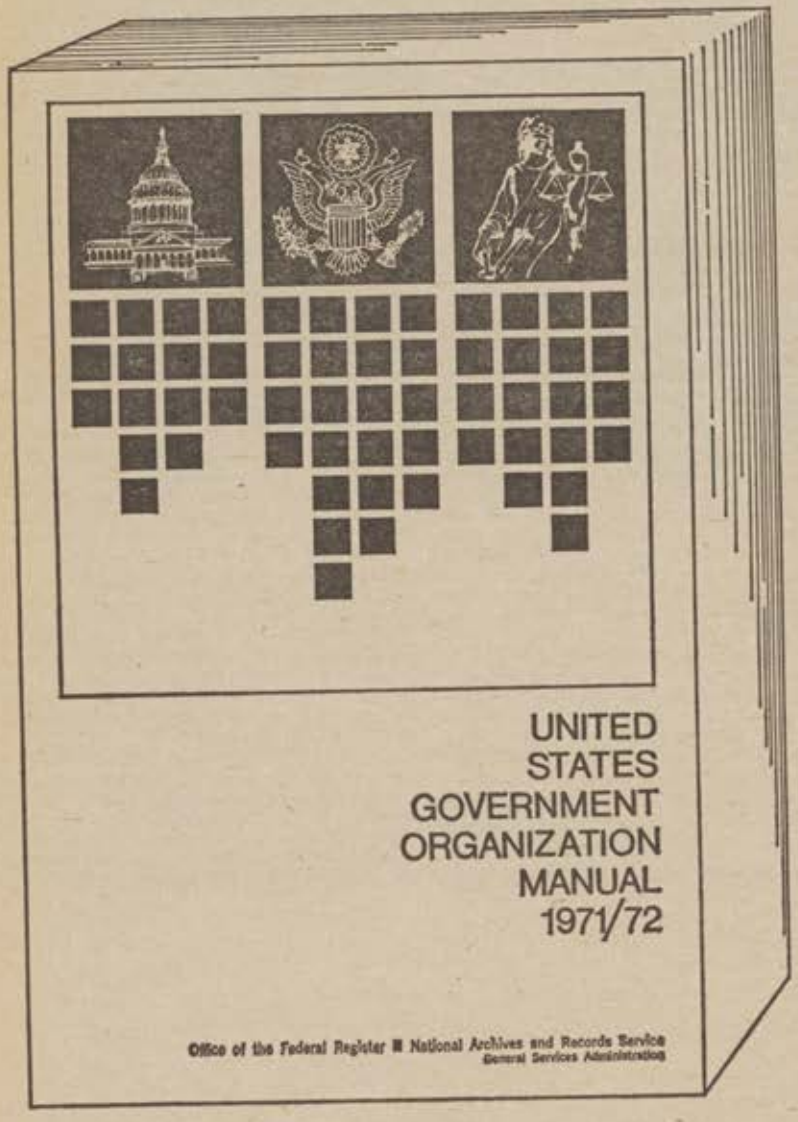

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