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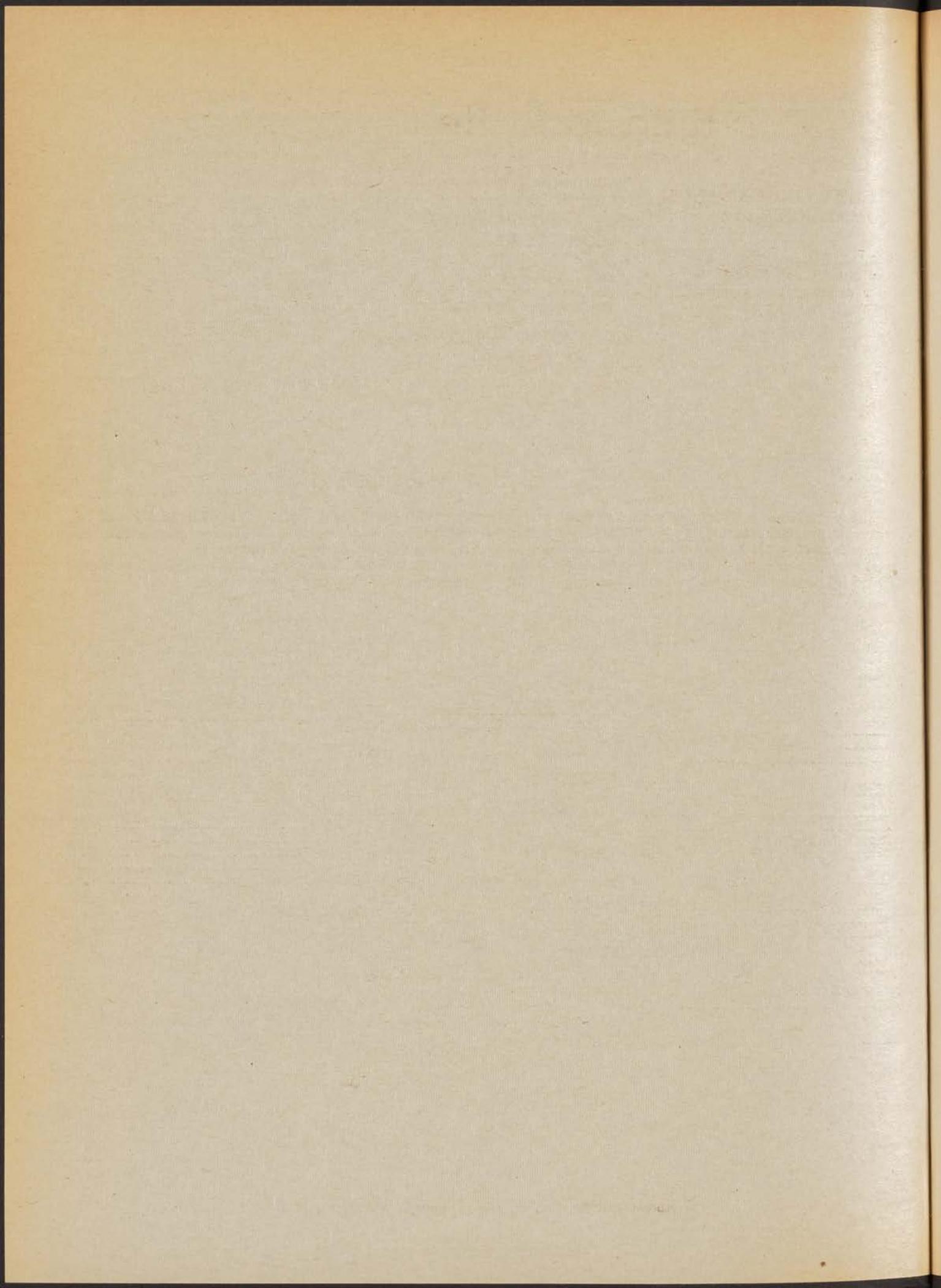
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3132(b) having expired of its own terms is revoked.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[FR Doc.72-936 Filed 1-20-72;8:48 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3216(b) having expired of its own terms is revoked.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[FR Doc.72-935 Filed 1-20-72;8:48 am]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the following positions are no longer excepted under Schedule C: One Staff Assistant to the Deputy Assistant Secretary (Civil Rights and Industrial Relations); one Private Secretary to the Deputy Assistant Secretary (Civil Rights and Industrial Relations); one Private Secretary to the Director for Equal Employment Opportunity; one Staff Assistant to the Director for Equal Employment Opportunity; one Private Secretary to the Deputy Assistant Secretary for Education and Manpower Resources, Office of the Assistant Secretary of Defense (Manpower); and one Secretary to the Deputy Assistant Secretary of Defense (Manpower Planning and Research).

Effective on publication in the FEDERAL REGISTER (1-21-72), subparagraphs (19), (20), (21), (22), (26), and (27) of paragraph (a) of § 213.3306 are revoked.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[FR Doc.72-934 Filed 1-20-72;8:48 am]

Title 7—AGRICULTURE

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 4]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1972

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811, as amended, is to revise the determination of sugar requirements for the calendar year 1972, establish quotas and prorations consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Subsection 201(a) of the Act requires a determination of the amount of sugar needed to meet the requirements of consumers in the continental United States whenever necessary to attain the price objective set forth in subsection 201(b) of the Act.

Section 202(g)(3) of the Act, which sets forth the procedure to use in attaining such price objective, provides that whenever the simple average of prices of raw sugar for 7 consecutive market days ending after October 31 and before March 1 is 3 per centum or more above or below the average price objective for the preceding 2 calendar months, the determination of requirements of consumers shall be adjusted to the extent necessary to attain such price objective.

On January 5, 1972, the Department announced an increase in continental sugar requirements of 400,000 tons in order to curtail increasing raw sugar prices. The 7 consecutive market days average price of raw sugar reached 8.99 cents per pound on January 4, 1972, which exceeded the price objective of 8.72 cents per pound by 3.1 per centum. As of January 13, 1972, the 7 consecutive mar-

ket days average price was 9.22 cents per pound or about 6 per centum above the price objective of the Act. On January 11, 1972, the Department announced the removal of limitations on raw sugar imports during the remainder of first quarter of 1972. Neither of these actions has caused a significant reduction in the raw sugar price. Therefore, an additional upward adjustment in requirements is considered appropriate at this time to meet the requirements of the Act.

The 2-month average price objective of 8.72 cents per pound used herein is the average for October and November 1971, the most recent months for which wholesale price index statistics were available on January 13, 1972.

An increase in requirements of 200,000 short tons, raw value, is necessary to obtain the price objective set forth in the Act.

Accordingly, total sugar requirements for the calendar year 1972 are hereby increased by 200,000 short tons, raw value, to a total of 11.8 million short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota.

It was determined in amendment 2 of this Sugar Regulation 811 that the Domestic Beet Sugar Area would be unable to market in 1972 sugar in excess of 3,500,000 short tons, raw value. Also, in that amendment a deficit was determined in the quota for the beet area of 96,667 representing the amount its quota at that time exceeded 3,500,000 tons. Since this regulation increases the quota for that area by 95,333 tons an additional deficit is herein determined in the 1972 quota for the Domestic Beet Sugar Area of 95,333 short tons, raw value. If production exceeds the present estimates for the Domestic Beet Area, the marketing opportunities for that area within the total quota for that area will not be limited as a result of the deficit determination and proration provided herein.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.10, 811.11, 811.12, and 811.13 as follows:

1. Section 811.10 is amended to read as follows:

§ 811.10 Sugar requirements, 1972.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1972 is hereby determined to be 11,800,000 short tons, raw value.

2. Section 811.11 is amended by amending paragraph (a) to read as follows:

§ 811.11 Quotas for domestic areas.

(a) (1) For the calendar year 1972 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas	Direct-consumption limits
	(1)	(2)
(Short tons, raw value)		
Domestic beet sugar.....	3,692,000	no limit
Mainland cane sugar.....	1,643,000	no limit
Hawaii.....	1,211,000	38,646
Puerto Rico.....	855,000	166,500

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1972 the Domestic Beet Sugar Area and Puerto Rico will be unable by 192,000 and 550,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

3. Section 811.12 is amended to read as follows:

§ 811.12 Proration and allocation of deficits in quotas.

Of the domestic deficits determined in § 811.11(a)(2), totaling 742,000 short tons, raw value, a quantity of 646,667 tons representing deficits in the quotas of the Domestic Beet Sugar Area and Puerto Rico of 96,667 and 550,000 tons, respectively, were previously determined, allocated and prorated in this Part 811. An additional deficit is herein determined in the quota for the Domestic Beet Area of 95,333 short tons, raw value, and is herein prorated and allocated pursuant to section 204(a) of the Act, by allocating 30.08 percent or 28,676 short tons, raw value, to the Republic of the Philippines and by prorating the remaining 66,657 short tons, raw value, to Western Hemisphere countries on the basis of quotas determined herein pursuant to section 202 of the Act.

4. Section 811.13 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.13 Quotas for foreign countries.

(b) For the calendar year 1972, the quota for the Republic of the Philippines is 1,349,214 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202 of the Act and 223,194 short tons established pursuant to section 204 of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202 of the Act, only

59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1972, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act

are shown in columns (1) and (2) of the following table. Deficit prorations previously established in this Sugar Regulation § 811.13 are shown in column (3). Deficit prorations established herein are shown in column (4). Total quotas and prorations are shown in column (5).

Countries	Basic Quotas	Temporary quotas and prorations pursuant to sec. 202(d) ¹	Previous deficit prorations	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
(Short tons, raw value)					
Dominican Republic.....	421,672	142,041	95,142	14,026	672,881
Mexico.....	372,916	125,618	84,142	12,404	595,080
Brazil.....	363,602	122,510	82,060	12,098	580,260
Peru.....	260,250	87,600	58,721	8,656	415,227
West Indies.....	135,726	45,719	30,624	4,515	210,584
Ecuador.....	53,697	18,088	12,116	1,786	85,687
Argentina.....	50,403	16,977	11,372	1,677	80,429
Costa Rica.....	45,462	15,314	10,257	1,513	72,546
Colombia.....	44,803	15,092	10,109	1,490	71,494
Panama.....	28,002	9,433	6,319	930	44,684
Nicaragua.....	42,497	14,315	9,588	1,414	67,814
Venezuela.....	40,520	13,649	9,143	1,347	64,659
Guatemala.....	38,873	13,094	8,771	1,293	62,031
El Salvador.....	28,331	9,644	6,393	942	45,210
British Honduras.....	22,401	7,647	5,055	745	35,748
Haiti.....	20,425	6,881	4,608	680	32,594
Bahamas.....	17,789	5,993	4,014	591	28,387
Honduras.....	7,906	2,663	1,784	263	12,616
Bolivia.....	4,283	1,443	966	143	6,835
Paraguay.....	4,283	1,443	966	143	6,835
Australia.....	165,374	42,002	.....	.....	207,376
Republic of China.....	68,861	17,487	.....	.....	86,348
India.....	66,216	16,818	.....	.....	83,034
South Africa.....	46,779	11,881	.....	.....	58,660
Fiji Islands.....	36,237	9,204	.....	.....	45,441
Mauritius.....	24,378	6,191	.....	.....	30,569
Swaziland.....	24,378	6,191	.....	.....	30,569
Thailand.....	15,154	3,849	.....	.....	19,003
Uganda.....	12,189	3,096	.....	.....	15,285
Malagasy Republic.....	9,883	2,510	.....	.....	12,393
Ireland.....	5,351	.....	.....	.....	5,351
Total.....	2,478,721	794,259	452,150	66,656	3,791,786

¹ Proration of the quotas withheld from Cuba and Southern Rhodesia.

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action increases quotas for the calendar year 1972 by 200,000 tons, determines an additional deficit in quotas of 95,333 tons and prorates and allocates such deficit to the Philippines and Western Hemisphere quota countries. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on January 18, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Sta-
bilization and Conservation
Service.

[FR Doc.72-943 Filed 1-18-72;3:29 pm]

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

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Redistricting and Reapportionment

Notice of rule making regarding the proposed redistricting and reapportionment to be effective under Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953, regulating the handling of Irish potatoes grown in designated counties in Virginia and North Carolina, was published in the FEDERAL REGISTER January 8, 1972 (37 F.R. 286). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 5 days following publication in the FEDERAL REGISTER. None was filed.

Statement of consideration. The order provides in § 953.12 that the committee may recommend and the Secretary may approve the reapportionment of committee members and the reestablishment of districts within the production area.

The Southeastern Potato Committee consists of 12 members representing five districts. The present committee representation provides one producer member and one handler member each for Districts No. 1, No. 2, and No. 3. However, District No. 3 has become urbanized and there are only two known commercial potato producers remaining, who together grow approximately 100 acres of potatoes.

Under present circumstances this district has an equal vote on the committee with the other two Virginia districts having approximately 200 producers and 29,000 acres of potatoes. In order to correct this inequitable representation, the committee, after giving due consideration to the criteria in § 953.12, unanimously recommended that District No. 3 be merged with District No. 2. These two districts are contiguous and their production and marketing practices are similar.

The committee also recommended that the District No. 3 committee positions (one producer member and one handler member) be terminated and an additional producer member be added to both Districts No. 1 and No. 2. However, this representation would be contrary to the order and the Secretary's decision as the record indicates that "the authority should not be provided for shifts in committee representation between handlers and producers."

Therefore, one producer member and one handler member should be reassigned among Districts No. 1 and No. 2. Since census figures show District No. 1 has the larger acreage and production, the producer member should be selected from there while District No. 2 should get the handler member.

It is hereby 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) the committee recommended that the redistricting and reapportionment of committee membership be in effect for the 1972 term of office; (2) it has been widely publicized that the committee nominations for the affected districts will be held January 18; (3) this will provide more equitable committee representation and should be placed in effect as soon as possible; (4) notice of proposed rule making was given on January 8, 1972, by publication in the FEDERAL REGISTER (37 F.R. 286) and no objections were filed; and (5) no useful purpose would be served by postponing such effective date.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice it is hereby found and determined that:

§ 953.123 Reestablishment of districts and reapportionment of committee membership.

(a) Pursuant to § 953.12: (1) The counties of James City and Nansemond and the cities of Chesapeake and Virginia Beach (currently District No. 3) are reestablished as a part of District No.

2; (2) the membership of the Southeastern Potato Committee shall be apportioned among the districts of the production area so as to provide the following representation: Two producer members and one handler member from each of Districts No. 1, 4, and 5; one producer member and two handler members from District No. 2. The respective alternates shall be selected on the same basis of representation as the members.

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

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

Dated January 18, 1972, to become effective upon signing.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Marketing Service.

[FR Doc.72-958 Filed 1-20-72;8:49 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. Paragraph (d) of § 103.3 is revised and a new paragraph (e) is added to read as follows:

§ 103.3 Denials, appeals, and precedent decisions.

(d) *Decisions on appeal.* The decision of the Service officer considering the appeal shall be in writing and a copy thereof shall be served upon the applicant, petitioner, or other party affected, or his attorney or representative of record.

(e) *Precedent decisions.* In addition to the decisions of the Attorney General and the Board, referred to in § 3.1(g) of this chapter, Service officers' decisions selected by the Commissioner shall serve as precedents in all proceedings involving the same issue or issues and, except as they may be modified or overruled by subsequently selected decisions, shall be binding on all officers and employees of the Service in the administration of the Act. All such decisions shall be published and made available to the public in the manner provided in § 103.9(a).

2. Paragraph (b) of § 103.7 is amended as follows: In subparagraph (1) the subparagraph heading "Nonstatutory fees" is deleted, the word "nonstatutory" in the introductory sentence is deleted, and

the material immediately following the listing of fees beginning "Except as otherwise provided * * *" and ending "without prepayment of fee," is deleted in its entirety; in subparagraph (2) the heading "5 U.S.C. 552 fees" is deleted and the introductory sentence is amended; and in subparagraph (3) the subparagraph "8 U.S.C. 1455 fees" is deleted and the introductory sentence is amended. As amended, paragraph (b) reads in pertinent part as follows and a new paragraph (c) is added to § 103.7 to read as follows:

§ 103.7 Fees.

(b) *Amounts of fees.* (1) The following fees and charges are prescribed:

(2) For the services expended in locating or making available records or copies thereof under 5 U.S.C. 552, the following user charges are deemed fair and equitable and, except as otherwise provided in § 103.10(c) (2) and in paragraph (c) of this section, shall be assessed against the person who requests that records be made available:

(3) Except as otherwise provided in paragraph (c) of this section, for services performed under section 344(a) of the Act the clerk of court shall charge, collect, and account for the following fees:

(c) *Waiver of fees.* (1) Except as otherwise provided in this subparagraph and in § 3.3(b) of this chapter, any of the fees prescribed in paragraph (b) of this section relating to applications, petitions, appeals, motions, or requests may be waived in any case in which the alien or other party affected is unable to pay the prescribed fee if he files his affidavit asking for permission to prosecute without payment of fee the application, petition, appeal, motion, or request, and stating his belief that he is entitled to or deserving of the benefit requested and the reasons for his inability to pay. The officer of the Service having jurisdiction to render a decision on the application, petition, appeal, motion, or request may, in his discretion, grant the waiver of fee. Fees for "Passenger Travel Reports via Sea and Air" and for special statistical tabulations may not be waived.

(2) When the prescribed fee is for services to be performed by the clerk of court under section 344(a) of the Act, the affidavit for waiver of the fee shall be filed with the district director or officer in charge of the Service having administrative jurisdiction over the place in which the court is located at least 7 days prior to the date the fee is required to be paid. If the waiver is granted, there shall be delivered to the clerk of court by a Service representative on or before the date the fee is required to be paid, a notice prepared on Service letterhead and signed by the officer granting the waiver, that the fee has been waived pursuant to this paragraph.

PART 344—PETITION FOR NATURALIZATION

§ 334.13 [Amended]

The last sentence of § 334.13 *Filing of petition for naturalization* is amended to read as follows: "The petitioner shall pay the clerk of the naturalization court, at the time the petition is filed, a fee of \$25, unless the petitioner is exempt therefrom under section 344(h) of the Immigration and Nationality Act or under section 3 of the Act of October 24, 1968, or has been granted a waiver of the fee under the provisions of § 103.7(c) of this chapter."

PART 334a—DECLARATION OF INTENTION

§ 334a.1 [Amended]

The fourth sentence of § 334a.1 *Filing and disposition* is amended to read as follows: "The applicant may sign the declaration and the photographs affixed thereto in any language or by mark if unable to write and shall pay the clerk of court a fee of \$5 at the time the declaration of intention is filed, unless a waiver of fee has been granted under the provisions of § 103.7(c) of this chapter."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (1-21-72). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments to § 103.3 (d) and (e) are editorial in nature and relate to agency procedure; the amendment to § 103.7(b) are editorial and clarifying in nature; the amendment to § 103.7(c) confers a benefit on persons affected thereby; and the amendments to §§ 334.13 and 334a.1 conform with an amendment made elsewhere in this chapter.

Dated: January 17, 1972.

RAYMOND F. FARRELL,
Commissioner of

Immigration and Naturalization.

[FR Doc.72-914 Filed 1-20-72; 8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-SW-54, Amdt. 39-1380]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 47 Series Helicopters

A proposal to amend Part 39 of the Federal Aviation regulations to include an airworthiness directive imposing a

repetitive inspection for cracks in the Control Rod Assembly, P/N 47-150-255-1, on Bell Model 47 series helicopters was published in 36 F.R. 19912.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received. The proposed rule had an incorrect part number listed for the control rod assembly. The correct part number, 47-150-225-1, has now been inserted in place of 47-150-244-1 and the rule is otherwise adopted as proposed with minor corrections in the applicability paragraph.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13607), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

BELL Applies to:

Bell Models 47G-2A, 47G-2A-1, 47G-3, 47G-3B, 47G-3B-1, 47G-3B-2, 47G-4, 47G-4A, 47G-5, 47J-2, and 47J-2A helicopters certificated in all categories;

Bell Model 47J helicopters, S/N 1777 and subsequent, certificated in all categories; and

Bell Models 47G, 47G-2, and 47J helicopters, S/N1420 through 1776, certificated in all categories incorporating Bell Mast Controls Kit No. 47-3411-1, Service Instruction No. 333.

Compliance required as indicated.

To detect possible cracks in the tube surface of control rod assembly, P/N 47-150-255-1, accomplish the following:

(a) Inspect both control tubes within 100 hours time in service after the effective date of this AD, unless already accomplished, in accordance with the procedures listed below and accomplish repetitive inspections at intervals of not more than 1200 hours time in service from the last inspection.

(b) Inspect the complete external surface of the tube for indications of cracks using a dye penetrant or equivalent inspection method.

(c) If crack indications are found polish out and blend all indications into the adjacent areas and reinspect as follows:

(1) Use 240 or 320 grit paper then use 400 grit paper for final polish. Sand only in the lengthwise direction of the tube.

(2) Do not exceed .005 inch deep removal of material. Circumferential (transverse) cleanup of indication is limited to one-fourth of the tube circumference. There is no restriction of the longitudinal length limit.

(3) Reinspect the polished surface of the tube for cracks using a dye penetrant or equivalent inspection method.

(4) If cracks are found remove the cracked tube before further flight.

(d) If no crack indications are found protect any exposed surfaces of the tube using zinc chromate primer or equivalent.

(Bell Helicopter Service Bulletin No. 47-146 dated August 26, 1971 pertains to this subject.)

This amendment becomes effective February 22, 1972.

(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 Fort Worth, Tex., on January 11, 1972.

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

[FR Doc.72-918 Filed 1-20-72; 8:47 am]

[Airspace Docket No. 71-SO-183]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND RE- PORTING POINTS

Designation of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to designate VOR Federal airway No. 222 segment between Monroeville, Ala., and Montgomery, Ala.

V-222 is presently designated from El Paso, Tex., to Monroeville, Ala., and from Montgomery, Ala., to the Ironsides, Md., intersection. Action is being taken herein to designate a connecting segment of V-222 between Monroeville, Ala., and Montgomery, Ala., to overlie VOR Federal airway No. 20 segment between these points. The designation of this airway segment would provide route continuity and would simplify flight planning and reduce controller workload.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

In § 71.123 (36 F.R. 2010, 18076) V-222 is amended by deleting all between "Monroeville, Ala." and "LaGrange, Ga.;" and substituting "; Montgomery, Ala.;" therefor.

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

Issued in Washington, D.C., on January 13, 1972.

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

[FR Doc.72-919 Filed 1-20-72; 8:47 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION UNDER THE FAIR PACKAGING AND LABELING ACT

PART 502—REGULATIONS UNDER SECTION 5(C) OF THE FAIR PACK- AGING AND LABELING ACT

"Cents-Off" Representations

In the matter of amending subchapter E by the addition of § 502.100 to regulate the use of "cents-off" representations on

packaging and labeling of consumer commodities.

Pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5, 6, 80 Stat. 1298, 1299, 1300; 15 U.S.C. 1454, 1455), notice is given that no objections were filed in the above identified matter published in the FEDERAL REGISTER of December 3, 1971 (36 F.R. 23056). Accordingly, the January 2, 1972, effective date of § 502.100 is confirmed except for § 502.100(b) (3) thereof which becomes effective on June 30, 1972.

By direction of the Commission dated January 14, 1972.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-922 Filed 1-20-72; 8:47 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1975—COVERAGE OF EMPLOYERS UNDER THE WILLIAMS-STEIGER OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Pursuant to section 8(g)(2) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 657) and Secretary of Labor's Order No. 12-71 (36 F.R. 8754), Title 29 of the Code of Federal Regulations is hereby amended by adding thereto a new part, designated Part 1975. The new Part 1975 contains a statement of policy regarding the coverage of employers under the Williams-Steiger Occupational Safety and Health Act of 1970. General notice of proposed rulemaking, public participation therein, and delay in effective date are not required by 5 U.S.C. 553, since this part contains only interpretative rules and general statements of policy. The new part shall be effective immediately.

The new Part 1975 reads as follows:

- Sec.
- 1975.1 Purpose and scope.
 - 1975.2 Basis of authority.
 - 1975.3 Extent of coverage.
 - 1975.4 Coverage.
 - 1975.5 States and political subdivisions of States.
 - 1975.6 Policy as to domestic household employment activities in private residences.

AUTHORITY: The provisions of this Part 1975 issued under 84 Stat. 1590; 29 U.S.C. 667.

§ 1975.1 Purpose and scope.

(a) Among other things, the Williams-Steiger Act poses certain duties on employers. This part has the limited purpose and scope of clarifying which persons are considered to be employers either as a matter of interpretation of the intent and terms of the Act or as a matter of policy appropriate to administering and enforcing the Act. In short, the purpose and scope of this part is to indicate which persons are covered by the Act as employers and, as such, subject to the requirements of the Act.

(b) It is not the purpose of this part to indicate the legal effect of the Act, once coverage is determined. Section 4(b)(1) of the Act provides that the statute shall be inapplicable to working conditions to the extent they are subject to another Federal agency's exercise of different statutory authority affecting the occupational safety and health aspects of those conditions. Therefore, a person may be considered an employer covered by the Act, and yet standards issued under the Act respecting certain working conditions would not be applicable to the extent those conditions were subject to another agency's authority.

§ 1975.2 Basis of authority.

The power of Congress to regulate employment conditions under the Williams-Steiger Occupational Safety and Health Act of 1970, is derived mainly from the Commerce Clause of the Constitution. (Sec. 2(b), Public Law 91-596; U.S. Constitution, Art. I, Sec. 8, Cl. 3; "United States v. Darby," 312 U.S. 100.) The reach of the Commerce Clause extends beyond Federal regulation of the channels and instrumentalities of interstate commerce so as to empower Congress to regulate conditions or activities which affect commerce even though the activity or condition may itself not be commerce and may be purely intrastate in character. ("Gibbons v. Ogden," 9 Wheat. 1, 195; "United States v. Darby," supra; "Wickard v. Filburn," 317 U.S. 111, 117; and "Perez v. United States," 91 S. Ct. 1357 (1971).) And it is not necessary to prove that any particular intrastate activity affects commerce, if the activity is included in a class of activities which Congress intended to regulate because the class affects commerce. ("Heart of Atlanta Motel, Inc. v. United States," 379 U.S. 241; "Katzenbach v. McClung," 379 U.S. 294; and "Perez v. United States," supra.) Generally speaking, the class of activities which Congress may regulate under the commerce power may be as broad and as inclusive as Congress intends, since the commerce power is plenary and has no restrictions placed on it except specific constitutional prohibitions and those restrictions Congress, itself, places on it. ("United States v. Wrightwood Dairy Co.," 315 U.S. 110; and "United States v. Darby," supra.) Since there are no specific constitutional prohibitions involved, the issue is reduced to the question: How inclusive did Congress intend the class of activities to be under the Williams-Steiger Act?

§ 1975.3 Extent of coverage.

(a) Section 2(b) of the Williams-Steiger Occupational Safety and Health Act (Public Law 91-596) sets forth the purpose and policy of Congress in enacting this legislation. In pertinent part, that section reads as follows:

(b) Congress declares it to be its purpose and policy, through the exercise of its powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources * * *

Congressman William Steiger described the scope of the Act's coverage in the following words during a discussion of the legislation on the floor of the House of Representatives:

The coverage of this bill is as broad, generally speaking, as the authority vested in the Federal Government by the commerce clause of the Constitution (Cong. Rec., vol. 116, p. H-11899, Dec. 17, 1970)

The legislative history, as a whole, clearly shows that every amendment or other proposal which would have resulted in any employee's being left outside the protections afforded by the Act was rejected. The reason for excluding no employee, either by exemption or limitation on coverage, lies in the most fundamental of social purposes of this legislation which is to protect the lives and health of human beings in the context of their employment.

(b) The Williams-Steiger Act includes special provisions (secs. 19 and 18(c)(6)) for the protection of Federal and State employees to whom the Act's other provisions are made inapplicable under section 3(5), which excludes from the definition of the term "employer" both the United States and any State or political subdivision of a State.

(c) In the case of section 4(b)(1) of the Act, which makes the Act inapplicable to working conditions to the extent they are protected under laws administered by other Federal agencies, Congress did not intend to grant any general exemptions under the Act; its sole purpose was to avoid duplication of effort by Federal agencies in establishing a national policy of occupational safety and health protection.

(d) Interpretation of the provisions and terms of the Williams-Steiger Act must of necessity be consistent with the express intent of Congress to exercise its commerce power to the extent that, "so far as possible, every working man and woman in the Nation" would be protected as provided for in the Act. The words "so far as possible" refer to the practical extent to which governmental regulation and expended resources are capable of achieving safe and healthful working conditions; the words are not ones of limitation on coverage. The controlling definition for the purpose of coverage under the Act is that of "employer" contained in section 3(5). This term is defined as follows:

(5) The term "employer" means any person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

In carrying out the broad coverage mandate of Congress, we interpret the term "business" in the above definition as including any commercial or noncommercial activity affecting commerce and involving the employment of one or more employees; the term "commerce" is defined in the Act itself, in section 3(3). Since the legislative history and the words of the statute, itself, indicate that Congress intended the full exercise of its commerce power in order to reduce employment-related hazards which, as a

whole impose a substantial burden on commerce, it follows that all employments where such hazards exist or could exist (that is, those involving the employment of one or more employees) were intended to be regulated as a class of activities which affects commerce.

§ 1975.4 Coverage.

(a) *General.* Any employer employing one or more employees would be an "employer engaged in a business affecting commerce who has employees" and, therefore, he is covered by the Act as such.

(b) *Clarification as to certain employees—(1) The professions, such as physicians, attorneys, etc.* Where a member of a profession, such as an attorney or physician, employs one or more employees such member comes within the definition of an employer as defined in the Act and interpreted thereunder and, therefore, such member is covered as an employer under the Act and required to comply with its provisions and with the regulations issued thereunder to the extent applicable.

(2) *Agricultural employers.* Any person engaged in an agricultural activity employing one or more employees comes within the definition of an employer under the Act, and therefore, is covered by its provisions. However, members of the immediate family of the farm employer are not regarded as employees for the purposes of this definition.

(3) *Indians.* The Williams-Steiger Act contains no special provisions with respect to different treatment in the case of Indians. It is well settled that under statutes of general application, such as the Williams-Steiger Act, Indians are treated as any other person, unless Congress expressly provided for special treatment. "FPC v. Tuscarora Indian Nation," 362 U.S. 99, 115-118 (1960); "Navajo Tribe v. N.L.R.B.," 288 F.2d 162, 164-165 (D.C. Cir. 1961), cert. den. 366 U.S. 928 (1961). Therefore, provided they otherwise come within the definition of the term "employer" as interpreted in this part, Indians and Indian tribes, whether on or off reservations, and non-Indians on reservations, will be treated as employers subject to the requirements of the Act.

(4) *Nonprofit and charitable organizations.* The basic purpose of the Williams-Steiger Act is to improve working environments in the sense that they impair, or could impair, the lives and health of employees. Therefore, certain economic tests such as whether the employer's business is operated for the purpose of making a profit or has other economic ends, may not properly be used as tests for coverage of an employer's activity under the Williams-Steiger Act. To permit such economic tests to serve as criteria for excluding certain employers, such as nonprofit and charitable organizations which employ one or more employees, would result in thousands of employees being left outside the protections of the Williams-Steiger Act in disregard of the clear mandate of Congress to assure "every working man and woman in the Nation safe and healthful

working conditions * * *". Therefore, any charitable or non-profit organization which employs one or more employees is covered under the Williams-Steiger Act and is required to comply with its provisions and the regulations issued thereunder. (Some examples of covered charitable or non-profit organizations would be disaster relief organizations, philanthropic organizations, trade associations, private educational institutions, labor organizations, and private hospitals.)

(c) *Coverage of churches and special policy as to certain church activities—*

(1) *Churches.* Churches or religious organizations, like charitable and non-profit organizations, are considered employers under the Act where they employ one or more persons in secular activities. As a matter of enforcement policy, the performance of, or participation in, religious services (as distinguished from secular or proprietary activities whether for charitable or religion-related purposes) will be regarded as not constituting employment under the Act. Any person, while performing religious services or participating in them in any degree is not regarded as an employer or employee under the Act, notwithstanding the fact that such person may be regarded as an employer or employee for other purposes—for example, giving or receiving remuneration in connection with the performance of religious services.

(2) *Examples.* Some examples of coverage of religious organizations as employers would be: A private hospital owned or operated by a religious organization; a private school or orphanage owned or operated by a religious organization; commercial establishments of religious organizations engaged in producing or selling products such as alcoholic beverages, bakery goods, religious goods, etc.; and administrative, executive, and other office personnel employed by religious organizations. Some examples of noncoverage in the case of religious organizations would be: clergymen while performing or participating in religious services; and other participants in religious services; namely, choir masters, organists, other musicians, choir members, ushers, and the like.

§ 1975.5 States and political subdivisions thereof.

(a) *General.* The definition of the term "employer" in section 3(5) of the Act excludes the United States and States and political subdivisions of a State:

(5) The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

The term "State" is defined as follows in section 3(7) of the Act:

(7) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

Since States, as defined in section 3(7) of the Act, and political subdivisions thereof are not regarded as employers under section 3(5) of the Act, they would not be covered as employers under the Act, except to the extent that section 18(c)(6), and the pertinent regulations thereunder, require as a condition of approval by the Secretary of Labor of a State plan that such plan:

(6) Contain[s] satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program is as effective as the standards contained in an approved plan.

(b) *Tests.* Any entity which has been (1) created directly by the State, so as to constitute a department or administrative arm of the government, or (2) administered by individuals who are controlled by public officials and responsible to such officials or to the general electorate, shall be deemed to be a "State or political subdivision thereof" under section 3(5) of the Act and, therefore, not within the definition of employer, and, consequently, not subject to the Act as an employer.

(c) *Factors for meeting the tests.* Various factors will be taken into consideration in determining whether an entity meets the test discussed above. Some examples of these factors are: Are the individuals who administer the entity appointed by a public official or elected by the general electorate? What are the terms and conditions of the appointment? Who may dismiss such individuals and under what procedures? What is the financial source of the salary of these individuals? Does the entity earn a profit? Are such profits treated as revenue? How are the entity's functions financed? What are the powers of the entity and are they usually characteristic of a government rather than a private instrumentality like the power of eminent domain? How is the entity regarded under State and local law as well as under other Federal laws? Is the entity exempted from State and local tax laws? Are the entity's bonds, if any, tax-exempt? As to the entity's employees, are they regarded like employees of other State and political subdivisions? What is the financial source of the employee-payroll? How do employee fringe benefits, rights, obligations, and restrictions of the entity's employees compare to those of the employees of other State and local departments and agencies? In evaluating these factors, due regard will be given to whether any occupational safety and health program exists to protect the entity's employees.

(d) *Weight of the factors.* The above list of factors is not exhaustive and no factor, isolated from the particular facts of a case, is assigned any particular weight for the purpose of a determination by the Secretary of Labor as to whether a given entity is a "State or political subdivision of a State" and, as such, not subject to the Act as an "employer". Each case must be viewed on its merits; and whether a single factor will

be decisive, or whether the factors must be viewed in their relationship to each other as part of a sum total, also depends on the merits of each case.

(e) *Examples.* (1) The following types of entities would normally be regarded as not being employers under section 3(5) of the Act: the State Department of Labor and Industry; the State Highway and Motor Vehicle Department; State, county, and municipal law enforcement agencies as well as penal institutions; State, county, and municipal judicial bodies; State University Boards of Trustees; State, county, and municipal public school boards and commissions; and public libraries.

(2) Depending on the facts in the particular situation, the following types of entities would probably be excluded as employers under section 3(5) of the Act: harbor districts, irrigation districts, port authorities, bi-State authorities over bridges, highways, rivers, harbors, etc.; municipal transit entities; and State, county, and local hospitals and related institutions.

(3) The following examples are of entities which would normally not be regarded as a "State or political subdivision of a State", but unusual factors to the contrary in a particular case may indicate otherwise: Public utility companies, merely regulated by State or local bodies; businesses, such as alcoholic beverage distributors, licensed under State or local law; other business entities which under agreement perform certain functions for the State, such as gasoline stations conducting automobile inspections for State and county governments.

§ 1975.6 Policy as to domestic household employment activities in private residences.

As a matter of policy, individuals who, in their own residences, privately employ persons for the purpose of performing for the benefit of such individuals what are commonly regarded as ordinary domestic household tasks, such as house cleaning, cooking, and caring for children, shall not be subject to the requirements of the Act with respect to such employment.

Signed at Washington, D.C., this 17th day of January 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-908 Filed 1-20-72; 8:46 am]

Title 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

Trademark Application and Drawing Requirements

A proposal was published at 36 FR. 18002 to amend and revise §§ 2.21-2.23,

2.52, and 2.56. Pursuant to this notice, a number of comments have been received from interested persons. In light of the comments submitted, some changes have been made in the rules as proposed.

An additional subparagraph has been added to § 2.21 requiring that the application state the name of the applicant. In the same section, a paragraph (c) has been added. This paragraph incorporates the substances of proposed § 2.22. Section 2.52 has been revised to state that drawings must be 8 to 8½ inches wide and 11 inches long. In view of the change in § 2.52, § 2.31 has also been revised to make it clear that applications submitted on either letter or legal-size paper are acceptable.

Effective date. This revision shall become effective on February 1, 1972. However, as to § 2.52, drawings which comply only with the existing rule will be accepted until March 1, 1972.

1. Section 2.21 is revised to read as follows:

§ 2.21 Requirements for receiving a filing date.

(a) Materials submitted as an application for registration of a mark will not be accorded a filing date as an application until all of the following elements are received:

- (1) Name of the applicant;
- (2) A name and address to which communications can be directed;
- (3) A drawing or other identification of the mark sought to be registered;
- (4) An identification of goods or services;
- (5) At least one specimen or facsimile of the mark as actually used;
- (6) A date of first use of the mark in commerce, or a certification or certified copy of a foreign registration if the application is based on such foreign registration pursuant to section 44(e) of the act, or a claim of the benefit of a prior foreign application in accordance with section 44(d) of the act;
- (7) The required filing fee for at least one class of goods or services.

Compliance with one or more of the rules relating to the elements specified above may be required before the application is further processed.

(b) The filing date of the application is the date on which all of the elements set forth in paragraph (a) of this section are received in the Patent Office.

(c) If the papers are so defective that they cannot be accepted, the applicant will be notified and the papers and fee held 6 months. If the requirements for receiving a filing date have not been satisfied within such time, the papers and fee will be returned to the applicant or otherwise disposed of; the drawing or fee of an unaccepted application may be transferred to a later application.

§ 2.22 [Revoked]

- 2. Section 2.22 is revoked.
- 3. Section 2.23 is revised to read as follows:

§ 2.23 Serial number.

Applications will be given a serial number as received, and the applicant will be informed of the serial number and the filing date of the application.

4. Section 2.31 is revised to read as follows:

§ 2.31 Application must be in English.

The application must be in the English language and plainly written on but one side of the paper. It is deemed preferable that the application be on legal or letter-size paper, typewritten double spaced, with at least a one and one-half inch margin on the left-hand side and top of the page.

5. Section 2.52 is amended by revising paragraph (c) to read as follows:

§ 2.52 Requirements for drawings.

(c) *Size of paper and margins.* The size of the sheet on which a drawing is made must be 8 to 8½ inches wide and 11 inches long. One of the shorter sides of the sheet should be regarded as its top. When the figure is longer than the width of the sheet, the sheet should be turned on its side with the top at the right. The size of the mark must be such as to leave a margin of at least 1 inch on the sides and bottom of the paper and at least 1 inch between it and the heading.

6. Section 2.56 is revised to read as follows:

§ 2.56 Specimens.

The application must include five specimens of the trademark as actually used on or in connection with the goods in commerce. The specimens shall be duplicates of the actual used labels, tags, or containers, or the displays associated therewith or portions thereof, when made of suitable flat material and of a size not to exceed 8½ inches wide and 13 inches long.

Dated: January 11, 1972.

RICHARD A. WAHL,
Acting Commissioner of Patents.

Approved:

JAMES H. WAKELIN, Jr.,
Assistant Secretary
for Science and Technology.

[FR Doc.72-924 Filed 1-20-72; 8:48 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice
[Order 474-72]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart P—Federal Bureau of Investigation

EXCHANGES OF IDENTIFICATION RECORDS

Section 902 of the Supplemental Appropriations Act, 1972 (Public Law 92-184, 85 Stat. 627) permits the Federal

Bureau of Investigation to exchange identification records with State and local governments for purposes of employment and licensing if authorized by State statute and approved by the Attorney General. This order delegates the Attorney General's approval authority to the Director, Federal Bureau of Investigation.

By virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5 of the United States Code, § 0.85 of Subpart P of Part 0 of Chapter I of Title 28 of the Code of Federal Regulations is amended by adding the following:

§ 0.85 General functions.

(j) Exercise the power and authority vested in the Attorney General by section 902 of the Supplemental Appropriations Act, 1972, Public Law 92-184, 85 Stat. 627, to approve exchanges of identification records with State and local governments for purposes of employment and licensing.

Dated: January 17, 1972.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.72-909 Filed 1-20-72; 8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

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

Section 5A-2.201-70 is amended as follows:

§ 5A-2.201-70 Forms to be used.

When soliciting offers for advertised supply and service contracts, the following forms shall be used:

(a) Standard Form 33, Solicitation, Offer, and Award, November 1969 edition. (See § 1-16.101(a).)

(b) Standard Form 33A, Solicitation Instructions and Conditions, March 1969 edition, shall be incorporated by reference in each solicitation for offers by use of the following provision:

Block 9 (Item 1) of Standard Form 33 is modified to provide that Standard Form 33A, March 1969 edition, is incorporated by reference rather than attached. A copy of SF 33A is available upon request.

(c) Standard Form 32, General Provisions (Supply Contract), November 1969 edition, shall be incorporated by reference in each solicitation for offers. (See § 1-16.105.)

(f) Forms that are incorporated by reference.

(1) Since SF 32, SF 33A, and GSA Form 1424 (or GSA Form 1246 for Aid procurement) are normally incorporated by reference in the solicitation for offers, it is essential that all prospective bidders are furnished copies of these forms.

(2) The Procurement Policy and Procedures Division (FPP) shall be responsible for arranging to have a copy of these forms distributed to all firms on the FSS Bidder's Mailing List each time a new edition of any one of these forms is prescribed.

(3) The Centralized Mailing List Service (CMLS) in Region 8 maintains the FSS Bidder's Mailing List (see chapter 9 of FSS P 2900.2). When a new firm is added to the Bidder's Mailing List a copy of each of the forms listed in paragraph (f) (1) shall be mailed by CMLS to the firm with an explanatory note stating that the forms will be referenced but not attached to future invitations for bids.

(g) GSA Form 1602, Transmittal Sheet for Invitations for Bids and Solicitation for Offers, where necessary to call the attention of prospective bidders to special considerations and requirements that otherwise may be easily overlooked and to significant changes from previous invitations for bids and contract provisions used for the same commodity or service.

(h) Standard Form 30, Amendment of Solicitation/Modification of Contract, July 1966 edition, when it is necessary to amend the solicitation for offers.

Section 5A-72.105-12 is amended as follows:

§ 5A-72.105-12 Report of orders received and shipments made.

(a) GSA Form 1227, Contractor's Report of Orders Received and Shipments Made (see § 5A-16.950-1227), is designed as an aid to the contracting officer and may be used on an optional basis if he considers it helpful for contract administration purposes. The report may serve this purpose in connection with national and zone indefinite-delivery-type contracts for stock items; for example, when close monitoring of orders received and shipments made is called for to evaluate a new contractor's performance, or where past performance of a previous contractor has been borderline.

(b) When reports are to be required, the report frequency shall be held to a minimum, generally not more than monthly. In exceptional cases where more frequent reports are required, the clause in (c) below must be appropriately modified to provide for weekly or semi-monthly reports, and its use must be approved by the regional head of the procuring activity; in the Central Office by the Directors, Procurement Operations Division, Special Programs Division, or ADP Procurement Division, as applicable. (The clause in (c) below is included in GSA Form 1424 as clause 56. To make it applicable, when required, the solicitation and contract must so specify.)

(d) Upon receipt of GSA Form 1227, the report shall be promptly reviewed to

determine whether the contractor is proceeding in accordance with the contract terms. This review shall take into account information available from other sources; for example and as available, verifications against copies of purchase orders or copies of GSA Form 1679, Contract Administration Notice, or any other information about orders placed and shipments made which becomes available from telephone calls or exchanges of letters, to determine whether these transactions have been reflected in the contractor's reports.

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

Effective date. This regulation is effective immediately.

Dated: January 11, 1972.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc.72-905 Filed 1-20-72; 8:46 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Determining Need for Data Communications

The regulation setting forth policy governing automatic data processing management services is amended to provide direction and establish guidelines for determining need for data communications as part of, or as an adjunct to, a data processing capability.

Part 101-32 is amended by adding new Subpart 101-32.11 and reserving Subparts 101-32.12 through 101-32.46 as follows:

Subpart 101-32.11—Data Communications Support for ADP Systems

Sec.	
101-32.1100	Scope of subpart.
101-32.1101	Applicability.
101-32.1102	Definitions.
101-32.1102-1	Data communications.
101-32.1102-2	Communications study.
101-32.1103	GSA assistance.
101-32.1104	Preliminary consideration of data communications requirements.
101-32.1105	Data communications study personnel.
101-32.1106	Factors for consideration.
101-32.1107	Report of data communications study group.
101-32.1108	Approval of data communications systems.

Subparts 101-32.12—101-32.46 [Reserved]
AUTHORITY: The provisions of this Subpart 101-32.11 are issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101-32.11—Data Communications Support for ADP Systems

§ 101-32.1100 Scope of subpart.

This subpart provides policy guidance to Federal agencies on determining the

need for data communications as part of, or as an adjunct to, a data processing capability.

§ 101-32.1101 Applicability.

The provisions of this subpart are applicable to all Federal agencies.

§ 101-32.1102 Definitions.

As used in this Subpart 101-32.11, the following terms shall have the meaning as set forth in this § 101-32.1102.

§ 101-32.1102-1 Data communications.

"Data communications" means the transfer, by electronic or electrodynamic means, of input data from the point of origin to a computer; of output from a computer to a user; or of record data between two or more computers not located at the same site and includes off-line data transmission.

§ 101-32.1102-2 Communications study.

"Communications study" means an in-depth examination of the means by which a data transmission requirement can be satisfied in the most efficient and economical manner, including line, software, and equipment requirements and projected costs.

§ 101-32.1103 GSA assistance.

Requests for assistance regarding the provisions of this Subpart 101-32.11 should be directed through the appropriate GSA regional ADP sharing exchange, as shown in § 101-32.48.

§ 101-32.1104 Preliminary consideration of data communications requirements.

The Office of Management and Budget obliges agencies to make a general systems study before determining whether data processing equipment should be procured and to provide for the orderly programming and engineering of Government telecommunications facilities, including data transmission. Such a study, although it need not be of the same scope or magnitude, should precede a determination of the need to change or upgrade an ongoing data processing system. During the course of a general systems study, consideration should be given to any requirements for data communications in support of the system. If the results of this consideration are negative, the study should so state. If the results of such consideration are affirmative, a data communications study should be made. Final determination of need or of the equipment, techniques, or facilities or systems to be used to satisfy such need shall not be made without a data communications study. However, there should be reasonable assurance of the need for data communications before embarking on such a study. Data communications will usually be required if the system to be proposed includes or establishes any or all of the following:

- (a) A real-time or an online computer system.
- (b) A time-sharing system.
- (c) A requirement for remote locations to provide input to or obtain output from a computer in a time frame which

cannot be satisfied by nonelectronic communications means.

(d) A data base of current and usable information which must be accessed with a high degree of immediacy from remote locations or by many users.

(e) Two or more computers, not located at the same site, with a requirement for backup, for load balancing, or for data transfer between them.

(f) Other situations, not covered by the foregoing, which clearly indicate the probability of a data communications requirement.

§ 101-32.1105 Data communications study personnel.

The group selected for the data communications study should include some of the personnel making the systems study who have become familiar with all aspects of the proposed system and should function under the leadership of a person who is skilled and knowledgeable in the latest communications techniques, methodology, equipment, and costs. The Transportation and Communications Service (TCS), General Services Administration, operates an extensive communications network for the Government and is available to assist agencies in the conduct of communications studies or augment and supplement the efforts of civil agencies' staffs. (See Subpart 101-35.1). TCS can advise about existing data communications facilities which may be made available at reduced costs.

§ 101-32.1106 Factors for consideration.

The data communications study includes a detailed analysis of the proposed data processing system and the environment within which it will operate and a determination as to the feasibility and economy of data communications under the circumstances. Also, such a study indicates the additional equipment and the type and number of communications lines which are estimated to be required; the impact on the format of data and data banks, codes to be used and programing required; and, most significantly, the important elements of cost. The factors to be examined include the following:

- (a) Data proposed to be communicated.
- (b) Points between which data is proposed to be communicated.
- (c) Volume of data involved, average loads, peak loads, and blocking factors.
- (d) Time frame within which the transmission will be required and a profile of time/volume requirements.
- (e) Codes to be used and the medium in which the data will be made available for transmission and in which it must be received; e.g., ASCII, BAUDOT, keyboard, paper tape, magnetic tape, cards, display devices, and printers.
- (f) Accuracy required and the necessity for employment of error detection and correction techniques.
- (g) Security requirements.
- (h) System redundancy and backup requirements developed from total system objectives and operational criteria.

(i) Effect on other system data transfer requirements.

§ 101-32.1107 Report of data communications study group.

(a) The study group should prepare a written report detailing the data communications system which most economically and effectively satisfies the requirements of the proposed data processing system. The report should refer to the factors analyzed, including those specified in § 101-32.1106, and in addition, identify the following factors:

- (1) Type of service.
- (2) Line requirements.
- (3) Hardware and software requirements.
- (4) Error detection/correction techniques required.
- (5) Time- or event-dependent statement of additions to the communications capability required for the handling of expected increases in workload or in demands on the system.
- (6) Space requirements.
- (7) Detailed statement of estimated one-time and recurring costs.
- (8) Cryptographic security requirements.
- (9) Noncryptographic security requirements.
- (10) Rationale why data communication via electronic means is required as opposed to mail or courier service.
- (11) Access security.
- (12) Other facilities in the area which can accommodate the requirement within their existing or enhanced capabilities.
- (13) Review of existing communications capability.

(b) The report should be transmitted to the systems study group for analysis and recommendation. Such analysis should consider the extent to which the proposed data communications system will satisfy the requirements of the proposed data processing system and should include a cost/benefit study to determine whether to include or exclude data communications from the proposed data processing system.

§ 101-32.1108 Approval of data communications systems.

Except for those agencies specifically exempted under the provisions of § 101-35.102, executive agencies are to obtain approval from TCS for all new installations and major changes in existing telecommunications facilities. (See § 101-35.201-1.) However, irrespective of any such exemptions all requirements for data communications systems required as part of or as an adjunct to a data processing system shall be submitted to GSA in accordance with the provisions of Subpart 101-32.4.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (1-21-72).

Dated: January 13, 1972.

ROBERT L. KUNZIG,
Administrator of General Services.
[FR Doc.72-904 Filed 1-20-72; 8:45 am]

Chapter 114—Department of the Interior

PART 114-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 114-26.5—GSA Procurement Programs

NEW PURCHASES

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (1-21-72).

WARREN F. BRECHT,
Deputy Assistant Secretary
of the Interior.

JANUARY 14, 1972.

Section 114-26.501-52(c) (1) is amended to read as follows:

§ 114-26.501-52 Acquisition, utilization, and assignment of limousines, heavy sedans, and medium sedans.

(c) * * * (1) *New purchases.* Proposed new purchases, whether for replacement purposes or otherwise, shall be justified and submitted as a part of the annual budget request.

[FR Doc.72-952 Filed 1-20-72;8:50 am]

PART 114-43—UTILIZATION OF PERSONAL PROPERTY

Subpart 114-43.3—Utilization of Excess

USE OF EXCESS PROPERTY ON CONTRACTS AND GRANTS

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114-43.3 of Chapter 114, Title 41 of the Code of Federal Regulations is revised as set forth below, and Subpart 114-26.7 is deleted in its entirety.

These amendments shall become effective on the date of publication in the FEDERAL REGISTER (1-21-72).

WARREN F. BRECHT,
Deputy Assistant Secretary
of the Interior.

JANUARY 14, 1972.

The table of contents for Subpart 114-43.3 is amended by adding the following:

Sec.
114-43.320 Use of excess property on contracts and grants.

A new § 114-43.320 is added to read as follows:

§ 114-43.320 Use of excess property on contracts and grants.

- (a) [Reserved]
- (b) [Reserved]
- (c) [Reserved]
- (d) [Reserved]

(e) Public Law 92-175, approved December 2, 1971, provides authority to vest title to excess personal property furnished to grantees and cost-reimbursement-type contractors for use in furtherance of the purposes of the Water Resources Act of 1964. The Department has no other statutory authority to vest title to excess property in grantees or cost-reimbursement-type contractors.

[FR Doc.72-953 Filed 1-20-72;8:50 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1088]

PART 1033—CAR SERVICE

Central Railroad Company of New Jersey Authorized to Operate Over Tracks of Lehigh Valley Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 18th day of January 1972.

It appearing, that because of severe track damage in the vicinity of Coalport, Pa., the Central Railroad Company of New Jersey (Robert D. Timpany, trustee), is unable to operate over its main line passing through Coalport; that the Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, trustees) has agreed to permit the Central Railroad Company of New Jersey (Robert D. Timpany, trustee) to operate over its tracks between a point in the vicinity of Lehigh Valley milepost 121, at Packerton Junction, Pa., and a point in the vicinity of Lehigh Valley milepost 125, at Hetchel, Pa., a distance of approximately 4.3 miles; that the Commission is of the opinion that operation by the Central Railroad Company of New Jersey (Robert D. Timpany, trustee) over these tracks of the Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, trustees) is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1088 Service Order No. 1088.

(a) *The Central Railroad Company of New Jersey (Robert D. Timpany, trustee) authorized to operate over tracks of the Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, trustees).* The Central Railroad Company of New Jersey (Robert D. Timpany, trustee) be, and it is hereby, authorized to operate over tracks of the Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, trustees) between a point in the vicinity of Lehigh Valley milepost 121 at Packerton Junction, Pa., and a point in the vicinity of Lehigh Valley milepost 125, at Hetchel, Pa., a distance of approximately 4.3 miles.

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

(c) *Rates applicable.* Inasmuch as this operation by the Central Railroad Company of New Jersey (Robert D. Timpany, trustee) over tracks of the Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, trustees) is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Central Railroad Company of New Jersey (Robert D. Timpany, trustee) over these tracks of the Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, trustees) shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., January 18, 1972.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-951 Filed 1-20-72;8:50 am]

Proposed Rule Making

DEPARTMENT OF JUSTICE

[28 CFR Part 48]

NEWSPAPER PRESERVATION ACT

Filing and Approval of Joint Newspaper Operating Arrangements; Extension of Time for Filing Reply Comments

Proposed regulations setting forth procedures for securing the Attorney General's approval for new joint newspaper operating arrangements and for filing renewals and amendments, pursuant to the Newspaper Preservation Act, 84 Stat. 466, were published on October 22, 1971, 36 F.R. 20435 and December 11, 1971, 36 F.R. 23630. The time for filing of comments expired on January 5, 1972. Interested persons may file reply comments no later than February 14, 1972.

Dated: January 13, 1972.

JOHN N. MITCHELL,
Attorney General.

[FR Doc. 72-910 Filed 1-20-72; 8:46 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Service

[9 CFR Part 92]

CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

Proposed Restrictions on Importation of Poultry and Other Birds; Inspection and Other Requirements for Certain Means of Conveyance and Shipping Containers

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), the Department of Agriculture is considering amending Part 92, Title 9, Code of Federal Regulations, relating to restrictions on importation of poultry and other birds in the following respects:

1. The present provisions in § 92.2 would be designated as paragraph (a) and a new paragraph (b) would be added to § 92.2 to read as follows:

§ 92.2 General prohibition.

(b) The provisions in this Part 92 relating to poultry shall also apply, unless otherwise specified in this Part, to mynah birds and psittacine birds and birds of all other species if imported with any mynah or psittacine birds. This defini-

tion applies to such birds of all ages if they are under any form of confinement, and includes eggs from such birds.

2. In § 92.5, paragraph (b) would be amended to read:

§ 92.5 Certificate for ruminants, swine, and poultry.⁷

(b) *Poultry.* (1) All poultry, except eggs for hatching, offered for importation from any country of the world except Canada and Mexico as provided in §§ 92.26 and 92.38 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement from such country and that they were then found to be free of evidence of pullorum disease (bacillary white diarrhea) and other communicable diseases, and that, as far as it has been possible to determine, they were not exposed to any such disease common to poultry during the 60 days immediately preceding the date of such movement. Certificates for such poultry shall also state that the poultry have been kept in the country from which they are offered for importation for at least 60 days immediately preceding the date of movement therefrom or since hatched and that, as far as it has been possible to determine, no case of European fowl pest (fowl plague) or Newcastle disease (avian pneumoencephalitis) occurred in the locality or localities where the poultry were kept during such period. All eggs for hatching offered for importation from any part of the world except as provided in §§ 92.26 and 92.38 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that the flock or flocks of origin were found upon inspection to be free from evidence of pullorum disease (bacillary white diarrhea) and other communicable disease and that as far as it has been possible to determine such flock or flocks were not exposed to any such disease common to poultry during the preceding 60 days.

(2) All psittacine and mynah birds offered for importation from any country of the world and all birds of other species imported in any shipment with any psittacine or mynah birds shall be accompanied by a certificate of a salaried veter-

⁷ For other permit requirements the regulations issued by the U.S. Department of the Interior (Part 17, Title 50, Code of Federal Regulations) and the regulations issued by the U.S. Department of Health, Education, and Welfare (Subpart J-1 of Part 71, Title 42, Code of Federal Regulations) should be consulted.

inary officer of the national government of the country of origin stating that such birds have been kept in said country at least 60 days immediately preceding the date of movement therefrom; that such birds were inspected on the premises where held prior to such movement and were found to be free of evidence of Newcastle disease, ornithosis, and other communicable diseases common to poultry; that insofar as possible to determine such birds were not exposed to any such disease within the 60 days immediately preceding the date of such movement; and that viscerotropic strains of Newcastle disease have not occurred in said country within the 60 days immediately preceding the date of such movement.

3. In § 92.11, paragraph (c) would be amended to read:

§ 92.11 Periods of quarantine.

(c) *Poultry.* (1) All poultry imported from any part of the world, except as provided in §§ 92.26(a) and 92.38(a) shall be quarantined for not less than 30 days, counting from the date of arrival at the port of entry. During their quarantine, such poultry shall be subject to such inspections, disinfections, blood tests, or other tests as may be required by the Deputy Administrator, Veterinary Services, to determine their freedom from disease or the infection of disease, and their freedom from exposure thereto.

(2) All psittacine and mynah birds imported from any part of the world and all birds of other species imported in any shipment with psittacine or mynah birds shall be quarantined at the first U.S. port of arrival for not less than 30 days counting the date of arrival. Such birds shall be quarantined only in facilities which have been specifically designated by the Deputy Administrator, Veterinary Services for the handling of such species and which are owned by the Department, or in privately owned facilities approved by the Deputy Administrator, Veterinary Services for use in handling such shipments⁸ and which are operated under the supervision of a Veterinary Services inspector. All birds quarantined under this part shall be treated while in quarantine in accordance with guidelines established by the U.S. Public Health Service for the prevention of ornithosis,⁹ and no birds shall be re-

⁸ To qualify for specific designation under this paragraph, all facilities shall have met design criteria specified by the Department as adequate to minimize the risk of spread of any poultry disease. Such criteria may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Service, Hyattsville, Md. 20782.

⁹ Such guidelines may be obtained from the Director, Center for Disease Control, U.S. Public Health Service, Atlanta, Ga. 30333.

leased from a designated quarantine facility unless all birds in such facility at the time of release have been quarantined for not less than 30 days and no evidence of poultry disease has been found during the quarantine period.

4. In § 92.12, paragraph (a) would be amended to read:

§ 92.12 Feed and attendants for animals in quarantine.

(a) Importers of animals subject to quarantine under the regulations in this part shall arrange for their care, feed, and handling from the time of unloading at the quarantine port to the time of release from quarantine. At ports where facilities are not maintained by Veterinary Services, except as provided in § 92.11(c)(2), importers shall provide suitable facilities for the quarantine of such animals, subject in all cases to the approval of the inspector in charge at the port. Such approval shall be required prior to the issuance of import permits. Owners shall keep clean, to the satisfaction of such inspector, the sheds and yards occupied by their animals. If for any cause owners of animals refuse or neglect to arrange for their care, feed, and handling, the service may be furnished by Veterinary Services in the same manner as though the owner, or his agent, had made arrangements for such service as provided by paragraph (b) of this section, or the animals may be disposed of as the Deputy Administrator, Veterinary Services, may direct in accordance with applicable laws.

5. In § 92.19, paragraph (a) would be amended to read:

§ 92.19 Import permit and declaration for animals and animal semen.

(a) For ruminants, swine, poultry, and animal semen intended for importation from Canada, the importer shall first apply for and obtain from Veterinary Services an import permit as provided in § 92.4: *Provided*, That an import permit is not required for poultry (but is required for psittacine and mynah birds, and all birds of other species imported with any psittacine or mynah birds) if offered for entry at a land border port designated in § 92.3(b): *And provided, further*, That an import permit is not required for a ruminant or swine, or for semen from a ruminant or swine, offered for entry at a land border port designated in § 92.3(b) if such animal or the donor animal, in the case of semen: (1) Was born in Canada or the United States, and has been in no country other than Canada or the United States, or (2) has been legally imported into Canada from some other country and unconditionally released in Canada so as to be eligible to move freely within that country without restriction of any kind and has been in Canada after such release for 60 days or longer.

6. Section 92.26 would be amended to read:

§ 92.26 Poultry from Canada.

(a) All poultry offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that such poultry have been inspected on the premises of origin and that, as far as it has been possible to determine, such poultry are free of evidence of any communicable disease or exposure thereto. However, the Deputy Administrator, Veterinary Services, when he finds that such action may be taken without endangering the poultry industry of the United States, may authorize the importation from Canada, without such certification of eggs for hatching, newly hatched poultry, and poultry consigned for immediate slaughter.

(b) All psittacine and mynah birds, and all birds of other species imported with psittacine or mynah birds, that are offered for importation from Canada shall meet the requirements of paragraph (a) and the additional requirements in §§ 92.5(b)(2), 92.11(c)(2), 92.12, and 92.19 to qualify for entry. Birds which do not meet these requirements shall be rejected entry and shall be disposed of as directed by the Deputy Administrator, Veterinary Services.

7. In § 92.27, a new paragraph (c) would be added to read:

§ 92.27 Import permit and declaration for animals and animal semen.

(c) All poultry offered for importation from countries of Central America and the West Indies shall also meet the additional requirements in §§ 92.5(b), 92.11(c), and 92.12 to qualify for entry. Birds which do not meet these requirements shall be rejected entry and shall be disposed of as directed by the Deputy Administrator, Veterinary Services.

8. Section 92.38 would be amended to read:

§ 92.38 Poultry from Mexico.

(a) All poultry offered for importation from Mexico, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Mexican Government showing that such poultry have been inspected on the premises of origin and that, as far as it has been possible to determine, such poultry are free of evidence of any communicable disease or exposure thereto. However, the Deputy Administrator, Veterinary Services, when he finds that such action may be taken without endangering the poultry industry of the United States, may authorize the importation from Mexico, without such certification of eggs for hatching, newly hatched poultry, and poultry consigned for immediate slaughter.

(b) All psittacine and mynah birds, and all birds of other species imported with any psittacine or mynah birds, that are offered for importation from Mexico shall meet the requirements of paragraph (a) of this section and the additional requirements in §§ 92.5(b)(2), 92.11(c)(2), and 92.12 to qualify for entry. Birds which do not meet these requirements shall be rejected entry and shall be disposed of

as directed by the Deputy Administrator, Veterinary Services.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Deputy Administrator, Veterinary Services, Animal and Plant Health Service, Hyattsville, Md. 20782, within 15 days after the date of publication of this notice in the FEDERAL REGISTER.

Persons desiring opportunity for oral presentation of views should address such requests to the Deputy Administrator, so that arrangements may be made for presentation of such views in Washington, D.C. within the 15-day period. A transcript will be made of all views orally presented.

All written submissions and transcripts of oral views made pursuant to this notice will be made available for public inspection unless the person making the submission requests that it be held confidential and a determination is made that a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of January 1972.

F. J. MULHERN,
Administrator,
Animal and Plant Health Service.

[FR Doc.72-923 Filed 1-20-72;8:48 am]

Commodity Credit Corporation

[7 CFR Part 1421]

DRY EDIBLE BEANS

Proposed Loan and Purchase Program for 1972 Crop

Notice is hereby given that the Secretary of Agriculture, under the authority of sections 301, 303, 401, and 403 of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1447, 1449, 1421, and 1423), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714b and 714c), proposes to make determinations and issue regulations relative to a loan and purchase program for the 1972 crop of dry edible beans and for program eligibility requirements, storage requirements, and detailed operating provisions.

Section 301 of the Agricultural Act of 1949 authorizes the Secretary to make available through loans, purchases, or other operations support to producers

for any nonbasic commodity for which support is not mandatory at a level not in excess of 90 per centum of the parity price for the commodity. Section 401 requires that, in determining the level of support, consideration be given to the supply of the commodity in relation to the demand therefor, the levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand. Section 303 requires that, in determining the level of support, particular consideration shall be given to the levels at which competing agricultural commodities are being supported.

Commodity and producer eligibility requirements, storage requirements and detailed operating provisions necessary to carry out the program are also being reviewed for 1972. Provisions of this kind under current programs may be found in regulations governing loans, purchases, and other operations for grain and similarly handled commodities which appear in Title 7, Part 1421 of the Code of Federal Regulations.

Prior to making any of the foregoing determinations, consideration will be given to data, views, and recommendations which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All submissions must, in order to be sure of consideration, be received by the Director not later than 30 days from the date of publication of 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 during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Signed at Washington, D.C., on January 19, 1972.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72-974 Filed 1-20-72; 8:50 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 72-10]

COLD COMPRESSED GASES

Extension of Time To File Comments and Public Hearing

On October 16, 1971, the Coast Guard published a notice (CGFR 71-110) of

proposed rule making (36 F.R. 20165) to prohibit the carriage on board certain vessels of cold compressed gases that have a finite time for venting.

One commenter has petitioned the Coast Guard to delay the public hearing and extend the time for filing comments. The Coast Guard believes that it would be in the public interest to extend the time for submitting comments and hold a public hearing in addition to the one which was held on January 11, 1972.

Therefore, a second public hearing will be held on February 22, 1972 in Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. The deadline for filing comments is extended to February 29, 1972.

Dated: January 17, 1972.

W. F. REA III,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant
Marine Safety.

[FR Doc.72-926 Filed 1-20-72; 8:47 am]

Federal Aviation Administration [14 CFR Part 71]

[Airspace Docket No. 71-GL-38]

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 Boulder Junction, Wis.

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 Boulder Junction Airport based on a privately owned NDB. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating

a transition area at Boulder Junction, Wis. 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 amended to read:

BOULDER JUNCTION, WIS.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Boulder Junction Airport (latitude 46°08'15" N., longitude 89°38'45" W.); and within 3 miles each side of the 049° bearing from the Boulder Junction Airport, extending from the 5½-mile radius area to 8 miles northeast of the airport; that airspace extending upward from 1,200 feet above the surface within 4½ miles south and 9½ miles north of the 049° bearing from Boulder Junction Airport, extending from the airport to 18½ miles northeast of the airport, excluding the portion which overlies the Land O'Lakes 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 December 22, 1971.

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

[FR Doc.72-921 Filed 1-20-72; 8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-GL-37]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition areas at Duluth, Minn., and Green Bay, Wis.

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.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[33 CFR Part 401]

SEAWAY OPERATIONS

Notice of Proposed Rule Making

Notice is hereby given that the St. Lawrence Seaway Development Corporation, acting jointly with the St. Lawrence Seaway Authority of Canada, pursuant to provisions of its enabling act (33 U.S.C. 981 et seq.), proposes to adopt miscellaneous amendments to the rules in Subpart B of 33 CFR Part 401.

Interested parties may submit written data, views, or arguments in regard to the amendments proposed herein to the St. Lawrence Seaway Development Corporation, Seaway Circle, Massena, N.Y. 13662 (Attention: General Counsel). Comments received not later than 30 days after publication of this notice will be considered. Formal adoption of these amendments by the Corporation is contemplated during the 1972 navigation season of the St. Lawrence Seaway.

I. It is proposed to amend the rules on Radio Communications as follows:

§ 401.103-5 [Amended].

1. Section 401.103-5 would be amended by inserting the words "or Lake Ontario Port" following "(C.I.P. 15)" in the Message Content for Newcastle under Upbound Vessels. This phrase was omitted in the FEDERAL REGISTER publication of Miscellaneous Amendments on March 27, 1971.

2. Section 401.103-5 would be further amended by deleting Nos. 3, 4, and 5 of the Message Content for Tibbetts Point—Entering Sector 4 under Downbound Vessels and adding a new C.I.P. and check point immediately following Tibbetts Point—Entering Sector 4 to insure an accurate ETA for Whaleback Shoal from vessels arriving at Tibbetts Point. The new C.I.P. and check point would read as follows:

(a) * * *

C.I.P. and check point	Station to call	Message content
* * *	* * *	* * *
DOWNBOUND VESSELS		
* * *	* * *	* * *
Cape Vincent— (after River Pilot boards).	WAG Clayton (Call Ch. 16; Work Ch. 12).	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. ETA Whaleback Shoal.
* * *	* * *	* * *

II. It is proposed to amend the rules on Transit Instructions as follows:

1. Section 401.104-1 would be revised to reflect the present agreement as to the duration of the navigation season, and would read as follows:

§ 401.104-1 Navigation season.

Subject to variations prescribed in a Seaway Notice, weather and ice conditions permitting, navigation on the Seaway will normally open and close on the following dates in each year:

	Open	Close
South Shore, Beauharnois, Wiley-Dondero, and Iroquois.....	Apr. 1	Dec. 15
Welland Canal.....	do	Dec. 22
Canadian Sault Ste. Marie Canal....	Apr. 4	Dec. 12

¹ In 1972 the closing date for the Welland Canal is December 15.

2. Section 401.104-9 would be revised to eliminate the reference to a particular speed, thereby allowing the changing of speed limits without requiring a corresponding amendment to the regulations. The revised section would read as follows:

§ 401.104-9 Speed.

Maximum speed for vessels in designated areas of the Seaway is prescribed in a Seaway Notice, and every vessel in transit and under way shall proceed at a reasonable speed, so as not to cause undue delay to other vessels.

3. Section 401.104-10 would be amended by inserting "(a)" before the present section and adding a paragraph "(b)" to cover the situation of meeting within the limits of approach signs since the Great Lakes Rules of the Road do not specifically cover this hazardous situation which should be prohibited. The new paragraph (b) would read as follows:

§ 401.104-10 Meeting and passing.

(a) * * *

(b) Meeting other vessels is prohibited within the limits of approach signs at bridges.

§ 401.104-11 [Amended].

4. Section 401.104-11 would be amended to more clearly reflect the purpose of the section by striking the title "Passing Restriction" and inserting the title "Restriction on Overtaking".

§ 401.104-23 [Amended].

5. Section 401.104-23(b) would be amended by inserting the phrase "except as provided in paragraph (c) of this section," after the words "open gates".

6. Section 401.104-23(c) would be amended by inserting the words "secured to the eye at the end of the mooring lines." After the words "its own hand lines" because many upbound vessels at Iroquois and at Lock 8, Welland, offer hand lines which are secured to the mooring lines 2 feet back of the splice of the eye (as detailed in § 401.104-23(b) for upbound vessels). These lines can be very difficult for linemen to get ashore, particularly if the vessel is a few feet off the lock wall and the mooring line slips down between the chamber wall and the vessel.

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.

Jet operations between Milwaukee and Duluth and between Green Bay and Duluth are restricted in their descent into Duluth and Green Bay because of the uncontrolled airspace underlying the jet routes. This causes the flights to be vectored to a Victor airway or restrict their descent until they reach an area of controlled airspace. To resolve this operational problem and relieve the pilot and controller of the workload caused by the deviations from the route, we propose to designate controlled airspace with a base of 5,000 feet MSL in the area underlying the jet routes. Accordingly, it is necessary to alter the Duluth and Green Bay transition areas.

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 areas are amended to read:

DULUTH, MINN.

Add, "that airspace extending upward from 5,000 feet MSL in the area bounded by V129, V26, V191, and V217".

GREEN BAY, WIS.

Add, "that airspace extending upward from 5,000 feet MSL in the area bounded by V191E, V26, and V217".

These amendments are 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 December 22, 1971.

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

[FR Doc.72-920 Filed 1-20-72;8:47 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

BANK HOLDING COMPANIES

Delay of Hearing Regarding Armored Car and Courier Services

The Board of Governors has postponed the hearing scheduled for January 19, 1972 (36 F.R. 23256, Dec. 7, 1971) on the issues involved in bank holding companies engaging in armored car and courier services. A new time for a hearing and a date for the submission of comments will be set shortly.

By order of the Board of Governors,
January 13, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-903 Filed 1-20-72;8:45 am]

III. It is proposed to amend the rules on Toll Assessment and Collection as follows:

§ 401.106-3 [Amended]

1. Section 401.106-3 would be amended to reflect the actual functions of the agencies involved by striking the title "Bureau of Statistics" and inserting the title "Statistics—Canada" and by

striking the words "maintain and" after the words "Development Corporation will".

IV. It is proposed to amend the rules on Forms as follows:

§ 401.120-1 [Amended]

1. Section 401.120-1 would be amended to reflect an address change in the Preclearance Form by striking the

address "P.O. Box 98" and inserting in its place "202 Pitt Street" in the first paragraph of the Instructions.

(68 Stat. 93-97, 33 U.S.C. 981-990, as amended)

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,

[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.72-833 Filed 1-20-72;8:45 am]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

ISLE ROYALE NATIONAL PARK

Notice of Intention to Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Isle Royale National Park, proposes to issue a concession permit to Mr. Donald E. Kilpela authorizing him to provide concession facilities and services for the public at Isle Royale National Park for a period of 5 years from January 1, 1972, through December 31, 1976.

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

Interested parties should contact the Superintendent, Isle Royale National Park, 87 North Ripley Street, Houghton, MI 49931, for information as to the requirements of the proposed permit.

Dated: December 30, 1971.

HUGH P. BEATTIE,
Superintendent,
Isle Royale National Park.

[FR Doc.72-906 Filed 1-20-72;8:46 am]

NATIONAL CAPITAL PARKS

Notice of Intention to Issue a Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, National Capital Parks—Central, National Capital Parks, proposes to issue a concession permit to Trail Cycles, Inc., authorizing it to provide concession facilities and services for the public on the Mall of National Capital Parks for a period of 3 years from January 1, 1972, through December 31, 1974.

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

Interested parties should contact the Superintendent, National Capital Parks—Central, 1100 Ohio Drive, Washington, DC 20242, for information as to the requirements of the proposed permit.

Dated: December 13, 1971.

WILLIAM R. TAILOR,
Superintendent,
National Capital Parks—Central.

[FR Doc.72-907 Filed 1-20-72;8:46 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00488-33-46040. Applicant: State University of New York at Buffalo, 3435 Main Street, Buffalo, NY 14214. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany.

Intended use of Article: The article will be used for the study of antigen-antibody reactions in biological specimens with the aid of immunoferritin techniques and for studies concerning the fine morphologic structure of ferritin-antibody conjugates. A course covering electron microscopy procedures used in histopathologic and immunopathologic studies is offered to research workers (M.D. or Ph.D.).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgho Corp. The Model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated October 1, 1971, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-931 Filed 1-20-72;8:48 am]

TEMPLE UNIVERSITY MEDICAL SCHOOL, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary

Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00173-33-46500. Applicant: Temple University Medical School, Department of Medicine, 3401 North Broad Street, Philadelphia, PA 19104. Article: Ultramicrotome, Model "Om U2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article is intended to be used in preparing blood platelets and tissues containing blood vessels for electron microscopic study. The article will also be used by graduate students and post doctoral fellows who are engaged in research in the field of thrombosis. Application received by Commissioner of Customs: October 5, 1971.

Docket No. 72-00174-98-41700. Applicant: The University of Texas at Austin, Center for Plasma Physics and Thermonuclear Research, Physics Department Room 330, Austin, Tex. 78712. Article: Laser scattering equipment. Manufacturer: Culham Laboratory, United Kingdom. Intended use of article: The article will be used in the applicant's Turbulent Tokamak experiment which is a part of a program aimed at achieving controlled thermonuclear power. The objective of this experiment is a demonstration of turbulent plasma heating in a feasible reactor geometry—namely, the Tokamak configuration. In particular, the experiment aims at a tenfold increase in electron temperature compared with existing Tokamak. Application received by Commissioner of Customs: October 5, 1971.

Docket No. 72-00175-01-10502. Applicant: Department of Treasury, IRS-Alcohol, Tobacco and Firearms Division, 1111 Constitution Avenue, Washington, DC 20224. Article: Vapor trace analyzer, Model 103A. Manufacturer: Hydro-nautics-Israel, Ltd., Israel. Intended use of article: The article will be evaluated for its use in forensic science applications, investigations of bombings, identification of suspects, and locating of concealed explosive. Application received by Commissioner of Customs: October 7, 1971.

Docket No. 72-00176-75-20700. Applicant: Cornell University, Laboratory of Nuclear Studies, Wilson Laboratory, Ithaca, N.Y. 14850. Article: Lead glass. Manufacturer: Ohara Glass, Japan. Intended use of article: The article will be used in several experiments as detectors to measure the energy and point of conversions of multi-GeV gamma rays. The article will also be used to train a number of graduate students in constructing, testing, calibrating and finally using the detectors in experiments providing the basis for their Ph.D. theses. Application received by Commissioner of Customs: October 7, 1971.

Docket No. 72-00177-33-46040. Applicant: Wesleyan University, Biology Department, Room 257, Hall-Atwater Laboratories, Middletown, Conn. 06457. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD,

The Netherlands. Intended use of article: The article is intended for use in research and teaching in cellular biology (including invertebrate pathology, cellular anatomy, cellular physiology, morphogenesis) as well as virology at the tissue, cellular, and macromolecular levels. Examples of investigations to be undertaken are as follows: (1) Study of substructures of microtubules and more especially those of the flagellae of *Drosophila* sperm tails; (2) studies involving the intracellular transport of RNA and secretory proteins in various insect cells; (3) studies of the relationship of DNA molecules to the bacterial cell membrane; and (4) analysis of the fine structure of the chromosomes of a protozoan Tetrahymena. Application received by Commissioner of Customs: October 12, 1971.

Docket No. 72-00178-01-19000. Applicant: University of Massachusetts, Chemistry Department, Amherst, Mass. 01002. Article: Digital precision density meter, Model DMA 02C. Manufacturer: Anton Paar K G., Austria. Intended use of article: The article will be used to measure the apparent partial molar volume of various globular proteins in dilute solution, as a function of the temperature of the solution over the temperature range 0° to 70° centigrade, at various pH values in the range 2-5, to gain knowledge of the denaturation process. Application received by Commissioner of Customs: October 12, 1971.

Docket No. 72-00179-33-11000. Applicant: City of Philadelphia, Office of the Medical Examiner, 13th and Wood Streets, Philadelphia, PA 19107. Article: Mass spectrometer system, Model CH-7. Manufacturer: Varian Mat GmbH, West Germany. Intended use of article: The article will be used for the following purposes: (1) To determine if any drug or known metabolite is present in post mortem specimens, and possibly a causative factor in a death; (2) To determine the distribution of drugs and their known metabolites in the various body tissues; and (3) To gather data to aid in the elucidation of biodegradation mechanisms and metabolite structures. Application received by Commissioner of Customs: October 12, 1971.

Docket No. 72-00180-33-46040. Applicant: Temple University Medical School, Department of Medicine, 3401 North Broad Street, Philadelphia, PA 19140. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article is to be used in studying blood vessels, blood cells, and fibrinogen and its derivatives to elucidate the changes that precede and accompany thrombosis. The applicant is particularly interested in investigating changes produced by conditions that predispose to initiation of thrombosis and changes that enable the growth of the thrombosis once it starts.

The article will also be used by graduate students and post doctoral fellows who are engaged in research in the field of thrombosis with the aim of training the participants for future independent work and contributing significant new

knowledge in the field by completion of a publishable study. Application received by Commissioner of Customs: October 7, 1971.

Docket No. 72-00181-33-46500. Applicant: College of Medicine and Dentistry of New Jersey at Newark, 100 Bergen Street, Newark, NJ 07103. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The foreign article will be used to produce positive identification of the sites of termination of selected pathways in the central nervous system of mammals and to reveal the normal ultrastructural organization of brain regions receiving the fiber pathways in question. Application received by Commissioner of Customs: October 13, 1971.

Docket No. 72-00182-01-77030. Applicant: Yale University, Department of Chemistry, 225 Prospect Street, New Haven, CT 06520. Article: Nuclear Magnetic Resonance, Spectrometer, Model JNM-MH-100. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used in several areas of research including the following representative samples: (1) Structural investigations of sparingly soluble natural products; (2) High sensitivity studies of ¹³C sidebands to follow incorporation of labeled compounds in the elucidation of biosynthetic pathways; (3) Kinetic and mechanistic studies using accurate nmr line shape analysis of nonrigid organic, organometallic and inorganic complex compounds; (4) Studies of binding of small molecules to oligonucleotides; (5) Studies of isotope exchange; (6) Studies of rearrangement mechanisms in Vitamin B₁₂ analogs; (7) NOE and high resolution studies of stereochemistry about the glycosidic linkage in nucleosides; (8) Studies involving relationships between electronic and molecular structure and nmr parameters in small ring and bicyclic alkanes and alkenes; (9) Kinetic and mechanistic studies of rearrangements of carbonium ions; and (10) Structural investigations of aqueous dispersions of lecithins and other model membrane systems. The article will also be used in the following courses: (1) Chemistry 42 (a,b), Research Problems in Chemistry; and (2) Chemistry 144, Organic Laboratory Techniques. Application received by Commissioner of Customs: October 15, 1971.

Docket No. 72-00183-79-16095. Applicant: University of California San Diego School of Medicine, Department of Biology, 5046 Basic Science Building, LaJolla, Calif. 92037. Article: Multiwire Proportional Counter. Manufacturer: CERN European Organization for Nuclear Research, Switzerland. Intended use of article: The article will be used in a research program concerned with investigation of the radiation hazards of manned space flight to study the spatial and energy deposition of secondary charged particles which may be important in defining the mechanisms by which radiation damage is incurred in human cells. Application received by

Commissioner of Customs: October 15, 1971.

Docket No. 72-00184-99-26000. Applicant: Danville High School, Fairchild at Jackson, Danville, IL 61832. Article: Dr. Clemenz Theory of Electricity Device. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used for teaching the basic theory of electricity through actual construction of electrical articles. Application received by Commissioner of Customs: October 15, 1971.

SETH M. BODNER,

Director,

Office of Import Programs.

[FR Doc.72-932 Filed 1-20-72;8:48 am]

WAYNE STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00379-00-00520. Applicant: Wayne State University, Physics Research Building, 666 West Hancock, Detroit, MI 48201. Article: Accessories for electrostatic accelerator. Manufacturer: Nukem, West Germany.

Intended use of article: The article will be used in studies of the properties of various atomic nuclei using an ion beam from a Van de Graff electrostatic accelerator.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessories being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,

Director,

Office of Import Programs.

[FR Doc.72-930 Filed 1-20-72;8:48 am]

Patent Office TRADEMARKS

Initial Processing of Applications

On February 1, 1972, the operations of the Trademark Application Section of the Patent Office will be reorganized. The purpose of the reorganization is to provide the public and applicants with more current information concerning newly filed applications.

The prompt initial processing of trademark applications is necessary in order to fulfill one of the main Patent Office functions, that of producing a record, accessible to the public, of new trademark activity to facilitate the clearance of new marks for use, determine the registrability of proposed marks, and avoid conflicts with the rights of others. In order to maintain a record of marks applied for which reflects the most current information available to the Office concerning them, the early processing of drawings in order to have them placed in the search room is considered as a first priority. The processing of these drawings includes the assignment of serial numbers, initial classification, duplication of the drawing and the forwarding of copies of the drawing to the search room. Other functions which are necessary in the processing of applications, such as the processing and mailing of filing receipts, are secondary to the processing of drawings.

In past years, there have been delays in processing applications and forwarding application drawings to the search room. These delays have varied from several weeks to several months. In view of the importance, both to applicants and the public, of recording essential information concerning newly filed applications as quickly as possible, a reorganization of the workflow in the Application Section is being effected.

There is no change in the processing of applications through the mail room and finance branch to the Application Section. However, under the new plan, upon receipt in the Trademark Application Section, all applications will be stamped with a serial number, and the drawing of the mark will be reproduced immediately and placed in the search file. This processing will occur as soon as the application files reach the Application Section. Such procedures as determining whether or not an application will receive a filing date, preparation of the file jackets, and mailing of the filing receipt will take place at a later time.

Applicants who wish to be notified promptly of the date their papers were received in the office and their serial number, may send two self-addressed postcards with their application papers. The mail room will stamp both postcards with the date of receipt and return one to the applicant; the second postcard will be stamped with the serial number and forwarded to the applicant from the Application Section. The postcards should contain the applicant's name and the trademark which is the subject of the

application. When more than one set of application papers are forwarded under one cover, postcards should be attached to each set of papers for which a receipt is desired.

Under the new system of processing application papers, your particular attention is directed to the following changes as compared to the present procedure.

1. Application drawings will be placed in the public search file prior to the mailing of the filing receipt.

2. By using the postcard system described above, applicants will be notified sooner of the date of receipt of their papers and the serial number of their application. Applicants are encouraged to use the postcard system.

3. Additional papers sent in by the applicant or attorney should be identified by serial number, thereby enabling the office to process these papers quickly.

4. When an application is accompanied by a petition to the Commissioner under § 2.146, the petition will not be considered until processing by the Application Section is complete.

Effective date. The procedure outlined in this notice will become effective February 1, 1972.

RICHARD A. WAHL,

Acting Commissioner of Patents.

JANUARY 11, 1972.

Approved:

JAMES H. WAKELIN, JR.,
Assistant Secretary for
Science and Technology.

[FR Doc.72-925 Filed 1-20-72;8:48 am]

ATOMIC ENERGY COMMISSION

RIO BLANCO GAS STIMULATION PROJECT, COLO.

Notice of Availability of the General Manager's Draft Environmental Statement

Notice is hereby given that a document entitled, "Draft Environmental Statement—Rio Blanco Gas Stimulation Project, Colo.," issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's Idaho Operations Office, Post Office Box 2108, Idaho Falls, ID 83401; Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830; San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439, and the New York Public Document Room, 376 Hudson Street, New York, NY 10014. This statement is issued in support of AEC's proposed nuclear gas stimulation project.

The draft environmental statement will be furnished upon request addressed to

the Assistant General Manager for Environment and Safety, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 17th day of January 1972.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc. 72-900 Filed 1-20-72; 8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 72-1-14]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates

Issued under delegated authority, January 6, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned CAB Agreement No. 22827.

The agreement would have the effect of extending, for a further period of effectiveness, the levels of certain cargo rates and related charges prevailing prior to October 1, 1971, which was the intended effectiveness date of increased rates and charges reflected in an agreement reached at the Singapore worldwide cargo rate conference and on which action by the Board is pending.¹ Effectiveness of status quo levels would be extended until such time as the Board takes final action on the increased levels of rates or charges, but no later than September 30, 1972. The rates and charges to be extended are encompassed in the following resolutions to the extent they are applicable in air transportation to/from the United States, the District of Columbia, and the Commonwealth of Puerto Rico—except in North Atlantic and North/Central Pacific services for which no agreement was reached at Singapore:²

¹ See Orders 71-9-124 and 71-9-125, both dated Sept. 30, 1971.

² In this connection we would note that, from a technical viewpoint, the instant agreement is intended to supersede action already taken by the IATA Secretariat pursuant to provisions permitting it to extend the effectiveness of current resolutions for a 60-day period in the event a government has not acted upon an agreed replacement.

IATA resolution	Title
501	Minimum Charges for Cargo.
508	Charges for Stalls.
509	Charges for Disbursements.
511	Rates for Live Animals.
512a	C.O.D. Procedures.
512c	Charge for Preparation of Air Waybill.
512d	Charge for Amendment of Air Waybill.
513	Charges on Mixed Consignments.
521	Use of Unit Load Devices.
531	TC1 Bulk Unitization Charges.
536b	South Pacific—Bulk Unitization Charges.
551	TC1 General Cargo Rates.
556	JT31 General Cargo Rates—South Pacific.
590	Specific Commodity Rates Board.
595	Special Rates for Valuable Cargo.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions which are incorporated in Agreement CAB 22827 are adverse to the public interest or in violation of the Act:

IATA resolution

100 (Mail 886) 008x.
JT12 (Mail 781) 008x.
JT31 (Mail 208) 008x.
JT123 (Mail 678) 008x.

Accordingly, it is ordered, That: Action on Agreement CAB 22827 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's economic regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc. 72-954 Filed 1-20-72; 8:49 am]

[Docket No. 23333; Order 72-1-52]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares for Cargo Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of January 1972.

By Order 71-10-19, dated October 5, 1971, action was deferred on the subject portion of an agreement which was adopted by the International Air Transport Association and which deals with reduced fare concessions for cargo agents. In essence, the agreement would, by terms of a new resolution to be effective March 1, 1972, alter the basis upon which the number of one-way, circle, or round-trip tickets, available at a 75-percent reduction, are to be allocated to such agents. Currently, agencies which have been registered under the provisions of Resolution 810b on a location-by-

location basis are entitled to two reduced-fare tickets per location per year, and those who have been initially registered under the provisions of Resolution 811a on a country-by-country basis receive two tickets per year per country. Inasmuch as the registration provisions embodied in Resolution 810b are scheduled to expire on February 29, 1972, the carriers have adopted the subject resolution which is intended to accommodate the surviving registration provisions by changing an agency's allocation to two reduced fare tickets from each IATA member carrier per year per country of registration. In order to grant interested persons and parties an opportunity to comment on the resulting effect of the resolution in changing the number of reduced fare tickets, action was deferred for a period of 30 days.

Comments have been received from Pan American World Airways, Inc. (Pan American), Airborne Freight Corp. (Airborne), A.M.I. Air Freight (A.M.I.), Emery Air Freight Corp (Emery), and the International Airfreight Agents Association, Inc. (IAAA). No replies were received.

Pan American points to the administrative changes which precipitated the agreement and urges approval of the reduced fare concession program as submitted. This carrier states that the Board's concern over the effect of the proposed agreement as to large vis-a-vis small cargo agencies, i.e., a reduction in the number of reduced fare tickets for agencies previously registering a large number of sales locations within a given country and an increase for agencies with only one location or a relatively small number of sales locations, reflects a misunderstanding, inasmuch as the practical effect for each agency, large or small, will be a substantial increase in the number of reduced fare tickets for which he is eligible. However, Pan American contends that actual usage will be limited; that is, use by all agencies will be restrained by the number of IATA carriers serving the point of departure on an agent's itinerary,¹ and "the ordinary, everyday demands of a small cargo sales agency will not permit the smaller agent to utilize the authorization for purposes for which they are not intended * * *" and "will act as self-existing controls to limit usage of the available authorizations to an extent commensurate with the bona fide business needs of each agency concerned."

IAAA, on behalf of its membership, which is in excess of 110 agents, supports the meaning and effect of the proposed agreement, stating that approval would allow agents proper opportunities for development, education, incentive, and techniques in a fair and economic way, inasmuch as the agreement will correct technical shortcomings which arise in cargo agent travel privileges as a result of the various changes and/or expiration

¹ Each carrier participating in an agent's itinerary would make a "charge" against the respective agency's total allotment (2) with such carrier.

of the IATA resolutions governing agency registrations.

A.M.I. indicates support for travel privileges on the basis of a genuine business need for cargo sales agents; however, it urges the Board to guide the industry in the adoption of a "much needed, realistic and usable travel policy" which would permit agents more frequent travel at the lowest possible cost.²

Airborne opposes the agreement. It indicates that reduced travel for cargo agents is an effective marketing tool, but that its scope should be related to results, potential, and problems involved in the marketing of international air freight. Airborne is critical of a reduced fare program for agents which is designed to overcome an IATA administrative problem. It states that if "keeping track of the number of locations is a tremendous problem, perhaps annual gross international sales, tonnage, shipments, or commission earned could be measured to relate the need for reduced travel to results and potential."

Airborne points out that, by reducing the flexibility in use of carriers,³ the proposed program, as applied to its system,⁴ would "severely handicap marketing efforts, particularly with regard to points in the North and South Pacific, Africa, and the Middle East where the number of carriers and schedules cannot be compared to that available via transatlantic routes to Europe. Moreover, Airborne contends it would be more restricted for travel to Europe via polar flights and direct flights from inland gateways, where again choice of carrier and schedule cannot be compared to that available from New York. It states that during 1970, 89 percent of its international sales⁵ generated to overseas points came from U.S. points other than the New York area.

Emery supports retention of the current basis for determining eligibility for reduced rate transportation, i.e., the number of existing locations, which it considers to be not only an easily ascertainable figure but one which is also "directly related to the quantum of the efforts of the agent in air cargo promotional activities." It criticizes the substitution of "a wholly artificial basis—the number of countries in which an agent operates" as being without legitimate explanation, and considers that information as to each location of an agency, as required by IATA under former registration procedures, can also be elicited under the new procedures.

Emery considers that the effect of the proposed agreement on larger agencies

² It suggests that such would be feasible and at the same time protect the carriers against potential revenue loss if travel concessions for agents were on a strictly space-available basis.

³ Previously, an agency's total allotment of reduced fare tickets could be used on any one or combination of carriers.

⁴ Airborne states that its international network consists of 57 generating stations in the United States and 10 overseas.

⁵ Total international revenue for Airborne amounted to \$17,511,000, of which \$8,230,000 represented commissionable revenue generated by Airborne as an IATA agent.

will be real and substantial. It notes that the larger agencies have generally undertaken most of the developmental activities which the reduced fares are designed to promote, and that tickets are genuinely needed by such agencies and are used in ways which are of substantial benefit to IATA members as well as to the agents themselves.⁶

Upon consideration of the comments received, the Board believes that a continuation of a program granting reduced fare concessions to cargo agents is warranted. We have, in recent year, approved IATA's program because the travel allowance appeared to be reasonably related to the needs for such travel and likely to enhance the promotion of air cargo traffic. However, no showing has been made that the instant agreement's proposed allotment of two tickets per carrier per country of registration is in any way related to the legitimate requirements of the carriers⁷ and agents. Rather, it appears that the agreement is designed to overcome problems posed by IATA's internal administrative changes and, as such, fails to meet the past standards required by the Board as a condition precedent to the offering of fare concessions for international cargo agents.

We are not prepared to approve the agreement as presented. It is doubtful that even a few single location IATA cargo agencies, which under the new program contemplated by the agreement would be placed on a par with larger agencies with respect to reduced fare eligibility, have the same travel requirements as such larger agencies for the resolving of a broad range of problems associated with air freight marketing. We are cognizant of the problems inherent in the design of a program in which reduced rate transportation can be directly related to the benefits produced by such transportation, but it would appear that a quota or allowance of reduced fare tickets based on commissionable sales or reflecting the number of agency-associated employees would be more likely to result in a need-related travel allowance than the instant proposal. So as to give the carriers an opportunity to consider the Board's views, we will herein further defer final action on the agreement.

In light of the foregoing, the Board, acting pursuant to the provisions of the Federal Aviation Act of 1958, particularly sections 102, 204(a), and 412, finds it in the public interest to continue to defer action on the subject agreement.

Accordingly, it is ordered, That:

⁶ Emery cites a need for reduced fare concessions in conjunction with the extension to European stations of its EMCON computer tracing system, which it anticipates will be of benefit not only to Emery but also to the IATA members who will carry the transatlantic and intra-European freight the project will generate.

⁷ There is no basis to estimate, from the information submitted in support of the agreement, the likely effect on the reduced rate ticket allowance for individual agencies or the agency industry as a whole.

Action on Agreement CAB 22529, R-1, be deferred for a further period.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-955 Filed 1-20-72; 8:49 am]

[Docket No. 23486; Order 72-1-58]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares Over the Pacific

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of January 1972.

By Order 71-12-10, dated December 2, 1971, the Board established a schedule for the receipt of comments on various IATA agreements submitted pursuant to section 412 of the Federal Aviation Act of 1958. Comments were requested on fares to apply over the North/Central Pacific effective February 1, 1972. These fares were described in the Board's procedural order and provide, as regards the United States-Tokyo market, increases of up to 5.4 percent in normal economy fares, excursion fares, individual inclusive tour fares, and fares for affinity groups of 25; reductions of up to 16 percent in group inclusive tour fares and fares for affinity groups of 70; and the maintenance of status quo as regards first-class fares. The status quo was maintained on fares to the Far East other than Japan, with the exception of group inclusive tour fares during the basic season and affinity group fares for 70 or more passengers which were reduced.

Pan American World Airways, Inc. (PAA) and Northwest Airlines, Inc. (Northwest) in their respective justifications state that the increases in certain fare categories to and from Tokyo are warranted for two reasons—changes in the relationship between the U.S. dollar and the yen, and new costs for en route facilities imposed by the Japanese Government.

The Board is aware of the additional costs arising from new and increased en route facilities charges.¹ On the other hand, the element of the proposed fare increases arising from currency fluctuations was, at the time these new fares were agreed upon, necessarily based upon estimates. In any event, neither carrier involved in operations to Japan has furnished data as to the magnitude of actual increased costs incurred as a consequence of changes in de facto exchange rates, nor have they provided adequate information upon which to determine whether the proposed fare increases are within the stabilization

¹ Neither carrier comments on the fact that, while these increased costs would apply equally to all passengers, the fare increases have not likewise been made applicable to all categories of passengers.

guidelines or otherwise consistent with the purposes of the Economic Stabilization Act of 1970 as amended.

Moreover, the IATA carriers have met in Geneva to reach agreement on new fares as a result of the currency situation. In these circumstances, it would appear more appropriate to await the outcome of this conference so that the Board will be in a position to evaluate the total fare package to be implemented for air travel between the United States and the Far East.

We will therefore defer action on the instant agreement as it relates to fares to be applied over the North/Central Pacific from February 1, 1972. The new fares reflected in this agreement may not be applied in air transportation unless and until approved by the Board.

Accordingly, it is ordered, That: Action on Agreement CAB 22663, R-31 through R-34, and R-36 through R-43, is deferred.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-956 Filed 1-20-72;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

GIBBERELIC ACID

Notice of Reextension of Temporary Tolerance

Amdal Co., Division of Abbott Laboratories, North Chicago, Ill. 60064, was granted a temporary tolerance of 0.15 part per million for negligible residues of the plant regulator gibberellic acid in or on the raw agricultural commodity sugarcane on October 31, 1969 (notice was published in the FEDERAL REGISTER of November 7, 1969 (34 F.R. 18049)). At the request of the firm, the temporary tolerance was extended to October 31, 1971 (notice was published in the FEDERAL REGISTER of March 24, 1971 (36 F.R. 5531)).

The firm has requested a 1-year re-extension to obtain additional efficacy data. It is concluded that such re-extension will protect the public health. A condition under which the temporary tolerance is reextended is that the plant regulator will be used in accordance with the temporary permit which is being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Amdal Co. name.

As reextended this temporary tolerance expires October 31, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by

the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: January 17, 1972.

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

[FR Doc.72-928 Filed 1-20-72;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

BROADCASTING OF INFORMATION CONCERNING HORSE RACES

Order Extending Time for Filing Petition for Reconsideration

1. On December 17, 1971, the Commission released a Declaratory Ruling (32 FCC 2d—) on the captioned subject. The ruling was issued pursuant to requests filed by the city of New York Off-Track Betting Corp. (OTB).

2. Now before us is a motion filed by the OTB for an extension of time of at least thirty (30) days in which to file a petition for reconsideration. In support of its request, OTB states that consultations between its executive, legal, and advertising staff were delayed by the Christmas and New Year holidays, since the ruling was released on the last business day of the week preceding Christmas. OTB was unable to immediately determine the impact that "institutional advertisements" would have on its planned advertising campaign. OTB further stated that it needed more time to gather the factual support for the matters that will be asserted in its petition.

3. In the circumstances stated in the request, we consider that an extension of time is warranted.

4. In view of the foregoing: *It is ordered*, Pursuant to section 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 155(d), and § 0.251 (b) of the rules and regulations, 47 CFR 0.251(b) that the time for filing a petition for reconsideration of the December 17, 1971, Declaratory Ruling is extended to February 18, 1972.

Adopted and released: January 13, 1972.

[SEAL] JOHN W. PETTIT,
General Counsel.

[FR Doc.72-911 Filed 1-20-72;8:46 am]

[Docket No. 19393 etc.; FCC 72-29]

QUINNIPIAC COLLEGE ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Quinnipiac College, Hamden, Conn., requests: channel 204; 10 watts, Docket No. 19393, File No. BPED-1,115; St. Thomas Seminary, Hartford, Conn., requests: Channel 205;

6kw(H); 6kw(V); 451 feet, Docket No. 19394, File No. BPED-1,127; University of New Haven, Inc., West Haven, Conn., requests: channel 204; 2.9kw(H); 2.9kw(V); 151 feet, Docket No. 19395, File No. BPED-1,152; for construction permits.

1. The Commission has under consideration the above-captioned applications of Quinnipiac College, St. Thomas Seminary, and the University of New Haven, Inc., which are mutually exclusive in that operation by the applicants as proposed would result in interference involving infringement of 1 mv/m contours and therefore a comparative hearing is required.

2. It appears that there will be a significant disparity in the areas and populations served by the applicants. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service. Since the present proceeding involves competing noncommercial educational applicants, the normal 307(b) issue shall be modified in accordance with our prior action in New York University, 10 RR 2d 215 (1967). Such a determination requires that we consider the areas and populations to be served by the applicants. In calculating the area and population to be served by Quinnipiac College, an effective radiated power of 10 watts and an antenna height above average terrain of 100 feet should be used, unless a showing submitted by Quinnipiac College demonstrates a more accurate method.

3. An issue will be specified to determine whether a share-time arrangement among qualified applicants would be the most effective use of the frequencies in question. In the event that this issue is resolved in the affirmative, an issue will also be specified to determine the nature of a share-time arrangement which would best serve the public interest. It should be noted that our action specifying a share-time issue is not intended to preclude the applicants, either before the commencement of a hearing or at any time during the course of the hearing, from participating in negotiations with a view toward establishing a share-time agreement.

4. Each of the applicants is qualified to construct, own, and operate the proposed new noncommercial educational FM broadcast station. However, because of their mutual exclusivity, the Commission is unable to make a statutory finding that a grant of the subject applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

5. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Quinnipiac College, St. Thomas Seminary, and University of New Haven, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals.

(2) To determine the number of other aural educational services available (primary for AM, 1 mv/m or better for FM) in the proposed service area of each applicant, and the areas and populations served thereby.

(3) To determine the extent to which each of the proposed operations will be integrated into the overall educational operation and objectives of the respective applicants; or whether other factors in the record demonstrate that one applicant will provide a superior FM educational broadcast service.

(4) To determine, in the event that the Hearing Examiner finds that no decisional preference should be given to any of the applicants pursuant to issue (3) above, whether a share-time arrangement among qualified applicants would be the most effective use of the channels.

(5) If issue (4) above is decided in the affirmative, to determine the terms of a share-time arrangement which would best serve the public interest.

(6) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner specified in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-912 Filed 1-20-72;8:46 am]

FEDERAL MARITIME COMMISSION

[Docket No. 72-5]

AUSTRALIA/U.S. ATLANTIC & GULF CONFERENCE

Order to Show Cause Regarding Proposed Imposition of Currency Adjustment Surcharge

The Australia/U.S. Atlantic & Gulf Conference is a conference of ocean car-

riers engaged in the foreign commerce of the United States with respect to transportation of goods in common carriage from ports in Australia to ports on the Atlantic and Gulf ports of the United States. As required by law, section 18(b) of the Shipping Act, 1916, the Conference and its member lines have on file with the Commission Tariff FMC-3 setting forth their rates and charges. The rates filed by the Conference are furthermore subject to the provisions and requirements of an approved "dual rate" system, known as a Shippers Rate Agreement, approved by the Commission pursuant to section 14(b) of the Shipping Act, 1916. Among the requirements of that law is the provision that the Conference give shippers who are signatory to the Agreement 90 days' notice of increases in rates.

On or about December 22, 1971, the Conference filed a currency devaluation adjustment surcharge in its tariff, FMC-3, of 8.57 percent indicating that it was to become effective on January 8, 1972. On December 24, the Conference modified the amount of the surcharge to 6.32 percent.

In publishing these surcharges on less than 90 days' notice, the Conference relied upon Article 23(a) of the Shippers Rate Agreement which states in pertinent part:

In the event of * * * currency devaluation by governmental action, regulations of any governmental authority pertaining thereto, or any other official interferences with commercial intercourse arising from the above conditions * * *. [A surcharge may be imposed on 15 days' notice.]

On December 23, 1971, the Commission's Bureau of Compliance directed a telegram to the Conference indicating that the Conference's said surcharge was not justified by the currency devaluation provision of Article 23(a) of its contract, and advised that such a surcharge could be imposed only upon 90 days' notice.

The Conference notified the Commission by telegram on December 29, 1971, that it disagreed with the Bureau's position in its opinion on the said Article 23(a) and urged that this position be reversed. By telegram of January 7, 1972, the effective date of the surcharge was deferred to January 15, 1972.

By telegram dated January 12, 1972 and letter dated January 13, 1972, the Commission informed the Conference that at its meeting on January 11, 1972, it had rejected the Conference's surcharge since it failed to conform to the requirements of sections 14(b) and 18(b) of the Shipping Act, 1916, and the Conference's Shippers Rate Agreement and advised the Conference that "rejected tariff matter is void and its use unlawful and the rates quoted in the rejected filings may not be implemented until lawfully refiled and in effect."

Notwithstanding the Commission's rejection of the subject tariff matter, the Conference, by telegram dated January 14, 1972, informed the Commission that the member lines intended to assess the surcharge on or after January 15, 1972. However, at the request of the Commission, on January 15, 1972, Edward Weinfeld, District Judge of the U.S. District

Court for the Southern District of New York entered a temporary restraining order enjoining the Conference and its member lines from giving effect or taking any action pursuant to the rejected tariff filings with respect to the currency devaluation surcharge until further order of the court.

Section 18(b) (1) of the Shipping Act, 1916, states in pertinent part:

[E]very common carrier by water in foreign commerce and every conference of such carriers shall file with the Commission * * * tariffs showing all the rates and charges of such carrier or conference of carriers for transportation to and from U.S. ports and foreign ports * * *.

Section 18(b) (3) of the Shipping Act, 1916, states in pertinent part:

No common carrier by water in foreign commerce or conference of such carriers shall charge or demand or collect or receive a greater or less or different compensation for the transportation of property or for any service in connection therewith than the rates and charges which are specified in its tariffs on file with the Commission and duly published and in effect at the time * * *.

Section 18(b) (4) of the Shipping Act, 1916, states:

The Commission shall by regulations prescribe the form and manner in which the tariffs required by this section shall be published and filed; and the Commission is authorized to reject any tariff filed with it which is not in conformity with this section and with such regulations. Upon rejection by the Commission, a tariff shall be void and its use unlawful.

Section 14(b) (2) of the Shipping Act, 1916 states in pertinent part:

* * * [W]herever a tariff rate for the carriage of goods under the contract becomes effective, insofar as it is under the control of the carrier or conference of carriers, it shall not be increased before a reasonable period, but in no case less than 90 days.

The Commission is of the opinion that the assessment and collection of the subject surcharges in the absence of an applicable tariff on file with the Commission constitutes a violation of the above-cited provisions of law and that Article 23(a) of the Shippers Rate Agreement did not authorize the filing on less than 90 days' notice.

Now therefore, it is ordered, Pursuant to sections 22, 18(b) (1), (3), and (4), and 14b of the Shipping Act, 1916, that the Australia/U.S. Atlantic & Gulf Conference and its member lines as shown in Appendix A be named respondents in this proceeding and that respondents be ordered to show cause why the Commission should not find the imposition of the subject currency devaluation surcharge to be in violation of sections 18(b) (1), (3), and (4), and 14b of the Shipping Act, 1916, and consequently should not order respondents to cease and desist from assessing and collecting such surcharge;

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda of law, replies and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues

¹ Commissioner H. Rex Lee absent.

in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before January 31, 1972. Affidavits of fact and memoranda of law shall be filed by respondents and intervenors in support of respondents and served upon all parties no later than the close of business January 31, 1972. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors in opposition to respondents, if any, no later than close of business February 11, 1972. Oral argument will be scheduled at a later date if requested and/or deemed necessary by the Commission;

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents;

It is further ordered, That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business January 26, 1972.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

E. F. Reardon, Agent, Australia/U.S. Atlantic and Gulf Conference, 17 Battery Place, New York, NY.

A/B Atlanttrafik (Atlanttrafik Express Service), Packhusplatsen 8, Gotenburg 1, Sweden.

Columbus Line, Ost-West Strasse 59, 2000 Hamburg 11, West Germany.

Farrell Lines, Inc., 1 Whitehall Street, New York, NY 10004.

Maritime Fruit Carriers Co., Ltd., 53 Shderot Hameginim, Post Office Box 1501, Haifa, Israel.

Pacific America Container Express Line, The Joint Service of:

Associated Container Transportation (Australia), Ltd., 136 Fenchurch Street, London EC3M6DD, England.

Australian Coastal Shipping Commission, 65/79 Riverside Avenue, South Melbourne, Victoria 3205, Australia.

Refrigerated Express Lines (A'Asia) Pty., Ltd., 37 Pitt Street (G.P.O. Box 5044, Sydney, 2001), Sydney, N.S.W. 2000, Australia.

[FR Doc. 72-944 Filed 1-20-72; 8:49 am]

KOMMANDITSELSKAPET CRUISE VENTURE A/S & CO., AND FLAGSHIP CRUISES LTD.

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of

Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Kommandittselskapet Cruise Venture A/S & Co., Drammensveien 30, Oslo 2, Norway.

and
Flagship Cruises Ltd., Queen Street, Hamilton, Bermuda.

Dated: January 18, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 72-945 Filed 1-20-72; 8:50 am]

[Independent Ocean Freight Forwarder License 422]

SEAIR FORWARDING CO., INC.

Order of Revocation

On January 4, 1972, Seair Forwarding Co., Inc., 61 Broadway, New York, NY 10006, voluntarily surrendered its FMC License No. 422.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated September 29, 1970);

It is ordered, That the Independent Ocean Freight Forwarder License No. 422 of Seair Forwarding Co., Inc., be and is hereby revoked effective January 4, 1972, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Seair Forwarding Co., Inc.

AARON W. REESE,
Managing Director.

[FR Doc. 72-946 Filed 1-20-72; 8:50 am]

[Independent Ocean Freight Forwarder License 393]

YOUNG & GLENN, INC., AND NYOS, INC.

Order of Revocation

By letter dated December 6, 1971, Young & Glenn, Inc., and Nyos, Inc., 26 Broadway, New York, NY 10004 freight forwarders operating under a single license, were advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 393 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 1, 1972.

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.

Young & Glenn, Inc., and Nyos, Inc., have 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) section 7.04(g) (dated September 29, 1970);

It is ordered, That the Independent Ocean Freight Forwarder License of Young & Glenn, Inc., and Nyos, Inc., be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Young & Glenn, Inc., and Nyos, Inc., be and is hereby revoked effective January 1, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Young & Glenn, Inc., and Nyos, Inc.

AARON W. REESE,
Managing Director.

[FR Doc. 72-947 Filed 1-20-72; 8:50 am]

FEDERAL POWER COMMISSION

[Dockets Nos. CP71-68, etc.]

COLUMBIA LNG CORP., ET AL.

Notice of Availability of Supplemental Environmental Statements for Inspection

JANUARY 13, 1972.

Notice is hereby given that on January 10, 1972, as required by § 2.82(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971) supplemental draft to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) were placed in the public files of the Federal Power Commission. These statements deal with the proceeding Columbia LNG Corp., et al. for application under section 3 of liquefied natural gas and under section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities. These statements are available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The supplemental draft environmental impact statements have been prepared by the Columbia LNG Corp., Consolidated System LNG Co., Southern Energy Co. and the Southern Natural Gas Co. as additional information in the above dockets before the FPC concerning the (1) proposed LNG terminal facility, approximately 6,000 foot unloading pier and docking area at Cove Point, Md. and 82.6 miles of 36" pipeline from there to Loudoun County, Va., (2) a total of approximately 190.2 miles of 30" gas pipeline from Loudoun County, Va., to Clinton County, Pa. with compressor facilities; (3) a proposed LNG terminal facility and ship turning basin at Elba Island in the Savannah River, Ga.; and

(4) a total of approximately 13.25 miles of dual 30" pipeline and approximately 104.65 miles of 20" pipeline with ancillary facilities from Elba Island to the Wrens compressor station. These statements are supplementary to the staff draft environmental statement filed by the Commission in these proceedings on August 16, 1971.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene together with a detailed statement of the nature of the evidence to be submitted; written comments by persons not wishing to intervene may be filed for the Commission's consideration by February 21, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-748 Filed 1-20-72; 8:45 am]

[Dockets Nos. G-4366, etc.]

HUNT OIL CO. ET AL.

Findings and Order After Statutory Hearing

JANUARY 11, 1972.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, making successors co-respondents, redesignating proceedings, accepting FPC gas rate schedules for filing, and cancelling docket numbers.

Each applicant herein has filed an application pursuant to section 7 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 or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to FPC gas rate schedules on file with the Commission and propose to initiate, continue, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

Getty Oil Co., applicant in Docket No. CI71-851, proposes to continue the sale of natural gas from its own interest which was heretofore authorized in Docket No. CI69-953 made pursuant to Prairie Producing Co. FPC Gas Rate Schedule No. 3 at a rate in effect subject to refund in Docket No. RI70-611. Prairie Producing Co. has been granted a small producer certificate of public convenience and necessity in Docket No. CS71-421, effective May 2, 1971. Therefore, Getty Oil Co. will be made a co-respondent in the proceeding in Docket No. RI70-611 and the proceeding will be redesignated accordingly.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on January 5, 1972, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Getty Oil Co. should be made co-respondent in the proceeding pending in Docket No. RI70-611 and that said proceeding should be redesignated accordingly.

(7) It is necessary and appropriate in carrying out the Provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

(8) In view of all the facts and circumstances in these cases, the Commission's action herein is consistent with the Economic Stabilization Act of 1970,

as amended, and regulations existing thereunder.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in Dockets Nos. G-11960 and G-12655 are amended by adding thereto or deleting therefrom authorization to sell natural gas as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The orders issuing certificates of public convenience and necessity in Dockets Nos. G-11937, G-12584, G-12585, G-12586, G-12587, G-13633, G-13828, G-14959 and CI64-663 are amended by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(F) The orders issuing certificates of public convenience and necessity in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or outstanding certificates are amended herein by authorizing the continuation of service

from the subject acreage, and in all other respects said orders shall remain in full force and effect:

Amend to
Delete Acreage

New Certificate
and/or Amend-
ment to Add
Acreage

G-11960 G-4366
CI63-293 CI71-704

(G) Getty Oil Co. is made a co-respondent in the proceeding pending in Docket No. RI70-611 and said proceeding is redesignated accordingly. Getty shall comply with the refunding procedure required by the Natural Gas Act and § 154.10 of the regulations thereunder.

(H) The certificate authorization granted in Docket No. CI71-668 is subject to any determination which may be made by the Commission in Docket No. R-338 with respect to the transportation of liquids and liquefiable hydrocarbons.

(I) Applicant in Docket No. CI71-668 shall charge and collect 20.5 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment.

(J) The certificate granted in Docket No. CI71-668 is subject to the Commission's findings and order accompanying Opinion No. 586. If the quality of the gas deviates at any time from the quality standards set forth in § 154.106(d) of the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act; provided, however, that changes reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(K) Within 45 days from the date of this order, applicant in Docket No. CI64-663 shall file three copies of a rate schedule-quality statement with respect to sales from Oklahoma production in the form prescribed in Opinion No. 586.

(L) The certificate granted in Docket No. CI71-852 is subject to the Commission's findings and order accompanying Opinion No. 595 and any further orders which may be issued in Docket No. AR64-2, et al.

(M) Within 90 days from the date of initial delivery applicant in Docket No. CI71-851 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 595.

(N) The certificates issued in Docket Nos. G-11915 and G-12655 are terminated since the service authorized therein will be continued by applicants in Docket Nos. G-14223 and G-13633, respectively.

(O) Docket Nos. CI71-598, CI71-803, and CI71-823 are cancelled.

(P) The certificates issued in Dockets Nos. G-11937, G-12584, G-12585, G-12586, G-12587, and G-13633, involving the sales of gas by Pennzoil Producing Co. to its affiliate, United Gas Pipe Line Co., determine the rates which legally may be paid by the buyer to the seller, but are without prejudice to any action

which the Commission may take in any rate proceedings involving said companies.

(Q) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule ¹		
			Description and date of document	No.	Supp.
G-4366 ^{1,2} F 5-13-71 ⁴	Hunt Oil Co.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	Assignment 3-1-71 ⁴ (Effective date: 3-1-71)	1	12
G-11937 ⁵ E 2-4-71	Pennzoil Producing Co.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	Mobil Oil Corp., FPC Gas Rate Schedule No. 33. Supplement Nos. 1-15 thereto. Notice of Succession 1-27-71. Assignment 12-11-70 ⁴ (Effective date: 12-1-70)	277	1-15
G-11960 D 5-3-71	Mobil Oil Corp.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	Assignment 3-1-71 ⁴ (Effective date: 3-1-71)	35	19
G-12584 ⁸ E 2-4-71	Pennzoil Producing Co.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	Assignment 12-11-70 ^{4,7} (Effective date: 12-1-70)	59	10
G-12585 ^{8,10} E 2-4-71	do.	do.	Assignment 12-11-70 ^{4,11} (Effective date: 12-1-70)	51	8
G-12586 ¹² E 2-4-71	do.	do.	Assignment 12-11-70 ^{4,11} (Effective date: 12-1-70)	57	8
G-12587 ¹⁴ E 2-4-71	do.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	Assignment 12-11-70 ^{4,11} (Effective date: 12-1-70)	65	20
G-13633 ¹⁶ E 5-6-71 ²³	do.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	Assignment 4-12-70. Amend agreement ¹⁷ (Effective date: 12-1-70)	60 60	12 13
G-13828 ¹⁸ E 2-24-71 ¹⁹	Ashland Oil, Inc. (Operator), et al.	Colorado Interstate Gas Co., Northwest Eva Field, Texas County, Okla.	Western Oil Fields, Inc. (Operator), et al. FPC Gas Rate Schedule No. 7 and Supplements Nos. 1-6 thereto. Notice of succession 2-10-71.	206	1-6
G-14223 ²¹ 3-15-71	Mobil Oil Corp. et al.	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	Assignment ²⁰ 10-28-70 (Effective date: 7-1-70) (¹⁹) (Effective date: date of this order).	206 140	7
G-14959 ²⁵ E 2-22-71 ²⁸	Texaco, Inc.	Northern Natural Gas Co., Hugoton-Friend Field, Finney County, Kans.	Mobil Oil Corp. FPC Gas Rate Schedule No. 158 and supplement Nos. 1-6 thereto. Notice of succession 2-18-71. Assignment 4 7-1-70 (Effective date: 7-1-70)	456 456	1-6 7
CI64-663 ³⁴ E 5-11-71	Apache Corp.	Cities Service Gas Co., Deer Creek North Field, Grant County, Okla.	Gulf Oil Corp. FPC Gas Rate Schedule No. 266 and supplements Nos. 1-2 thereto. Notice of succession 5-7-71. Assignment ²⁶ 2-26-71 (Effective date: 3-1-71)	51 51	1-2 3
CI71-851 ³⁸ 5-27-71 ³⁹	Getty Oil Co.	Trunkline Gas Co., South Ramsey Field, Colorado County, Tex.	Contract ³⁷ 3-21-69 (Effective date: 5-2-71)	188	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

¹ Where no effective date is shown, the rate schedule filing has heretofore been accepted.
² By letter filed June 11, 1971, applicant expresses willingness to accept permanent certificate conditioned to predecessor's rate of 15 cents per Mcf.
³ Applicant proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-11960, to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 36. Acreage being added to applicant's FPC Gas Rate Schedule No. 1.
⁴ Conveys interest from Mobil Oil Corp. to applicant.
⁵ Applicant proposes to continue the sales of natural gas heretofore authorized in Docket No. G-11937 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 33.
⁶ Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-12584 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 107.
⁷ Supersedes, in toto, Mobil Oil Corp. FPC Gas Rate Schedule No. 107 and Supplement Nos. 1-15 thereto.
⁸ Conveys interest to Hunt Oil Co.
⁹ Docket No. CI71-823 erroneously assigned to application.
¹⁰ Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-12585 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 108.
¹¹ Supersedes, in toto, Mobil Oil Corp. FPC Gas Rate Schedule No. 108 and Supplement Nos. 1-11 thereto.
¹² Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-12586 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 109.
¹³ Supersedes, in toto, Mobil Oil Corp. FPC Gas Rate Schedule No. 109 and Supplement Nos. 1-11 thereto.

- ¹⁴ Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-12587 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 110.
- ¹⁵ Supersedes, in toto, Mobil Oil Corp. FPC Gas Rate Schedule No. 110 and Supplement Nos. 1-16 thereto.
- ¹⁶ Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-12655 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 121.
- ¹⁷ Supersedes, in toto, Mobil Oil Corp. FPC Gas Rate Schedule No. 121 and Supplement Nos. 1-4 thereto and adds same to Pennzoil's existing Rate Schedule No. 60.
- ¹⁸ Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-13828 to be made pursuant to Western Oil Fields, Inc. (Operator), et al., FPC Gas Rate Schedule No. 7.
- ¹⁹ As amended June 10, 1971.
- ²⁰ From Summit Energy, Inc. (successor to Western Oil Fields, Inc.), to applicant.
- ²¹ Applicant filing to terminate certificate issued in Docket No. G-11915 and authorize the related sale under Docket No. G-14223. Respective rate filings previously accepted.
- ²² Docket No. CI71-803 erroneously assigned to application.
- ²³ Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-14959 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 158.
- ²⁴ Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI64-663 to be made pursuant to Gulf Oil Corp. FPC Gas Rate Schedule No. 266.
- ²⁵ From Gulf Oil Corp. to applicant.
- ²⁶ Applicant proposes to continue sales from its own interests formerly covered by Prairie Producing Co. who was granted small producer authorization in Docket No. CS71-421, effective May 2, 1971.
- ²⁷ Between Prairie Producing Company et al., and Trunkline Gas Co.
- ²⁸ Docket No. CI71-598 erroneously assigned to application.

[FR Doc. 72-823 Filed 1-20-72; 8:45 am]

[Docket No. CS72-189, etc.]

MRS. TOM J. MOFFITT ET AL.

Findings and Order After Statutory Hearing

JANUARY 11, 1972.

Findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, amending certificate, canceling FPC gas rate schedules, and terminating rate proceedings.

Each applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for small producer certificates of public convenience and necessity authorizing sales of natural gas in interstate commerce, all as more fully set forth in the applications and the Appendix hereto.

Certain applicants are presently authorized to sell natural gas pursuant to FPC gas rate schedules on file with the Commission. The certificates authorizing said sales will be terminated and the related rate schedules will be canceled. Some sales made pursuant to the certificates terminated herein and the canceled FPC gas rate schedules are subject to rate suspension proceedings which involve rates which have never been placed into effect. Accordingly, these proceedings will be terminated.

D & J Oil Co., applicant in Docket No. CS72-345, proposes to continue in part the sales of natural gas heretofore authorized in Docket No. G-6195 made pursuant to Gulf Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 413. Therefore, the certificate of public convenience and necessity heretofore issued to Gulf in Docket No. G-6195 will be amended by deleting therefrom authorization to make the sales of natural gas which will be continued by D & J Oil Co.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

At a hearing held on January 5, 1972, the Commission on its own motion received and made a part of the record

in this proceeding all evidence, including the applications submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant is or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission and is, therefore, a "natural-gas company" or will be when the initial delivery is made, within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by applicants are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Each applicant is an independent producer of natural gas which is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefore should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to Applicants should be terminated and that the related FPC gas rate schedules should be canceled.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate of pub-

lic convenience and necessity heretofore issued to Gulf Oil Corp. in Docket No. G-6195 should be amended by deleting therefrom authorization to make the sales of natural gas which will be continued by D & J Oil Co.

(8) The application pending in Docket No. CI71-606 is moot.

(9) In view of all the facts and circumstances in these cases, the Commission's action herein is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission and particularly:

(1) The subject certificates shall be applicable only to all small producer sales as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act; and

(2) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination, applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificates will still be effective as to sales already included thereunder.

(D) With respect to any small producer sale made pursuant to the authorization herein, the small producer shall not be relieved from compliance with section 7(b) of the Natural Gas Act.

(E) The certificates heretofore issued to applicants for sales proposed to be continued under small producer certificates are terminated and the related FPC gas rate schedules are canceled as indicated below.

(F) Certain proceedings in which applicants' increased rates have not been made effective are terminated as indicated below.

(G) The certificate of public convenience and necessity heretofore issued to Gulf Oil Corp. in Docket No. G-6195 is amended by deleting therefrom authorization to make the sales of natural gas which will be continued by D & J Oil Co.

(H) The application pending in Docket No. CI71-606 is dismissed.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
CS72-189	Mrs. Tom J. Moffitt et al.	6	G-6703	
9-2-71	do.	7	CI63-546	
CS72-197	C. R. Walbert et al.	1	CI68-596 ¹	
9-3-71	do.	2	CI70-278 ¹	
CS72-345	D. & J. Oil Co.			
10-14-71				
CS72-347	Herman Singer d.b.a. Inca Oil Co.	1	CI61-1738	
10-18-71				
CS72-353	Genmar Oil & Gas, Inc.			
10-19-71				
CS72-354	D. W. Stiles et al.	1	CI61-1217	
10-18-71	do.	2	CI65-572	
CS72-355	Harold A. Yaffee	1	CI65-554	
10-18-71	do.	2	CI70-442	
CS72-356	Elvis L. Roberts	1	G-19208	
10-18-71				
CS72-357	B. H. Keyes et al.	2	CI66-1287	
10-18-71	do.	3	G-12724	
	do.	4	CI62-909	
	do.	5	CI60-648	
	do.	6	G-19456	
	do.	7	CI68-512	
CS72-358	Alex N. Campbell	1	G-19360	RI69-483
10-18-71	do.	2	CI67-1837	
CS72-359	J. R. Abraham	1	CI65-522	
10-18-71				
CS72-360	R. N. Usher	1	CI61-912	
10-18-71				
CS72-361	A. K. Barrou	1	G-19518	
10-18-71				
CS72-362	John L. Morrison	1	CI63-1366	
10-18-71				
CS72-363	Frank Yockey	2	CI67-194	
10-18-71				
CS72-364	R. N. & Polly Usher	1	CI63-1384	RI69-438
10-18-71				
CS72-365	Jerome P. McHugh & Associates et al.	1	CI68-172	
10-18-71	do.	2	CI68-276	
	do.	3	CI68-589	
	do.	4	CI69-860	
	do.	6	CI69-1176	
	do.	7	CI70-846	
	do.	8	CI71-84	
	do.	9	CI71-606	
CS72-375	Hershberger Explorations, Inc.			
10-26-71				
CS72-376	Ruth P. Madden			
10-22-71				
CS72-377	Penn Resources, Inc. 71			
10-26-71				
CS72-402	Pioneer Oil Investment Co.	1	CI61-1209	
11-5-71				
CS72-404	G. Donald Murdoch			
11-8-71				
CS72-405	Jack E. Trigg			
11-6-71				
CS72-406	Louis Dorfman et al.	1	CI61-932	
11-3-71				
	do.	*1	CI63-1541 ²	
	do.	*1	CI61-1193 ²	
	do.	*1	CI62-1280 ⁴	
	do.	*2	CI62-1281 ⁴	
	do.	*3	CI62-1281 ⁴	
	do.	*4	CI62-1279 ⁴	
CS72-408	Peter Henderson Oil Co.			
11-8-71				
CS72-409	John S. Graham			
11-8-71				
CS72-412	P. S. & G., Inc.	1	CI61-286	
11-8-71				
CS72-414	Pumpelly-Stava Operator			
11-8-71				
CS72-415	Ute Production Co.			
11-8-71				
CS72-416	David A. Wilson	1	CI67-907	
11-8-71				
	do.	2	G-4159	
CS72-424	Oslas Biller	1	G-4442	
11-18-71				
CS72-439	Cerro Corp.			
11-16-71				

¹ Certificate and Rate Schedule on file as those of Charles R. Walbert (Operator) et al.
² Certificate and Rate Schedule on file as those of S. L. Florshelm, Jr.
³ Certificate and Rate Schedule on file as those of Sam Y. Dorfman, Jr. et al.
⁴ Certificate and Rate Schedule on file as those of Elizabeth F. Dorfman Trust et al.

[FR Doc.72-824 Filed 1-20-72; 8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

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 October 19, 1971.¹

The information reviewed at this meeting indicates that real output of goods and services expanded modestly in the third quarter and that unemployment remained substantial. However, there are indications of a strengthening in economic activity since the mid-August announcement of the Government's new economic program. The 90-day freeze has thus far effectively limited increases in prices and wages, and the general framework of the postfreeze stabilization program has been established. The narrowly defined money stock, which had grown rapidly through July, increased much less in August and declined in September. The broadly defined money stock increased slightly in September as inflows of consumer-type time and savings deposits to banks continued at the moderate August rate. However, the volume of large-denomination CD's outstanding rose sharply, and the rate of expansion in the bank credit proxy remained relatively rapid. Market interest rates have declined in recent weeks and are appreciably below their mid-August levels. The U.S. foreign trade balance remained in heavy deficit in August. Outflows of short-term capital, which had been massive in August, were much smaller in September. In recent weeks the market exchange rates for some foreign currencies against the dollar rose further, while foreign official reserve holdings increased substantially. 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 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, taking account of the forthcoming Treasury financing.

By order of the Federal Open Market Committee, January 13, 1972.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.72-901 Filed 1-20-72; 8:45 am]

¹ The Record of Policy Actions of the Committee for the meeting of Oct. 19, 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.

FLORIDA COMMERCIAL BANKS, INC.

Acquisition of Bank

Florida Commercial Banks, Inc., Miami, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Florida Commercial Bank of Hollywood, Hollywood, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 14, 1972.

Board of Governors of the Federal Reserve System, January 14, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-902 Filed 1-20-72;8:45 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALTA

Entry or Withdrawal from Warehouse for Consumption

JANUARY 14, 1972.

On June 14, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Malta concerning exports of cotton textiles and cotton textile products from Malta to the United States. The agreement was initially extended through December 31, 1971; and further extended through December 31, 1973. Among the provisions of the agreement, as amended and extended, are those establishing specific limits on Categories 43, 51, and 60 for the agreement year beginning January 1, 1972.

Accordingly, there is published below a letter of January 14, 1972, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textile products in the above categories, produced or manufactured in Malta, which may be entered or withdrawn from warehouse for consumption in the United States for the period beginning January 1, 1972, and extending through December 31, 1972, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to

implement all of the provisions of the bilateral agreement, as amended and extended, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile
Administrative Committee,
and Deputy Assistant Secretary
for Resources.

PRESIDENT'S CABINET TEXTILE ADVISORY
COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JANUARY 14, 1972.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 14, 1967, as amended and extended, between the Governments of the United States and Malta, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible and for the 12-month period beginning January 1, 1972, and extending through December 31, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, in excess of the following levels of restraint:

Category	12-month levels of restraint ¹
43 -----dozen-----	81, 171
51 -----do-----	28, 715
60 -----do-----	49, 136

¹ These levels have not been adjusted to reflect entries made on or after Jan. 1, 1972.

Entries of cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta and which have been exported to the United States from Malta prior to January 1, 1972, shall not be subject to this directive.

Cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 14, 1967, as amended and extended, between the Governments of the United States and Malta which provide in part that within the aggregate and applicable group limit, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malta and with respect to im-

ports of cotton textile products from Malta have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman,
President's Cabinet Textile Ad-
visory Committee.

[FR Doc.72-821 Filed 1-20-72;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[811-2218]

ASSOCIATED BUSINESS INVESTMENT CO.

Notice of Filing of Application for Order Declaring Company has Ceased to be Investment Company

JANUARY 14, 1972.

Notice is hereby given that Associated Business Investment Co., (Applicant), Bank of Savings Building, Birmingham, Ala. 35203, an Alabama corporation, registered as a closed-end diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant, formerly Associated Marketing Corp., was incorporated under the laws of Alabama on July 20, 1970, for the benefit of shareholders of Associated Growers of Alabama, Inc. (AG, Inc.). Applicant represents that AG, Inc., is in the business of cooperative purchasing for its shareholders who are owners of retail grocery stores. Applicant was organized to raise capital and provide financing to its shareholders to make improvements and construct new facilities. Applicant represents that it also intended to make loans to other companies when and if capital funds were available.

Applicant filed a notification of registration under the Act on August 18, 1971. Applicant states that it registered pursuant to an intention to operate as a small business investment company under the Small Business Administration Act of 1958.

Applicant represents that it is not making and does not presently propose to make a public offering of its securities. In addition Applicant states there are 78 beneficial holders of its shares of which 41 are companies as defined by the Act. None of these companies own 10 percent or more of the outstanding shares of Applicant.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 7, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by a certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-913 Filed 1-20-72;8:46 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 868;
Class B]

MASSACHUSETTS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1971, because of the effects of certain disasters damage resulted to business property located in the State of Massachusetts;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Waltham, Mass., suffered damage or destruction resulting from fire on December 28, 1971.

OFFICE

Small Business Administration Regional Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1972.

Dated: January 10, 1972.

A. H. SINGER,
Associate Administrator for
Operations and Investment.

[FR Doc.72-916 Filed 1-20-72;8:46 am]

LOAN POLICY

Maximum Interest Rates for Private Lenders

Notice is hereby given that the Small Business Administration has established as the maximum interest rate per annum that participating lending institutions may charge on guaranteed loans approved on or after January 3, 1972, pursuant to section 7(a) of the Small Business Act, as amended, section 402 of the Economic Opportunity Act of 1964, as amended, and section 502 of the Small Business Investment Act, as amended, the following interest rate: Eight and one quarter (8¼%) per centum per annum. On immediate participation loans approved on or after January 3, 1972, the maximum interest rate shall be seven and one quarter (7¼%) per centum per annum. Said maximum interest rates shall remain in effect until further amendment or revision (exceptions may be permitted as to applications received prior to January 3, 1972, with agreed upon rates and which are approved not later than January 31, 1972).

This notice implements the notification of maximum interest rates as provided in § 120.3(b)(2)(vi) of Part 120 (36 F.R. 21332).

Effective date: January 3, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-915 Filed 1-20-72;8:46 am]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Dockets Nos. E72-055—E72-082]

ATTORNEY GENERAL'S LIST OF ORGANIZATIONS

Notice of Hearings

John N. Mitchell, Attorney General of the United States, Petitioner, In Re:

- Citizens Committee for Harry Bridges (AKA: Citizens Victory Committee for Harry Bridges), Docket No. E72-055.
- Citizens Committee of the Upper West Side (New York City), Docket No. E72-056.
- Citizens Committee to Free Earl Browder, Docket No. E72-057.
- Citizens Emergency Defense Conference, Docket No. E72-058.
- Citizens Protective League, Docket No. E72-059.
- Civil Liberties Sponsoring Committee of Pittsburgh, Docket No. E72-060.
- Civil Rights Congress and its Affiliated Organizations, Including: (Veterans Against Discrimination of Civil Rights Congress of New York), Docket No. E72-061.
- Civil Rights Congress for Texas, Docket No. E72-062.
- Columbians (AKA: The Columbians, Inc.; Columbian Workers Movement, Formerly known as The Citizens Forum), Docket No. E72-063.
- Comite Coordinador Pro Republica Espanola (AKA Coordinating Committee for Spanish Republic), Docket No. E72-064.
- Comite Pro Derechos Civiles, Docket No. E72-065.
- Committee for a Democratic Far Eastern Policy, Docket No. E72-066.
- Committee for Constitutional and Political Freedom, Docket No. E72-067.
- Committee for Nationalist Action, Docket No. E72-068.
- Committee for Peace and Brotherhood Festival in Philadelphia, Docket No. E72-069.
- Committee for World Youth Friendship and Cultural Exchange, Docket No. E72-070.
- Committee for the Defense of the Pittsburgh Six, Docket No. E72-071.
- Committee for the Negro in the Arts, Docket No. E72-072.
- Committee for the Protection of the Bill of Rights, Docket No. E72-073.
- Committee to Abolish Discrimination in Maryland (AKA: Provisional Committee to Abolish Discrimination in the State of Maryland; Maryland Congress Against Discrimination; Congress Against Discrimination), Docket No. E72-074.
- Committee to Aid the Fighting South, Docket No. E72-075.
- Committee to Defend Marie Richardson, Docket No. E72-076.
- Committee to Defend the Rights and Freedom of Pittsburgh's Political Prisoners, Docket No. E72-077.
- Committee to Uphold the Bill of Rights (AKA: Committee to Defeat the Smith Act), Docket No. E72-078.
- Commonwealth College, Mena, Ark., Docket No. E72-079.
- Congress Against Discrimination, Docket No. E72-080.
- Congress of American Revolutionary Writers, Docket No. E72-081.
- Congress of American Women, Docket No. E72-082.

On December 14, 1971, the Attorney General petitioned the Subversive Activities Control Board for a determination that the above organizations now on the

Attorney General's List have ceased to exist. The petitions are published in accordance with the Rules of the Subversive Activities Control Board.

Notice is hereby given pursuant to Executive Order 11605 and the Rules of the Subversive Activities Control Board issued in accordance therewith that hearings on the petitions will be held Tuesday, February 15, 1972, at 11 a.m., in Room 500, 2120 L Street NW., Washington, DC 20037.

JOHN W. MAHAN,
Chairman,
Subversive Activities Control Board.

[Docket No. E72-055]

In regard Citizens Committee for Harry Bridges (AKA: Citizens Victory Committee for Harry Bridges), petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Citizens Committee for Harry Bridges has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1942. There is no record of any known activity since that date.

The last known address of the above-named organization was 1775 Broadway, Room 710, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Citizens Committee for Harry Bridges has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Citizens Committee for Harry Bridges, at the following last known address: 1775 Broadway, Room 710, New York, N.Y.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-056]

In regard Citizens Committee of the Upper West Side (New York City), petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Citizens Committee of the Upper West Side has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about February 1947. There is no record of any known activity since that date.

The last known address of the above-named organization was 122 West 74th Street, New York, NY.

Therefore, the government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Citizens Committee of the Upper West Side has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Citizens Committee of the Upper West Side (New York City), at the following last known address: 122 West 74th Street, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-057]

In regard Citizens Committee to Free Earl Browder, petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605; issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Citizens Committee to Free Earl Browder has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about May 1942. There is no record of any known activity since that date.

The last known address of the above-named organization was Room 305, 166 West Jackson Boulevard, Chicago, IL.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Citizens Committee to Free Earl Browder has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Citizens Committee to Free Earl Browder, at the fol-

lowing last known address: Room 305, 166 West Jackson Boulevard, Chicago, IL.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-058]

In regard Citizens Emergency Defense Conference, petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General by counsel, petitions this Board for a determination that the Citizens Emergency Defense Conference has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about August 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was Room 608, 80 East 11th Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Citizens Emergency Defense Conference has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street, NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Citizens Emergency Defense Conference, at the following last known address: Room 608, 80 East 11th Street, New York, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-059]

In regard Citizens Protective League, petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Citizens Protective League has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1942. There is no record of any known activity since that date.

The last known address of the above-named organization was 317 East 54th Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Citizens Protective League has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Citizens Protective League, at the following last known address: 317 East 54th Street, New York, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-060]

In regard Civil Liberties Sponsoring Committee of Pittsburgh, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Civil Liberties Sponsoring Committee of Pittsburgh has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about November 17, 1950. There is no record of any known activity since that date.

The last known address of the above-named organization was 1110 Resaca Place, Pittsburgh, PA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Civil Liberties Sponsoring Committee of Pittsburgh has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Civil Liberties Sponsoring Committee of Pittsburgh, at the following last known address: 1110 Resaca Place, Pittsburgh, PA.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-061]

In regard Civil Rights Congress and its Affiliated Organizations, Including: (Veterans Against Discrimination of Civil Rights Congress of New York), petition for a determination pursuant to section 12(1) of

Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Civil Rights Congress and its Affiliated Organizations, Including: (Veterans Against Discrimination of Civil Rights Congress of New York) has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about January 1956. There is no record of any known activity since that date.

The last known address of the above-named organization was 205 East 42d Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Civil Rights Congress and its Affiliated Organizations, Including: (Veterans Against Discrimination of Civil Rights Congress of New York) has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Civil Rights Congress at the following last known address: 205 East 42d Street, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-062]

In regard Civil Rights Congress for Texas, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Civil Rights Congress for Texas has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1951. There is no record of any known activity since that date.

The last known address of the above-named organization was Post Office Box 5141, Central 8952, Dallas, TX.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Civil Rights Congress for Texas has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Civil Rights Congress for Texas, at the following last known address: Post Office Box 5141, Central 8952, Dallas, TX.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-063]

In regard Columbians (AKA: The Columbians, Inc.; Columbian Workers Movement. Formerly known as The Citizens Forum), petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Columbians has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about June 1947. There is no record of any known activity since that date.

The last known address of the above-named organization was 82 Bartow Street, Atlanta, GA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Columbians has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Columbians, at the following last known address: 82 Bartow Street, Atlanta, GA.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-064]

In regard Comite Coordinador Pro Republica Espanola (AKA Coordinating Committee for Spanish Republic), petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Comite Coordinador Pro Republica Espanola has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about June 1949. There is no record of any known activity since that date.

The last known address of the above-named organization was 23 West 26th Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Comité Coordinador Pro Republica Espanola has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Comité Coordinador Pro Republica Espanola, at the following last known address: 23 West 26th Street, New York, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-065]

In regard Comité Pro Derechos Civiles, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Comité Pro Derechos Civiles has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about June 1955. There is no record of any known activity since that date.

The last known address of the above-named organization was Box 8883, Fernandez Juncos Station, Santurce, P.R.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Comité Pro Derechos Civiles has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Comité Pro Derechos Civiles, at the following last known address: Box 8883 Fernandez Juncos Station, Santurce, P.R.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-066]

In regard Committee for a Democratic Far Eastern Policy, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee for a Democratic Far Eastern Policy has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about August 31, 1952. There is no record of any known activity since that date.

The last known address of the above-named organization was 80 East 11th Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee for a Democratic Far Eastern Policy has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee for a Democratic Far Eastern Policy, at the following last known address: 80 East 11th Street, New York, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-067]

In regard Committee for Constitutional and Political Freedom, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee for Constitutional and Political Freedom has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about July 1952. There is no record of any known activity since that date.

The last known address of the above-named organization was 514 Eitel Building, Seattle, Wash.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee for Constitutional and Political Freedom has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make

any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee for Constitutional and Political Freedom, at the following last known address: 514 Eitel Building, Seattle, WA.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-068]

In regard Committee for Nationalist Action, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee for Nationalist Action has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1948. There is no record of any known activity since that date.

The last known address of the above-named organization was c/o W. Henry MacFarland, 2834 Almond Street, Philadelphia, PA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee for Nationalist Action has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee for Nationalist Action, at the following last known address: c/o W. Henry MacFarland, 2834 Almond Street, Philadelphia, PA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-069]

In regard Committee for Peace and Brotherhood Festival, in Philadelphia, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831,

the Attorney General, by counsel, petitions this Board for a determination that the Committee for Peace and Brotherhood Festival in Philadelphia has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about August 26, 1951. There is no record of any known activity since that date.

The last known address of the above-named organization was 1215 Walnut Street, Suite 200, Philadelphia, PA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee for Peace and Brotherhood Festival in Philadelphia has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee for Peace and Brotherhood Festival in Philadelphia, at the following last known address: 1215 Walnut Street, Suite 200, Philadelphia, Pa.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-070]

In regard Committee for World Youth Friendship and Cultural Exchange, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee for World Youth Friendship and Cultural Exchange has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about August 1951. There is no record of any known activity since that date.

The last known address of the above-named organization was 106 East 14th Street, New York, N.Y.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee for World Youth Friendship and Cultural Exchange has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board

(Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee for World Youth Friendship and Cultural Exchange, at the following last known address: 106 East 14th Street, New York, N.Y.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-071]

In regard Committee for the Defense of the Pittsburgh Six, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee for the Defense of the Pittsburgh Six has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about November 1953. There is no record of any known activity since that date.

The last known address of the above-named organization was Post Office Box 1063, Pittsburgh, PA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee for the Defense of the Pittsburgh Six has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee for the Defense of the Pittsburgh Six, at the following last known address: Post Office Box 1063, Pittsburgh, PA.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-072]

In regard Committee for the Negro in the Arts, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee for the Negro in the Arts has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about May 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was 303 West 125th Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee for the Negro in the Arts has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee for the Negro in the Arts, at the following last known address: 303 West 125th Street, New York, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-073]

In regard Committee for the Protection of the Bill of Rights, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee for the Protection of the Bill of Rights has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about May 1952. There is no record of any known activity since that date.

The last known address of the above-named organization was Carpenter's Hall, Lakewood, N.J.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee for the Protection of the Bill of Rights has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee for the Protection of the Bill of Rights, at the following last known address: Carpenter's Hall, Lakewood, N.J.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-074]

In regard Committee to Abolish Discrimination in Maryland (AKA: Provisional Committee to Abolish Discrimination in the State of Maryland; Maryland Congress Against Discrimination; Congress Against Discrimination), petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee to Abolish Discrimination in Maryland has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1948. There is no record of any known activity since that date.

The last known address of the above-named organization was 326 West Franklin Street, Baltimore, MD.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee to Abolish Discrimination in Maryland has ceased to exist.

In the absence of a specific request from the Board, at least ten days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee to Abolish Discrimination in Maryland, at the following last known address: 326 West Franklin Street, Baltimore, MD.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-075]

In regard Committee to Aid the Fighting South, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee to Aid the Fighting South has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1947. There is no record of any known activity since that date.

The last known address of the above-named organization was 3 Leroy Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee to Aid the Fighting South has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee to Aid the Fighting South, at the following last known address: 3 Leroy Street, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-076]

In regard Committee to Defend Marie Richardson, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee to Defend Marie Richardson has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was 1638 Florida Avenue NW., Washington, DC.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee to Defend Marie Richardson has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee to Defend Marie Richardson, at the following last known address: 1638 Florida Avenue NW., Washington, DC.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-077]

In regard Committee to Defend the Rights and Freedom of Pittsburgh's Political Prisoners, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee to Defend the Rights and Free-

dom of Pittsburgh's Political Prisoners has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was 212 Forbes Building, Forbes and Atwood Streets, Pittsburgh, PA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee to Defend the Rights and Freedom of Pittsburgh's Political Prisoners has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee to Defend the Rights and Freedom of Pittsburgh's Political Prisoners, at the following last known address: 212 Forbes Building, Forbes and Atwood Streets, Pittsburgh, PA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-078]

In regard Committee to Uphold the Bill of Rights (AKA: Committee to Defeat the Smith Act), petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee to Uphold the Bill of Rights has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about July 1953. There is no record of any known activity since that date.

The last known address of the above named organization was Post Office Box 2542, Arlington Station, Baltimore, Md.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee to Uphold the Bill of Rights has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board

(Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee to Uphold the Bill of Rights, at the following last known address: Post Office Box 2542, Arlington Station, Baltimore, Md.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-079]

In regard Commonwealth College, Mena, Ark., petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Commonwealth College, Mena, Ark., has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about January 1941. There is no record of any known activity since that date.

The last known address of the above-named organization was Mena, Ark.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Commonwealth College, Mena, Ark., has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Commonwealth College, Mena, Ark., at the following last known address: Mena, Ark.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-080]

In regard Congress Against Discrimination, petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Congress Against Discrimination has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1948. There is no record of any known activity since that date.

The last known address of the above-named organization was 326 West Franklin Street, Baltimore, Md.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as

amended, that the Congress Against Discrimination has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Congress Against Discrimination, at the following last known address: 326 West Franklin Street, Baltimore, Md.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-081]

In regard Congress of American Revolutionary Writers, petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Congress of American Revolutionary Writers has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1935. There is no record of any known activity since that date.

The last known address of the above-named organization was 381 Fourth Avenue, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Congress of American Revolutionary Writers has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Congress of American Revolutionary Writers, at the following last known address: 381 Fourth Avenue, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-082]

In regard Congress of American Women, petition for a determination pursuant to

section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Congress of American Women has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about October 1950. There is no record of any known activity since that date.

The last known address of the above-named organization was 2 East 23d Street, Room 602, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Congress of American Women has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Congress of American Women, at the following last known address: 2 East 23d Street, Room 602, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[FR Doc. 72-327 Filed 1-20-72; 8:47 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Cost of Living Council Ruling 1972-6]

RENT ADJUSTMENTS FOR MULTI-USE STRUCTURES

Cost of Living Council Ruling

Facts. Rental property is sometimes used for both commercial and dwelling purposes. For example, the first floor of a building may be used for shops, the other floors for residential apartment units. Or, a professional may rent a house or an apartment and use part of it as an office.

Issue. In cases where property is used for mixed commercial and residential purposes is it exempt in whole or in part under § 101.32(g) (2) (i), which exempts nonresidential commercial property?

Ruling. Price adjustments with respect to rentals of nonresidential commercial property are exempt from the coverage of the regulations promulgated to implement the economic stabilization program established pursuant to the Economic Stabilization Act of 1970 and Executive Order No. 11627, October 15, 1971. Section

101.32(g)(2)(i). Where property contains component rental units, only adjustments in rent of the units which are rented for a nonresidential commercial use are exempt from the regulations. Where a portion of any rental unit is used for a nonresidential commercial use that part of any adjustment in rent which is attributable to the nonresidential commercial use is exempt from the regulations. Usual and reasonable business practice shall determine what part of a rent adjustment in such a case is considered attributable to the nonresidential commercial use.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: January 18, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel.

Approved: January 19, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-975 Filed 1-20-72;8:51 am]

Office of the Secretary

LARGE POWER TRANSFORMERS FROM FRANCE

Determination of Sales at Less Than Fair Value

JANUARY 19, 1972.

Information was received on March 11, 1970, that large power transformers from France were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisal Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 21, 1971.

I hereby determine that for the reasons stated below, large power transformers from France are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. Information currently before the Bureau reveals that the proper basis of comparison is between purchase price and home market price of such or similar merchandise.

Purchase price was calculated on the basis of a c.i.f. duty paid, delivered customer's premises price. Deductions were made for transportation charges, U.S. duty, and brokerage. Additions to this price were made for appropriate sales taxes not collected by reason of exportation.

Home market price was calculated on a delivered customer's premises price in France. Appropriate deductions were made for transportation charges and erection costs. Adjustments were made

for commissions, oil, and packing charges. An adjustment was made for differences in the merchandise compared.

Purchase price was found to be lower than the home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.
[FR Doc.72-1020 Filed 1-20-72;9:49 am]

[ATB 643.3-DB]

LARGE POWER TRANSFORMERS FROM ITALY

Determination of Sales at Less Than Fair Value

JANUARY 19, 1972.

Information was received on March 11, 1970, that large power transformers from Italy were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisal Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 21, 1971.

I hereby determine that for the reasons stated below, large power transformers from Italy are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. Information currently before the Bureau reveals that the proper basis of comparison is between purchase price and home market price of such or similar merchandise.

Purchase price was calculated on the basis of either an f.o.b. point of destination price, or an f.o.b. ex-factory price. Deductions were made, where appropriate, for transportation costs and U.S. duty. Additions were made for rebated I.G.E. taxes and other rebated internal taxes and duties.

Home market price was based on an ex-factory price. Appropriate adjustments were made for sales commissions, selling expenses, oil, credit terms, accessories, packing charges, and differences in material and labor costs. Additional adjustments were made for differences in the merchandise compared.

Purchase price was found to be lower than the home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.
[FR Doc.72-1021 Filed 1-20-72;9:49 am]

[ATB 643.3-BB]

LARGE POWER TRANSFORMERS FROM SWITZERLAND

Determination of Sales at Less Than Fair Value

JANUARY 19, 1972.

Information was received on March 11, 1970, that large power transformers from Switzerland were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisal Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 21, 1971.

I hereby determine that for the reasons stated below, large power transformers from Switzerland are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. Information currently before the Bureau reveals that the proper basis of comparison is between purchase price and home market price of such or similar merchandise.

Purchase price was calculated on the basis of either an f.o.b. border price or point of lading price. Deductions were made, where appropriate, for transportation costs. Additions to this price were made for sales tax not collected by reason of exportation.

Home market price was based on an ex-factory price. Appropriate adjustments were made for sales commissions, accessories, oil, packing, technical services, and warranty costs. Additional adjustments were made for differences in the merchandise compared.

Purchase price was found to be lower than the home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.
[FR Doc.72-1022 Filed 1-20-72;9:49 am]

[ATB 643.3-FB]

LARGE POWER TRANSFORMERS FROM THE UNITED KINGDOM

Determination of Sales at Less Than Fair Value

JANUARY 19, 1972.

Information was received on March 11, 1970, that large power transformers from the United Kingdom were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisal Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 21, 1971.

I hereby determine that for the reasons stated below, large power transformers from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. The information before the Bureau indicates that the proper basis of comparison is between purchase price and home market price of such or similar merchandise.

Purchase price was calculated on the basis of an f.o.b. port of shipment price, or a c.i.f. duty paid, delivered customer's premises price. Deductions were made for transportation costs and, where appropriate, U.S. duty.

Home market price was based on a delivered price in the United Kingdom. Deductions were made for transportation costs, erection costs, and insurance. Adjustments, where appropriate, were made for selling expenses, to the extent of commissions in the U.S. market, oil, escalation clauses, progress payments, site painting expenses, core plate rebate, equipment tests, and packing. Additional adjustments were made for differences in the merchandise compared.

Purchase price was found to be lower than the home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-1023 Filed 1-20-72;9:49 am]

[ATB 643.3-MF]

LARGE POWER TRANSFORMERS FROM SWEDEN

Notice of Discontinuance of Antidumping Investigation

JANUARY 19, 1972.

On October 21, 1971, there was published in the FEDERAL REGISTER a "Notice of Intent to Discontinue Antidumping Investigation" of large power transformers from Sweden.

A statement of reasons for intending to discontinue this investigation was published in the above-mentioned notice, and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the intended action.

Presentations were made by attorneys for the interested parties. Upon review of these presentations and for the reasons stated below, I hereby discontinue the antidumping investigation of large power transformers from Sweden.

Statement of reasons on which this notice is based. The information before the Bureau indicates the basis of comparison is between purchase price and

home market price of such or similar merchandise.

Purchase price was computed on the basis of a c.i.f. duty-paid, delivered customer's premises price, less applicable charges. These applicable charges are, transportation charges, performance bond charges, U.S. duty and brokerage, and material purchased in the United States.

Home market price was based on a delivered price in the home market. Appropriate adjustments were made for the transportation charges, performance bond charges, erection costs, oil, extra equipment costs, prepayment interest, and selling expenses to the extent of commissions in the U.S. market. A further adjustment was made for differences in the merchandise compared.

The comparisons made revealed some instances where purchase price was lower than adjusted home market price of such or similar merchandise. However, these were determined to be minimal in terms of the volume of sales involved.

Subsequently, formal assurances were received from the manufacturer that it would make no future sales at less than fair value within the meaning of the Act.

This "Notice of Discontinuance of Antidumping Investigation" is published pursuant to § 153.15(b) of the Customs Regulations (19 CFR 153.15(b)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-1024 Filed 1-20-72;9:49 am]

[ATB 643.3FA]

LARGE POWER TRANSFORMERS FROM JAPAN

Determination of Sales at Less Than Fair Value

JANUARY 19, 1972.

Information was received on March 11, 1970, that large power transformers from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisal Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 21, 1971.

I hereby determine that for the reasons stated below, large power transformers from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. The information before the Bureau indicates that the proper basis of comparison is between purchase price and the home market price of such or similar merchandise.

Purchase price was calculated on the basis of a c.i.f. duty paid delivered customer's premises price. Deductions were made for transportation charges, U.S. duty and brokerage.

Home market price was calculated on the basis of a delivered price to the cus-

tomers' premises in Japan. Deductions were made for transportation expenses, engineer expenses, and installation charges. Adjustments were made for credit costs, selling expenses, to the extent of commissions in the U.S. market, oil, and packing. Additional adjustments were made for differences in the merchandise compared.

Purchase price was found to be lower than the home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-1025 Filed 1-20-72;9:49 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 18, 1972.

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 123407 Sub 82, Sawyer Transport, Inc., assigned January 23, 1972, MC-F 11073, Refrigerated Transport Co., Inc.—Purchase (Portion)—Caravan Refrigerated Cargo, Inc., MC-C 7348, Hirschbach Motor Lines, Inc., et al. v. Refrigerated Transport Co., Inc., et al., assigned January 26, 1972, MC 531 Sub 268, Younger Brothers, Inc., MC 107403 Sub 806, Matlack, Inc., assigned January 24, 1972, will be held in the Chateau Le Moyne Hotel, 301 Rue Dauphine, New Orleans, La., instead of Baton Rouge, La.

MC 106497 Sub 59, Parkhill Truck, assigned February 8, 1972, MC 113678 Sub 430, Curtis, Inc., assigned February 10, 1972, MC 113678 Sub 431, Curtis, Inc., assigned February 14, 1972, MC 115826 Sub 219, W. J. Digby, Inc., assigned February 14, 1972, MC 116763 Sub 204, Carl Subler Trucking, assigned February 9, 1972, at Denver, Colo., will be held in Room 2330, Federal Building, 1961 Stout Street.

MC 117940 Sub 54, Nationwide Carriers, now assigned February 7, 1972, at New York City, N.Y., is postponed indefinitely.

FD 26747, Baltimore & Ohio Railroad Co. Abandonment between National Road and Shawnee, in Licking and Perry Counties, Ohio, assigned January 25, 1972, at Newark, Ohio, is postponed indefinitely.

MC 61592 Sub 215, Jenkins Truck Lines, now assigned February 7, 1972, at Chicago, Ill., is canceled and application is dismissed.

FD 12131, Boston and Providence Railroad Corporation Reorganization, now being assigned February 22, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113855 Sub 247, International Transport, Inc., now being assigned for hearing on February 14, 1972, at St. Paul, Minn., in Courtroom No. 4, Federal Building, 316 Robert Street.

MC 116073 Sub 165, Barrett Mobile Home Transport, now assigned January 26, 1972, at Chicago, Ill., is canceled and application is dismissed.

MC 134163 Sub 3, Joseph Richardson, now assigned February 14 and MC 134163 Sub 4, now assigned February 16, at Philadelphia, Pa. will be in Conference Room A, 11th floor, Federal Building, 1421 Cherry Street, instead of the U.S. Customs Courtroom, Third floor, U.S. Customhouse, Second and Chestnut Streets.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-948 Filed 1-20-72; 8:50 am]

[Notice 9]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 14, 1972.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 95084 (Sub-No. 85 TA), filed January 7, 1972. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Mason City, Iowa, to points in Illinois, Indiana, and Ohio, for 180 days. Supporting Shipper: Vitamor, Inc., 4931 Douglas, Des Moines, IA 50310. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107403 (Sub-No. 828 TA), filed January 7, 1972. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as

above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, from points in Escambia County, Ala.; Escambia County, Fla.; and Santa Rosa County, Fla., to points in Louisiana, Mississippi, Alabama, Georgia, and Florida, for 180 days. Supporting Shipper: Freeport Sulphur Co., a division of Freeport Minerals Co., 161 East 42 Street, New York, NY 10017. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 111729 (Sub-No. 334 TA), filed January 7, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds, and advertising material moving therewith, and cardiac pacemakers, and related accessories, instruction booklets, specification sheets, and identification charts*, (a) between New Orleans, La., on the one hand, and, on the other, points in Florida on and west of Highway No. 231, and points in Alabama and Mississippi; (b) between Little Rock, Ark., on the one hand, and, on the other, points in Arkansas, having an immediately prior or subsequent movement by air; (c) between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, Tennessee, and Mississippi, having an immediately prior or subsequent movement by air; (d) between Nashville, Tenn., on the one hand, and, on the other, points in Tennessee, having an immediately prior or subsequent movement by air; (e) between Birmingham, Ala., on the one hand, and, on the other, points in Alabama, having an immediately prior or subsequent movement by air; (f) between Jackson, Miss., on the one hand, and, on the other, points in Mississippi, having an immediately prior or subsequent movement by air; and (g) between Mobile, Ala., on the one hand, and, on the other, points in Florida on and west of Highway No. 231, and points in Alabama and Mississippi, having an immediately prior or subsequent movement by air; (2) *radio-pharmaceuticals, radioactive; drugs, chemicals, sources, isotopes, related supplies and accessories, and chemicals*, between Arlington Heights, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kentucky, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shippers: Medtronic, Inc., 4900 Veterans Boulevard, Metairie, LA 70002; Amer-sham Searle, 2636 South Clearbrook Drive, Arlington Heights, IL 60005. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 113067 (Sub-No. 12 TA), filed January 6, 1972. Applicant: HELMS MOTOR EXPRESS, INC., Post Office Drawer 700, 1024 Rear North Second

Street, Albemarle, NC 28001. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, with the usual exceptions, from plantsite of Richmond Fabrics, Inc., Richmond County, N.C., to points in North Carolina served by Helms Motor Express, Inc., and from points in North Carolina to the plantsite of Richmond Fabrics, Inc., Richmond, N.C., as off-route point in connection with authority held by Helms, from Mount Gilead, N.C., over North Carolina Highway 109 to Richmond Fabrics and return over the same route, for 180 days. NOTE: Applicant intends to tack the authority here applied for to other authority held by it, or to interline with other carriers, under MC 113067 and related subs. Supporting shipper: Richmond Fabrics, Inc., Highway 109 South, Mount Gilead, NC. Send protests to: Frank H. Wait, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 117147 (Sub-No. 4 TA), filed January 4, 1972. Applicant: STARR'S TRANSPORTATION, INC., Upper Main Street, North Troy, Vt. 05859. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Corestock*, from Bridgeport, Conn., to Hancock, Vt., for 180 days. Supporting shipper: Weyerhaeuser Co., 545 Westminster Street, Fitchburg, MA 01420. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Montpelier, VT 05602.

No. MC 117639 (Sub-No. 5 TA), filed January 6, 1972. Applicant: JACK S. OCHSNER, doing business as PICK'S PACK HAULER, 1714 West 5th Street, Hastings, NE 68901. Applicant's representative: Frederick J. Coffman, Box 80806, Lincoln, NE 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Face brick*, from a point near Endicott, Nebr., to points in Lake, DuPage, Cook and Will Counties, Ill., and Lake County, Ind., for 180 days. Supporting shipper: Endicott Clay Products Co., Post Office Box 17, Fairbury, NE 68352. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and U.S. Courthouse, Lincoln, Nebr. 68508.

No. MC 117848 (Sub-No. 4 TA), filed January 6, 1972. Applicant: FRED CARPENTIER, 1415 Luzerne Street, Scranton, PA 18501. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to Scranton, Pa., for 180 days. Supporting Shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce

Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 127337 (Sub-No. 6 TA), filed December 17, 1971. Applicant: CHET'S TRANSPORT, INC., Charlotte, West Pembroke, Maine 04688. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in the New York, N.Y., commercial zone and Albany, N.Y., to points of entry on the international boundary between the United States and Canada at or near Calais, Houlton, Vanceboro, Bar Harbor, and Portland, Maine, for 180 days. Supporting shippers: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001; Standard Fruit and Steamship Co., 425 Broadhollow Road, Melville, NY 11746. Send protests to: Donald G. Weller, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167 PSS, Portland, ME 04112.

No. MC 129297 (Sub-No. 2 TA), filed January 3, 1972. Applicant: ASBESTOS EASTERN TRANSPORT INC., 6500 Grande Allee Boulevard, St. Hubert, PQ Canada. Applicant's representative: Adrien R. Paquette, 200 St. Jacques Street, Montreal, PQ Canada. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *General commodities* (usual exceptions), from the United States-Canada boundary line at or near Champlain, N.Y., Highgate Springs and Derby line, Vt., to New York, N.Y., and points in New Jersey, for 180 days. Supporting shippers: Superintendence Co. of Canada Ltd., 300 St. Sacrement Street, Montreal, PQ Canada; Crosswork Air and Sea Container, 300 St. Sacrement Street, Montreal, PQ Canada; Murray Agency Custom Broker, 115 McGill Street, Montreal, PQ Canada; International Custom Brokers, 407 McGill Street, Montreal, PQ Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Montpelier, VT 05602.

No. MC 133119 (Sub-No. 15 TA), filed January 5, 1972. Applicant: HEYL TRUCK LINES, INC., Post Office Box 206, 235 Mill Street, Akron, IA 51001. Applicant's representative: Michael J. Myers, Sioux City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined by the Commission (except hides and commodities in bulk), from Hawarden, Iowa to points in Minnesota, Nebraska, Indiana, Illinois, and Wisconsin, for 180 days. Supporting shipper: Mid States Packers, Inc., 1826 Chicago Street, Sioux City, IA. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Fed-

eral Office Building, Omaha, Nebr. 68102.

No. MC 135234 (Sub-No. 4 TA), filed January 6, 1972. Applicant: COMMERCIAL CARTAGE, INC., Stop 24, Winfield Road, St. Albans, WV 25177. Applicant's representative: Marvin L. Meadows (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric cable, copper coils, and empty reels*, between Decatur, Ill., Marion, Ind., and Chester, S.C., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, and Texas, for 180 days. Supporting shipper: Essex International Inc., 1601 Wall Street, Fort Wayne, IN. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 135733 (Sub-No. 1 TA), filed January 3, 1972. Applicant: LETCO BULK CARRIERS, INC., 1751 Fuhrman Boulevard, Buffalo, NY 14203. Applicant's representative: Robert D. Gunderman, Statler Hilton, Suite 1708, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in bags, from ports of entry on the international boundary line between the United States and Canada on the Niagara River to points in New York, for 180 days. Supporting shipper: Wyandotte Cement Inc., 1751 Fuhrman Boulevard, Buffalo, NY 14203. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 136069 (Sub-No. 3 TA) (Amendment), filed December 6, 1971, published in the FEDERAL REGISTER issue of December 22, 1971, and republished in part as amended this issue. Applicant: COIN DEVICES CORP., 68 Broad Street, Elizabeth, NJ 07201. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. The purpose of this partial republication is to reflect the correct docket number as 136069 (Sub-No. 3 TA), in lieu of 134868 (Sub-No. 2 TA), which was in error in previous publication. The rest of the application remains as previously published.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-950 Filed 1-20-72; 8:50 am]

[Notice 5]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 18, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations pre-

scribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73336. By order of January 13, 1972, the Motor Carrier Board approved the transfer to Schuyler W. Jackson, Bethesda, Md., of permit No. MC-4080, issued September 28, 1960, to Homer F. Coffey and Rachel O. Coffey, a partnership, doing business as Rae's Trucking Co., Washington, D.C., authorizing the transportation of: Building materials, brick clay, and tile, between Washington, D.C., and points in Maryland, Virginia, and West Virginia, within a specified mileage radius. Francis J. Ortman, attorney, 1100 17th Street NW, Washington, DC 20036.

No. MC-FC-73375. By order of January 17, 1972, the Motor Carrier Board approved the transfer to Carl H. Laeding, Lima, Ill., of the operating rights in permits Nos. MC-28180, MC-28180 (Sub-No. 2), MC-28180 (Sub-No. 3), MC-28180 (Sub-No. 4), and MC-28180 (Sub-No. 5) issued November 20, 1950, November 20, 1950, November 20, 1950, February 13, 1952, and June 10, 1953 respectively, to Bill Schott, Jr., Chester, Minn., authorizing the transportation of various commodities from and to specified points and areas in Illinois, Minnesota, Iowa, and Wisconsin. Robert T. Lawley, 300 Reich Building, Springfield, Ill. 62701, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-949 Filed 1-20-72; 8:50 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification to Area Determination Decisions for Specified Localities

Modification to Area Determination Decisions for Specified Localities in Colorado, Florida, Kentucky, Louisiana, Maryland, Michigan, Missouri, New Jersey, New Mexico, New York, North Dakota, Ohio, Pennsylvania, Texas, Virginia, and Washington, D.C.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	Date
AM-1708, AM-1707, AM-1708, AM-1709, AM-1710, AM- 1711, AM-1712, AM-1713, AM-1714, AM-1715, AM- 1716, AM-1717, AM-1718, AM-1719, AM-1720, AM- 1722, AM-1724, AM-1725, AM-1726, AM-1727, AM- 1728, AM-1729, AM-1730, AM-1731, AM-1732, AM- 1733, AM-1734	Aug. 11, 1971
AM-374, AM-381, AM-387, AM-392, AM-393, AM-394, AM-407, AM-408, AM-410, AM-412, AM-413	Aug. 18, 1971
AM-453, AM-454, AM-455, AM-458, AM-459, AM-461, AM-479, AM-1842, AM-1843, AM-1845, AM-1852, AM- 1850, AM-1862, AM-1865, AM-1866	Aug. 20, 1971
AM-3613, AM-3614, AM- 3616, AM-3627, AM-3628	Aug. 25, 1971
AM-2509, AM-2510, AM- 2511, AM-2512, AM-2513, AM-3630, AM-3631	Aug. 27, 1971
AM-7489	Nov. 12, 1971
AM-7716	Nov. 19, 1971

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, 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 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.

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 Determination, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. Number 553 is set forth in the document being modified.

The modifications to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 14th day of January 1972.

HORACE E. MENASCO,
Administrator, Employment
Standards Administration.

MODIFICATIONS

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
<i>WD No. AM-3,630-36 F.R. 17667, Adams, Arapahoe, southeastern portion of Boulder (including city of Boulder), Denver, northern portion of Douglas and Elbert, Jefferson, and the southwestern portion of Weld Counties, Colo., Modification No. 4</i>						
CHANGE:						
Building construction:						
Roofers	\$7.15					
<i>WD No. AM-3,631-36 F.R. 17674, El Paso County, Colo., Modification No. 5</i>						
CHANGE:						
Building construction:						
Roofers	6.90					
<i>WD No. AM-453-36 F.R. 16373, Dade County, Fla. Modification No. 4</i>						
CHANGE:						
Building construction:						
Lathers	\$7.86	\$0.35	\$0.10		\$0.05	
Power equipment operators:						
Field mechanic, cranes, derricks, hoist (two or more drums), oiler-fireman combination	7.80	.26	.25			
Draglines, backhoes, gradalls, finish grader, welding machine, one drum hoist, fork lift, hoplo machine, air compressor (above 125 c.f.m., more than one pump or combination of other equip., up to five), winch trucks	7.30	.26	.25			
Bulldozers, distributors, scrapers, motor graders, trenching machines, front end loaders, pumps (3 inches or more), mixers	6.45	.26	.25			
Rollers, finishing machines, tractors, oilers & drivers, mechanic helpers	6.05	.26	.25			
Oiler on crawler cranes	5.05	.26	.25			
<i>WD No. AM-454-36 F.R. 16377, Duval County, Fla. Modification No. 3</i>						
CHANGE:						
Building construction:						
Bricklayers	6.20	.25	.10		.02	
Stonemasons	6.20	.25	.10		.02	
Cement masons	5.40					
<i>WD No. AM-455-36 F.R. 16381, Hillsborough County Fla., Modification No. 4</i>						
CHANGE:						
Building construction:						
Lathers	6.26	.21	.10			
Plumbers	7.20	.30	.30	\$0.30	.05	
Steamfitters	7.20	.30	.30	.30	.05	
Roofers	5.65	.25	.15			
Kottlemen	3.80	.25	.15			
Roofers' helpers	3.00	.25	.15			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-458-56 F.R. 16890, Escambia, Okaloosa, Walton, and Santa Rosa Counties, Fla., Modification No. 3</i>						
OMIT:						
Building construction:						
Roofers.....	3.17					
<i>WD No. AM-459-56 F.R. 16894, Orange County, Fla., Modification No. 1</i>						
CHANGE:						
Lathers.....	6.25					
<i>WD No. AM-461-56 F.R. 16401, Pinellas County, Fla., Modification No. 2</i>						
CHANGE:						
Building construction:						
Electricians.....	7.15	.25	1%		¾ of 1%	
<i>WD No. AM-479-56 F.R. 16432, Fayette County, Ky., Modification No. 7</i>						
CHANGE:						
Modification No. 3-36 F.R. 22709, Nov. 27, 1971, to Modification No. 6:						
ALSO CHANGE:						
Painters:						
Spray.....	6.72					
Hazardous.....	6.47					
<i>WD No. AM-5,027-56 F.R. 16738, Caddo and Bossier Parishes, La., Modification No. 5</i>						
OMIT:						
Steamfitters.....	5.56		\$0.30	.15	\$0.06	
<i>WD No. AM-5,028-56 F.R. 16740, Orleans, Jefferson, Plaquemines, and St. Bernard Parishes, La., Modification No. 4</i>						
CHANGE:						
Electricians.....	7.425	.20	1%+\$0.10		.015	
OMIT:						
Laborers:						
Laborers.....	4.46	.10	\$0.10			
Stone masons helper, mechanical tool operator (air, electric); sewermen.....	4.56	.10	.10			
Gunite tool operator.....	4.71	.10	.10			
Pipelayers, nonmetallic.....	4.56	.10	.10			
Bricklayers and mason tenders.....	4.58	.10	.10			
Mortar mixers, hand or machine.....	4.68	.10	.10			
ADD:						
Laborers (Orleans, Jefferson (except Grande Isle), Plaquemines and St. Bernard):						
Laborers.....	4.46	.10	.10			
Stone masons helper, mechanical tool operator (air, electric); sewermen.....	4.56	.10	.10			
Gunite tool operator.....	4.71	.10	.10			
Pipelayers, nonmetallic.....	4.56	.10	.10			
Bricklayers and mason tenders.....	4.58	.10	.10			
Mortar mixers, hand or machine.....	4.68	.10	.10			
Laborers (Grande Isle, Jefferson Parish, La.):						
Laborers.....	4.055	.10	.10			
Sewermen; jackhammermen; mason tenders; plasterers tenders; stone masons helpers; vibratormen.....	4.205	.10	.10			
Mortar mixers.....	4.255	.10	.10			
<i>WD No. AM-1,842-56 F.R. 16238, Montgomery and Prince Georges Counties, Md.; city of Alexandria, Va.; Arlington, County, Va.; and Dulles International Airport, Modification No. 6</i>						
CHANGE:						
Building construction:						
Laborers:						
Common, landscapers.....	5.77	.25	.25		.03	
Acetylene burners used on wrecking.....	6.27	.25	.25		.03	
Air tool operator, scaffold builders, pavement busters, towmasters, buggy mobiles, spaders, mortarmen, and scotcreters.....	5.92	.25	.25		.03	
Pipelayers.....	5.92	.25	.25		.03	
Plasterers' tenders.....	6.07	.32	.20		.03	
Plasterers.....	7.215	.30	.25		.06	
Terrazzo and mosaic workers.....	7.10	e	.20			
Tile setters.....	7.10	e	.20			
<i>WD No. AM-1,843-56 F.R. 16241, Washington, D.C., Modification No. 8</i>						
CHANGE:						
Building construction:						
Laborers:						
Common, landscapers.....	5.77	.25	.25		.03	
Acetylene burners used on wrecking.....	6.27	.25	.25		.03	
Air tool operator, scaffold builders, pavement busters, towmasters, buggy mobiles, spaders, mortarmen and scotcreters.....	5.92	.25	.25		.03	
Pipelayers.....	5.92	.25	.25		.03	
Plasterers' tenders.....	6.07	.32	.20		.03	
Plasterers.....	7.215	.30	.25		.06	
Terrazzo and mosaic workers.....	7.10	e	.20			
Tile setters.....	7.10	e	.20			
<i>WD No. AM-1,845-56 F.R. 16246, Baltimore City and County, Md., Modification No. 6</i>						
CHANGE:						
Building construction:						
Cement masons.....	7.705	.125	.30			
Steamfitters.....	7.46	.45	.60		.06	
<i>WD No. AM-874-56 F.R. 15782, Alpena County, Mich., Modification No. 3</i>						
CHANGE:						
Building and heavy construction:						
Electricians:						
Contracts under \$5,000.....	6.10	.30	1%		.1%	
Contracts over \$5,000.....	7.65	.30	1%		.1%	
Boilermakers.....	7.83	.50	\$1.00	1.00	\$0.01	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-381—36 F.R. 15815, Gogebic County, Mich., Modification No. 5</i>						
CHANGE:						
Building and heavy construction:						
Bricklayers.....	7.10	.30	.35			
Stonemasons.....	7.10	.30	.35			
Plasterers.....	7.10	.30	.35			
Terrazzo workers.....	7.10	.30	.35			
Tile setters.....	7.10	.30	.35			
Cement masons.....	6.60	.30				
Boilermakers.....	7.83	.50	1.00	1.00	.01	
<i>WD No. AM-387—36 F.R. 15842, Keweenaw, Houghton, Ontonagon, and Baraga Counties, Mich., Modification No. 5</i>						
CHANGE:						
Building and heavy construction:						
Bricklayers.....	7.10	.30	.35			
Stonemasons.....	7.10	.30	.35			
Plasterers.....	7.10	.30	.35			
Terrazzo workers.....	7.10	.30	.35			
Tile setters.....	7.10	.30	.35			
Cement masons.....	6.60	.30				
Boilermakers.....	7.83	.50	1.00	1.00	.01	
<i>WD No. AM-392—36 F.R. 15867, St. Clair County, Mich., Modification No. 4</i>						
CHANGE:						
Building and heavy construction:						
Sheet metal workers.....	8.44	.38	6%	.10%	.02	
<i>WD No. AM-393—36 F.R. 15872, Washtenaw County, Mich., Modification No. 5</i>						
CHANGE:						
Building and heavy construction:						
Boilermakers.....	7.83	.50	\$1.00	\$1.00	.01	
Sheet metal workers.....	8.44	.38	6%	10%	.02	
ALSO CHANGE:						
Modification No. 2—36 F.R. 18987, Sept. 24, 1971.						
Asbestos workers (remainder of county).....	7.95	.44	\$0.095		.01	
<i>WD No. AM-394—36 F.R. 15877, Oakland, Wayne, Macomb Counties, Mich., Modification No. 5</i>						
CHANGE:						
Building and heavy construction:						
Boilermakers.....	7.83	.50	1.00	\$1.00	.01	
Sheet metal workers.....	8.44	.38	6%	10%	.02	
ALSO CHANGE:						
Modification No. 1—36 F.R. 18611, Sept. 17, 1971.						
Label on laborers to read Building and Heavy Construction.						
<i>WD No. AM-3,616—36 F.R. 16863, Clay, Jackson, Platte, and Ray Counties, Mo., Modification No. 5</i>						
CHANGE:						
Building construction:						
Electricians:						
Western Half of Clay and Jackson Counties, not including Blue Springs; northern half of Platte County.....						
Remainder of Clay, Jackson & Platte Counties:	7.95	.15	1%+0.20	.70a	.03	
Contracts over \$5,000.....	7.95	.15	1%+0.20	.70a	.03	
Contracts under \$5,000.....	7.45	.15	1%+0.20	.70a	.03	
Ray County:						
Contracts over \$5,000.....	7.95	.15	1%+0.20	.70a	.03	
Contracts under \$5,000.....	6.90	.15	1%+0.20	.70a	.03	
Footnote:						
a. Includes \$0.10 Holiday Fund.						
<i>WD No. AM-1,706—36 F.R. 14799, Atlantic and Cape May Counties, N.J., Modification No. 2</i>						
CHANGE:						
Building construction:						
Laborers, building construction:						
Laborers.....	5.65	.20	\$0.15			
Air tool operator.....	5.95	.20	.15			
Concrete workers.....	5.65	.20	.15			
Gunnite men.....	6.05	.20	.15			
Nozzle gun operator.....	6.05	.20	.15			
Mason tenders.....	5.65	.20	.15			
Plasterers' tenders.....	5.65	.20	.15			
Plumbers.....	7.65	.305	.305			
Sheet metal workers.....	7.25	.25				
Steam fitters.....	7.65	.305	.305			
<i>WD No. AM-1,707—36 F.R. 14805, Bergen County, N.J., Modification No. 3</i>						
CHANGE:						
Building construction:						
Carpenters and insulators:						
City of Garfield; Lodi and Wallington Boroughs:						
Carpenters.....	9.09	.20	.25		.02	
Millwrights.....	9.34	.20	.25		.02	
Remainder of county:						
Carpenters.....	8.54	.50	.50		.02	
Millwrights.....	8.79	.50	.50		.02	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
N.J.-2-LAB-2-3-A:						
Heavy and highway construction:						
Laborers:						
Blasters.....	6.35	.26	.44	a	.....
Finishers, rammer, paver and gunnite nozzle man.....	6.20	.26	.44	a	.....
Timberman.....	5.95	.26	.44	a	.....
Form setters.....	5.90	.26	.44	a	.....
Grademan.....	5.80	.26	.44	a	.....
Sewer pipe, conduit and duct line layers.....	5.70	.26	.44	a	.....
Wagon drill operator and drill masters.....	5.80	.26	.44	a	.....
Wagon drill operator, helper and drill master helper.....	5.45	.26	.44	a	.....
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer, and tree cutter operators, and such other power tools used to perform work usually done manually by laborers.....	5.80	.26	.44	a	.....
Signal man.....	5.50	.26	.44	a	.....
Wrapping and coating of all pipe.....	5.30	.26	.44	a	.....
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen, salamander tenders, pitmen and dumpmen.....	5.25	.26	.44	a	.....
Rock shafts and tunnel work:						
Blasters.....	7.97	.26	.44	a	.....
Miners, drill runners, jacking pipe and other skilled workers.....	7.57	.26	.44	a	.....
Miners' helpers, chuck tenders, nippers, and powder carriers.....	7.41	.26	.44	a	.....
Form erectors and form movers.....	7.41	.26	.44	a	.....
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers.....	7.41	.26	.44	a	.....
Top laborers.....	6.9025	.26	.44	a	.....
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote: a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).						
WD No. AM-1,708-36 F.R. 14812, Burlington County, N.J., Modification No. 2						
CHANGE:						
Building construction:						
Bricklayers, cement masons, marble masons, plasterers, stone masons, terrazzo workers and tile setters:						
Remainder of county.....	8.40	.25	.30	.....	.....
Laborers, Building:						
Bass River and Washington Townships:						
Laborers.....	5.65	.20	.15	.....	.....
Air tool operator.....	5.95	.20	.15	.....	.....
Mason tenders.....	5.65	.20	.15	.....	.....
Concrete workers.....	5.65	.20	.15	.....	.....
Gunnite men.....	6.05	.20	.15	.....	.....
Nozzle and gun operators.....	6.05	.20	.15	.....	.....
Plumbers and Steamfitters:						
Atsion, Bass River Township, Batso, Chatsworth, Green Banks, Herman, Jenkins, Quaker Bridge, Washington, Washington Township.....	7.65	.305	.305	.....	.....
N.J.-1-Lab-2-3-Y:						
Heavy and highway construction:						
Laborers:						
Blasters.....	5.80	.26	.44	a	.....
Finishers, rammer, paver and gunnite nozzle man and stonecutter.....	5.50	.26	.44	a	.....
Timberman.....	5.45	.26	.44	a	.....
Form setters.....	5.50	.26	.44	a	.....
Grademan.....	5.50	.26	.44	a	.....
Sewer pipe, loser men, conduit and duct line layers.....	5.20	.26	.44	a	.....
Wagon drill operator and drill masters.....	5.30	.26	.44	a	.....
Wagon drill operator helper and drill master helper, powder carrier, magazine tender.....	4.95	.26	.44	a	.....
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer, and tree cutter operators, and such other power tools used to perform work usually done manually by laborers.....	5.30	.26	.44	a	.....
Signal man.....	5.00	.26	.44	a	.....
Wrapping and coating of all pipe.....	4.90	.26	.44	a	.....
Common laborers, landscape laborers, railroad track man, flagman, salamander tenders, pitmen and dumpmen.....	4.80	.26	.44	a	.....
Rock shafts and tunnel work:						
Blasters.....	7.97	.26	.44	a	.....
Miners, drill runners, jacking pipe and other skilled workers.....	7.57	.26	.44	a	.....
Miners' helpers, chuck tenders, nipper powder carriers and all other semiskilled men.....	7.41	.26	.44	a	.....
Form erectors and form movers.....	7.41	.26	.44	a	.....
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers.....	7.41	.26	.44	a	.....
Top laborers.....	6.9025	.26	.44	a	.....
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote: a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).						
WD No. AM-1,709-36 F.R. 14820, Camden and Gloucester Counties, N.J., Modification No. 3						
CHANGE:						
Building construction:						
Plumbers and steamfitters:						
Gloucester County:						
Blue Belle, Malega, and New Field.....	7.65	.305	.305	.....	.....

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-1,710-86 F.R. 14887, Cumberland County, N.J., Modification No. 2</i>						
CHANGE:						
Building construction:						
Laborers, Building:						
Fairfield, Lawrence, Millville, Downe, Commercial and Maurice River Townships:						
Laborers, building	5.65	.20	.15			
Mason tenders	5.65	.20	.15			
Plasterers' tenders	5.65	.20	.15			
Concrete laborers	5.65	.20	.15			
Air-gas-electric tool operator	5.95	.20	.15			
Gunnite men	6.05	.20	.15			
Nozzle and gun operator	6.05	.20	.15			
Sheetmetal workers	7.25	.25	.25			

<i>WD No. AM-1,711-86 F.R. 14834, Essex County, N.J. Modification No. 2</i>					
CHANGE:					
Building construction:					
Plumbers:					
Remainder of county	8.25	.40	.75	.80	\$0.025
N.J.-2-LAB-2-3-A:					
Heavy and highway construction:					
Laborers:					
Blasters	6.35	.26	.44	a	
Finishers, rammer, paver and gunnite nozzle man	6.20	.26	.44	a	
Timberman	5.95	.26	.44	a	
Form setters	5.90	.26	.44	a	
Grademan	5.80	.26	.44	a	
Sewer pipe, conduit and duct line layers	5.70	.26	.44	a	
Wagon drill operator and drill masters	5.80	.26	.44	a	
Wagon drill operator, helper and drill master helper	5.45	.26	.44	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer, and tree cutter operators, and such other power tools used to perform work usually done manually by laborers	5.80	.26	.44	a	
Signal man	5.50	.26	.44	a	
Wrapping and coating of all pipe	5.30	.26	.44	a	
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen, and dumpmen	5.25	.26	.44	a	
Rock shafts and tunnel work:					
Blasters	7.97	.26	.44	a	
Miners, drill runners, jacking pipe, and other skilled workers	7.57	.26	.44	a	
Miners' helpers, chuck tenders, nippers and powder carriers	7.41	.26	.44	a	
Form erectors and form movers	7.41	.26	.44	a	
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44	a	
Top laborers	6.9025	.26	.44	a	

Paid holidays:
 A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnote:
 a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

<i>WD No. AM-1,712-86 F.R. 14841, Hudson County, N.J., Modification No. 2</i>					
CHANGE:					
Building construction:					
Plumbers:					
Kearny and Harrison	8.25	.40	.75	\$0.80	.025
N.J.-2-LAB-2-3-A					
Heavy and highway construction:					
Laborers:					
Blasters	6.35	.26	.44	a	
Finishers, rammer, paver and gunite nozzle man	6.20	.26	.44	a	
Timberman	5.95	.26	.44	a	
Form setters	5.90	.26	.44	a	
Grademan	5.80	.26	.44	a	
Sewer pipe, conduit and duct line layers	5.70	.26	.44	a	
Wagon drill operator, and drill masters	5.80	.26	.44	a	
Wagon drill operator, helper and drill master helper	5.45	.26	.44	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer, and tree cutter operators, and such other power tools used to perform work usually done manually by laborers	5.80	.26	.44	a	
Signal man	5.50	.26	.44	a	
Wrapping and coating of all pipe	5.30	.26	.44	a	
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen and dumpmen	5.25	.26	.44	a	
Rock shafts and tunnel work:					
Blasters	7.97	.26	.44	a	
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a	
Miners' helpers, chuck tenders, nippers, and powder carriers	7.41	.26	.44	a	
Form erectors and form movers	7.41	.26	.44	a	
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44	a	
Top laborers	6.9025	.26	.44	a	

Paid holidays:
 A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnote:
 a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-1,713-36 F.R. 1483, Mercer County, N.J., Modification No. 3</i>						
CHANGE:						
Building construction:						
Laborers, building:						
Townships of Washington, Highstown, and East Windsor:						
Laborers.....	6.60	.35	.45			
Jackhammermen.....	6.85	.35	.45			
N.J.-1-Lab-2-3-Y:						
Heavy and highway construction:						
Laborers:						
Blasters.....	5.80	.26	.44	a		
Finishers, rammer, paver and gunite nozzle man, and stonecutter.....	5.50	.26	.44	a		
Timberman.....	5.45	.26	.44	a		
Form setters.....	5.50	.26	.44	a		
Grademan.....	5.50	.26	.44	a		
Sewer pipe, loser men, conduit and duct line layers.....	5.20	.26	.44	a		
Wagon drill operator, and drill masters.....	5.30	.26	.44	a		
Wagon drill operator helper and drill master helper, powder carrier, magazine tender.....	4.95	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer, and tree cutter operators, and such other power tools used to perform work usually done manually by laborers.....	5.30	.26	.44	a		
Signal man.....	5.00	.26	.44	a		
Wrapping and coating of all pipe.....	4.90	.26	.44	a		
Common laborers, landscape laborers, railroad track man, flagman, salamander tenders, pitmen and dumpmen.....	4.80	.26	.44	a		
Rock shafts and tunnel work:						
Blasters.....	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers.....	7.67	.26	.44	a		
Miners' helpers, chuck tenders, nipper powder carriers and all other semiskilled men.....	7.41	.26	.44	a		
Form erectors and form movers.....	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers.....	7.41	.26	.44	a		
Top laborers.....	6.9025	.26	.44	a		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote: a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).						
<i>WD No. AM-1,714-36 F.R. 1485, Middlesex County, N.J., Modification No. 3</i>						
CHANGE:						
Building construction:						
Carpenters and insulators.....						
Millwrights.....	8.59	.45	.50		.02	
Painters:	8.84	.45	.50		.02	
Perth Amboy, Carteret, Woodbridge Township, Edison Township, north of Metuchen, Sayreville, South Amboy, Metuchen, Old Bridge, and Madison Township:						
Brush.....	6.70	.45	.40			
Structural steel, tanks, bridges and towers.....	7.75	.45	.40			
Spray.....	7.75	.45	.40			
Sandblasting.....	7.75	.45	.40			
N.J.-2-LAB-2-3-A:						
Heavy and highway construction:						
Laborers:						
Blasters.....	6.35	.26	.44	a		
Finishers, rammer, paver and gunite nozzle man.....	6.20	.26	.44	a		
Timberman.....	6.05	.26	.44	a		
Form setters.....	5.90	.26	.44	a		
Grademan.....	5.80	.26	.44	a		
Sewer pipe, conduit and duct line layers.....	5.70	.26	.44	a		
Wagon drill operator, and drill masters.....	5.80	.26	.44	a		
Wagon drill operator, helper and drill master helper.....	5.45	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter operators, and such other power tools used to perform work usually done manually by laborers.....	5.80	.26	.44	a		
Signal man.....	5.50	.26	.44	a		
Wrapping and coating of all pipe.....	5.30	.26	.44	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen, salamander tenders, pitmen and dumpmen.....	5.25	.26	.44	a		
Rock shafts and tunnel work:						
Blasters.....	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers.....	7.67	.26	.44	a		
Miners' helpers, chuck tenders, nippers and powder carriers.....	7.41	.26	.44	a		
Form erectors and form movers.....	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers.....	7.41	.26	.44	a		
Top laborers.....	6.9025	.26	.44	a		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote: a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-1, 716-86 F.R. 1,863, Monmouth County, N.J., Modification No. 4</i>						
CHANGE:						
Building construction:						
Laborers, building:						
Townships of Matawan, Union Beach, Raritan, Keansburg, Highland, Holmdel, Middletown, Fair Haven, Red Bank, Matawan Boro, and Marlboro:						
Laborers	7.10	.30				
Jackhammermen	7.35	.30				
Remainder of county:						
Laborers	6.60	.35	.45			
Jackhammermen	6.85	.35	.45			
N.J.-2-LAB-2-3-A:						
Heavy and highway construction:						
Laborers:						
Blasters	6.35	.26	.44		a	
Finishers, rammer, paver and gunnite nozzle man	6.20	.26	.44		a	
Timberman	5.95	.26	.44		a	
Form setters	5.90	.26	.44		a	
Grademans	5.80	.26	.44		a	
Sewer pipe, conduit and duct line layers	5.70	.26	.44		a	
Wagon drill operator and drill masters	5.80	.26	.44		a	
Wagon drill operator, helper and drill master helper	5.45	.26	.44		a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter operators, and such other power tools used to perform work usually done manually by laborers	5.80	.26	.44		a	
Signal man	5.50	.26	.44		a	
Wrapping and coating of all pipe	5.30	.26	.44		a	
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen and dumpmen	5.25	.26	.44		a	
Rock shafts and tunnel work:						
Blasters	7.97	.26	.44		a	
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44		a	
Miners' helpers, chuck tenders, nippers and powder carriers	7.41	.26	.44		a	
Form erectors and form movers	7.41	.26	.44		a	
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44		a	
Top laborers	6.9025	.26	.44		a	
Paid holidays:						
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote:						
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).						
<i>WD No. AM-1, 716-86 F.R. 1,870, Morris County, N.J., Modification No. 4</i>						
CHANGE:						
Building construction:						
Carpenters and insulators:						
Remainder of county:						
Carpenters	8.59	.45	.50		.02	
Millwrights	8.64	.45	.50		.02	
Plumbers and steamfitters:						
Lincoln Park, Compton Plaines, Pequannock Township, Riverdale, Butler, Kinnelon Boro						
	8.00	.365	.50	\$1.00		
N.J.-2-LAB-2-3-A:						
Heavy and highway construction:						
Laborers:						
Blasters	6.35	.26	.44		a	
Finishers, rammer, paver and gunnite nozzle man	6.20	.26	.44		a	
Timberman	5.95	.26	.44		a	
Form setters	5.90	.26	.44		a	
Grademans	5.80	.26	.44		a	
Sewer pipe, conduit and duct line layers	5.70	.26	.44		a	
Wagon drill operator, and drill masters	5.80	.26	.44		a	
Wagon drill operator, helper and drill master helper	5.45	.26	.44		a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter operator, and such other power tools used to perform work usually done manually by laborers	5.80	.26	.44		a	
Signal man	5.50	.26	.44		a	
Wrapping and coating of all pipe	5.30	.26	.44		a	
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen and dumpmen	5.25	.26	.44		a	
Rock shafts and tunnel work:						
Blasters	7.97	.26	.44		a	
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44		a	
Miners' helpers, chuck tenders, nippers and powder carriers	7.41	.26	.44		a	
Form erectors and form movers	7.41	.26	.44		a	
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44		a	
Top laborers	6.9025	.26	.44		a	
Paid holidays:						
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote:						
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-1,717—36 F.R. 14878, Ocean County, N.J., Modification No. 4</i>						
CHANGE:						
Building construction:						
Laborers, building:						
Lacey, Ocean, Union, Barnegat City, Stafford, Harvey Cedars, Surf City, Eaglewood, Ship Bottom, Beach Arlington, Little Egg Harbor, Beach Haven, and Tuckerton Townships:						
Laborers, building and concrete	5.65	.20	.15			
Mason tenders	5.65	.20	.15			
Plasterers' tenders	5.65	.20	.15			
Air, gas, and electric tool operator	5.95	.20	.15			
Nozzle and gun operator, gunnite man	6.05	.20	.15			
Remainder of county:						
Laborers	6.60	.35	.45			
Jackhammermen	6.85	.35	.45			
Plumbers and steamfitters:						
Whiting to Keswich Grove to Barnegat Light and all areas inclusive south thereof						
	7.65	.305	.305			
<i>N.J.-1-Lab-2-3-Y:</i>						
Heavy and highway construction:						
Laborers:						
Blasters	5.80	.26	.44	a		
Finishers, rammer, paver and gunnite nozzle man and stonecutter	5.50	.26	.44	a		
Timberman	5.45	.26	.44	a		
Form setters	5.50	.26	.44	a		
Grademan	5.50	.26	.44	a		
Sewer pipe, loser men, conduit and duct line layers	5.20	.26	.44	a		
Wagon drill operator and drill masters	5.30	.26	.44	a		
Wagon drill operator helper and drill master helper, powder carrier, magazine tender, Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter operator, and such other power tools used to perform work usually done manually by laborers	5.30	.26	.44	a		
Signal man	5.00	.26	.44	a		
Wrapping and coating of all pipe	4.90	.26	.44	a		
Common laborers, landscape laborers, railroad track man, flagman, salamander tenders, pitmen and dumpmen	4.80	.26	.44	a		
Rock shafts and tunnel work:						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nipper powder carriers and all other semiskilled men	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnote: a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

<i>WD No. AM-1,718—36 F.R. 14885, Passaic County, N.J., Modification No. 2</i>					
CHANGE:					
Building construction:					
Carpenters and insulators					
	9.09	.20	.25		.02
Millwrights					
	9.34	.20	.25		.02
<i>N.J.-2-LAB-2-3-A:</i>					
Heavy and highway construction:					
Laborers:					
Blasters	6.35	.26	.44	a	
Finishers, rammer, paver and gunnite nozzle man	6.20	.26	.44	a	
Timberman	5.95	.26	.44	a	
Form setters	5.90	.26	.44	a	
Grademan	5.80	.26	.44	a	
Sewer pipe, conduit and duct line layers	5.70	.26	.44	a	
Wagon drill operator and drill masters	5.80	.26	.44	a	
Wagon drill operator, helper and drill master helper	5.45	.26	.44	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer, and tree cutter operators, and such other power tools used to perform work usually done manually by laborers	5.80	.26	.44	a	
Signal man	5.50	.26	.44	a	
Wrapping and coating of all pipe	5.30	.26	.44	a	
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen and dumpmen	5.25	.26	.44	a	
Rock shafts and tunnel work:					
Blasters	7.97	.26	.44	a	
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a	
Miners' helpers, chuck tenders, nippers and powder carriers	7.41	.26	.44	a	
Form erectors and form movers	7.41	.26	.44	a	
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44	a	
Top laborers	6.9025	.26	.44	a	

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnote: a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-1,719-36 F.R. 14982, Somerset County, N.J. Modification No. 3</i>						
CHANGE:						
Building construction:						
Carpenters:						
Watching and North Plainfield:						
Carpenters.....	8.59	.45	.50		.02	
Millwrights.....	8.84	.45	.50		.02	
N.J.-2-LAB-2-3-A:						
Heavy and highway construction:						
Laborers:						
Blaster.....	6.35	.26	.44	a		
Finishers, rammer, paver and gunite nozzle man.....	6.20	.26	.44	a		
Timberman.....	5.95	.26	.44	a		
Form setters.....	5.90	.26	.44	a		
Grademan.....	5.80	.26	.44	a		
Sewer pipe, conduit and duct line layers.....	5.70	.26	.44	a		
Wagon drill operator and drill masters.....	5.80	.26	.44	a		
Wagon drill operator, helper and drill master helper.....	5.45	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter operators, and such other power tools used to perform work usually done manually by laborers.....	5.80	.26	.44	a		
Signal man.....	5.50	.26	.44	a		
Wrapping and coating of all pipe.....	5.30	.26	.44	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen, salamander tenders, pitmen and dumpmen.....	5.25	.26	.44	a		
Rock shafts and tunnel work:						
Blasters.....	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers.....	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nippers and powder carriers.....	7.41	.26	.44	a		
Form erectors and form movers.....	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers.....	7.41	.26	.44	a		
Top laborers.....	6.9025	.26	.44	a		
Paid holidays:						
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote:						
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).						
<i>WD No. AM-1,780-36 F.R. 14900, Union County, N.J., Modification No. 3</i>						
CHANGE:						
Building construction:						
Carpenters and Insulators.....						
Carpenters.....	8.59	.45	.50		.02	
Millwrights.....	8.84	.45	.50		.02	
N.J.-2-LAB-2-3-A:						
Heavy and highway construction:						
Laborers:						
Blasters.....	6.35	.26	.44	a		
Finishers, rammer, paver and gunite nozzle man.....	6.20	.26	.44	a		
Timberman.....	5.95	.26	.44	a		
Form setters.....	5.90	.26	.44	a		
Grademan.....	5.80	.26	.44	a		
Sewer pipe, conduit and duct line layers.....	5.70	.26	.44	a		
Wagon drill operator, and drill masters.....	5.80	.26	.44	a		
Wagon drill operator, helper and drill master helper.....	5.45	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter operators, and such other power tools used to perform work usually done manually by laborers.....	5.80	.26	.44	a		
Signal man.....	5.50	.26	.44	a		
Wrapping and coating of all pipe.....	5.30	.26	.44	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen and dumpmen.....	5.25	.26	.44	a		
Rock shafts and tunnel work:						
Blasters.....	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers.....	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nippers and powder carriers.....	7.41	.26	.44	a		
Form erectors and form movers.....	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers.....	7.41	.26	.44	a		
Top laborers.....	6.9025	.26	.44	a		
Paid holidays:						
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote:						
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-3,813-86 F.R. 16744, Bernalillo County, N. Mex., Modification No. 3</i>						
CHANGE: General building and heavy engineering construction:						
Ironworkers: Structural; ornamental; reinforcing; machinery movers; riggers; erectors.....	6.20	.35	.50			
Electricians:						
Electricians:						
Zone (1).....	7.20	.25	1%		1.6%	
Zone (2).....	7.70	.25	1%		1.6%	
Zone (3).....	8.14	.25	1%		1.6%	
Zone (4).....	8.64	.25	1%		1.6%	
Cable splicers:						
Zone (1).....	7.02	.25	1%		1.6%	
Zone (2).....	8.42	.25	1%		1.6%	
Zone (3).....	8.86	.25	1%		1.6%	
Zone (4).....	9.36	.25	1%		1.6%	
Carpenters:						
Zone (1).....	5.61	.30	\$0.35	\$0.20	\$0.04	
Zone (2).....	6.11	.30	.35	.20	.04	
Zone (3).....	6.36	.30	.35	.20	.04	
Millwrights and piledrivermen:						
Zone (1).....	5.86	.30	.35	.20	.04	
Zone (2).....	6.36	.30	.35	.20	.04	
Zone (3).....	6.61	.30	.35	.20	.04	
<i>WD No. AM-3,814-86 F.R. 16749, Los Alamos County, N. Mex., Modification No. 3</i>						
CHANGE: General building and heavy engineering construction:						
Ironworkers: Structural; ornamental; reinforcing; machinery movers; riggers; erectors.....	6.20	.35	.50			
<i>WD No. AM-1,722-86 F.R. 14912, Albany County, N.Y., Modification No. 3</i>						
CHANGE: Building construction:						
Asbestos workers.....	7.96	.40	.10			
<i>WD No. AM-1,724-86 F.R. 14921, Dutchess County, N.Y., Modification No. 2</i>						
CHANGE: Building construction:						
Asbestos workers.....	10.332	5%	4%			
<i>WD No. AM-1,725-86 F.R. 14928, Erie County, N.Y., Modification No. 3</i>						
CHANGE: Building construction:						
Boilermakers.....	8.34	\$0.40	\$0.50		.01	
Boilermakers' helpers.....	4.54	.40	.50		.01	
<i>WD No. AM-1,726-86 F.R. 14932, Jefferson County, N.Y., Modification No. 3</i>						
CHANGE: Building construction:						
Plumbers and steamfitters.....	7.20	.30	.40		.025	
<i>WD No. AM-1,727-86 F.R. 14938, Monroe County, N.Y., Modification No. 3</i>						
CHANGE: Building construction:						
Boilermakers.....	8.34	.40	.50		.01	
Boilermakers' helpers.....	4.54	.40	.50		.01	
<i>WD No. AM-1,728-86 F.R. 14945, Nassau County, N.Y., Modification No. 2</i>						
CHANGE: Building construction:						
Millwrights.....	8.40	.75	1.40	.50	.02	
<i>WD No. AM-1,729-86 F.R. 14950, Niagara County, N.Y., Modification No. 3</i>						
CHANGE: Building construction:						
Boilermakers.....	8.34	.40	.50		.01	
Boilermakers' helpers.....	4.54	.40	.50		.01	
<i>WD No. AM-1,730-86 F.R. 14955, Oneida County, N.Y., Modification No. 3</i>						
CHANGE: Building construction:						
Bricklayers, etc.:						
Remainder of county:						
Bricklayers, cement masons, plasterers & stonemasons.....	7.65	.35	.20			
Carpenters, building:						
Carpenters and soft floor layers.....	6.86	.15	.20		g	
Piledrivermen and millwrights.....	7.11	.15	.20		g	
Elevator constructors.....	8.40	.195	.20	1 1/2%+a+b	.005	
Elevator constructors' helpers.....	5.88	.195	.20	1 1/2%+a+b	.005	
Elevator constructors' helpers (prob.).....	4.20					
Laborers, building:						
Remainder of county:						
Laborers.....	6.625	.25	.25			
Jackhammermen and excavation 8 feet or more in depth.....	6.725	.25	.25			
ADD: Footnote: g. Holidays: B and D.						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-2515-36 F.R. 17120, Ward County, N. Dak., Modification No. 1</i>						
CHANGE:						
Building construction:						
Carpenters	5.65					
Piledrivermen	5.88					
Millwrights	6.13					
Plumbers; steamfitters	6.38		.25		.02	
Sheet metal workers	6.50					
TRUCK DRIVERS (Site preparation, excavating and incidental paving):						
Single axle	3.62					
Tandem	3.72					
Agitator dumpcrete	3.82					
Lowboy; off road heavy duty and dumps, 20 yards and under; tandem semi	3.97					
Euclid, over 20 yards	4.60					
<i>WD No. AM-407-36 F.R. 16911, Franklin and Pickaway Counties, Ohio, Modification No. 4</i>						
CHANGE:						
Laborers:						
Unskilled	5.91	.30	.15			
Mortar mixers	6.11	.30	.15			
Mason and plasterers' tenders	6.11	.30	.15			
Asphalt and black top rakers	6.11	.30	.15			
Scaffold builders	6.11	.30	.15			
Jackhammer operator	6.11	.30	.15			
Air or electric pneumatic tools	6.11	.30	.15			
Power driven tool and power buggy	6.11	.30	.15			
Power wheel barrow operator	6.11	.30	.15			
Wreckers and barmen	6.11	.30	.15			
Marble setters	7.05					
Marble setters' helpers	5.65					
Terrazzo workers	7.05					
Terrazzo workers' helpers	5.65					
Terrazzo base grinders	5.90					
Terrazzo floor grinder	5.75					
Tile setters	7.05					
Tile setters' helpers	5.65					
<i>WD No. AM-408-36 F.R. 15915, Green and Montgomery Counties, Ohio, Modification No. 5</i>						
CHANGE:						
Laborers:						
Unskilled	6.44	.20	.15			
All machine tools, jackhammer, vibrator	6.59	.20	.15			
Sewer pipelayers (nonmetallic)	6.24	.20	.15			
Bottom men	6.24	.20	.15			
Railroad spikers (by hand)	6.59	.20	.15			
Torchmen on wrecking	6.74	.20	.15			
Gunnite operator	6.94	.20	.15			
Swing scaffold over 15 feet	6.59	.20	.15			
Marble setters	7.91	.25				
Terrazzo and tile setters	7.91	.25				
<i>WD No. AM-410-36 F.R. 15925, Licking County, Ohio, Modification No. 6</i>						
CHANGE:						
Carpenters and soft floor layers—resilient floor layers	7.65	.20	.20			
Millwrights and piledrivermen	8.21	.20	.20			
<i>WD No. AM-412-36 F.R. 15934, Mchoning County, Ohio, Modification No. 4</i>						
CHANGE:						
Laborers:						
Building and construction laborers	6.43	.30	.10			
Jackhammer operator (all machine driven tools, electric gas or air and gas buggies)	6.55	.30	.10			
Mortar mixers (hand or machine)	6.55	.30	.10			
Trenching and shaft excavations (7 feet or more)	6.53	.30	.10			
Jackhammer operator in trench and shaft excavation (7 feet or more)	6.55	.30	.10			
Powder and dynamite	6.73	.30	.10			
Sewer pipelayers	6.73	.30	.10			
Asphalt paving	6.43	.30	.10			
Scrap iron burning	6.53	.30	.10			
Gunnite nozzlemen	7.04	.30	.10			
Gunnite scaffoldman (over 25 feet)	6.63	.30	.10			
Gunnite gunman	7.04	.30	.10			
Gunnite mixerman	6.53	.30	.10			
Plasterers' hod carriers and tenders	6.73	.20	.15			
<i>WD No. AM-413-36 F.R. 15938, Muskingum County, Ohio, Modification No. 6</i>						
CHANGE:						
Carpenters and soft floor layers	7.65	.20	.20			
Millwrights and piledrivermen	8.21	.20	.20			
Electricians:						
Jobs 1,500 hours or less	7.30	.13	1%		.02	
Jobs over 1,500 hours	7.55	.13	1%		.02	
Line Construction:						
Linemen	7.55	.13	1%			
Truck driver	5.15	.13	1%			
Groundman	4.90	.13	1%			
Equipment operator	7.55	.13	1%			
Building construction:						
Laborers:						
Brick droppers, lock tenders, miners (tunnel and caisson), powdermen or blasters	6.28	.30	\$0.15		.02	
Air and machine driven tool operator, asphalt plant aggreometer operator, asphalt plant mixer men, asphalt rakers, tampers, forkers, shoveler, brick slingers, car pushers and tunnel laborers, caulkers, yarners and wrenchmen, cement handlers, concrete puddlers (behind mixers), curb cutters and setters, cutting with burning torches, dumpmen (batch trucks), hand spikers operators, jackhammer operators, muckers (tunnels and caissons), mason tenders, mortar mixers, pipelayers, proportioning plant operators, pump men (under 4 inches), road form setters, sewer bottom men, stone mason tenders, sheeting and shoring men, vibrator operators, plasterers' tenders	6.13	.30	.15		.02	
Planters (landscape), tree trimmers, plumbers' helpers, carpenters' tenders, building and construction laborers	6.03	.30	.15		.02	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-1,858—\$6 F.R. 16226, Delaware County, Pa., Modification No. 4</i>						
CHANGE:						
Carpenters, building.....	8.07	1.05	.35		.07	
Millwrights.....	8.67	1.05	.35		.07	
Sheet metal workers.....	9.40	.30	.25		.01	
Soft floor layers.....	6.73	.35	.35			
Stone masons.....	6.65	.47	.45			
Tile setters.....	6.825	.40	.20			
PA-51-LAB-1-T:						
Building Construction						
Laborers:						
Stripping and dismantling concrete form work, loading, unloading, carrying and handling of all reinforced steel and steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers and all other pneumatic tools, building scaffolds, raking, shoveling and tamping of asphalt, spading and concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying nonmetallic pipe and caulking, all other types of laborers.....	5.61	.44	.20			
Mason tender, power buggies, burners on demolition.....	5.71	.44	.20			
Wagon drill operator (single).....	5.72	.44	.20			
Powdermen, wagon drill operator (multiple).....	5.91	.44	.20			
Circular Caissons Excavation:						
Caisson groundmen.....	5.91	.44	.20			
Caisson bottom man.....	6.01	.44	.20			
Underpinning Excavation:						
Laborers, working at depth of 8 feet or under.....	5.91	.44	.20			
Yard workers.....	5.55	.44	.20			
PA-51-LAB-2-3-F						
Heavy and highway construction laborers:						
Powdermen, multiple wagon drill operators.....	5.85	.45	.20			
Finished surface asphalt rakers, operators, pipelayers, caulkers, conduit and duct layers.....	5.65	.45	.20			
Other pneumatic tool operators, laborers stripping concrete forms, carrying or handling lumber, steel and steel mesh and other concrete materials, form pinners, toolroom men, mortar mixers, Concrete pitmen and spaders, grade men, asphalt shovelers, men working in sheeting, men working in shoring, men working in lagging, laborers assisting in the setting of cut stone, granite, or artificial stone, hod carriers, scaffold builders.....	5.55	.45	.20			
Wagon drill operators.....	5.70	.45	.20			
Yard workers:						
Laborers, scale mixermen, burnermen, dustmen, feeders.....	5.45	.45	.20			
Free air tunnels:						
Miners, miners bore driver, blasters, drillers, pneumatic shield operators, welders and burners.....	6.10	.45	.20			
Miners' helpers, form setters.....	6.05	.45	.20			
Trackmen, brakemen, groutmen, bottom shaft men, all others in free air tunnels.....	5.80	.45	.20			
Circular caisson excavation bottom men.....	5.95	.45	.20			
Underpinning excavation bottom men.....	5.85	.45	.20			
All other laborers on construction work, with the exception of workers in compressed air.....	5.55	.45	.20			
PA-51-PEO-1-2-B						
Power equipment operators, building and heavy construction:						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machines handling machinery; cable spinning machine; helicopters; machines similar to the above.....	8.96	4.6%	5.2%	a	0.7%	
Wage Group II:						
Engineers working with dock builders and pile drivers.....						
All types of cranes.....						
All types of backhoes; cableways; draglines; Keystones; all types of shovels; derricks; trenching shovels; trenching machines; Pippin type backhoes; hoist with two towers; pavers 21E and over; all types overhead cranes; building hoists—double drum (unless used as single drum); mucking machines in tunnel; Gradalls; front-end loaders over 3 cubic yards, boat captain; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self-contained (Drillmaster type); fork lift (20 feet and over); motor patrols (fine grade); batch plant with mixer; machines similar to the above.....	8.72	4.6%	5.2%	a	.7%	
Wage Group III:						
Conveyors (except building conveyors), building hoists (single drum), scrapers and Tournapulls, asphalt plant engineers, roller (high grade finishing); caterpillar-type tractors with front-end overhead loaders and rubber-tired loaders 2 cubic yards up to and including 3 cubic yards.....						
Maintenance engineers with tools; spreaders, high- or low-pressure boilers, concrete pumps, well drillers, forklift trucks of all types; bulldozers D-7 or equivalent and over; ditch witch type trencher, motor patrol; machines similar to the above.....	7.93	4.6%	5.2%	a	.7%	
Footnote						
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.						
51-PEO-3-B:						
Power equipment operators highway construction:						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machine handling machinery; helicopters; machines similar to the above.....	8.73	4.6%	5.2%	a	.7%	
Wage Group II:						
Engineers working with dock builders and pile drivers; all types of cranes; all types of backhoes; cableways; draglines; Keystones; all types of shovels; pavers 21E and over; trenching machines; gradalls; front end loaders over 3 cubic yards; boat captain; Pippin type backhoes; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self contained (drillmaster type); forklift (20 feet and over); motor patrols (fine grade); batch plant with mixer; machines similar to the above.....	8.53	4.6%	5.2%	a	.7%	
Wage Group III:						
Carryalls, scrapers, turnapulls, asphalt plant engineers; roller (high grade finishing); caterpillar-type tractors with front end overhead loaders and rubber-tired loaders 2 cubic yards up to and including 3 cubic yards; spreaders (asphalt); concrete pumps; well drillers; bulldozers D-7 or equivalent and over; ditch witch (small trencher); motor patrols; maintenance engineers with tools; machines similar to the above.....	7.95	4.6%	5.2%	a	.7%	
Wage Group IV:						
Conveyor loader; bulldozer under D-7 rating, tractors including rubber-tired type and front end, under 2 cubic yards overhead loaders; Seaman pulverizer; 10-ton roller (grade fill stone base); welders and maintenance engineers; concrete breaking machines; machines similar to the above.....	7.48	4.6%	5.2%	a	.7%	
Wage Group V:						
Form line grader; fine grade machines; farm tractors; road finishing concrete spreaders; compressors; power broom, self-contained; seed spreader; pumps; well point pumps; welding machines; treaman, power equipment maintenance engineers (power boats); machines similar to the above.....	7.15	4.6%	5.2%	a	.7%	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
51-PEO-3-B—Continued						
Wage Group VI:						
Fireman	6.82	4.0%	5.2%	a	.7%	
Wage Group VII:						
Oilers and deck hands (personnel boats)	6.14	4.0%	5.2%	a	.7%	
Footnote:						
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.						
WD No. AM-1,860-36 F.R. 16305, Montgomery County, Pa., Modification No. 4						
CHANGE:						
Bricklayers:						
Remainder of county	8.69	.57	.35		1/2%	
Carpenters, building	8.07	1.05	.35		\$0.07	
Millwrights	8.57	1.05	.35		.07	
Piledrivermen	8.20	.92	.25		.07	
Sheet metal workers	9.40	.30	.25		.01	
Soft floor layers	6.73	.35	.35			
Tile setters	6.825	.40	.20			
PA-51-LAB-1-T:						
Building construction:						
Laborers:						
Stripping and dismantling concrete form work, loading, unloading, carrying and handling of all reinforced steel and steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers and all other pneumatic tools, building scaffolds, raking, shoveling and tamping of asphalt, spading and concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying nonmetallic pipe and caulking, all other types of laborers	5.61	.44	.20			
Mason tender, power buggies, burners on demolition	5.71	.44	.20			
Wagon drill operator (single)	6.72	.44	.20			
Powdermen, wagon drill operator (multiple)	5.91	.44	.20			
Circular caissons excavation:						
Caisson groundmen	5.91	.44	.20			
Caisson bottom man	6.01	.44	.20			
Underpinning excavation:						
Laborers, working at depth of 8 feet or under	5.91	.44	.20			
Yard workers	5.55	.44	.20			
PA-51-LAB-2-3-F:						
Heavy and highway construction laborers, operators:						
Powdermen, multiple wagon drill operators	5.85	.45	.20			
Finished surface asphalt rakers, operators, pipelayers, caulkers, conduit and duct layers	5.65	.45	.20			
Other pneumatic tool operators, laborers stripping concrete forms, carrying or handling lumber, steel and steel mesh and other concrete materials, form pinners, toolroom men, mortar mixers, concrete pitmen and spaders, grade men, asphalt shovellers, men working in sheeting, men working in shoring, men working in lagging, laborers assisting in the setting of cut stone, granite or artificial stone, hod carriers, scaffold builders	5.55	.45	.20			
Wagon drill operators	5.70	.45	.20			
Yard workers:						
Laborers, scale mixers, burners, dustmen, feeders	5.45	.45	.20			
Free air tunnels:						
Miners, miners bore driver, blasters, drillers, pneumatic shield operators, welders and burners	6.10	.45	.20			
Miners' helpers, form setters	6.95	.45	.20			
Trackmen, brakemen, groutmen, bottom shaft men, all others in free air tunnels	5.80	.45	.20			
Circular caisson excavation bottom men	5.95	.45	.20			
Underpinning excavation bottom men	5.85	.45	.20			
All other laborers on construction work, with the exception of workers in compressed air	5.55	.45	.20			
PA-51-PEO-1-2-B:						
Power equipment operators, building and heavy construction:						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machines handling machinery; cable spinning machine; helicopters; machines similar to the above	8.96	4.6%	5.2%	a	0.7%	
Wage Group II:						
Engineers working with dock builders and pile drivers						
All types of cranes						
All types of backhoes; cableways; draglines; keystones; all types of shovels; derricks; trenching shovels; trenching machines; Pippin type backhoes; hoist with two towers; pavers 21E and over; all types overhead cranes; building hoists—double drum (unless used as single drum); mucking machines in tunnel; gradalls; front-end loaders over 3 cubic yards; boat captain; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self-contained (drillmaster type); fork lift (20 feet and over); motor patrols (fine grade); batch plant with mixer; machines similar to the above	8.72	4.6%	5.2%	a	.7%	
Wage Group III:						
Conveyors (except building conveyors), building hoists (single drum), scrapers and and tournapulls, asphalt plant engineers, roller (high grade finishing); caterpillar-type tractors with front-end overhead loaders and rubber-tired loaders 2 cubic yards up to and including 3 cubic yards						
Maintenance engineers with tools; spreaders, high- or low-pressure boilers, concrete pumps, well drillers, forklift trucks of all types; bulldozers D-7 or equivalent and over; ditch witch type trencher; motor patrol; machines similar to the above	7.93	4.6%	5.2%	a	.7%	
Footnote:						
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.						
Power equipment operators highway construction:						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machine handling machinery; helicopters; machines similar to the above	8.73	4.6%	5.2%	a	.7%	
Wage Group II:						
Engineers working with dock builders and pile drivers; all types of cranes; all types of backhoes; cableways; draglines; Keystones; all types of shovels; pavers 21E and over; trenching machines; gradalls; front end loaders over 3 cubic yards; boat captain; Pippin type backhoes; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self-contained (drillmaster type); forklift (20 feet and over); motor patrols (fine grade); batch plant with mixer; machines similar to the above	8.53	4.6%	5.2%	a	.7%	
Wage Group III:						
Carryalls scrapers, tournapulls, asphalt plant engineers; roller (high grade finishing); caterpillar-type tractors with front end overhead loaders and rubber-tired loaders 2 cubic yards up to and including 3 cubic yards; spreaders (asphalt); concrete pumps; well drillers; bulldozers D-7 or equivalent and over; ditch witch (small trencher); motor patrols; maintenance engineers with tools; machines similar to the above	7.95	4.6%	5.2%	a	.7%	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Power equipment operators highway construction—Continued						
Wage Group IV: Conveyor loader; bulldozer under D-7 rating, tractors including rubber-tired type and front end, under 2 cubic yards overhead loaders; Seaman pulverizer; 10-ton roller (grade fill stone base); welders and maintenance engineers; concrete breaking machines; machines similar to the above.....	7.48	4.6%	5.2%	a	.7%	
Wage Group V: Form line grader; fine grade machines; farm tractors; road finishing concrete spreaders; compressors; power broom, self-contained; seed spreader; pumps; well point pumps; welding machines; fireman, power equipment maintenance engineers (power boats); machines similar to the above.....	7.15	4.6%	5.2%	a	.7%	
Wage Group VI: Fireman.....	6.82	4.6%	5.2%	a	.7%	
Wage Group VII: Oilers and deck hands (personnel boats).....	6.14	4.6%	5.2%	a	.7%	
Footnote:						
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.						
WD No. AM-1,882—36 F.R. 1631A, Philadelphia County, Pa., Modification No. 4						
CHANGE:						
Carpenters, building.....	8.07	\$1.05	\$0.35		\$0.07	
Electricians.....	9.20	4%	3%		13%	
Millwrights.....	8.57	\$1.05	\$0.35		\$0.07	
Pile drivermen.....	8.20	.92	.25		.07	
Sheet metal workers.....	9.40	.80	.25		.01	
Soft floor layers.....	6.73	.35	.35			
Stonemasons.....	6.65	.47	.45			
Tile setters.....	6.825	.40	.20			
PA-51-LAB-1-T:						
Building construction:						
Laborers:						
Stripping and dismantling concrete form work, loading, unloading, carrying and handling of all reinforced steel and steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers and all other pneumatic tools, building scaffolds, raking, shovelling and tamping of asphalt, spading and concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying nonmetallic pipe and caulking, all other types of laborers.....	5.61	.44	.20			
Mason tender, power buggies, burners on demolition.....	5.71	.44	.20			
Wagon drill operator (single).....	5.72	.44	.20			
Powdermen, wagon drill operator (multiple).....	5.91	.44	.20			
Circular caissons excavation:						
Caisson groundmen.....	5.91	.44	.20			
Caisson bottom man.....	6.01	.44	.20			
Underpinning excavation:						
Laborers, working at depth of 8 feet or under.....	5.91	.44	.20			
Yard workers.....	5.55	.44	.20			
PA-51-LAB-2-3-F						
Heavy and highway construction laborers:						
Powdermen, multiple wagon drill operators.....	5.85	.45	.20			
Finished surface asphalt rakers, operators, pipelayers, caulkers, conduit and duct layers.....	5.65	.45	.20			
Other pneumatic tool operators, laborers stripping concrete forms, carrying or handling lumber, steel and steel mesh and other concrete materials, form pinners, toolroom men, mortar mixers, concrete pitmen and spaders, grade men, asphalt shovelers, men working in sheeting, men working in shoring, men working in lagging, laborers assisting in the setting of cut stone, granite, or artificial stone, hod carriers, scaffold builders.....	5.55	.45	.20			
Wagon drill operators.....	5.70	.45	.20			
Yard workers:						
Laborers, scale mixermen, burnermen, dustmen, feeders.....	5.45	.45	.20			
Free air tunnels:						
Miners, miners bore driver, blasters, drillers, pneumatic shield operators, welders and burners.....	6.10	.45	.20			
Miners' helpers, form setters.....	6.95	.45	.20			
Trackmen, brakemen, groutmen, bottom shaft men, all others in free air tunnels.....	5.80	.45	.20			
Circular caisson excavation bottom men.....	5.95	.45	.20			
Underpinning excavation bottom men.....	5.85	.45	.20			
All other laborers on construction work, with the exception of workers in compressed air.....	5.55	.45	.20			
PA-51-PEO-1-2-B:						
Power equipment operators, building and heavy construction:						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machines handling machinery; cable spinning machine; helicopters; machines similar to the above.....	8.96	4.6%	5.2%	a	0.7%	
Wage Group II:						
Engineers working with dock builders and pile drivers.....						
All types of cranes.....						
All types of backhoes; cableways; draglines; Keystones; all types of shovels; derricks; trench shovels; trenching machines; Pippin type backhoes; hoist with two towers; pavers 21E and over; all types overhead cranes; building hoists—double drum (unless used as single drum); mucking machines in tunnel; gradalls; front-end loaders over 3 cubic yards, boat captain; tandem scrapers; tower type crane operation, erecting, dismantling, jacking or jacking; drills self-contained (drillmaster type); fork lift (20 ft. and over), motor patrols (fine grade), batch plant with mixer; machines similar to the above.....	8.72	4.6%	5.2%	a	.7%	
Wage Group III:						
Conveyors (except building conveyors), building hoists (single drum), scrapers and tounrapulls, asphalt plant engineers, roller (high grade finishing); caterpillar-type tractors with front-end overhead loaders and rubber-tired loaders 2 cubic yards up to and including 3 cubic yards.....						
Maintenance engineers with tools; spreaders, high- or low-pressure boilers, concrete pumps, well drillers, forklift trucks of all types; bulldozers D-7 or equivalent and over; ditch witch type trencher, motor patrol; machines similar to the above.....	7.93	4.6%	5.2%	a	.7%	
Footnote:						
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
51-PEO-3-B:						
Power equipment operators highway construction:						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machine handling machinery; helicopters; machines similar to the above	8.73	4.6%	5.2%	a	.7%	
Wage Group II:						
Engineers working with dock builders and pile drivers; all types of cranes; all types of backhoes; cableways; draglines; Keystones; all types of shovels; pavers 21E and over trenching machines; Gradalls; front end loaders over 3 cubic yards; boat captain; Pippin type backhoes; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self-contained (drillmaster type); forklift (20 feet and over); motor patrols (fine grade); batch plant with mixer; machines similar to the above	8.53	4.6%	5.2%	a	.7%	
Wage Group III:						
Carryalls, scrapers, tonmapulls, asphalt plant engineers; roller (high grade finishing); caterpillar-type tractors with front end overhead loaders and rubber-tired loaders 2 cubic yards up to and including 3 cubic yards; spreaders (asphalt); concrete pumps; well drillers; bulldozers D-7 or equivalent and over; ditch witch (small trencher); motor patrols; maintenance engineers with tools; machines similar to the above	7.95	4.6%	5.2%	a	.7%	
Wage Group IV:						
Conveyor loader; bulldozer under D-7 rating, tractors including rubber-tired type and front end, under 2 cubic yards overhead loaders; Seaman pulverizer; 10-ton roller (grade fill stone base); welders and maintenance engineers; concrete breaking machines; machines similar to the above	7.48	4.6%	5.2%	a	.7%	
Wage Group V:						
Form line grader; fine grade machines; farm tractors; road finishing concrete spreaders; Compressors; power broom, self-contained; seed spreader; pumps; well point pumps; welding machines; tireman, power equipment maintenance engineers (power boats); machines similar to the above	7.15	4.6%	5.2%	a	.7%	
Wage Group VI:						
Fireman	6.82	4.6%	5.2%	a	.7%	
Wage Group VII:						
Oilers and deck hands (personnel boats)	6.14	4.0%	5.2%	a	.7%	
Footnote:						
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.						
WD No. AM-1,865-36 P.R. 16333, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., Modification No. 2						
CHANGE:						
PA-51-LAB-2-3-F:						
Highway construction laborers:						
Powdermen, multiple wagon drill operators	5.85	.45	\$0.20			
Finished surface asphalt rakers, operators, pipelayers, caulkers, conduct and duct layers	5.65	.45	.20			
Other pneumatic tool operators, laborers stripping concrete forms, carrying or handling lumber, steel and steel mesh and other concrete materials, form planners, toolroom men, mortar mixers, concrete pitmen and spaders, grade men, asphalt shovelers, men working in sheeting, men working in shoring, men working in lagging, laborer assisting in the setting of cut stone, granite, or artificial stone, hod carriers, scaffold builders	5.55	.45	.20			
Wagon drill operators	5.70	.45	.20			
Yard workers:						
Laborers, scale mixers, burnermen, dustmen, feeders	5.45	.45	.20			
Free air tunnels:						
Miners, miners bore driver, blasters, drillers, pneumatic shield operators, welders and burners	6.10	.45	.20			
Miners' helpers, form setters	6.95	.45	.20			
Trackmen, brakemen, groutmen, bottom shaft men, all others in free air tunnels	5.80	.45	.20			
Circular caisson excavation bottom men	5.95	.45	.20			
Underpinning excavation bottom men	5.85	.45	.20			
All other laborers on construction work, with the exception of workers in compressed air	5.55	.45	.20			
51-PEO-3-B:						
Power equipment operators highway construction:						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machine handling machinery; helicopters; machines similar to the above	8.73	4.6%	5.2%	a	.7%	
Wage Group II:						
Engineers working with dock builders and pile drivers; all types of cranes; all types of backhoes; cableways; draglines; Keystones; all types of shovels; pavers 21E and over; trenching machines; Gradalls; front end loaders over 3 cubic yards; boat captain; Pippin type backhoes; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self contained (drillmaster type); forklift (20 feet and over); motor patrols (fine grade); batch plant with mixer; machines similar to the above	8.53	4.6%	5.2%	a	.7%	
Wage Group III:						
Carryalls, scrapers, tonmapulls, asphalt plant engineers; roller (high grade finishing); caterpillar-type tractors with front end overhead loaders and rubber-tired loaders 2 cubic yards up to and including 3 cubic yards; spreaders (asphalt); concrete pumps; well drillers; bulldozers D-7 or equivalent and over; ditch witch (small trencher); motor patrols; maintenance engineers with tools; machines similar to the above	7.95	4.6%	5.2%	a	.7%	
Wage Group IV:						
Conveyor loader; bulldozer under D-7 rating, tractors including rubber-tired type and front end, under 2 cubic yards overhead loaders; Seaman pulverizer; 10-ton roller (grade fill stone base); welders and maintenance engineers; concrete breaking machines; machines similar to the above	7.48	4.6%	5.2%	a	.7%	
Wage Group V:						
Form line grader; fine grade machines; farm tractors; road finishing concrete spreaders; compressors; power broom, self-contained; seed spreader; pumps; well point pumps; welding machines; tireman, power equipment maintenance engineers (power boats); machines similar to the above	7.15	4.6%	5.2%	a	.7%	
Wage Group VI:						
Fireman	6.82	4.6%	5.2%	a	.7%	
Wage Group VII:						
Oilers and Deck Hands (Personnel Boats)	6.14	4.6%	5.2%	a	.7%	
Footnote:						
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments			
		H & W	Pensions	Vacation	App. Tr. Other
<i>WD No. AM-1,866-86 F.R. 16385, 89 Eastern Counties, Pa., Modification No. 1</i>					
CHANGE: Laborers: Free air tunnel and rock shafts: Laborers, outside.....	4.64	\$0.15	\$0.15		
<i>WD No. AM-7,489-86 F.R. 21787, Harris County, Tex., Modification No. 4</i>					
CHANGE: Building construction: Cement masons.....	6.00	.30	.35		\$0.02
<i>WD No. AM-7,716-86 F.R. 22123, Lubbock County, Tex., Modification No. 5</i>					
CHANGE: Building construction: Lathers.....	6.125	.125			.01
Painters: Brush.....	5.00				
Spray.....	5.65				
Plumbers—steamfitters.....	6.20		.30		.02

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PART II



COST OF LIVING
COUNCIL
INTERNAL REVENUE
SERVICE
PAY BOARD
PRICE COMMISSION
■
Economic Stabilization
Regulations

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council PART 105—COST OF LIVING COUNCIL PROCEDURAL REGULATIONS

Part 105—Cost of Living Council Procedural Regulations will be added to Title 6, Chapter I, Code of Federal Regulations.

Part 105, as set forth below, prescribes procedures during the Post-Freeze Economic Stabilization Program for (1) appealing from adverse actions by the IRS; (2) initial action on Requests for Exception, Exemption, and Reclassification and the reconsideration of denials of such requests, in whole or in part; (3) public comment on regulations and published rulings of the Council; and (4) appointment of Hearing Officers.

This part shall become effective upon publication in the FEDERAL REGISTER (1-21-72).

DONALD RUMSFELD,
Director,
Cost of Living Council.

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AUTHORITY: The provisions of this Part 105 are issued under the Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-568, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law

92-210, 85 Stat. 743; Executive Order 11627, as amended.

Subpart A—General

§ 105.1 Purpose and scope.

(a) This part establishes procedures for (1) appeals from adverse actions by the IRS; (2) action on requests for exception, exemption and reclassification and reconsideration of denials of such requests, in whole or in part; (3) public comment on regulations or published rulings of the Council and (4) appointment of Hearing Officers.

(b) If any small business enterprise referred to in § 214(b)(3) of the Act files a request application or appeal under the provisions of this part, such request application or appeal will be accorded expeditious handling by affording it priority on the dockets maintained by the Council for the orderly conduct of its business.

(c) This part applies to any person aggrieved by a denial of a requested action by IRS or the Council made on or after the effective date of this part.

§ 105.2 Definitions.

"Act" means the Economic Stabilization Act of 1970, as amended.

"Adverse action" means an action by the Council or IRS denying a requested action in whole or in part or an interpretation or ruling issued by IRS which is contrary to the position asserted by the person seeking the interpretation or ruling.

"Council" means the Cost of Living Council established by Executive Order No. 11615 as amended, or its delegate.

"Exception" means a waiver from the provisions of Part 101 of this chapter directed to an individual firm in a particular case which relieves it from the requirements of a rule, regulation or order issued pursuant to the Act.

"Exemption" means a general waiver of the requirements of all rules, regulations, and orders issued pursuant to the Act.

"Hearing Officer" means a person appointed by the Director of the Council for the purpose of conducting a hearing in accordance with subparts B, C, and D of this part.

"IRS" means the Internal Revenue Service.

"Person aggrieved" means a reclassification within the meaning of § 101.19 or § 101.29 of this chapter.

"Regulation" means a regulation promulgated by the Council which appears in Chapter I of Title 6, Code of Federal Regulations.

§ 105.3 Representation.

Representation under this part shall be in accordance with the rules governing authority to practice before IRS prescribed in § 401.702 of this title.

§ 105.4 Filing of documents.

A document required to be filed directly with the Council under this chapter is considered filed if it has been received at Council offices, New Executive Office Building, Washington, D.C. 20507. Documents received after regular business

hours are deemed filed in Council offices, New Executive Office Building, Washington, D.C. 20507. Documents received after regular business hours are deemed filed in the next regular business day.

§ 105.5 Computation of time.

Except as otherwise provided by law, in computing any period of time prescribed or allowed by this part for the doing of any act, the day of the act, event, or default on which the designated period of time begins to run shall not be counted.

(a) If the last day of the period falls on a Saturday, Sunday, Federal legal holiday, or other nonbusiness day, the period shall be extended to the next day which is not a Saturday, Sunday, Federal legal holiday, or other nonbusiness day.

(b) If the period prescribed or allowed is 7 days or less an intervening Saturday, Sunday, or Federal legal holiday shall not be counted.

§ 105.6 Service.

(a) All documents required to be served under this part shall be served personally or by registered or certified mail on the person specified in the regulations in this part.

(b) Whenever a person is represented by a duly authorized representative, service on the representative shall constitute service on the person.

(c) A certificate of service shall be filed for each document served.

(d) Service by mail is complete upon mailing.

§ 105.7 Extensions of time.

Where an action is required to be taken within a prescribed time, an extension of time will be granted only upon good cause shown and only where the application is made before the expiration of the time prescribed.

§ 105.8 Subpenas; witness fees.

The Director of the Council or a Hearing Officer may issue subpenas on written application of a party to the proceedings or on their own motion.

(a) A subpoena may require the attendance of witnesses and/or the production of relevant papers, books, and documents in the possession or under the control of the person served.

(b) A subpoena may be served by any person who is not a party and is not less than 18 years of age.

(c) The original subpoena bearing a certificate of service shall be filed with the Hearing Officer.

(d) A witness subpoenaed by any party shall be paid the same fees and mileage as are paid for like service in the District Courts of the United States. The witness fees and mileage shall be paid by the party at whose instance the subpoena was issued.

§ 105.9 Consolidations.

Upon its own initiative or upon the motion of a party, the Council, the Director of the Council or the Hearing Officer may consolidate two or more appeals or request for exception, exemption, or reclassification which involve

substantially the same parties or issues which are closely related if it finds that such consolidation will expedite the proceedings.

Subpart B—Appeals from Adverse Actions

§ 105.20 Purpose and scope.

This subpart establishes the rules of the Council governing the conduct of its administrative review proceedings.

(a) The Council has jurisdiction to consider and decide appeals from adverse actions issued by IRS.

(b) The Council may review all relevant questions of law and fact.

(c) Review will be limited to the material evidence in the record before the IRS at the time of the latter's action, except as otherwise directed by the Council.

§ 105.21 Who may appeal.

Any person aggrieved by an action by IRS issued pursuant to Part 401 of this title may file an appeal with the Council.

§ 105.22 Where to file appeal.

An appeal shall be filed with the Cost of Living Council, New Executive Office Building, Washington, D.C. 20507, and a copy of the appeal shall be sent by the appellant to the IRS official who issued the adverse action being appealed.

§ 105.23 When to file appeal.

An appeal must be filed within 10 days of service by IRS of the adverse action upon which the appeal is based. The appellant must have exhausted his administrative remedies within the IRS before filing an appeal.

§ 105.24 Contents of appeal.

(a) An appeal must include the following—

(1) The name and address of the appellant;

(2) A clear designation of the document as an appeal to the Council;

(3) A copy of the adverse action appealed from;

(4) A concise statement of the facts and contentions; and,

(5) A statement of the grounds for review and relief requested.

(b) Appeals may be accompanied by briefs.

§ 105.25 Screening of appeals.

(a) The Council will determine whether the appeal contains a prima facie showing, the Council may summarily reject the appeal, notifying the applicant of its action, and advise him that he has exhausted his administrative remedies, and that he may seek judicial review under the Act.

(b) Where the Council determines that the appellant has established a prima facie showing, it will proceed in accordance with the provision of § 105.26 through § 105.28.

§ 105.26 Obtaining record.

(a) Upon receipt of a copy of an appeal, the District Director who took the

adverse action on the subject of the appeal will forward to the Council its record in the matter.

(b) This record, together with the appeal and briefs, if any, and any statement submitted by the IRS will constitute the record on appeal.

(c) The Council on its own motion may request any additional evidence it deems necessary.

§ 105.27 Hearing.

(a) If the Council in its discretion deems that a hearing is advisable, it will direct that a hearing be held before a Hearing Officer, or where the Council deems it appropriate before the Council in the first instance.

(b) Where a hearing has been directed in accordance with paragraph (a) of this section, it will be conducted within 10 days after written notice to the appellant at such time and place as the Council may direct.

(c) Where a hearing is conducted in accordance with this section, the applicant may present oral argument and submit such additional documentary evidence as the Hearing Officer deems necessary to fully disclose the position of the appellant.

(d) Within 10 days after the close of the hearing, the Hearing Officer will submit to the Council a report and any recommendation he deems appropriate with respect to the applicant's request for relief.

§ 105.28 Decision by Council.

When administratively feasible, within 10 days of receipt of an appeal within 10 days of receipt of a Hearing Officer's report where a hearing has been directed, or as soon thereafter as practicable—

(a) The Council will issue a decision in writing directed to the appellant setting forth its decision, the basis therefor, and an appropriate order.

(b) A copy of the decision and order will be served upon each party to the proceedings.

(c) Where the decision denies the relief requested, in whole or in part, each party will be advised that he may seek judicial review under the Act.

Subpart C—Requests for Exception, Exemption and Reclassification

§ 105.30 Purpose and scope.

(a) Requests for an exception or an exemption are initiated pursuant to Subpart D of Part 401 of this title.

(b) Requests for reclassification must be filed with the Director of the Cost of Living Council, New Executive Office Building, Washington, D.C. 20507.

(c) This subpart establishes the rules of practice of the Council governing initial action on requests for exception, exemption, and reclassification and reconsideration of denials of such requests, in whole or in part.

§ 105.31 Initial action by Council.

After considering the record, the Council will issue a decision in writing directed to the person filing the request for exemption, or reclassification setting

forth its decision and the basis therefor, and an appropriate order.

(a) Where the Council grants requests for an exception, exemption, or reclassification it will serve upon the applicant a copy of its decision and order.

(b) Where the Council refuses to grant an exception, exemption, or reclassification in whole or in part, it will—

(1) Serve upon the applicant a copy of its decision and order;

(2) Advise him that he may request reconsideration of the Council's denial pursuant to §§ 105.32 through 105.38.

§ 105.32 Scope of review.

The Council shall reconsider its refusal to grant an exception, exemption, or reclassification if the request makes a prima facie showing by the applicant that the Council's initial action was erroneous in fact or in law.

(a) Where the Council determines that the request for reconsideration has failed to make a prima facie showing, the Council may summarily reject the request for reconsideration notifying the applicant of its action, and advise him that he has exhausted his administrative remedies, and that he may seek judicial review under the Act.

(b) Where the Council determines that the appellant has established a prima facie showing, it will proceed in accordance with the provisions of § 105.33 through § 105.38.

§ 105.33 Who may request reconsideration.

Any person who meets the requirements set forth in § 105.32 may request reconsideration by the Council.

§ 105.34 Where to file.

A request for reconsideration shall be addressed to the Cost of Living Council, New Executive Office Building, Washington, D.C. 20507.

§ 105.35 When to file.

A request for reconsideration must be filed within 10 days of service of the decision and order refusing to grant the exception, exemption, or reclassification.

§ 105.36 Contents.

A request for reconsideration shall—

(a) Be in writing and signed by the appellant;

(b) Be designated clearly as a request for reconsideration;

(c) Contain a concise statement of the grounds for reconsideration and the requested relief; and,

(d) Be accompanied by briefs, if any.

§ 105.37 Hearing.

(a) If the Council in its discretion deems that a hearing is advisable, it will, within 10 days of receipt of the request for reconsideration, direct that an informal hearing be held before a Hearing Officer.

(b) Where a hearing has been directed in accordance with paragraph (a) of this section, it will be conducted within 10 days after written notice to the appellant at such time and place as the Council may direct.

(c) Where a hearing is conducted in accordance with this section, the appellant may present oral argument and submit such additional documentary evidence as the Hearing Officer deems necessary to fully disclose the position of the appellant.

(d) Within 10 days after the close of the hearing, the Hearing Officer will submit to the Council his report and any recommendation he deems appropriate with respect to the appellant's request for reconsideration.

§ 105.38 Decision by Council.

When administratively feasible, within 10 days of receipt of a request for reconsideration or within 10 days of receipt of a Hearing Officer's report where a hearing has been directed, or as soon thereafter as practicable—

(a) The Council will issue a decision in writing directed to the appellant setting forth its decision and the basis therefor, and an appropriate order.

(b) A copy of the decision will be served upon each party to the proceedings.

(c) Where the decision denies the relief requested in whole or in part, each party will be advised that he is entitled to judicial review under the Act.

Subpart D—Public Comments on Cost of Living Council Regulations and Rulings.

§ 105.40 Purpose and scope.

(a) The provisions of 5 U.S.C. 553 shall be followed for the issuance of all regulations or amendments to regulations by the Council, to the extent such provisions apply.

(b) In addition, the Council will accept written comments from members of the public on its regulations or on its published rulings at any time. If in the opinion of the Council such comments warrant a proceeding similar to a rule making proceeding as provided by 5 U.S.C. 553, the Council shall conduct such a proceeding pursuant to notice published in the FEDERAL REGISTER.

§ 105.41 Where to file.

A written comment shall be filed with the Council, New Executive Office Building, Washington, D.C. 20507.

Subpart E—Hearing Officer

§ 105.50 Appointment of Hearing Officer.

Where a hearing is directed, it will be presided over by a Hearing Officer appointed by the Council.

§ 105.51 Notice of appointment of Hearing Officer.

All parties entitled to notice will be notified of the appointment of the Hearing Officer and, thereafter, all motions, applications and other papers and documents shall be filed with the Hearing Officer.

§ 105.52 Powers and duties of the Hearing Officer.

(a) A Hearing Officer shall have the powers in addition to any other specified in this part:

(1) To hold prehearing conferences;

(2) To administer oaths and affirmations;

(3) To examine or cross-examine witnesses;

(4) To issue subpoenas authorized by the Act and to take or cause depositions to be taken;

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

(6) To regulate the course and conduct of the hearing, including—

(i) Continuing the hearing from day to day or adjourning it to a later date or different place by announcement thereof at the hearing or by other appropriate notice;

(ii) Take official notice of any material fact not appearing in evidence in the record;

(iii) Excluding from the hearing persons who engage in misconduct; and,

(iv) Striking all related testimony of a witness who refuses to answer questions ruled to be proper.

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

(8) To rule on motions and to dispose of procedural requests or similar matters;

(9) Where appropriate, to make a report and recommendation to the Council; and

(10) To render decisions.

(b) The Hearing Officer will conduct the hearing and make final disposition of the matter before him as expeditiously as possible.

(c) The Hearing Officer's authority will terminate—

(1) Upon the filing of an appeal from his decision or upon the expiration of the period within which an appeal to the Council from his decision may be filed; or

(2) Upon transmission to the Council of his report and recommendation with the record of the hearing conducted in behalf of the Council.

[FR Doc. 72-959 Filed 1-20-72; 8:49 am]

Chapter II—Pay Board

PART 205—PAY BOARD PROCEDURAL REGULATIONS

Part 205—Pay Board Procedural Regulations will be added to Title 6, Chapter II, Code of Federal Regulations.

Part 205, as set forth below, prescribes procedures during the Post Freeze Economic Stabilization Program for (1) Appeals from adverse actions by the Internal Revenue Service; (2) Initial action on requests for exceptions or pay challenges and the reconsideration of denials of such requests or challenges, in whole or in part; (3) Petitions and comments on rule making; and (4) Formal hearings on certain wage and salary increases.

Since the procedures set forth in this part are essential to the expeditious im-

plementation of the Economic Stabilization Act Amendments of 1971 (Public Law 92-210, 85 Stat. 743) and Executive Order No. 11627, as amended, the Board finds that it is impracticable to provide for the submission of written data, views or arguments by interested persons in accordance with usual rule making procedures and that good cause exists for promulgating these regulations in less than 30 days.

This part shall become effective upon its publication in the FEDERAL REGISTER (1-21-72). However, written comments including views or arguments may be submitted to the Office of the General Counsel, Pay Board, 2000 M Street, Washington, DC 20508.

GEORGE H. BOLDT,
Chairman of the Pay Board.

Subpart A—General

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Subpart D—Petition and Comment on Rule Making

205.50	Scope.
205.51	Where to file.
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Subpart E—Formal Hearings

205.60	Purpose and scope.
205.61	Appointment of Hearing Officer.
205.62	Notice of hearing.
205.63	Powers and duties of the Hearing Officer.
205.64	Record.

AUTHORITY: The provisions of this Part 205 are issued under the Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; Executive Order 11627 (36 F.R. 20139, October 16, 1971), as amended, Cost of Living Council Order No. 3 (36 F.R. 20202, October 16, 1971).

Subpart A—General

§ 205.1 Purpose and scope.

(a) This part establishes procedures for—

(1) Appeals from adverse actions by the Internal Revenue Service;

(2) Initial action on requests for exceptions or pay challenges and reconsideration of denials of such requests or challenges, in whole or in part;

(3) Petitions and comments on rule making; and

(4) Formal hearings on certain wage and salary increases.

(b) Pursuant to section 214(b)(3) of the Economic Stabilization Act of 1970, as amended, if any small business enterprise files a request, challenge, application, or appeal under the provisions of this part, such request, challenge, application, or appeal will be accorded expeditious handling by affording it priority on the dockets maintained by the Board for the orderly conduct of its business.

§ 205.2 Definitions.

For purposes of this part—

“Act” means the Economic Stabilization Act of 1970, as amended.

“Adverse action” means an action by the Board or IRS denying a requested action in whole or in part, or an interpretation or ruling issued by IRS which is contrary to the position asserted by the person seeking the interpretation or ruling.

“Board” means the Pay Board as established pursuant to Executive Order No. 11627, as amended, or its delegate.

“District Director” means a district director of the IRS.

“Exception” means an order issued by the Board to a person as defined by § 201.3 of this chapter waiving requirements of a specific rule, regulation, or order issued pursuant to the Act.

“Hearing Officer” means a person appointed by the Board for purposes of conducting a hearing in accordance with Subparts B, C, and E of this part.

“IRS” means the Internal Revenue Service.

“Pay adjustment” means a change in wages or salaries.

“Pay Challenge” means a objection to a pay adjustment as set forth in § 201.14 of this chapter, filed by—

(1) A party at interest as defined in § 201.3 of this chapter; or

(2) Five or more members of the Board.

“Person aggrieved” means a person with a substantial pecuniary interest in a pay adjustment which is the subject of an adverse action, such as—

(1) An employer who proposes or puts into effect a pay adjustment, or his duly authorized bargaining representative; or

(2) An employee whose wage or salary is subject to a pay adjustment, or his duly authorized bargaining representative.

“Petition” means a written objection to a ruling or regulation promulgated by the Board, or a request for the Board to issue a ruling or regulation.

“Regulation” means a regulation issued by the Board which appears in Chapter II of Title 6, Code of Federal Regulations.

§ 205.3 Representation.

Representation by counsel or other individuals under this part shall be in accordance with the rules governing authority to practice before IRS prescribed in § 401.702 of this title.

§ 205.4 Filing of documents.

A document required to be filed directly with the Board under this chapter is considered filed if it has been received at Pay Board offices, 2000 M Street NW., Washington, DC 20508. Documents received after regular business hours are deemed filed on the next regular business day.

§ 205.5 Computation of time.

(a) In computing any period of time prescribed or allowed by this part for the performance of any act, the day of the act, event, or default on which the designated period of time begins to run will not be counted.

(b) If the last day of the period falls on a Saturday, Sunday, or a Federal legal holiday, the period will be extended to the next day which is not a Saturday, Sunday, or Federal legal holiday.

(c) If the period prescribed or allowed is 7 days or less, an intervening Saturday, Sunday, or Federal legal holiday will not be counted.

§ 205.6 Service.

(a) All documents required to be served under this part are to be served personally or by registered or certified mail.

(b) Wherever a person is represented by a duly authorized representative, service on the representative shall constitute service on the person.

(c) A certificate of service shall be filed for each document served.

(d) Service by registered or certified mail is complete upon mailing.

§ 205.7 Extensions of time.

If an action is required to be taken within a prescribed time, an extension of time will be granted only upon a showing of good cause.

§ 205.8 Subpenas; witness fees.

(a) The Chairman of the Board or his duly authorized agent may issue subpoenas in response to a written application of a party to the proceedings or on his own motion.

(b) A subpoena may require the attendance of witnesses and the production of relevant papers, books, and documents in the possession or under the control of the person served.

(c) A subpoena may be served by any person who is not a party and not less than 18 years of age.

(d) The original subpoena bearing a certificate of service shall be filed with the issuing official.

(e) A witness subpoenaed by any party shall be paid the same fees and mileage as are paid for like service in the District Courts of the United States. The witness

fees and mileage shall be paid by the party at whose instance the subpoena was issued.

§ 205.9 Consolidations.

Upon the initiative of the Board, the Chairman of the Board or a Hearing Officer, or in response to a party's motion, two or more appeals or requests for exception or pay challenges which involve substantially the same parties or issues which are closely related, may be consolidated if it is found that such consolidation will expedite the proceedings.

Subpart B—Appeals from Adverse Actions

§ 205.20 Purpose and scope.

(a) The purpose of this subpart is to establish the rules of practice of the Board which govern the conduct of its administrative review proceedings.

(b) The Board has jurisdiction to consider and decide appeals from adverse actions by IRS.

(c) The Board may review all relevant questions of law and fact.

(d) Review will be limited to the evidence in the record before IRS at the time of the latter's action, except as otherwise directed by the Board.

§ 205.21 Who may appeal.

Any person aggrieved by an action of IRS taken or issued pursuant to Part 401 of this title, or in accordance with delegated authority, other than a person found by IRS to be in violation of the Act or Regulations, may file an appeal with the Board.

§ 205.22 Where to file appeal.

An appeal shall be filed with the Pay Board, 2000 M Street NW., Washington, DC 20508, and a copy of the appeal shall be sent to the District Director or other official who issued the adverse action being appealed.

§ 205.23 When to file appeal.

A person, who is appealing any matter to the Board under this subpart, must first exhaust his administrative remedies within IRS. An appeal must be filed within 10 days of service by IRS of the adverse action upon which the appeal is based.

§ 205.24 Contents.

An appeal may be accompanied by a brief and must include the name and address of the appellant, a clear designation that the document is an appeal to the Board, a copy of the adverse action appealed from, a concise statement of the facts and contentions, a statement of the grounds for appeal, the relief requested and that he has complied with §§ 205.22 and 205.23.

§ 205.25 Screening of appeals.

(a) The Board will determine whether the appeal makes a prima facie showing that the adverse action was erroneous in fact or in law.

(b) Where the Board determines that the appeal has failed to make a prima facie showing, the Board may summarily

reject the appeal, notify the appellant of its action, and advise him that he has exhausted his administrative remedies, and that he may seek judicial review under the Act.

(c) Where the Board determines that the appellant has made a prima facie showing, it will proceed in accordance with the provisions of §§ 205.26 through 205.28.

§ 205.26 Obtaining record.

(a) Upon receipt of a copy of an appeal, the office which took the adverse action on the subject of the appeal will forward to the Board its entire file on the matter.

(b) This file, together with the appeal and briefs, if any, and any statement submitted by IRS will constitute the record on appeal.

(c) The Board on its own motion may request any additional evidence it deems necessary.

§ 205.27 Informal hearings.

(a) If the Board in its discretion deems that a hearing is advisable, it may direct that an informal hearing be held before a Hearing Officer.

(b) Where a hearing has been provided for in accordance with this section, it will be conducted within 10 days after written notice to the appellant at such time and place as the Board may direct.

(c) Where a hearing is conducted in accordance with this section, the appellant may present oral argument and submit such additional documentary evidence as is deemed necessary to fully disclose the position of the appellant.

(d) The Hearing Officer, if one is appointed, will submit to the Board a report and any recommendation he deems appropriate with respect to the appellant's request for relief. Such report and recommendation will be submitted within 10 days after the close of the hearing, if administratively practicable.

§ 205.28 Decision by Board.

Within 10 days of receipt of an appeal or within 10 days of a Hearing Officer's report, if a hearing has been provided for, or as soon thereafter as practicable—

(a) The Board will issue a decision in writing directed to the appellant setting forth its decision, the basis therefor, and an appropriate order;

(b) A copy of the decision and order will be served upon each party to the proceedings; and

(c) If the decision denies the relief requested, in whole or in part, each party will be advised that he may seek judicial review under the Act.

Subpart C—Requests for Exceptions and Pay Challenges

§ 205.30 Purpose and scope.

(a) The purpose of this subpart is to establish procedures for initial action by the Pay Board on requests for exceptions or pay challenges and for reconsideration by the Pay Board of denials of such requests or challenges.

(b) This subpart shall not apply to

those requests for exceptions or pay challenges in which initial action is taken by IRS pursuant to authority delegated by the Pay Board. In those cases on which initial action is taken by IRS, appeals from adverse actions may be filed with the Pay Board in accordance with the regulations under Subpart B of this part.

(c) In all cases under paragraph (a) or (b) of this section, filing and processing, if appropriate, of—

(1) Requests for exceptions shall be in accordance with the regulations issued under Subpart D of Part 401 of this title, and

(2) Pay challenges shall be in accordance with the regulations issued under Subpart E of Part 401 of this title.

§ 205.31 Initial action on requests for exception.

(a) The Board in its discretion may invite the applicant and other parties, if appropriate, to make an oral presentation, or provide for an informal hearing (pursuant to § 205.39), or a formal hearing (pursuant to Subpart E of this part).

(b) In general, the Board will render its decision on the record which will consist of the request, any information developed by IRS and other written submissions by the applicant. However, if a presentation or hearing is conducted in accordance with paragraph (a) of this section, the record will also contain an account of such presentation or hearing. The Board will determine whether such account will be in the form of a report, minutes, or transcript.

(c) After considering the record, the Board will issue a decision in writing directed to the person filing the request for exception setting forth the facts, conclusions of law, its decision and the basis therefor, and an appropriate order.

(d) If the Board grants an exception, it will serve upon the applicant a copy of its decision and order.

(e) If the Board denies an exception, in whole or in part, it will—

(1) Serve upon the applicant a copy of its decision and order, and

(2) Advise him that he may request reconsideration of the Board's denial pursuant to §§ 205.34 through 205.40.

§ 205.32 Application for leave to participate in pay challenge proceedings.

(a) Upon receipt of a pay challenge, the Board will notify the parties at interest as defined in § 201.3 of this chapter that a pay challenge has been filed and that they have 5 days in which to request leave to participate in the proceedings.

(b) If a person who is—

(1) An employer or employee subject to the challenged pay adjustment, or the representative thereof, or

(2) An employer whose competitive position in a labor market is adversely affected by the challenged pay adjustment, applies to the Board for leave to participate in its proceedings, such person shall state the name and address of the applicant, identify the docket number of the pay challenge, if known, state

specifically the manner in which the applicant is interested in the challenged adjustment, specify the relief sought, and be signed by the applicant.

(c) Upon receipt of an application filed in accordance with paragraph (b) of this section, the Board will determine whether:

(1) The applicant is a person as defined by paragraph (b) of this section, and

(2) The applicant's participation in the proceedings will contribute to the equitable disposition of the pay challenge.

(d) Where the Board grants leave to participate, it will so notify the applicant in writing and afford him a reasonable opportunity to submit documentary evidence or briefs in support of his position.

(e) If the Board denies leave to participate in the proceedings, it will so notify the applicant in writing.

§ 205.33 Initial action on pay challenges.

(a) The Board in its discretion may invite any person or party at interest specified in § 205.32 to make an oral presentation, or provide for an informal hearing (pursuant to § 205.39), or a formal hearing (pursuant to Subpart E of this part).

(b) In general, the Board will render its decision on the record which will consist of the challenge, any information developed by IRS and other written submissions by persons or parties at interest specified in § 205.32. However, if a presentation or hearing is conducted in accordance with paragraph (a) of this section, the record will also contain an account of such presentation or hearing. The Board will determine whether such account will be in the form of a report, minutes, or transcript.

(c) After considering the record, the Board will issue a decision in writing directed to the person filing the pay challenge setting forth its decision and the basis therefor, and an appropriate order.

(d) Where the Board allows the challenged pay adjustment to stand or overturns such pay adjustment in whole or part, it will serve upon each party a copy of its decision and order.

(e) Any person aggrieved by a decision of the Board under paragraph (c) of this section or other party who participated in the initial proceedings may request reconsideration by the Board pursuant to §§ 205.34 through 205.40.

§ 205.34 Scope of review.

The Board will reconsider its refusal to grant an exception, or its decision with respect to a pay challenge if the request for reconsideration makes a prima facie showing that the Board's initial action was erroneous in fact or in law.

§ 205.35 Who may request reconsideration.

Any person aggrieved or other party to the initial proceedings who meets the requirements set forth in § 205.34 may request reconsideration by the Board.

§ 205.36 Where to file.

A request for reconsideration shall be filed with the Pay Board, 2000 M Street NW., Washington, DC 20508.

§ 205.37 When to file.

A request for reconsideration must be filed within 10 days of service of the decision refusing to grant the relief requested.

§ 205.38 Contents.

A request for reconsideration shall—
 (a) Be in writing and signed by the party requesting such reconsideration;
 (b) Be designated clearly as a request for reconsideration;
 (c) Contain a concise statement of the grounds for reconsideration and the requested relief; and, such request may be accompanied by briefs.

§ 205.39 Informal hearings.

(a) If the Board in its discretion deems that a hearing is advisable, it will within 10 days of the request for reconsideration or as soon as possible in connection with an initial action direct that an informal hearing be held before a Hearing Officer or before the Board.
 (b) Where a hearing has been directed in accordance with paragraph (a) of this section, it will, if administratively practicable, be conducted within 10 days after written notice to the parties at such time and place as the Board may direct.
 (c) Where an informal hearing is conducted in accordance with this section, the parties may present oral argument and submit such additional documentary evidence as the Hearing Officer or the Board deems necessary to fully disclose their positions.
 (d) If a Hearing Officer is used, he will conduct the hearing as expeditiously as possible in accordance with instructions received from the Board.
 (e) Within 10 days after the close of the hearing, the Hearing Officer, if there is one, will submit to the Board a report and any recommendation he deems appropriate.

§ 205.40 Decision by Board on reconsideration.

The Board will—
 (a) Issue a decision in writing directed to the appellant setting forth its decision, the basis therefor, and an appropriate order;
 (b) Serve upon each party to the proceedings a copy of the decision and order; and
 (c) Advise each party that he may seek judicial review under the Act if the decision denies the relief requested. Such action by the Board will occur within 10 days of receipt of a request for reconsideration or within 10 days of a Hearing Officer's report if a Hearing Officer was used or within 20 days after a hearing before the Board is concluded, or as soon thereafter as administratively practicable.

Subpart D—Petition and Comment on Rule Making

§ 205.50 Scope.

The Board shall afford any interested person the right to petition or comment on the issuance, amendment, or repeal of any ruling or regulation promulgated by the Board.

§ 205.51 Where to file.

Petitions or comments shall be filed with the Pay Board, 2000 M Street NW., Washington, DC 20508.

§ 205.52 When to file.

A petition or comment may be filed at any time.

Subpart E—Formal Hearings

§ 205.60 Purpose and scope.

(a) To the maximum extent possible, the Board will conduct formal hearings for the purpose of hearing arguments or acquiring information bearing on a wage or salary increase or proposed wage or salary increase if such increase or proposed increase has or may have a significantly large impact upon the National Economy.
 (b) A formal hearing held pursuant to this subpart will be open to the public, but such hearings may be closed to the public for the purpose of receiving information considered to be confidential under section 205 of the Act.

§ 205.61 Appointment of Hearing Officer.

If a formal hearing is directed by the Board in accordance with § 205.60, a Hearing Officer may be appointed by the Board to preside over such hearing.

§ 205.62 Notice of hearing.

The public will be notified in the FEDERAL REGISTER of the nature, date, and time of the hearing, and of the appointment of the Hearing Officer, if appropriate. Thereafter, all documents and other papers shall be filed with the Hearing Officer, or in the absence of the appointment of a Hearing Officer, with the Executive Secretariat of the Board.

§ 205.63 Powers and duties of the Hearing Officer.

(a) In addition to any other powers specified in this part, a Hearing Officer shall have the power:
 (1) To administer oaths and affirmations;
 (2) To examine or cross-examine witnesses;
 (3) To issue subpoenas authorized by the Act;
 (4) To rule upon offers of proof and receive evidence;
 (5) To regulate the course and conduct of the hearing, including:
 (i) Continuing the hearing from day to day or adjourning it to a later date or different place by announcement thereof at the hearing or by other appropriate notice;
 (ii) Taking official notice of any material fact not appearing in evidence in the record;

(iii) Excluding from the hearing persons who engage in misconduct; and
 (iv) Striking all related testimony of a witness who refuses to answer questions ruled to be proper;

(6) To rule on motions and to dispose of procedural requests or similar matters; and

(7) To issue recommendations and prepare orders.

(b) The Hearing Officer will conduct the hearing as expeditiously as possible, in accordance with instructions received from the Board in each individual case. Within 30 days after the close of the hearing, he will transmit the record of the hearing together with his recommendations and proposed order, if any, to the Board.

(c) The Hearing Officer's authority in each case will terminate upon transmitting the record of the hearing and his recommendation and proposed order, if any, to the Board.

§ 205.64 Record.

(a) The record of a formal hearing will consist of an account of the proceedings of such hearing and all documents and exhibits submitted during the course of such hearing.
 (b) The Board will determine whether the account of the hearing shall be in the form of a report, minutes or transcript. If the hearing is conducted by a Hearing Officer, such determinations will be part of the instructions given to such Officer pursuant to § 205.63(b).
 (c) Copies of the account of the hearing may be obtained by any party upon payment of the fees fixed therefor.

[FR Doc.72-937 Filed 1-20-72;8:48 am]

Chapter III—Price Commission
 PART 300—PRICE STABILIZATION
 Deletion of Certain Procedural Provisions

The Price Commission is today issuing (37 F.R. 1008) Part 305 of its regulations "Procedural Regulations," which contains all of the Commission procedures for appealing from adverse actions by the Internal Revenue Service, for handling requests for exceptions, and for formal hearings on price or rent increases, as well as certain other procedural matters.

In view of that action by the Commission, §§ 300.511 *Exceptions by ruling*; 300.513 *Rulings*; 300.514 *Adverse determinations and appeals*; 300.515 *Failure to obtain relief*; and 300.516 *Reports of alleged violations* are no longer necessary.

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended by deleting §§ 300.511, 300.513, 300.514, 300.515, and 300.516, effective on the date of publication of this document in the FEDERAL REGISTER (1-21-72).

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat.

38; Economic Stabilization Act Amendments of 1971, Public Law 92-210, 85 Stat. 743; Executive Order No. 11627, 36 F.R. 20139, Oct. 16, 1971; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

Issued in Washington, D.C., on January 14, 1972.

C. JACKSON GRAYSON, JR.,
Chairman of the Price Commission.

[FR Doc. 72-938 Filed 1-20-72; 8:49 am]

PART 305—PRICE COMMISSION PROCEDURAL REGULATIONS

Part 305—Price Commission Procedural Regulations will be added to Title 6, Chapter III, Code of Federal Regulations.

Part 305, as set forth below, prescribes procedures during the Post-Freeze Economic Stabilization Program for (1) appealing from adverse actions by the Internal Revenue Service; (2) initial action on requests for exception and the reconsideration of denials of such requests, in whole or in part; (3) formal hearings on price or rent increases or proposed price or rent increases; (4) public comments on Price Commission regulations or rulings; and (5) appointment of Hearing Officers.

This part shall become effective upon publication in the FEDERAL REGISTER (1-21-72).

Issued in Washington, D.C., on January 14, 1972.

C. JACKSON GRAYSON, JR.,
Chairman of the Price Commission.

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305.32	Scope of review.
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305.36	Contents of request.
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Subpart E—Public Comments on Price Commission Regulations or Rulings

305.50	Purpose and scope.
305.51	Where to file.

Subpart F—Hearing Officers

Sec.	
305.60	Appointment of Hearing Officers.
305.61	Notice of Appointment of Hearing Officer.
305.62	Powers and duties of Hearing Officer.

AUTHORITY: The provisions of the Part 305 are issued under the Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; Executive Order 11627, as amended; Cost of Living Council Order No. 4, 36 F.R. 20202.

Subpart A—General

§ 305.1 Purpose and scope.

(a) This part establishes procedures for—

- (1) Appealing from adverse actions by the Internal Revenue Service;
- (2) Initial action on requests for exception and reconsideration of denials of such requests in whole or in part;
- (3) Formal hearings on price or rent increases or proposed price or rent increases;
- (4) Public comments on Price Commission regulations and ruling; and,
- (5) Appointment of Hearing Officers.

(b) This part applies to any person aggrieved by a denial of a requested action by IRS or the Commission made on and after the effective date of this part.

(c) Where any small business enterprise within the meaning of § 102.2 of this title files a request, application or appeal under the provisions of this part, it will be accorded expedited handling by affording it priority on the dockets maintained by the Commission for the orderly conduct of its business.

§ 305.2 Definitions.

For the purpose of this part—

“Act” means the Economic Stabilization Act of 1970, as amended.

“Adverse action” means an action by the Commission or IRS denying a requested action in whole or in part or an interpretation or ruling issued by IRS which is contrary to the position asserted by the person seeking the interpretation or ruling.

“Commission” means the Price Commission established pursuant to Executive order or its delegate.

“District Director” means the district director of the IRS.

“Exception” means an order issued by the Commission to an individual firm waiving the requirements of a specific rule, regulation, or order issued pursuant to the Act.

“Hearing Officer” means a person appointed by the Commission to conduct a hearing.

“IRS” means the Internal Revenue Service.

“Person aggrieved” means a person who increased or seeks to increase a price or rent or a person who is required to pay an increase in rent.

“Price adjustment” means a change in the unit price or a decrease in the quality without a proportionate change in the unit price of substantially the same property or services.

“Price Commission Ruling” means a Price Commission ruling as defined in § 401.2 of this title.

“Regulation” means a regulation issued by the Commission, which appears in Chapter III of Title 6, Code of Federal Regulations.

§ 305.3 Representation.

Representation under this part shall be in accordance with the rules governing authority to practice before the Internal Revenue Service prescribed in § 401.702 of this title.

§ 305.4 Filing of documents.

A document required to be filed with the Commission under this part is considered filed if it has been received at the Commission offices, 2000 M Street NW., Washington, DC 20508. Documents received after regular business hours are deemed filed on the next regular business day.

§ 305.5 Computation of time.

Except as otherwise provided by law, in computing a period of time prescribed or allowed by this part for the doing of any act, the day of the act, event, or default on which the designed period of time begins to run shall not be counted.

(a) If the last day of the period falls on a Saturday, Sunday, or Federal legal holiday, the period shall be extended to the next day which is not a Saturday, Sunday, or Federal legal holiday.

(b) If the period prescribed or allowed is 7 days or less, an intervening Saturday, Sunday, or Federal legal holiday shall not be counted.

§ 305.6 Service.

(a) All documents required to be served under this part shall be served personally or by registered or certified mail on the person specified in the regulations in this part.

(b) Wherever a person is represented by a duly authorized representative, service on the representative shall constitute service on the person.

(c) A certificate of service shall be filed for each document served.

(d) Service by mail is complete upon mailing.

§ 305.7 Extensions of time.

Where an action is required to be taken within a prescribed time, an extension of time will be granted only upon good cause shown and only where the application is made before the expiration of the time prescribed.

§ 305.8 Subpenas; witness fees.

The Chairman of the Commission or a Hearing Officer may issue subpenas on written application of a party to the proceedings or on their own motion.

(a) A subpoena may require the attendance of witnesses and/or the production of relevant papers, books and documents in the possession or under the control of the person served.

(b) A subpoena may be served by any person who is not a party and is not less than 18 years of age.

(c) The original subpoena bearing a certificate of service shall be filed with the Hearing Officer.

(d) A witness subpoenaed by any party shall be paid the same fees and mileage as are paid for like service in the District Courts of the United States. The witness fees and mileage shall be paid by the party at whose instance the subpoena was issued.

§ 305.9 Consolidations.

Upon its own initiative or upon the motion of a party, the Commission, the Chairman of the Commission or the Hearing Officer may consolidate two or more appeals or requests for exception which involve substantially the same parties or issues which are closely related, if it or he finds that such consolidation will expedite the proceedings.

Subpart B—Appeals from Adverse Actions

§ 305.20 Purpose and scope.

This subpart establishes the rules of the Commission governing the conduct of its administrative review proceedings.

(a) The Commission has jurisdiction to consider and decide appeals from adverse actions by IRS.

(b) The Commission may review all relevant questions of law and fact.

(c) Review will be limited to the evidence in the record before the IRS at the time of the latter's action, except as otherwise directed by the Commission.

§ 305.21 Who may appeal.

Any person aggrieved by an action by IRS issued pursuant to Part 401 of this title may file an appeal with the Commission.

§ 305.22 Where to file appeal.

An appeal shall be filed with the Price Commission, 2000 M Street NW., Washington, DC 20508, and a copy of the appeal shall be sent to the IRS District Director who issued the adverse action appealed from.

§ 305.23 When to file appeal.

An appeal must be filed within 10 days of service by IRS of the adverse action upon which the appeal is based. Appellant must have exhausted his administrative remedies within IRS before filing an appeal.

§ 305.24 Contents of appeal.

(a) An appeal must include the following—

- (1) The name and address of the appellant;
 - (2) A clear designation of the document as an appeal to the Commission;
 - (3) A copy of the adverse action appealed from;
 - (4) A concise statement of the facts and contentions; and,
 - (5) A statement of the grounds for appeal and the relief requested; and,
- (b) Appeals may be accompanied by briefs.

§ 305.25 Screening of appeals.

The Commission will determine whether the appeal contains a prima

facie showing that the adverse action was erroneous in law or in fact.

(a) Where the Commission determines that the appeal has failed to make a prima facie showing with regard to the requirements specified in this section, the Commission may summarily reject the appeal, notifying the applicant of its action and advise him that he has exhausted his administrative remedies, and that he may seek judicial review under the Act.

(b) Where the Commission determines that the appellant has established a prima facie showing of an erroneous determination, it will proceed in accordance with the provisions of §§ 305.26 through 305.28.

§ 305.26 Obtaining record.

(a) Upon receipt of a copy of an appeal, the office which took the adverse action on the subject of the appeal will forward to the Commission its entire record in the matter.

(b) This record, together with the appeal and briefs, if any, and any statement submitted by IRS will constitute the record on appeal.

(c) The Commission on its own motion may request any additional evidence it deems necessary.

§ 305.27 Hearing.

(a) If the Commission in its discretion deems that a hearing is advisable, it will direct that hearing be held before a Hearing Officer, or where the Commission deems it appropriate, before the Commission in the first sentence.

(b) Where a hearing has been directed in accordance with paragraph (a) of this section, it will be conducted within 10 days after written notice to the appellant at such time and place as the Commission may direct.

(c) Where hearing is conducted in accordance with this section, the applicant may present oral argument and submit such additional documentary evidence as the Hearing Officer deems necessary to fully disclose the position of the appellant.

(d) Within 10 days after the close of the hearing, the Hearing Officer will submit to the Commission a report and any recommendation he deems appropriate with respect to the appellant's request for relief.

§ 305.28 Decision by Commission.

Where administratively feasible, within 10 days of receipt of an appeal or within 10 days of receipt of a Hearing Officer's report where a hearing has been directed—

(a) The Commission will issue a decision in writing directed to the appellant setting forth the facts, conclusions of law, its decision, the basis therefor, and an appropriate order.

(b) A copy of the decision and order will be served upon each party to the proceedings.

(c) Where the decision denies the relief requested, in whole or in part, each party will be advised that he may seek judicial review under the Act.

Subpart C—Requests for Exceptions

§ 305.30 Purpose and scope.

(a) Requests for exception are initiated pursuant to Subpart D of Part 401 of this title.

(b) This subpart establishes the rules of practice of the Commission governing initial actions on requests for exceptions and the reconsideration of denials of such requests, in whole or in part.

§ 305.31 Initial action on request for exception.

After considering the record, the Commission will issue a decision in writing setting forth the facts, conclusions of law, its decision and the basis therefor, and an appropriate order.

(a) Where the Commission grants an exception it will serve upon the applicant a copy of its decision and order.

(b) Where the Commission refuses to grant an exception in whole or in part, it will—

- (1) Serve upon the applicant a copy of its decision and order; and
- (2) Advise him that he may request reconsideration of the Commission's denial pursuant to §§ 305.32 through 305.38.

§ 305.32 Scope of review.

The Commission shall reconsider its refusal to grant an exception if the request for reconsideration makes a prima facie showing that the Commission's initial action was erroneous in fact or in law.

(a) Where the Commission determines that the request for reconsideration failed to make a prima facie showing, the Commission may summarily reject the request for reconsideration notifying the applicant of its action and advise him that he has exhausted his administrative remedies, and that he may seek judicial review under the Act.

(b) Where the Commission determines that the appellant has made a prima facie showing, it will proceed in accordance with the provisions of §§ 305.37 through 305.38.

§ 305.33 Who may request reconsideration.

Any person who meets the requirements set forth in § 305.32 may request reconsideration by the Commission.

§ 305.34 Where to file.

A request for reconsideration shall be filed with the Price Commission, 2000 M Street NW., Washington, DC 20508.

§ 305.35 When to file.

A request for reconsideration must be filed within 10 days of service of the decision refusing to grant the exception.

§ 305.36 Contents of request.

A request for reconsideration shall—

- (a) Be in writing and signed by the appellant;
- (b) Be designated clearly as a request for reconsideration;
- (c) Contain a concise statement of the grounds for reconsideration and the requested relief; and,
- (d) Be accompanied by briefs, if any.

§ 305.37 Hearing.

(a) If the Commission in its discretion deems that a hearing is advisable, it will, within 10 days of the request for reconsideration, direct that a hearing be held before a Hearing Officer, or where the Commission deemed it appropriate, before the Commission in the first instance.

(b) Where a hearing has been directed in accordance with paragraph (a) of this section, it will be conducted within 10 days after written notice to the appellant at such time and place as the Commission may direct.

(c) Where hearing is conducted in accordance with this section, the appellant may present oral argument and submit such additional documentary evidence as the Hearing Officer deems necessary to fully disclose the position of the appellant.

(d) Within 10 days after the close of the hearing, the Hearing Officer will submit to the Commission a report and any recommendation he deems appropriate with respect to the appellant's request for reconsideration.

§ 305.38 Decision by Commission.

Where administratively feasible, within 10 days of receipt of a request for reconsideration, or within 10 days of a Hearing Officer's report, where a hearing has been directed—

(a) The Commission will issue a decision in writing directed to the appellant setting forth the facts, conclusions of law, its decision, the basis therefor, and an appropriate order.

(b) A copy of the decision and order will be served upon each party to the proceedings.

(c) Where the decision denies the relief requested, in whole or in part, each party will be advised that he may seek judicial review under the Act.

Subpart D—Formal Hearings**§ 305.40 Purpose and scope.**

(a) To the maximum extent possible, the Commission will conduct formal hearings for the purpose of hearing arguments or acquiring information bearing on a price or rent increase or proposed price or rent increase where such increase or proposed increase has or may have a significantly large impact upon the national economy.

(b) Normally, a formal hearing held pursuant to this section shall be open to the public, but a private formal hearing may be held to receive information considered confidential under section 205 of the Act.

(c) Normally, a hearing held pursuant to this section shall be held before a Hearing Officer and conducted as described in §§ 305.37 and 305.38. In extraordinary cases, however, the Commission itself may hold such a hearing.

Subpart E—Public Comments on Price Commission Regulations and Rulings**§ 305.50 Purpose and scope.**

(a) The provisions of 5 U.S.C. 553 shall be followed for the issuance of all regulations or amendments to regula-

tions by the Commission, to the extent such provisions apply.

(b) In addition, the Commission will accept written comments from members of the public on its regulations or on its published rulings at any time. If in the opinion of the Commission such comments warrant a proceeding similar to a rule making proceeding as provided by 5 U.S.C. 533, the Commission shall conduct such a proceeding pursuant to notice published in the FEDERAL REGISTER.

§ 305.51 Where to file.

A written comment shall be filed with the Price Commission, 2000 M Street NW., Washington, DC 20508.

Subpart F—Hearing Officers**§ 305.60 Appointment of Hearing Officer.**

Where a hearing is directed, it will be presided over by a Hearing Officer appointed by the Commission unless the Commission decides to conduct the hearing itself. If the Commission conducts a hearing itself, it shall have all the powers of a Hearing Officer set forth hereunder.

§ 305.61 Notice of appointment of Hearing Officer.

All parties entitled to notice will be notified of the appointment of the Hearing Officer and, thereafter, all motions, applications and other papers and documents shall be filed with the Hearing Officer.

§ 305.62 Powers and duties of the Hearing Officer.

(a) A Hearing Officer shall have the powers in addition to any other specified in this part:

(1) To hold prehearing conferences;

(2) To administer oaths and affirmations;

(3) To examine or cross-examine witnesses;

(4) To issue subpoenas authorized by the Act and to take or cause depositions to be taken;

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

(6) To regulate the course and conduct of the hearing, including—

(i) Continuing the hearing from day to day or adjourning it to a later date or different place by announcement thereof at the hearing or by other appropriate notice;

(ii) Take official notice of any material fact not appearing in evidence in the record;

(iii) Excluding from the hearing persons who engage in misconduct; and,

(iv) Striking all related testimony of a witness who refuses to answer questions ruled to be proper.

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

(8) To rule on motions and to dispose of procedural requests or similar matters;

(9) Where appropriate, to make a report and recommendation to the Commission; and

(10) To render decisions.

(b) The Hearing Officer will conduct the hearing and make final disposition

of the matter before him as expeditiously as possible.

(c) The Hearing Officer's authority will terminate—

(1) Upon the filing of an appeal from his decision or upon the expiration of the period within which an appeal to the Commission from his decision may be filed; or

(2) Upon transmission to the Commission of his report and recommendation with the record of the hearing conducted in behalf of the Commission.

[FR Doc.72-939 Filed 1-20-72;8:49 am]

Chapter IV—Internal Revenue Service**PART 401—PROCEDURAL RULES RELATING TO ECONOMIC STABILIZATION MATTERS**

Establishment of new chapter, and new part. Chapter IV—Internal Revenue Service is added to Title 6, Code of Federal Regulations, and Part 401—Procedural Rules Relating to Economic Stabilization Matters is added to such chapter. The purpose of this new part is to prescribe and explain the procedures used by the Internal Revenue Service, and the Office of the Chief Counsel, for the Internal Revenue Office in administering the President's Economic Stabilization Program.

Because the purpose of these regulations is to provide immediate guidance as to procedures applicable after November 13, 1971, it is hereby found impracticable to issue this regulation with notice and public procedure thereon under 5 U.S.C., section 553(b), or subject to the effective date limitation of 5 U.S.C., section 533(d).

These regulations shall become effective when filed with the FEDERAL REGISTER.

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

K. MARTIN WORTHY,
*Chief Counsel for the
Internal Revenue Service.*

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AUTHORITY: The provisions of this Part 401 issued pursuant to Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 744, Executive Order No. 11627, as amended; Cost of Living Council Order No. 5, 36 F.R. 21798; Pay Board Order No. 1, 36 F.R. 21798; Price Commission Order No. 1, 36 F.R. 21798.

Subpart A—General

§ 401.1 Purpose.

(a) It is the purpose of this part to prescribe and explain the procedures used by the Internal Revenue Service, including the Office of the Chief Counsel, in administering the President's Economic Stabilization Program, with respect to acts and transactions occurring after November 13, 1971.

(b) These regulations shall be construed to effectuate the purpose of the Act and the economic stabilization regulations and guidelines and to provide for the just and prompt disposition of all proceedings.

§ 401.2 Definitions and terms.

As used in this part, except where the context indicates otherwise, the term:

"Act" means the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799), as amended.

"Act or transaction" shall include a series or combination of such acts or transactions.

"Adverse action" means an interpretation or ruling, issued by the Internal Revenue Service or the Office of the Chief

Counsel, which declares an administrative determination contrary to the position asserted by the applicant.

"Attorney" means any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia.

"Certified public accountant" means any person who is duly qualified to practice as a certified public accountant in any State, possession, territory, Commonwealth, or the District of Columbia.

"Complaint" means an allegation of a violation of the President's Economic Stabilization Program.

"Cost of Living Council" means the body established pursuant to the provisions of Executive Order 11627, 36 F.R. 20139 (1971), as amended.

"Cost of Living Council Ruling" means an official determination by the Office of the Chief Counsel for the Internal Revenue Service, with the advice and concurrence of the General Counsel of the Cost of Living Council and the General Counsel of the Treasury Department, which has been promulgated in the name of the Cost of Living Council and published in the FEDERAL REGISTER. Cost of Living Council Rulings are issued only by the Office of the Chief Counsel and are published for the information and guidance of citizens, Internal Revenue Service officials, and others concerned.

"District conferee" means a person designated by Internal Revenue Service to process and decide any appeal referred to in § 401.601.

"District director" means a district director of the Internal Revenue Service, or his delegate.

"District office" means a district director's office and such local offices within his district as a director may designate.

"Economic stabilization regulations and guidelines" means the regulations and guidelines promulgated by the Cost of Living Council, Pay Board, and Price Commission in this title.

"Exception" means a waiver in a particular case of the requirements of any rule, regulation, or order, issued pursuant to the Act.

"Exemption" means a general waiver from the President's Economic Stabilization Program granted by the Cost of Living Council with respect to a class of property, services, or economic transactions.

"Information letter" means a statement issued by a district director which calls attention to a well-established interpretation or principle of the regulations or guidelines of the Cost of Living Council, Pay Board, or Price Commission, without applying it to a specific set of facts. An information letter may be issued when the nature of the request from the individual or the organization suggests that it is seeking general information or where the request does not meet all the requirements of § 401.101, and it is believed that such general information will assist the individual or organization.

"Interpretation" means a written statement issued by a district director in response to an inquiry by an individual or an organization, which applies to the

particular facts involved the principles and precedents previously announced by the Office of the Chief Counsel and the Cost of Living Council, Pay Board, or Price Commission, as appropriate. Interpretations are issued only where a determination can be made on the basis of established rules as set forth in the regulations and guidelines of the Cost of Living Council, Pay Board, and Price Commission, or by rulings or court decisions.

"Notice of violation" means a written statement issued to a person by the Internal Revenue Service setting forth one or more charges of alleged violation of the President's Economic Stabilization Program.

"Pay adjustment" means a change in wages and salaries.

"Pay Board" means the body established pursuant to Executive Order 11627, 36 F.R. 20139 (1971), as amended.

"Pay Board Ruling" means an official interpretation by the Office of the Chief Counsel for the Internal Revenue Service, with the advice and concurrence of the General Counsel of the Pay Board and the General Counsel of the Treasury Department, which has been promulgated in the name of the Pay Board and published in the FEDERAL REGISTER. Pay Board Rulings are issued only by the Office of the Chief Counsel and are published for the information and guidance of citizens, Internal Revenue Service officials, and others concerned.

"Pay Challenge" means an objection to a pay adjustment as defined in § 201.14 of this title, filed by—

- (1) A party at interest as defined in § 201.3 of this title; or,
- (2) Five or more members of the Pay Board.

"Person" means any individual, estate, trust, sole proprietorship, partnership, association, company, joint-venture, corporation, bargaining representative, governmental unit or instrumentality thereof, or a charitable, educational or other such institution; however, the term does not include a foreign government or instrumentality thereof or international organizations established by treaty or by agreement among participating governments.

"Person aggrieved" means:

- (1) A person with a substantial pecuniary interest in the denial of a requested action,
- (2) An employee whose wage or salary is subject to a pay adjustment, or his representative, or
- (3) A person whose competitive position in a labor market or with respect to the sale of property or services may be altered by the pay adjustment or price adjustment, or his representative.

"Person with a substantial pecuniary interest" means a person who increased or seeks to increase a price or rent, a person who is required to pay an increase in rent, or a person who put into effect or proposed a pay adjustment.

"Practice before the Internal Revenue Service" comprehends all matters connected with presentation to the Internal Revenue Service or any of its officers or employees relating to a client's rights,

privileges, or liabilities under laws or regulations administered by the Internal Revenue Service relating to economic stabilization matters. Such presentations include the preparation and filing of necessary documents, correspondence with and communications to the Internal Revenue Service, and the representation of a client at conferences, hearings, and meetings. Neither the appearance of an individual as a witness, nor the furnishing of information at the request of the Internal Revenue Service or any of its officers or employees is considered practice before the Revenue Service.

"President's Economic Stabilization Program" means the program established and constituted pursuant to Executive Order 11627, 36 F.R. 20139 (1971), and the regulations and guidelines promulgated in this title, to effectuate the purposes of the Act.

"Price adjustment" means a change in the unit price or a decrease in the quality without a change in the unit price of substantially the same property or services.

"Price Commission" means the body established pursuant to Executive Order 11627, 36 F.R. 20139 (1971), as amended.

"Price Commission Ruling" means an official interpretation by the Office of the Chief Counsel for the Internal Revenue Service, with the advice and concurrence of the General Counsel of the Price Commission and the General Counsel of the Treasury Department, which has been promulgated in the name of the Price Commission and published in the FEDERAL REGISTER. Price Commission Rulings are issued only by the Office of the Chief Counsel and are published for the information and guidance of citizens, Internal Revenue Service officials, and others concerned.

"Request for a determination" means a written inquiry by a person as to the application to him of the regulations and guidelines promulgated by the Cost of Living Council, Pay Board, and Price Commission in respect of a completed or proposed act or transaction. Thus, such a request may be a request for an information letter, interpretation, or ruling, an application for an exception or exemption, or a pay challenge.

"Ruling" means a written statement issued to a person or his authorized representative by the Office of the Chief Counsel for the Internal Revenue Service which interprets and applies the regulations and guidelines of the Cost of Living Council, Pay Board, or Price Commission, as appropriate, to a specific set of facts. Rulings are issued only by the Office of the Chief Counsel for the Internal Revenue Service. The issuance of rulings is under the general supervision of the Chief Counsel and has been largely redelegated to the Stabilization Division.

§ 401.3 Filing of documents.

Except as otherwise provided in this subpart, a document is filed in the office where the filing is required only when the document is received in that office during the office hours when filing is

permitted. Documents received after such hours are deemed filed on the next regular business day.

§ 401.4 Computation of time.

Except as otherwise provided by law, in computing any period of time prescribed or allowed by this part for the performance of any act, the day of the act, event, or default on which the designated period of time begins to run shall not be counted.

§ 401.5 Service.

(a) All documents required to be served under this part shall be served personally or by registered or certified mail.

(b) Wherever a person is represented by a duly authorized representative, service on the representative shall constitute service on the person.

(c) A certificate of service shall be filed for each document served.

(d) Service by mail is complete upon mailing.

§ 401.6 Timely mailing treated as timely filing.

(a) *General rule*—(1) *Date of delivery*. If any appeal, statement or other document required to be filed within a prescribed period or on or before a prescribed date under authority of any provision of this part is, after such period or such date, delivered by U.S. mail to the officer or office with which such appeal, statement or other document is required to be filed, the date of the U.S. postmark stamped on the cover in which such appeal, statement or other document is mailed shall be deemed to be the date of delivery.

(2) *Mailing requirements*. This paragraph shall apply only if:

(i) The postmark date falls within the prescribed period or on or before the prescribed date for the filing (including any extension granted for such filing) of the appeal, statement or other document, and

(ii) The appeal, statement or other document was within the time prescribed in subdivision (i) of this subparagraph deposited in the mail in the United States in an envelope or other appropriate wrapper, postage prepaid, properly addressed to the officer or office with which the appeal, statement or other document is required to be filed.

(b) *Registered and certified mail*—(1) *Registered mail*. For purposes of this section, if any such appeal, statement, or other document is sent by U.S. registered mail:

(i) Such registration shall be prima facie evidence that the appeal, statement, or other document was delivered to the officer or office to which addressed, and,

(ii) The date of registration shall be deemed the postmark date.

(2) *Certified mail*. For purposes of this section, if any such appeal, statement, or other document is sent by U.S. certified mail and the sender's receipt is postmarked by the postal employee to whom such document is presented:

(i) Such sender's receipt shall be prima facie evidence that the appeal, statement, or other document was delivered to the officer or office thereon indicated, and

(ii) The date of such postmark shall be deemed the postmark date.

§ 401.7 Time for performance of acts where last day falls on Saturday, Sunday, or legal holiday.

When the last day prescribed under this part for performing any act falls on Saturday, Sunday, or a legal holiday, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday, or a legal holiday. For purposes of this section, the last day for the performance of any act shall be determined by including any authorized extension of time; the term "legal holiday" means a legal holiday in the District of Columbia; and in the case of any appeal, statement, or other document required to be filed, or any other act required under authority of this part to be performed at any office of the Internal Revenue Service, located outside the District of Columbia but within an internal revenue district, the term "legal holiday" also means a Statewide legal holiday in the State where such office is located.

§ 401.8 Extension of time.

Where the provisions of this part require that an action be taken within a prescribed time, an extension of time may be granted by the appropriate district director, but only upon good cause shown and only where application is made before the expiration of the time otherwise prescribed (or January 31, 1972, if later).

Subpart B—Instructions to Applicants

§ 401.101 Instructions to applicants.

(a) Each request for a determination must be submitted in writing to the appropriate district director and contain a complete statement of all relevant facts relating to the act or transaction. Such facts include names, addresses, and identifying numbers of all affected parties; a full and precise statement of the business reasons for the act or transaction (where appropriate); and a carefully detailed description of the act or transaction. In addition, true copies of all contracts, agreements, leases, instruments, and other documents involved must be submitted with the request. However, relevant facts reflected in documents submitted must be included in the statement and not merely incorporated by reference, and must be accompanied by an analysis of their bearing on the issue or issues, specifying the pertinent provisions. The request must contain a statement whether, to the best of the knowledge of the applicant or his representative, the identical issue is being considered by any field office of the Service (or other Governmental agency) in connection with a possible violation of economic stabilization regulations or guidelines by the person who is the subject of

the requested determination. Where the request pertains to only one step of a larger integrated transaction, the facts, circumstances, etc., must be submitted with respect to the entire transaction. As documents and exhibits become a part of the Internal Revenue Service file and cannot be returned, the original documents should not be submitted.

(b) If the applicant is contending for a particular determination, he must furnish an explanation of the grounds for his contentions, together with a statement of relevant authorities in support of his views. Even though the applicant is urging no particular determination with regard to an act or transaction, he must state his views as to the effect of economic stabilization regulations and guidelines upon the action and furnish a statement of relevant authorities to support such views.

(c) A request by or for an applicant must be signed by the applicant or his authorized representative. If the request is signed by a representative of the applicant, or if the representative is to appear before the Internal Revenue Service in connection with the request, he must either be:

(1) An attorney who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and who files with the Service a written declaration that he is currently qualified as an attorney and he is authorized to represent the principal, or

(2) A certified public accountant who is duly qualified to practice in any State, possession, territory, Commonwealth, or the District of Columbia, and who files with the Service a written declaration that he is currently qualified as a certified public accountant and he is authorized to represent the principal. The above requirements do not apply to an individual representing his full-time employer, or to a bona fide officer, administrator, trustee, etc., representing a corporation, trust, estate, association, or organized group. Any authorized representative must also comply with the conference and practice requirements of subpart H of this part. Forms 2848, Power of Attorney, and 2848-D, Authorization and Declaration, may be used with regard to determinations requested pursuant to this section.

(d) Any request for a determination which does not comply with all the provisions of this section will be acknowledged, and the requirements which have not been met will be pointed out.

(e) An applicant or his representative who desires an oral discussion of the issues or issues involved should indicate such desire in writing when filing the request or soon thereafter in order that the conference, if granted, may be arranged at that stage of consideration when it will be most helpful.

(f) It is the practice of the Service to process requests for interpretations and determinations in regular order and as expeditiously as possible. Compliance with a request for consideration of a particular matter ahead of its regular order,

or by a specified time, tends to delay the disposition of other matters. Requests for processing ahead of the regular order, made in writing in a separate letter submitted with the request or subsequent thereto and showing clear need for such treatment will be given consideration as the particular circumstances warrant. However, no assurance can be given that any request for determination will be processed by the time requested. For example, the scheduling of a closing date for transaction or a meeting of the board of directors or shareholders of a corporation without due regard to the time it may take to obtain such a determination will not be deemed sufficient reason for handling a request ahead of its regular order. Neither will the possible effect of fluctuation in the market price of goods or commodities on a transaction be deemed sufficient reason for handling a request out of order. Requests by telegram will be treated in the same manner as requests by letter. Determinations ordinarily will not be issued by telegram.

Subpart C—Interpretations and Rulings Issued to a Person

§ 401.201 Introduction.

It is the practice of the Internal Revenue Service to answer inquiries of individuals and organizations, whenever appropriate in the interest of sound administration of the President's Economic Stabilization Program, as to the application to them of the regulations and guidelines promulgated by the Cost of Living Council, Pay Board, and Price Commission in their acts and transactions. One of the functions of the Office of the Chief Counsel for the Internal Revenue Service is to issue rulings in such matters. District directors apply the regulations and guidelines promulgated by the Cost of Living Council, Pay Board, and Price Commission rulings published in the FEDERAL REGISTER, and other precedents in issuance of interpretations in answer to citizen's inquiries or requests as to the application to them of the regulations and guidelines promulgated by the Cost of Living Council, Pay Board, and Price Commission.

§ 401.202 Who may file.

Any person may file a request for an interpretation or a ruling.

§ 401.203 Where to file.

A request for an interpretation or a ruling shall be in writing and filed with the district office of the Internal Revenue Service for the district in which the applicant resides or has his principal place of business.

§ 401.204 [Reserved]

§ 401.205 Practices and policies with respect to interpretations and rulings.

(a) *Circumstances under which the Office of the Chief Counsel issues rulings.* The Office of the Chief Counsel issues rulings on prospective or completed acts or transactions. However, rulings will not be issued if:

(1) The Office of the Chief Counsel knows or has reason to believe that the identical issue is being considered by any field office of the Service (or other governmental agency) in connection with a possible violation of economic stabilization regulations or guidelines by the person who is the subject of the requested determination,

(2) The issue involved has been the subject of a recent court decision adverse to the Government and the question of following the decision or further litigating the matter has not been resolved, or

(3) The requested determination includes an application for an exception or exemption, or a pay challenge.

(b) *Circumstances under which district directors issue interpretations.* District directors issue interpretations in response to requests submitted to their offices involving completed or prospective acts or transactions, but only if the question presented is covered specifically by the regulations and guidelines of the Cost of Living Council, Pay Board, or Price Commission, or specifically by a ruling or court decision. However, interpretations will not be issued if—

(1) The requested interpretation includes an application for an exception or exemption, or a pay challenge.

(2) The district director knows or has reason to believe that the identical issue is being considered by any field office of the Service (or other governmental agency) in connection with a possible violation of economic stabilization regulations or guidelines by the person who is the subject of the requested determination, or

(3) The issue involved has been the subject of a recent court decision adverse to the Government, and the question of following the decision or further litigating the matter has not been resolved.

(c) *Discretionary authority to issue rulings and interpretations.* There are certain areas where, because of the sensitive nature of the problem involved, or for other reasons, the Office of the Chief Counsel and the Service will not issue rulings or interpretations. The Office of the Chief Counsel and the Service may decline to issue rulings or interpretations whenever warranted by the facts or circumstances of a particular case. The National Office (including the Office of the Chief Counsel) and district directors may, when it is deemed appropriate and in the best interest of the Service and the public, issue information letters calling attention to well-established principles of the regulations and guidelines promulgated by the Cost of Living Council, Pay Board, and Price Commission.

(d) *Reference of matters to district offices.* The National Office and Office of the Chief Counsel will not entertain direct requests for interpretations and rulings, and, except in unusual circumstances, will forward such requests received for appropriate action to the appropriate district office.

(e) *Review of interpretations.* Interpretations are not generally reviewed by the National Office or Office of the Chief

Counsel as they merely inform an applicant of a position previously established by regulations or guidelines, or in a ruling or court decision. If an applicant believes that an interpretation is in error, he may appeal under the provisions of §§ 401.601 to 401.605, if he has a substantial pecuniary interest. If an applicant without a substantial pecuniary interest believes that an interpretation is in error, he may request a review of the interpretation by the district director who issued the interpretation.

(f) *Withdrawals of requests.* Even though a request is withdrawn, all correspondence and exhibits will be retained in the Service and may not be returned to the applicant.

(g) *Oral advice.* (1) The Service does not issue rulings or interpretations upon oral requests. Furthermore, officials and employees of the National Office and Office of the Chief Counsel ordinarily will not discuss a substantive issue with an applicant or his representative. This should not be construed as preventing an applicant or his representative from inquiring whether the Service will rule on a particular question. The Service will also discuss questions relating to procedural matters with regard to submitting a request for an interpretation or ruling.

(2) An applicant may, of course, seek oral technical assistance from a district office, pursuant to other established procedures. Such oral advice is advisory only and the Service is not bound to recognize it in arriving at a formal determination.

(h) *Effect of rulings.* (1) A ruling may be revoked or modified at any time in the sound administration of economic stabilization regulations and guidelines.

(2) A ruling found to be in error or no longer appropriate may be modified or revoked. Modification or revocation may be affected by a notice to the applicant to whom the ruling originally was issued, or by a Cost of Living Council, Pay Board, or Price Commission ruling, as appropriate.

(3) Except in rare or unusual circumstances, the revocation or modification of a ruling will not be applied retroactively with respect to the applicant to whom the ruling was originally issued.

(4) A ruling issued to an applicant on a particular act or transaction applies to that act or transaction only. If the ruling is later found to be in error or no longer in accord with the position of the Service, it will afford the applicant no protection with respect to a like act or transaction.

(5) Persons generally may rely upon Cost of Living Council, Pay Board, and Price Commission rulings published in the FEDERAL REGISTER in determining the treatment of their own acts or transactions and need not request specific rulings applying the principles of a published ruling to the facts of their particular cases. However, since each published ruling represents the conclusion of the Service as to the application of the law to the entire state of facts involved, citizens, Service personnel, and others concerned are cautioned against

reaching the same conclusion in other cases unless the facts and circumstances are substantially the same. Furthermore, they should consider the effect of subsequent legislation, regulations, court decisions, and published rulings.

(i) *Effect of interpretations.* An interpretation issued by a district director, in accordance with this section, shall be given the same effect with respect to the applicant to whom the interpretation was issued as is described in paragraph (h) of this section, in the case of a ruling issued to an applicant.

Subpart D—Exceptions and Exemptions

§ 401.301 Who may file.

Any person may file a request for an exception or an exemption.

§ 401.302 Where to file.

Unless the Cost of Living Council, Pay Board, or Price Commission, as appropriate, has agreed to accept a direct filing, a request for an exception or an exemption shall be filed with the district office of the Internal Revenue Service for the district in which the applicant resides or has his principal place of business.

§ 401.303 Instructions to applicants.

(a) *In general.* See § 401.101, for instructions generally applicable in the case of requests for determinations.

(b) *Special instructions.* In addition to the information otherwise required by § 401.101, a request for an exception or exemption shall also present evidence sufficient to establish—

(1) That the application of economic stabilization regulations and guidelines will result in serious hardship or gross inequity, and

(2) That the request is not designed as part of a plan to avoid the intent and purpose of the Act.

§ 401.304 Processing of requests.

Requests for exception or exemption are processed and evaluated by the appropriate district director in accordance with established procedures; and, when appropriate, forwarded to the National Office along with the case file for transmittal to the Cost of Living Council, Pay Board, or Price Commission, as appropriate. For statements of the policies and principles followed by the Council, Board, and Commission in making determinations with respect to such requests, see Chapters I, II, and III of this title, respectively.

Subpart E—Pay Challenges

§ 401.401 Who may initiate.

A pay challenge may be initiated by any party at interest, as defined in § 201.3 of this title.

§ 401.402 Where to file.

A pay challenge shall be filed with the district office of the Internal Revenue Service for the district in which the party resides or has its principal place of business.

§ 401.403 When to file.

A pay challenge shall be filed—

(a) In the case of a proposed pay adjustment submitted to the Pay Board in accordance with § 101.21 of this title, within 30 days of the date of such submission, or

(b) In the case of the establishment of a pay adjustment not required to be submitted in accordance with such section, within 30 days of the date of such establishment.

§ 401.404 Instructions to applicants.

(a) *In general.* See § 401.101, for instructions generally applicable in the case of requests for determinations.

(b) *Special instructions.* In addition to the information otherwise required by § 401.101, a pay challenge shall also present evidence sufficient to establish that the pay adjustment will result in serious hardship or gross inequity.

§ 401.405 Processing of pay challenges.

Pay challenges are not determined by the Internal Revenue Service. However, pay challenges are processed and evaluated by the appropriate district director in accordance with established procedures, and then forwarded to the National Office along with the case file for transmittal to the Pay Board. For a statement of the policies and principles followed by the Board in making determinations with respect to pay challenges, see Chapter II of this title.

Subpart F—Complaints and Violations

§ 401.501 Complaints.

Complaints as to possible violations of the President's Economic Stabilization Program shall be processed, investigated, and evaluated by the Internal Revenue Service in accordance with established procedures. Citizens should be advised that a price, rent, or pay increase is not necessarily a violation of the Program. However, if a satisfactory explanation of such an increase which appears unwarranted cannot be obtained, a complaint is encouraged. Such complaints must be submitted to the appropriate district office. The telephone numbers and addresses of such offices may be obtained from telephone directories or information operators.

§ 401.502 Violations.

(a) *General.* Each district has a mission to encourage and achieve the highest possible degree of voluntary compliance with the economic stabilization regulations and guidelines by: Enforcing the statutory sanctions applicable to the President's Economic Stabilization Program through the investigation of possible violations of such regulations and guidelines and the recommendation (when warranted) of civil or criminal action; developing information concerning the extent of violations of all economic stabilization regulations and guidelines; and measuring the effectiveness of the investigation process.

(b) *Investigative procedure.* A person who is issued a notice of violation will be given an opportunity to explain his position with respect to the alleged violation prior to the submission of the case by the district director to Regional Counsel or to a U.S. attorney, as appropriate, unless compelling reasons exist to the contrary. The principal (the person to whom the notice was issued) will be granted an interview if he makes a request within 48 hours after receipt of the notice of violation. At this interview, the principal may have counsel present and will be informed, by a general oral statement, of the features of his case which are alleged to show a violation of economic stabilization regulations and guidelines and, at the same time, there will be made available to the principal sufficient facts, figures, and legal analysis to acquaint him with the nature, basis, and other essential elements of the alleged violation. The procedure described in this paragraph shall be in lieu of the appeal procedure set forth in Subpart G of this part.

(c) *Civil and criminal action.* The Internal Revenue Service may recommend, to the full extent of sanctions available under the President's Economic Stabilization Program, with respect to the alleged violations, the institution of appropriate actions against the principal.

§ 401.503 Violations other than those discovered through requests for interpretation, or ruling, or complaint.

A violation discovered through any means other than through a request for an interpretation or ruling, or a complaint, shall be reported to the appropriate district director, including but not limited to a violation revealed by a report submitted in accordance with §§ 101.13 and 101.23 of this title, or during monitoring or spotcheck pursuant to §§ 101.15 and 101.25 of this title, or during any other authorized investigation.

Subpart G—Appeals

§ 401.601 Right to appeal.

Any person who is—
 (a) A person aggrieved (as defined in § 401.2), or
 (b) Subject to any provision of a ruling or interpretation,

may appeal in the manner set forth in this subpart. A person is, for the purposes of paragraph (b) of this section, subject to such a provision only if the ruling or interpretation was issued to him, the action is adverse to him, and he has a substantial pecuniary interest. A principal referred to in paragraph (b) of § 401.502 may not make an appeal pursuant to the provisions of this subpart with respect to the subject matter of the notice of violation issued to him. Any appeal filed by or on behalf of a person not subject to the provision protested, or otherwise not in accordance with this subpart, may be rejected by the appropriate district director. See § 401.502(b) for the appeal procedure applicable in the case of a principal.

§ 401.602 Time and place for filing appeal.

Any appeal referred to in § 401.601 shall be filed within 10 days of—

- (a) the administrative determination causing the person to be aggrieved, or
- (b) the issuance of the ruling or interpretation referred to in § 401.601, as appropriate, with the district director whose office processed the appellant's request for determination with respect to which such ruling or interpretation was issued.

§ 401.603 Contents of appeal.

- Every appeal shall set forth:
- (a) The name, address, and identifying number of the appellant,
 - (b) A copy of the interpretation or ruling,
 - (c) A clear and concise statement of all objections raised by the appellant against the provision or provisions objected to, and
 - (d) Whether or not a conference is desired.

The appellant must also include with his appeal a statement of his views as to the affect of economic stabilization regulations and guidelines upon the subject act or transaction and furnish a statement of relevant authorities to support such views.

§ 401.604 Action by district conferee on appeal.

The district conferee shall process and decide an appeal pursuant to the procedural rules of this section:

- (a) Within a reasonable time after the filing of any appeal in accordance with this subpart, but in no event more than 10 days after such filing, the district conferee shall:
 - (1) Grant or deny such appeal in whole or in part,
 - (2) Advise the appellant in writing that, in accordance with established procedures, a decision will be delayed, or
 - (3) If a conference has been requested and granted, issue a notice of the date it is to be held (see § 401.701).
- (b) Where a conference on an appeal has been granted, the district conferee shall, within 10 days after such conference, grant or deny such appeal in whole or in part.
- (c) Notice of any such action taken by the district conferee shall promptly be issued to the appellant. In any case in which an appeal has been denied in whole or in part, the appellant shall be advised by such notice that he may appeal to the Pay Board or Price Commission in accordance with the provisions of §§ 205.20 through 205.29 of this title, or §§ 305.20 through 305.29 of this title, respectively.

For purposes of this title, the denial of an appeal in whole or in part by a district conferee pursuant to this section shall be considered a final action by the Internal Revenue Service.

§ 401.605 Effect of decision upon appeal.

A decision of a district conferee pursuant to § 401.604 shall be binding on all Service personnel and may only be reversed upon appeal if granted, to the Cost of Living Council, Pay Board, or Price Commission, as appropriate, pursuant to the provisions of this title or by a final court decision.

Subpart H—Conference and Practice Requirements

§ 401.701 Scope of conference and practice requirements.

The conference and practice provisions and requirements prescribed by 26 CFR Part 601 are generally adopted with respect to practice (including conferences) before all offices of the Internal Revenue Service, including the Office of the Chief Counsel, relating to economic stabilization matters, to the extent applicable and consistent with the policies and principles promulgated in this part; except however, that the rules relating to authority to practice shall be governed solely by § 401.702.

§ 401.702 Rules governing authority to practice; who may practice.

- (a) *In general.* No person may appear in a representative capacity on behalf of another unless such person is recognized to practice before the Internal Revenue Service on economic stabilization matters. In general, only the following persons will be recognized to practice before the Internal Revenue Service on economic stabilization matters—
- (1) Any attorney, as defined in § 401.2, who files with the Revenue Service a written declaration that he is currently qualified as an attorney and is authorized to represent the particular party on whose behalf he acts;
 - (2) Any certified public accountant, as defined in § 401.2, who files with the Revenue Service a written declaration that he is currently qualified as a certified public accountant and is authorized to represent the particular party on whose behalf he acts;
 - (3) Any individual may appear on his own behalf and may otherwise appear, provided he presents satisfactory identification, in the following classes of cases:
 - (i) An individual may represent another individual who is his regular full-time employer, may represent a partnership of which he is a member or a regular full time employee, or may represent without compensation a member of his immediate family.
 - (ii) Corporations (including parents, subsidiaries or affiliated corporations), trusts, estates, associations, or organized groups may be represented by bona fide officers or regular full-time employees.
 - (iii) Trusts, receiverships, guardianships, or estates may be represented by their trustees, receivers, guardians, administrators or executors or their regular full-time employees.
 - (iv) Any governmental unit, agency, or authority may be represented by an

officer or regular employee in the course of his official duties.

(b) *Government officers and employees; others.* No officer or employee of the United States in the executive, legislative, or judicial branch of the Government, or in any agency of the United States, including the District of Columbia, may practice before the Service, except that such officer or employee may, subject to the conditions and requirements of these regulations and of 18 U.S.C. 205, represent a member of his immediate family or any other person or estate for which he serves as guardian, executor, administrator, trustee, or other personal fiduciary. No Member of Congress or Resident Commissioner (elect or serving) may practice before the Revenue Service in connection with any matter for which he directly or indirectly receives, agrees to receive, or seeks any compensation. 18 U.S.C. 203, 205.

Subpart I—Rules and Regulations

§ 401.801 Rules and regulations.

(a) *Formulation.* Internal Revenue Service rules relating to economic stabilization matters take various forms. The most important rules are issued as regulations prescribed by the Commissioner. Other rules may be issued over the signature of the Commissioner or the signature of any other official to whom authority has been delegated. Regulations are prepared in the Office of the Chief Counsel. After approval by the Chief Counsel and the Commissioner, the regulations are published in the FEDERAL REGISTER.

(b) *Publication of rules and regulations.* All Internal Revenue Service regulations relating to economic stabilization matters are published in the FEDERAL REGISTER and in the Code of Federal Regulations. The FEDERAL REGISTER is also the authoritative instrument of the Internal Revenue Service for the announcement of official rulings, decisions, opinions, and procedures, and for the publication of other items pertaining to economic stabilization matters. It is the policy with respect to economic stabilization matters to have published in the FEDERAL REGISTER all substantive and procedural rulings of importance or general interest, the publication of which is considered necessary to promote a uniform application of economic stabilization regulations and guidelines. It is also the policy to have published in the FEDERAL REGISTER all rulings which revoke, modify, amend, or affect any published ruling. Rules relating solely to matters of internal practices and procedures are not published; however, statements of Internal Revenue Service practices and procedures affecting rights or duties of citizens or industry regulation, which appear in internal documents, are published in the FEDERAL REGISTER.

Subpart J—Published Rulings

§ 401.901 Proposal of rulings for publication.

Cost of Living Council, Pay Board, and Price Commission Rulings may be

proposed only by the Chief Counsel for the Internal Revenue Service and the General Counsels of the Council, Board, and Commission, respectively.

§ 401.902 Basis for proposals of publication.

A proposed ruling will be formulated for publication only where it will be:

- (a) Of general applicability,
- (b) Illustrative of a general principle, or
- (c) Of assistance to the public, Service personnel, and others concerned, in applying the Act and economic stabilization regulations and guidelines to a specific situation.

§ 401.903 Processing of rulings proposed for publication.

Upon receipt of a ruling proposed for publication, the Cost of Living Council, Pay Board, or Price Commission, as appropriate, shall:

- (a) Review the proposed ruling, and
- (b) Determine its suitability for publication.

§ 401.904 Adoption, amendment, or modification of rulings proposed for publication.

In the case a ruling proposed for publication which is adopted (as proposed, amended, or modified) by the Cost of Living Council, Pay Board, or Price Commission, the Council, Board, or Commission shall transmit such ruling to the Office of the Chief Counsel for publication in the FEDERAL REGISTER, as a Cost of Living Council Ruling, Pay Board Ruling, or Price Commission Ruling, as appropriate.

[FR Doc.72-940 Filed 1-20-72;8:49 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Practice Before Internal Revenue Service Relating to Economic Stabilization Matters

Part 601 as filed with the FEDERAL REGISTER on June 29, 1955, was last amended on April 22, 1971 (36 F.R. 7584). In order to establish practice requirements for persons desiring to appear before the Internal Revenue Service on matters concerning economic stabilization in 6 CFR Part 401, the following amendments are made to Part 601 of this Title 26.

Because the purpose of these regulations is to provide immediate guidance as to procedures applicable after November 13, 1971, it is hereby found impracticable to issue this regulation with notice and public procedure thereon under 5 U.S.C., section 553(b), or subject to the effective date limitation of 5 U.S.C., section 533(d).

These regulations shall become effective when filed with the FEDERAL REGISTER.

PARAGRAPH 1. Section 601.101 is amended by adding a new paragraph (c) to read as follows:

§ 601.101 Introduction.

(c) *Procedural rules governing economic stabilization matters.* The procedural rules of the Internal Revenue Service relating to economic stabilization matters administered by the Service are set forth in 6 CFR Part 401.

PAR. 2. Section 601.501 is amended by revising paragraph (a) to read as follows:

§ 601.501 Scope of conference and practice requirements; definitions.

(a) *Scope.* The conference and practice requirements prescribed in this subpart apply to all offices of the Internal Revenue Service, including the Office of Chief Counsel, in all matters under the jurisdiction of the Internal Revenue Service, except economic stabilization matters. Such requirements are applicable to practice (including conferences) with respect to any matter involving any internal revenue tax, but do not extend to the mere signing of a tax return, claim, or election, since such an act, of itself, does not constitute practice before the Revenue Service. The signing of a tax return, claim, or election is governed by other rules or instructions relating to such matters. For special provisions relating to alcohol, tobacco, and firearms activities, see §§ 601.521 through 601.527.

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

K. MARTIN WORTHY,
Chief Counsel for the
Internal Revenue Service.

[FR Doc.72-941 Filed 1-20-72;8:49 am]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 10—PRACTICE BEFORE INTERNAL REVENUE SERVICE

Economic Stabilization Matters

The Treasury Department amends Part 10 of Subtitle A of Title 31 of the Code of Federal Regulations (Treasury Department Circular No. 230), concerning practice before the Internal Revenue Service. The purpose of these amendments is to prescribe rules governing practice before the Internal Revenue Service on matters relating to the President's Economic Stabilization Program. The amendments are set forth below:

1. The second sentence of § 10.0 is amended by inserting "including matters relating to economic stabilization" before the period at the end thereof. As

amended, the second sentence of § 10.0 reads:

§ 10.0 Scope of part.

* * * Subpart A of this part sets forth rules relating to authority to practice before the Internal Revenue Service including matters relating to economic stabilization. * * *

2. Paragraph (a) of § 10.2 is amended by adding the following sentence at the end thereof:

§ 10.2 Definitions.

(a) * * * See § 10.9 for rules relating to authority to practice before the Internal Revenue Service on matters relating to economic stabilization.

* * * * *
3. New § 10.9 is added to Subpart A to read as follows:

§ 10.9 Practice before the Internal Revenue Service on economic stabilization matters.

(a) *Who may practice.* Persons qualified under §§ 10.3(a), 10.3(b), and 10.7 (a) (1), (2), (3), or (4) of this part may be admitted and recognized to appear before the Internal Revenue Service on matters relating to economic stabilization pursuant to such procedural requirements as the Commissioner of Internal Revenue may hereafter set forth.

(b) *Disciplinary proceedings.* Pursuant to the regulations contained in Subpart C of this part, persons qualified under §§ 10.3(a) and 10.3(b) of this part appearing before the Internal Revenue Service on matters relating to economic stabilization may be suspended or barred from further appearances before the Internal Revenue Service for disreputable conduct which includes, but is not limited to, the following:

(1) Filing false or altered documents, affidavits, financial statements and other papers on matters relating to economic stabilization.

(2) Making false representations either orally or in writing, on matters relating to economic stabilization, knowing the same to be false.

(3) Willfully misleading, misinforming, or deceiving an officer or employee of the Internal Revenue Service concerning any material or relevant fact in connection with matters relating to economic stabilization.

(4) Directly or indirectly attempting to influence or offering or agreeing to attempt to influence, the official action of any officer or employee of the Internal Revenue Service on matters relating to economic stabilization by the use of threats, false accusations, duress, or coercion, by the offer of any special inducement or promise of advantage, or

by bestowing of any gift, favor or thing of value.

(5) Using intemperate or abusive language or engaging in contumelious or obnoxious conduct in connection with practice on matters relating to economic stabilization.

(6) Making false accusations or statements in connection with practice on matters relating to economic stabilization, knowing such statements to be false, or circulating or publishing malicious or libelous matter in connection with such practice.

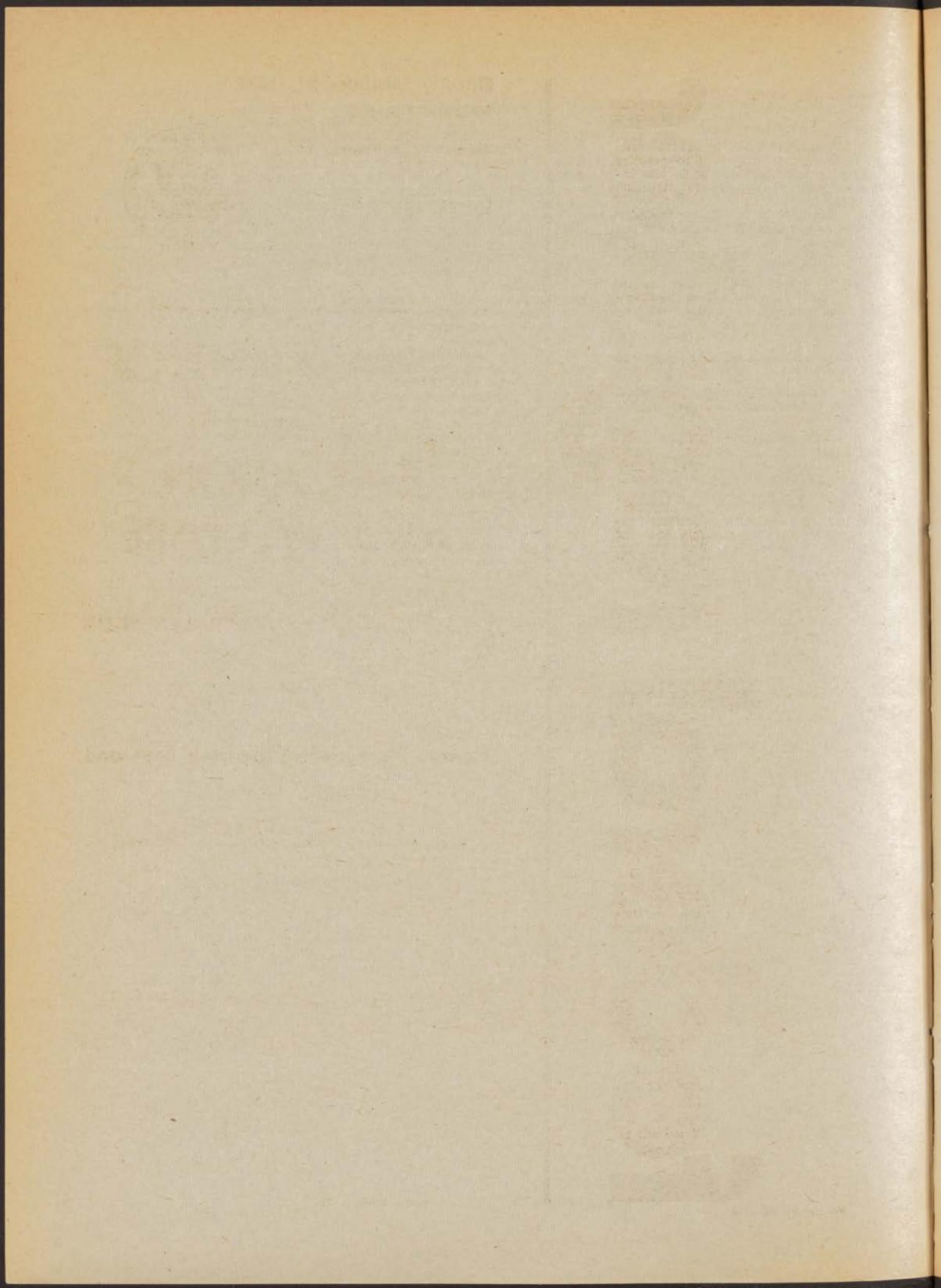
Because the purpose of these regulations is to provide immediate guidance as to procedures applicable after November 13, 1971, it is hereby found impracticable to issue this regulation with notice and public procedure thereon under 5 U.S.C., section 553(b), or subject to the effective date limitation of 5 U.S.C., section 533(d).

These regulations shall become effective when filed with the FEDERAL REGISTER.

(Sec. 3, 23 Stat. 258, secs. 2-12, 60 Stat. 237 et seq.; 5 U.S.C. 301, 500, 551-559, 31 U.S.C. 1026, Reorg. Plan No. 26 of 1950, 15 F.R. 4935, 64 Stat. 1280, 3 CFR, 1949-1953 Comp.)

[SEAL] SAMUEL R. PIERCE, Jr.,
General Counsel.

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PART III



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration



Certain Electrically Operated Toys and
Children's Articles

Proposed Classification as Banned
Hazardous Substances

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 191, 191b]

CERTAIN ELECTRICALLY OPERATED TOYS AND OTHER ELECTRICALLY OPERATED CHILDREN'S ARTICLES

Proposed Classification as Banned Hazardous Substances

The Federal Hazardous Substances Act, as amended by the Child Protection and Toy Safety Act of 1969 (Public Law 91-113), provides that any toy or other article intended for use by children may be classified as a hazardous substance upon a determination that it presents an electrical, mechanical, or thermal hazard. Such a determination may be made by a regulation promulgated in accordance with 5 U.S.C. 553. A determination that any toy or other article intended for use by children presents such a hazard classifies it as a banned hazardous substance.

In the FEDERAL REGISTER of December 19, 1970 (35 F.R. 19266), an order was published establishing § 191.9a(a) which banned certain toys possessing mechanical hazards. The Commissioner of Food and Drugs herein proposes regulations to eliminate electrically operated toys with unacceptable electrical, mechanical, and/or thermal hazards.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f) (1) (D), (r), (s), (t), (3e) (1), 74 Stat. 372, 374, 375 as amended 83 Stat. 187-89; 15 U.S.C. 1261, 1262) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 191.9a be amended by adding thereto a new paragraph (b), that § 191.65a be amended by revising the introduction of paragraph (a) and by adding a new paragraph (b), and that a new Part 191b be added to Title 21, Chapter I, as follows:

PART 191—HAZARDOUS SUB- STANCES; DEFINITIONS AND PRO- CEDURAL AND INTERPRETATIVE REGULATIONS

§ 191.9a Banned toys and other banned articles intended for use by children.

(b) *Electrically operated toys and other electrically operated children's articles presenting electrical, mechanical, and/or thermal hazards.* Under the authority of section 2(f) (1) (D) of the act and pursuant to provisions of section 3(e) of the act, the Commissioner has determined that the following types of electrically operated toys or other electrically operated articles intended for use by children present electrical, mechanical, and/or thermal hazards within the meaning of section 2 (r), (s), and/or (t) of the act because in normal use, or when subjected to reasonably foreseeable dam-

age or abuse, the design or manufacture may cause personal injury or illness by electric shock and/or presents an unreasonable risk of personal injury or illness because of mechanical hazard or because of heat as from heated parts, substances, or surfaces:

(1) Any electrically operated toy or other electrically operated article designed for use by a child for amusement, for development of skills or training, or for other purposes which is intended to be powered by electrical current from nominal 115 v. (110-125 v.) branch circuits and which does not meet the requirements of Part 191b of this chapter. If the package (including packing materials) of the toy or other article is intended to be used with the product, it is considered to be a part of the toy or other article.

§ 191.65a Exemptions from classifica- tion as a banned toy or other banned article for use by children.

(a) *Mechanical safety.* The term "banned hazardous substance" as used in section 2(q) (1) (A) of the act shall not apply to the following articles:

(b) *Electrical, mechanical, and/or thermal safety.* The term "banned hazardous substance" as used in section 2(a) (1) (A) of the act shall not apply to the following articles:

(1) The electrically operated toys or other electrically operated articles described in § 191.9a(b) (1) provided the requirements of Part 191b of this chapter are met.

PART 191b—REQUIREMENTS UNDER § 191.65a(b)(1) OF THIS CHAPTER REGARDING ELECTRICALLY OPER- ATED TOYS OR OTHER ELECTRI- CALLY OPERATED ARTICLES FOR USE BY CHILDREN

Sec.	
191b.1	Definitions.
191b.2	Coverage.
191b.3	Labeling.
191b.4	Nonelectrical construction.
191b.5	Electrical design and construction.
191b.6	Performance.
191b.7	Maximum acceptable surface temperatures.
191b.8	Maximum acceptable material temperatures.

AUTHORITY: The provisions of this Part 191b issued under secs. 2(f) (1) (D), (r), (t), 3(e) (1), 74 Stat. 372, 374, 375, as amended 83 Stat. 187-89; 15 U.S.C. 1261, 1262.

§ 191b.1 Definitions.

(a) The definitions set forth in § 191.1 of this chapter and the following apply to this Part 191b:

(1) An electrically operated toy or other electrically operated article for use by children is any object, mechanism, machine, etc., that is designed for use by a child for amusement, for development of skills or training, or for other purposes and that is intended to be powered by electrical current. Such items are referred to in this part in various

contexts as "toy," "electric toy," and "electrically operated toy."

§ 191b.2 Coverage.

Electrically operated toys can develop hazards of a mechanical, electrical, or thermal nature during normal use and reasonably foreseeable abuse. To minimize such hazards, safety requirements are set forth in this part. These requirements cover electrically operated toys designed for operation from nominal 115 v. (110-125 v.) branch circuits. If the package (including packing material) of the toy is intended to be used with the toy, it is considered to be part of the toy.

§ 191b.3 Labeling.

All toys, instruction sheets, and outer packaging shall be suitably labeled in accordance with this section.

(a) *General.* All labeling shall be prominently and conspicuously displayed under customary conditions of purchase, storage, and use with the required information visible, noticeable, clear, and in legible English (other languages may also be included as appropriate). Such factors governing labeling as location, size of type, contrast against background, and toy size should be based on necessary condensations to provide a reasonable display. All labeling should comply with §§ 191.101 through 191.108 of this chapter.

(b) *Specific items.* (1) The toy shall be permanently labeled to indicate:

(i) The name and address of the manufacturer.

(ii) The catalog number or equivalent.

(iii) The electrical ratings.

(iv) Any precautionary statements required by paragraph (e) of this section.

(2) The shelf pack or package shall be marked to indicate:

(i) The name and address of the manufacturer.

(ii) The catalog number or equivalent.

(iii) The manufacturer's factory and date (month and year) of manufacture (or appropriate codes).

(iv) Electrical ratings.

(v) Any precautionary statements required by paragraph (e) of this section.

(vi) The age span of the children for which the toy is recommended by the manufacturer.

(3) Toys requiring specific information for the assembly, use, maintenance, or other functions, shall be packaged with instruction sheets containing all appropriate information as well as the required information which is to appear on the toy itself.

(4) If the manufacturer produces or assembles toys at more than one factory, each finished toy or package shall have a distinctive marking (it may be in code) that can identify the toy as the product of a particular factory.

(c) *Rating.* (1) A toy shall be rated in volts and also in amperes and/or watts; however, if the ratio of the power input of full load watts to full load volt-amperes is less than 0.8, the wattage rating shall not be acceptable as a substitute for the rating in amperes.

(2) If a toy utilizes a single motor as its only electric energy consuming component, the electrical rating given on the motor nameplate need not be shown elsewhere on the toy if this nameplate is readily visible after the motor has been installed in the toy.

(3) A toy may be rated for alternating current only, direct current only, or both alternating and direct current.

(4) The alternating current rating shall include the frequency or frequency range requirement, if necessary, because of a special component.

(d) *Markings.* (1) All markings required on the toy by paragraph (b) of this section shall be of a permanent nature, whether paint-stenciled, die-stamped, molded, or indelibly stamped. All markings on the toy and the shelf pack shall appear in block lettering of a height not less than that specified in subparagraph (2) of this paragraph, shall contrast sharply with their background (whether by color, projection, or indentation), and shall be readily visible and legible. The markings shall not be permanently obliterated by spillage of any material intended for use with the toy and shall not be removable by cleaning with ordinary household cleaning agents or abrasives.

(2) Lettering heights for required markings are as follows:

Surface area displaying marking (Square inches):	Minimum height of lettering (inches)
Under 5	1/16
5 or more and under 25	1/8
25 or more and under 100	3/16
100 or more and under 400	1/4
400 or more	1/2

(e) *Precautionary statements*—(1) *General.* All toys intended to be operated at voltages higher than 30 volts r.m.s. (42.4 volts peak) shall bear the statement "CAUTION—Electric Toy." The shelf pack and instructions shall bear the statement "CAUTION—Electric Toy. As with all electric products, precautions should be observed during handling and use to prevent electric shock."

(2) *Thermal hazards.* (i) Toys having type C or type D surfaces (described in § 191b.6(g)(2)) which reach temperatures greater than those shown in subdivision (ii) of this subparagraph shall be defined as hot and shall be marked where readily noticeable when the surface is in view with the statement "HOT—Do Not Touch." When the marking is on other than the hot surface, the word "HOT" shall be followed by appropriate descriptive words such as "Molten Material," "Sole Plate," "Heating Element," etc., and the statement "Do Not Touch." An alternative required marking for a surface intended to be hand-held as a functional part of the toy can be "HOT—Handle Carefully," the blank being filled in with a word or words such as "Curler," "Cooking Surface," or whatever describes the potential hazard.

(ii) Surfaces requiring precautionary statements of thermal hazards are those exceeding the following temperatures:

Surface type (see § 191b.6(g)(2))	Thermal inertia type ¹	Temperature	
		Degrees C.	Degrees F.
C.....	1	65	149
C.....	2	75	167
C.....	3	85	185
C.....	4	95	203
D.....	1	55	131
D.....	2	70	158
D.....	3	80	176
D.....	4	90	194

¹ Thermal inertia types are defined in terms of lambda_{delta} as follows:

Type 1: Greater than 0.0045 (e.g., most metals).

Type 2: More than 0.0005 but not more than 0.0045 (e.g., glass).

Type 3: More than 0.0001 but not more than 0.0005 (e.g., most plastics).

Type 4: 0.0001 or less (e.g., future polymeric materials). The thermal inertia of a material can be obtained by multiplying the thermal conductivity (cal./cm./sec./degrees C.) by the density (gm./cm.³) by the specific heat (cal./gm./degrees C.).

(3) *Lamp hazards*—(i) *Replaceable incandescent lamps.* A toy with one or more replaceable incandescent lamps, having a potential difference of more than 30 volts r.m.s. (42.4 volts peak) between any of its electrodes or lamp-holder contacts and any other part or ground, shall be marked where noticeably visible during lamp replacement with "WARNING—Pull plug before changing light bulb. Shock or thermal hazard may exist. Do not use light bulbs larger than _____ watts," the blank being filled in with a legible number specifying the wattage rating of the lamp. If space for marking is insufficient, the statement "WARNING—Do not use light bulbs larger than _____ watts," the blank being filled in as above, shall be marked inside the lamp compartment and "WARNING—Shock hazard. Pull plug before changing light bulb" shall be marked outside of the lamp compartment where it will be easily noticed before gaining access to the lamp compartment.

(ii) *Nonreplaceable incandescent lamps.* A toy which utilizes one or more nonreplaceable incandescent lamps (other than pilot or indicator lamps) shall be marked where clearly visible with "SEALED UNIT—Do not attempt to change light bulb," or equivalent.

(4) *Water.* (i) Electrical toys (such as toy irons) shall not be designed or manufactured to be used with water except for toy steam engines or other devices in which the electrical components are separate from the water reservoir and are completely contained in a sealed chamber.

(ii) If not suitable for immersion in water, a toy cooking appliance (for example, corn popper, skillet, candy maker) or other item which might conceivably be immersed in water shall be marked with "Danger—To prevent electric shock, do not immerse in water; wipe clean with damp cloth," or equivalent. When water seepage would produce a hazardous condition, toys requiring occasional or repeated cleaning with a wet

cloth shall be constructed to prevent seepage of water into any electrically active area.

(5) *Shelf package.* The shelf package of a toy that through design or construction contains one or more inherent hazards (for example, hot, small, sharp, or moving parts) shall be marked where readily visible with "CAUTION:" followed by a statement specifying the hazard or hazards such as "Hot Parts," "Small Parts," "Moving Parts," etc. A statement shall follow of how to avoid possible injuries from the hazard(s) such as "Keep away from infants and small children" or "Not intended for use by children under _____ years old," the blank being filled in with the appropriate number.

(6) *Flexible plastic packaging materials.* Flexible plastic film bags and flexible plastic sheets used as packaging material for shelf packages or intended for use with toys shall be at least 0.002 inch in thickness since thinner flexible plastic packaging material may have the potential for causing suffocation. This is not required for shrink-film packaging material nor for flexible film bags with a capacity less than 125 cubic inches and an opening perimeter less than 14 inches after stretching the perimeter to its fullest extent without tearing.

(f) *Instructions.* Each toy shall be provided with adequate instructions that are easily understood by children of those ages for which the toy is intended. The instructions shall describe the applicable installation, assembly, use, cleaning, and maintenance (including lubrication). Applicable precautions shall be included and shall be located and displayed to attract attention.

§ 191b.4 Nonelectrical construction.

(a) *General.* (1) Only materials safe and suitable for the particular use shall be employed in a toy.

(2) Toys shall be produced in accordance with detailed material specifications, production specifications, and quality assurance requirements. Quality assurance programs shall be established and maintained by each manufacturer producing electrically operated toys and other electrically operated articles intended for use by children to assure compliance with all established requirements.

(3) The manufacturer shall keep and maintain for 3 years after termination of the production of each electrically operated toy or other article the specifications referenced in subparagraph (2) of this paragraph and the description of the quality assurance program as well as the results of the inspections and tests conducted and records of sale and distribution of each electrically operated toy or other article. These records shall be made available upon request at all reasonable hours to any officer or employee of the Food and Drug Administration and to any other officer or employee acting on behalf of the Secretary of Health, Education, and Welfare. The

manufacturer shall permit such officer to inspect and copy such records and to make such inventories of stock as he deems necessary and otherwise check the correctness of such records.

(4) Toys shall be constructed and finished with a high degree of uniformity and as fine a grade of workmanship as is practicable in a well-equipped factory that is manned by experienced personnel and follows recognized production practices. Each component of a toy shall comply with the requirements for that component, except that such requirements may be modified if appropriate for a particular application.

(b) *Coatings.* Paints and other surface-coating materials that are applied to a toy shall comply with § 191.5(a)(2) of this chapter (proposed November 2, 1971; 36 F.R. 20985).

(c) *Corrosion protection.* All iron and steel parts shall be suitably protected against corrosion if the lack of such, in normal use or when subjected to reasonably foreseeable damage or abuse, would be likely to produce a hazardous condition.

(d) *Mechanical assembly.*—(1) *General.* A toy shall be so designed and assembled that it will have the strength and rigidity necessary to resist reasonably foreseeable damage and abuse without producing or increasing its shock, fire, or accident hazard. An increase in hazards could be due to total or partial structural collapse of a toy resulting in a reduction of critical spacings, loosening or displacement of one or more components, or other serious defects (see possibilities under § 191b.6).

(2) *Mounting.* Each switch, lamp-holder, attachment plug, receptacle, motor, automatic control, transformer, and similar component shall be mounted securely and shall be prevented from turning, unless turning is part of the design and produces no additional hazard such as reduced spacings below acceptable levels or stress on the connection. Friction between tight-fitting surfaces is not a sufficient method for preventing the turning of components. The proper use of a suitable lockwasher or a keyed and notched insert plus a suitable lockwasher for single-hole mountings is acceptable. Each toy shall be designed and constructed so that vibrations occurring during normal operation and after reasonably foreseeable abuse will not affect it adversely. Brush caps shall be tightly threaded or otherwise designed to prevent loosening.

(3) *Structural integrity.* Heating elements shall be supported in a substantial and reliable manner and shall be structurally prevented from making contacts inside or outside of the toy which may provide shock hazards. The heating element should be enclosed, and the enclosure designed or insulated to prevent the development of a shock or fire hazard that might result from element failure. A toy, such as an electrically operated steam engine, operating with a gas or liquid under pressure shall be tested with respect to its explosion hazard and shall be provided with a pressure relief device

that will discharge in the safest possible direction; that is, completely avoiding human contact and avoiding the wetting of electrical contacts. Gases or liquids used in toys shall meet the requirements of part 191 of this chapter.

(e) *Insulating material.* (1) Material to be used for mounting uninsulated live electrical elements shall be material that is widely accepted as suitable for the specific application, particularly in regard to electrical insulation (voltage breakdown) and good aging characteristics (no significant change in insulating characteristics over the expected lifetime of the toy).

(2) Material used to thermally insulate a heating element from neighboring parts shall be suitable for the purpose. If plain asbestos in a glass braid is used, it shall be tightly packed and totally enclosed by the braid and the overall thickness, including the braid, shall not be less than one-sixteenth inch. Hard fiber may be used for electrical insulating of bushings, washers, separators, and barriers, but is not sufficient as the sole support of uninsulated live metal parts.

(f) *Enclosures.*—(1) *General.* Each toy shall have an enclosure, constructed of protective material suitable for the particular application, for the express purpose of housing all electrical parts that may present a fire, shock, or accident hazard under any conditions of use or reasonably foreseeable damage or abuse. The degree of protection required of an enclosure shall depend upon the general design and intended use and any reasonably foreseeable damage and abuse to which the toy may be subjected.

(2) *Accessibility.* Access into an enclosure shall not be easily possible by the use of hands or fingers alone nor by use of keys or other readily available household implements (except tools). An enclosure containing a wire, splice, brush cap, connection, electrical component, or uninsulated live part or parts at a potential of more than 30 volts r.m.s. (42.4 volts peak) to any other part or to ground:

(i) Shall be sealed by welding, riveting, and/or using special screws not removable with a common household tool (screw driver, pliers, or other similar household tool) used as intended;

(ii) Shall have no opening permitting entry of a 0.010-inch-diameter music wire that could contact a live part; and

(iii) Shall have all accessible live parts insulated.

Cross-notch-head screws, spring clips, bent tabs, and the like are not suitable sealing devices for enclosures because they are easy to remove with common household tools. (Bent tabs are acceptable if due to metal thickness or other factors they successfully resist forceful attempts to dislodge them with ordinary tools.)

(3) *Nonapplication.* The requirements of this section are not applicable to an insulating husk enclosure or equivalent that covers the electrodes of a replaceable incandescent lamp and its lamp-holder contacts. The primary function

of an enclosure containing a lamp shall be to protect it from breakage.

(g) *Spacings.* The shortest distance, through air or across the surface of an insulator, between uninsulated live metal parts and a metallic enclosure shall be one-fourth inch and between all other parts shall be one-eighth inch, except:

(1) An electrically insulating lining or barrier of vulcanized fiber or similar materials employed where spacings would otherwise be insufficient shall be not less than one thirty-second inch in thickness and shall be so located and made of such material that it will not be adversely affected by arcing.

(2) Insulating material having a thickness less than that specified in this paragraph may be used if it provides insulation equivalent to vulcanized fiber insulating material one thirty-second inch thick.

(h) *Special safety features.*—(1) *Moving parts.* If the normal operation of a toy involves accident hazards, suitable protection shall be provided for the reduction of such hazards to an acceptable minimum. For example, rotors, pulleys, belting, gearing, and other moving parts shall be enclosed or guarded to prevent accidental contact during normal operation or when subjected to reasonably foreseeable damage or abuse. Such enclosure or guard rail shall contain no openings through which a one-fourth-inch rod 3 inches long could be inserted so as to contact any moving part(s). Inside an enclosure, any moving part that is a potential hazard and is located near an opening in the enclosure shall be separated from the opening by a distance of at least twice the minor diameter of the opening.

(2) *Switch marking.* Any toy having one or more moving parts which perform an inherent function of the toy and may cause personal injury shall have a switch that can deenergize the toy by a simple movement to a plainly marked "OFF" position. Momentary contact switches do not have to be so marked.

(3) *Electrically operated sewing machines.* An electrically operated toy sewing machine shall be designed to eliminate the possibility of a child's finger(s) being pierced by a needle. For the purposes of this subparagraph, spacing of no more than five thirty-seconds inch between the point of the needle, when in its uppermost position, and the sewing surface is deemed to provide a satisfactory degree of protection.

(4) *Overload protection.* A circuit breaker or nonreplaceable plug fuse of suitable quality and having a suitable current capacity shall be provided in toys subject to hazards resulting from electrical overload conditions.

(5) *Pressure relief valves.* A pressurized enclosure shall have an automatic pressure relief device and shall be capable of withstanding hydrostatic pressure equal to at least five times the relief pressure.

(6) *Containers for heated materials.* Pots, pans, and other containers intended for holding molten compounds and hot liquids shall be constructed to prevent

accidental spillage that can result in personal injury or a thermal hazard. A pot or pan having a lip and one or more properly located pouring spouts and an adequately (thermally) insulated handle may provide the degree of protection contemplated. Pans intended solely for baking need not comply with spillage requirements. Pots, pans, and the like should be of such material and construction as not to deform or melt when subjected to the maximum operating temperature occurring during normal use or after reasonably foreseeable damage or abuse.

§ 191b.5 Electrical design and construction.

(a) *Switches.* (1) A switch or other control device shall be suitable for the application and shall have a rating not less than that of the load it controls (see § 191b.6(e)(5)(ii) regarding electrical switch overload). A switch which is at a potential of more than 30 volts r.m.s. (42.4 volts peak) to any other part or to ground shall open both sides of the circuit and shall have a marked "OFF" position. A switch subjected to a temperature higher than 50° C. (122° F.) is to be constructed of materials which are suitable for use at such higher temperatures.

(2) A switch on a toy shall be so located and protected that it is not subject to mechanical damage from normal use or from reasonably foreseeable damage or abuse that would produce a hazard (see § 191b.6(b)).

(b) *Lamps.* (1) A replaceable incandescent lamp having a voltage of more than 30 volts r.m.s. (42.4 volts peak) between any of its electrodes or lampholder contacts and any other part or to ground shall be located inside of an enclosure that has at least one door or cover permitting access to the lamp.

(2) Opening any such door or cover shall require the use of a common household tool (screw driver, pliers, or other similar household tool) to release a latch or fastening (bent tabs are not acceptable), and the closed position shall be necessary for operating the toy.

(3) With all access doors and covers closed, the lamp enclosure shall have no opening that will permit entry of a straight rod 6 inches long and one-fourth of an inch in diameter if entry would cause an electrical hazard. The lamp will be located no less than one-half inch away from any edge of any 1/4-inch-diameter opening in the enclosure.

(4) A toy provided with one or more lampholders shall be so designed that no live parts other than the contacts of the lampholders are exposed to contact by persons removing or replacing lamps. The shells of all lampholders for incandescent lamps shall be at the same potential.

(5) Except for the electrodes of a replaceable incandescent lamp and its lampholder contacts, a potential of more than 30 volts r.m.s. (42.4 volts peak) shall not exist between any live part in a toy and any other part or ground.

(6) If the potential between the contacts of a lampholder for a replaceable

incandescent lamp and any other part or ground is greater than 30 volts r.m.s. (42.4 volts peak), one or both of the contacts shall be in the bottom of the lampholder body.

(c) *Transformers.* A transformer that is an integral part of a toy shall be of the 2-coil insulated type.

(d) *Automatic controls.* An automatic control for temperature regulation shall have the necessary capacity and reliability for the particular application.

(e) *Motors.* A motor provided as a part of a toy shall have the performance characteristics required for the particular application.

(f) *Power supply connections (cords and plugs).* (1) A toy shall be provided with a suitable means for attachment to the power supply circuit.

(2) Toys shall have power cords that are permanently attached to the toy.

(3) The perimeter of the face of the attachment-plug cap shall be a distance of not less than five-sixteenths of an inch from any point on either blade of the plug. The cord and attachment-plug cap shall not include grounding.

(4) The body of the attachment-plug cap shall decrease in cross section from the face but shall have an expansion of the body, after a suitable distance from the face, sufficient to provide an effective finger grip.

(5) The flexible electrical power cord provided on a toy shall be type SP-2 (as defined in the "National Electric Code" published by the National Fire Protection Association) or its equivalent, or a heavier general-use type, and shall be not less than 5 nor more than 10 feet long—measured as the overall length of the attached cord outside of the overall enclosure of the toy, including fittings, up to the face of the attachment-plug cap.

(6) The flexible cord and plug or plugs provided with an electric toy shall have a current-carrying capacity not less than the ampere rating of the toy.

(7) Cords supplied with toys in which water is to be used shall be of a jacketed type. Cords supplied with toys with which water is to be used indirectly (such as for cooling a mold) shall be plastic covered.

(g) *Bushings.* (1) At the point where a power supply cord passes through an opening in a wall, barrier, or the overall enclosure, a suitable and substantial bushing, insulating bushing, or equivalent shall be reliably secured in place and shall have smooth surfaces and well-rounded edges against which the cord may bear.

(2) If the cord hole is in wood, porcelain, phenolic composition, or other suitable insulating material, the surface of the hole is acceptable if the edges of the hole are smooth and well-rounded. Where a separate insulating bushing is required, a bushing made of ceramic material or a suitable molded composition usually is acceptable when its edges are smooth and well-rounded.

(3) In no case is a separate bushing of wood, rubber, or any of the hot-molded shellac-and-tar compositions acceptable.

(h) *Wiring.* (1) The internal wiring of a toy shall consist of suitable insulated conductors having adequate mechanical strength, dielectric properties, and electrical capacity for the particular application.

(2) Wireways shall be smooth and entirely free of sharp edges, burrs, fins, and moving parts that may abrade conductor insulation. Each splice and connection shall be mechanically secure, shall provide adequate and reliable electrical contact, and shall be provided with insulation at least equivalent to that of the wire involved unless adequate spacing between the splice and all other metal parts is permanently assured.

(3) A wire connector for making a splice in a toy shall be a type that is applied by a tool and for which the application force of the tool is independent of the force applied by the operator of the tool.

(4) Soldered connections shall be made mechanically secure before soldering.

(5) A current-carrying part shall be made of silver, copper, a copper alloy, or other electrically conductive material suitable for the particular application.

(i) *Strain relief.* (1) A means of strain relief shall be provided to prevent a mechanical stress on a flexible cord from being transmitted to terminals, splices, or interior wiring.

(2) When for mechanical protection suitable auxiliary insulation is provided under the clamp, clamps of any material are acceptable for use on type SP-2 (as defined in the "National Electric Code" published by the National Fire Protection Association) or equivalent rubber-insulated cord. For heavy types of thermoplastic-insulated cord, clamps may be used in which case the auxiliary insulation is not required unless the clamp may damage the cord installation.

(3) Means shall be provided to prevent the flexible cord from being pushed into the toy through the cord-entry hole if such displacement results in a hazardous condition.

(4) A knot is not an acceptable means of strain relief since knots generally reduce the mechanical strength of the materials involved and often allow unacceptable flexing of load connections.

§ 191b.6 Performance.

(a) *General.* An electrically operated toy shall be capable of passing all tests described in this section in such a manner as to provide the necessary assurance that reasonably foreseeable damage or abuse will not result in a hazardous condition. Any such toy shall be capable of passing all such tests with any door, cover, handle, operable part, or accessory of the subject toy placed in any normal position. A toy shall not present a fire or accident hazard when operated continuously for a period of 6 hours under abnormal conditions, including the most hazardous position in which the toy can be left.

(b) *Enclosures.* For purposes of this section, an enclosure is any surface or

surrounding envelope which prevents access to a potential or real hazard. An enclosure which serves to prevent access to a part involving a real or potential hazard shall withstand drop, rod pressure, and pressure tests (see subparagraphs (1), (2), and (3) of this paragraph) without developing any opening, reduction of electrical spacings below those specified, or other fire, casualty, or shock hazard, including the loosening or displacement of electric parts but excluding breakage of a lamp.

(1) *Drop test.* Each of three samples of the subject toy shall be dropped four times in succession from a height of 3 feet to a concrete slab covered with asphalt tile. This required test is to be conducted while the toy is energized and operating and with all dead metal of the toy that may be energized connected together electrically and grounded through a 3-ampere plug fuse. The toy shall be dropped so that the point of impact is different for each drop. The toy is to be permitted to come to rest before being dropped again. After completion of the test drops, the sample shall comply with the requirements of the insulation resistance and repeated dielectric strength tests (see paragraph (e) (2) of this section) and be subjected to a visual examination for evidence of the development of one or more hazards. Rupture of the fuse is considered to be a test failure.

(2) *Rod pressure test.* A point on the enclosure selected for possible structural weakness which, because of geometry, is inaccessible to impact during the drop test shall be subjected to a force of 25 pounds for 1 minute. The force is to be applied gradually (over a period of 5 seconds) through the axis of a 1/2-inch-diameter metal rod having a flat end with the edge rounded to a 1/8-inch radius. The axis of the rod is to be perpendicular to the surface under test. During the test the toy is to rest on a flat hard surface in any test-convenient position.

(3) *Pressure test.* If any portion of the top surface of a toy has a flat surface measuring 24 or more square inches and has a minor dimension of not less than 3 inches, any point on that supporting surface shall resist a vertical pressure of 50 pounds applied through a steel ball 2 inches in diameter for a period of 1 minute with the toy in an upright position on a flat and horizontal solid surface.

(c) *Handles and knobs*—(1) *General.* For the purposes of tests in this paragraph, the parts of a lifting handle on a toy that are within seven-sixteenth of an inch of the surface to which a handle is attached or parts of a lifting knob within one-fourth inch of the surface to which a knob is attached are considered to be for support purposes, and the remainder of the handle or knob is considered to be generally functional in nature. A handle or knob shall withstand crushing and lifting tests (see subparagraphs (2) and (3) of this paragraph) without fracture of the handle or knob, development of an opening that may pinch the hand,

or breakage of the means used to fasten the handle or knob in place.

(2) *Crushing test.* The functional portion of a handle or knob shall withstand a crushing force of 25 pounds applied through two flat and parallel hardwood blocks, each at least 2 1/2 inches thick and each having dimensions slightly exceeding those of the handle or knob being tested. The direction of the crushing force between the blocks is to be in any direction perpendicular to the major axis of the handle or knob. The force is to be applied gradually (over a period of 5 seconds) and held for 1 minute.

(3) *Lifting test.* The support portion of a handle or knob shall withstand a force equal to four times the weight of the object it is intended to support. The direction of the lifting force is to be as intended by the design of the toy and shall be applied by the use of a 1/2-inch-wide strap through or around a handle or by fingers or the equivalent on a knob. The force is to be applied gradually (over a period of 5 seconds) through the center of gravity of the toy and maintained for 1 minute.

(4) *Strain-relief test.* (i) This test is made with the connection within the toy disconnected. When tested, the strain-relief means provided on the flexible power cord shall be capable of withstanding a direct pull of 40 pounds applied to the cord for 2 minutes without displacement of the strain-relief unit or deformation of the anchoring surface. A 40-pound weight is to be suspended on the cord and supported by the toy in such a manner that the strain-relief means is stressed from any angle that the construction of the toy permits.

(ii) The initial 2-minute test is to be conducted with the force vector parallel to the longitudinal axis of the cord and perpendicular to the anchoring surface for the strain-relief unit. Each test at other angles of stress shall be conducted for periods of 1 minute. The strain-relief means is not acceptable if, at the point of disconnection of the cord, there is any movement (of the cord) to indicate that stress would have resulted on the connections.

(iii) The strain-relief unit and its support base shall be designed and constructed in such a manner that if the cord is held 3 feet from the strain-relief unit and the toy dropped the 3 feet, at any angle (with the cord held firmly in place), no indication of stress would result which would produce a hazard.

(d) *Stability.* A toy not designed for tumbling during normal use shall not overturn when resting in the upright position on a surface inclined 15° from the horizontal. No spillage of molten material or hot liquids from pots, pans, or other containers shall occur while the toy is operating in this position under normal conditions of use. During the test for stability, casters, if any, are to be in the position most likely to result in tipping, but they are not to be artificially held in one position to prevent a natural rotation to another position.

(e) *Electrical*—(1) *Power input.* The actual current flow in a toy with no heating element shall be no more than 110 percent of the rated value (but is never to exceed 5.5 amperes) at rated voltage after the first minute under normal operating conditions. The power input to a toy with a heating element shall be no more than 105 percent of the rated value under normal operating conditions. The power input rating of a toy employing one or more incandescent lamps as the only power-consuming components will be taken as the total rated wattage of those lamps. The rated voltage is considered to be the mean value of a marked voltage range.

(2) *Dielectric strength and insulation resistance.* (i) A toy shall be capable of withstanding without breakdown for 1 minute a 60-cycle-per-second (60-Hertz) essentially sinusoidal potential of 1,000 volts applied between live parts and any dead metal parts.

(ii) If a toy employs a low-voltage secondary winding (either in the form of a conventional transformer or as an insulated coil of a motor), the toy shall be capable of withstanding for 1 minute without breaking down a sinusoidal test potential applied between the high-voltage and low-voltage windings. The test potential is to be applied at the rated frequency of the toy and is to have a value of 1,100 volts plus twice the rated voltage of the high-voltage winding. The test potential is to be supplied from a suitable capacity-testing transformer, the output voltage of which can be regulated. The waveform of the test voltage should approximate a sine wave as closely as possible.

(iii) The applied test potential is to be increased rapidly and uniformly from zero until the required test value is reached and is held at that value for 1 second. Unless otherwise specified, the toy shall be at the maximum operating temperature reached in normal use prior to conducting the tests. Ordinarily, insulation resistance is to be measured by means of a high-resistance voltmeter using a 250-volt direct-current circuit.

(iv) Each toy shall be tested for compliance with the dielectric-strength requirements of this subparagraph. For the purpose of this test, the toy need not be in a heated condition.

(3) *Leakage current and repeated dielectric withstand tests.* (1) Both before and after being conditioned, a toy intended to operate from a source exceeding 42.4 volts peak shall:

(a) Have a leakage current of no more than 0.5 milliamperes, except that the leakage current of a toy employing a heater element may be no more than 2.5 milliamperes during the interval beginning 5 seconds and terminating 10 minutes after the appliance is first energized.

(b) Comply with the requirements in a repeated dielectric withstand test with and without preheating.

(ii) All accessible parts of a toy shall be tested for leakage currents. If an insulating material is used for the enclosure or part of the enclosure, the leakage current shall be measured using a

metal foil with an area not exceeding 10 by 20 centimeters in contact with accessible surfaces of insulating material. Where the accessible surface of insulating material is less than 10 by 20 centimeters, the metal foil shall be the same size as the surface. The metal foil shall be so applied that it will not affect the toys' temperature. The accessible parts shall be tested individually, collectively, and from one part to another. The toy is to be conditioned for 48 hours in air at a temperature of $32^{\circ} \pm 2^{\circ}$ C. ($89.6^{\circ} \pm 3.6^{\circ}$ F.) and with a relative humidity of 90-95 percent.

(iii) The specified relative humidity is to be maintained inside a closed compartment in which a saturated solution of potassium sulphate is kept in a suitable container. Leakage current measurements are to be made while the toy is in the humidity compartment as specified in subdivision (ii) of this subparagraph and before the toy is energized.

(iv) With the connections intended for the source of supply connected and then connected to the ungrounded side of a power supply circuit having a voltage equal to 110 percent of the rated voltage of the toy, the leakage current through a noninductive resistor connected between the grounded side of the supply circuit and each dead metal part (accessible and inaccessible) is to be measured when stable except that, for a toy with an enclosed element heater (not a lamp type), the leakage during the first 5 seconds after application of power is to be disregarded. The resistor is to have a value of 1,500 ohms. Next, the measurements are to be repeated using a value of 500 ohms. The toy shall then be removed from the humidity chamber, energized, and tested again after attaining its normal operating temperature. From these measurements, a leakage current with no resistance is to be calculated and used to determine compliance.

(v) For a toy whose outer enclosure consists wholly or partly of insulating material, the term "dead metal part" signifies metal foil tightly wrapped around the exterior of the enclosure in a manner that covers, but does not enter into, any enclosure openings.

(4) *Motor operation.* (i) A motor provided as a part of a toy shall be capable of driving its maximum normal load in the toy without introducing any hazardous condition. A motor-operated toy is to be tested with the motor stalled if the construction is such that any person can touch moving parts associated with the motor from outside the toy.

(ii) The performance of the toy is unacceptable if, during the test, temperatures in excess of those specified in § 191b.8 are attained on any accessible surface. The performance of the toy is also unacceptable if the rise in temperature during the test causes melting, scorching, embrittlement, or other evidence of thermal damage to the insulating material depended on to prevent exposure of live metal parts.

(5) *Overload.*—(1) *Motor.* A motor-control switch that is a part of a toy shall be horsepower-rated to cover the

load or shall be capable of performing acceptably when subjected to an overload test consisting of 50 cycles of operation by making and breaking the stalled-rotor current of the toy at maximum rated voltage. There shall be no electrical or mechanical failure nor any burning or pitting of the switch contacts as a result of this test.

(ii) *Switch.* In a test to determine if the switch is capable of performing acceptably in the overload test, the toy is to be connected to a grounded supply circuit of rated frequency and maximum rated voltage with the rotor of the motor locked in position. During the test, exposed dead metal parts of the toy are to be connected to ground through a 3-ampere plug fuse and the connection is to be such that any single pole, current-rupturing device will be located in the ungrounded conductor of the supply circuit. If the toy is intended for use on direct current, or on direct current as well as alternating current, the exposed dead metal parts of the toy are to be so connected as to be positive with respect to a single pole, current-rupturing device. The switch is to be operated at a rate of not more than 10 cycles per minute. The performance is unacceptable if the fuse in the grounding connection is blown during the test.

(f) *Hydrokinetic.*—(1) *General.* An electrically operated toy steam engine shall be capable of performing acceptably when subjected to the tests described in this paragraph.

(2) *Preliminary test.* The ultimate strength of the boiler assembly is first to be determined by applying a hydrostatic pressure to the boiler with all openings blocked (the pressure-relief valve, steam exhaust, and any whistle or other accessory are all to be removed and the resulting openings sealed); however, a water or other type of gauge is to be left in place. The hydrostatic pressure is to be applied slowly and the ultimate value attained recorded.

(3) *Pressure-relief test.* A pressure gauge is to be connected to the boiler assembly which is then to be operated normally. The pressure at which the pressure-relief valve functions is to be noted while the engine is shut off (if a shutoff valve is provided) and with the whistle, if any, turned off. This test is to be discontinued when, and considered a failure if, the observed pressure exceeds one-fifth the value attained in the preliminary test described in subparagraph (2) of this paragraph.

(4) *Operating pressure test.* If the boiler is still intact and no failure has occurred, the pressure-relief valve is then to be rendered inoperable and all other valves (such as a whistle and exhaust from the assembly) are to be tightly closed. Operation is to be continued until the pressure becomes constant. This test is to be discontinued and considered a failure if the observed pressure exceeds one-third the value attained in the preliminary test described in subparagraph (2) of this paragraph. During this test, all valves, gaskets, joints, etc., are to be tightened sufficiently to prevent leakage.

Rupture of the boiler or of any other fittings supplied with the engine will be considered a failure.

(5) *Hydrostatic test.* If there has been no failure, two previously untested samples are to withstand for 1 minute a hydrostatic pressure of five times the pressure at which the safety valve operated or three times the constant pressure observed with the pressure-relief valve inoperable, whichever is greater. During this test, all openings are to be blocked (the pressure-relief valve, steam exhaust from the assembly, and any whistle or other outlet); however, a water or other type of gauge is to be left in place. Rupture of the boiler or of a gauge is considered a failure.

(g) *Thermal.*—(1) *General.* The normal operation of a toy includes its performance under the normal service or after being subjected to reasonably foreseeable abusive conditions likely to produce the highest temperatures or, in the case of a motor-operated toy, the load that approximates as closely as possible the severest conditions of normal use or reasonably foreseeable damage or abuse.

(2) *Classification.* Parts or surfaces of a toy are classified according to their use or function as follows:

(i) *Type A.* A part or surface of a toy (such as a handle) likely to be grasped by the hand or fingers for the purpose of carrying the toy or lifting a separable lid.

(ii) *Type B.* A part or surface of a toy that is (a) part of a handle, knob, etc., as in type A (described in subdivision (i) of this subparagraph), but which is not normally grasped or contacted by the hand or fingers for carrying (including parts of a handle within seven-sixteenth inch of the surface to which the handle is attached and parts of a finger knob within one-fourth inch of the surface to which the knob is attached, if the remainder of the knob is large enough to be grasped), or (b) a handle, knob, or part that may be touched but which need not be grasped for carrying the toy or lifting a lid, door, or cover (support part of handle, knob, etc.).

(iii) *Type C.* A part or surface of a toy that can be touched by casual contact or that can be touched without employing the aid of a common household tool and that is either (a) a surface that performs an intended heating function (the soleplate of a flatiron, a cooking surface, a heating element surface), or (b) a material heated by the element and intended to be used as the product of the toy, excluding pans, dishes, or other containers used to hold the material to be cooked or baked if a common household tool or other device is supplied with the toy and specific instructions are established for using such a device to remove the container from the heated area.

(iv) *Type C marked.* A type C surface which has been marked with a precautionary statement of thermal hazards in accordance with § 191b.3(e) (2).

(v) *Type D.* An accessible part or surface of a toy other than types A, B, C,

or E (see subdivisions (i), (ii), (iii), and (vii) of this subparagraph).

(vi) *Type D marked.* A type D surface which has been marked with a precautionary statement of thermal hazards in accordance with § 191b.3(e) (2).

(vii) *Type E.* A surface in an oven or other article that is inaccessible or protected by an electrical-thermal safety interlock. Such interlocks must prohibit the operation of a heating device whenever such surfaces are accessible and must not allow accessibility to such surfaces until the temperatures of those surfaces have been reduced to levels below those established for type D surfaces (subdivision (v) of this subparagraph). For the purposes of subdivisions (v), (vi), and (vii) of this subparagraph, accessibility shall be defined as the ability to reach a heated surface with a 1/4-inch rod 3 inches long.

(3) *Requirements.* When tested under the conditions described in subparagraph (4) of this paragraph, a toy shall not attain a temperature at any point sufficiently high to constitute a fire hazard or to affect injuriously any materials employed and shall not show a maximum temperature higher than those indicated in §§ 191b.7 and 191b.8. These maximum surface temperature requirements are not applicable to "educational" or "hobby-type" thermal toys such as lead-casting sets and wood-burning tools which are appropriately labeled as being intended only for children over 12 years of age provided that the maximum surface temperature of any such toy does not exceed that reasonably required to accomplish the intended technical effect. Such toys shall be provided with specific instructions and the warning statements required by § 191b.3(e) (2) and shall be appropriately identified as "educational" or "hobby-type" toys.

(4) *Test conditions—(i) General.* Tests shall be conducted while the toy is connected to a circuit of 60-cycle current using the materials supplied with the toy or using materials otherwise intended to be used with the toy. Following such tests, the toy shall be energized for a 6-hour period to determine that no hazardous conditions would result from the unattended use of the toy.

(ii) *Temperature.* Normally, tests are to be performed at an ambient (room) temperature of 25° C. (77° F.); however, a test may be conducted at any ambient temperature within the range of 21° to 25° C. (69.8° to 77° F.).

(iii) *Voltage.* The toy shall be tested at the voltage indicated in the manufacturer's rating or at 115 volts, whichever is greater.

(5) *Temperature measurements—(i) General.* Temperatures are to be measured by means of instruments utilizing thermocouples of No. 30 AWG (American Wire Gage) wire (either copper and

constantan or iron and constantan) and potentiometer-type instruments that are accurate and are calibrated in accordance with good laboratory practice. The thermocouple wire is to conform with the requirements for "special" thermocouples as listed in the table of limits of error of thermocouples in "Temperature Measurement Thermocouples," a publication designated C96.1-1964 and published by the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.

(ii) *Test procedures.* A thermocouple junction and adjacent thermocouple lead wire are to be securely held in good thermal contact with the surface of the material whose temperature is being measured. In most cases good thermal contact will result from securely taping or cementing the thermocouple in place. If a metal surface is involved, brazing or soldering the thermocouple to the metal may be necessary. The surface temperatures of a toy are to be measured with the toy operating in any unattended condition (for example, with and without opening and closing doors or covers) for a sufficient period of time to allow temperatures to become constant. Generally, a temperature is considered to be constant when three successive readings taken at 15-minute intervals indicate no change or, in the case of a toy with a thermostatically controlled heating element, for a sufficient period of time to determine the maximum surface temperature attained.

(iii) *Heating devices.* Toy ovens, casting toys, popcorn and candy makers, and other performing toys are to be additionally tested by feeding strips of newspaper and tissue paper into the toy in place of the intended ingredients. The performance of the toy is unacceptable if flaming occurs within a 60-minute period follow-

ing the attainment of normal operating temperatures.

§ 191b.7 Maximum acceptable surface temperatures.

The maximum acceptable surface temperatures for the toys are as follows:

Surface type (as described in § 191b.6(g)(2))	Thermal inertia type ¹	Temperatures	
		Degrees C.	Degrees F.
A.....	1	50	122
A.....	2	55	131
A.....	3	60	140
B.....	1	55	131
B.....	2	65	149
B.....	3	75	167
C (unmarked).....	1	65	149
C (unmarked).....	2	75	167
C (unmarked).....	3	85	185
C (unmarked).....	4	95	203
C Marked.....	1	70	158
C Marked.....	2	90	194
C Marked.....	3	110	230
C Marked.....	4	130	266
D (unmarked).....	1	55	131
D (unmarked).....	2	70	158
D (unmarked).....	3	80	176
D (unmarked).....	4	90	194
D Marked.....	1	60	140
D Marked.....	2	75	167
D Marked.....	3	100	212
D Marked.....	4	125	267
E.....	All types	No limit	No limit

¹ Thermal inertia types are defined in terms of lambda_d as follows:
 Type 1: Greater than 0.0045 (e.g., most metals).
 Type 2: More than 0.0005 but not more than 0.0045 (e.g., glass).
 Type 3: More than 0.0001 but not more than 0.0005 (e.g., most plastics).
 Type 4: 0.0001 or less (e.g., future polymeric materials).
 The thermal inertia of a material can be obtained by multiplying the thermal conductivity (cal./cm./sec./degrees C.) by the density (gm./cm.³) by the specific heat (cal./gm./degrees C.).

§ 191b.8 Maximum acceptable material temperatures.

The maximum acceptable material temperatures for the toys are as follows. The classes specified (classes 105, 130, A, and B) are per "Motors and Generators," Standard MG-1-1967, published by the National Electrical Manufacturers Association.

Material	Degrees C.		Degrees F.	
	Class A	Class B	Class A	Class B
Capacitors.....	25 less than marked temperature limit. ¹		77 less than marked temperature limit. ¹	
Class 105 insulation on windings of relays, solenoids, etc.:				
1. Thermocouple method ²	100	120	212	248
2. Resistance method.....	105	125	221	257
Class 130 insulation system:				
Insulation:				
1. Varnished-cloth insulation.....	90	110	194	230
2. Fiber used as electrical insulation.....	90	110	194	230
Insulation on coil windings of a.c. motors (not including universal motors) and on vibrator coils:				
1. In open motors and on vibrator coils—thermocouple or resistance method: ²				
2. In totally enclosed motors—thermocouple or resistance method: ²				
Insulation on coil windings of d.c. motors and of universal motors:				
1. In open motors:				
a. Thermocouple method ²	90	110	194	230
b. Resistance method.....	100	120	212	248
2. In totally enclosed motors:				
a. Thermocouple method ²	95	115	203	239
b. Resistance method.....	105	125	221	257

See footnote at end of table.

Material	Degrees C.	Degrees F.
Phenolic composition.....	150	302
Rubber- or thermoplastic-insulated wires and cords ¹	60	140
Sealing compound.....	40 less than melting point.	104 less than melting point.
Supporting surface while the toy is operating normally.....	90	194
Wood and other similar combustible material.....	90	194

¹ If the capacitor has no marked temperature limit, the maximum acceptable temperature rise will be assumed to be 40° C. (72° F.) for an electrolytic type and 65° C. (117° F.) for other than an electrolytic type.

² The temperature rise indicated refers to the hottest spot on the outside surface of the coil measured by the thermocouple method.

³ The limitations on rubber- and thermoplastic-insulated wires and cords and on phenolic composition do not apply if the insulation or the phenolic has been investigated and found to have special heat-resistant properties, or if the insulation meets the thermal requirements.

When an order is published adopting this proposal, it is proposed that it bear an effective date of 90 days after the date that the order is published in the FEDERAL REGISTER.

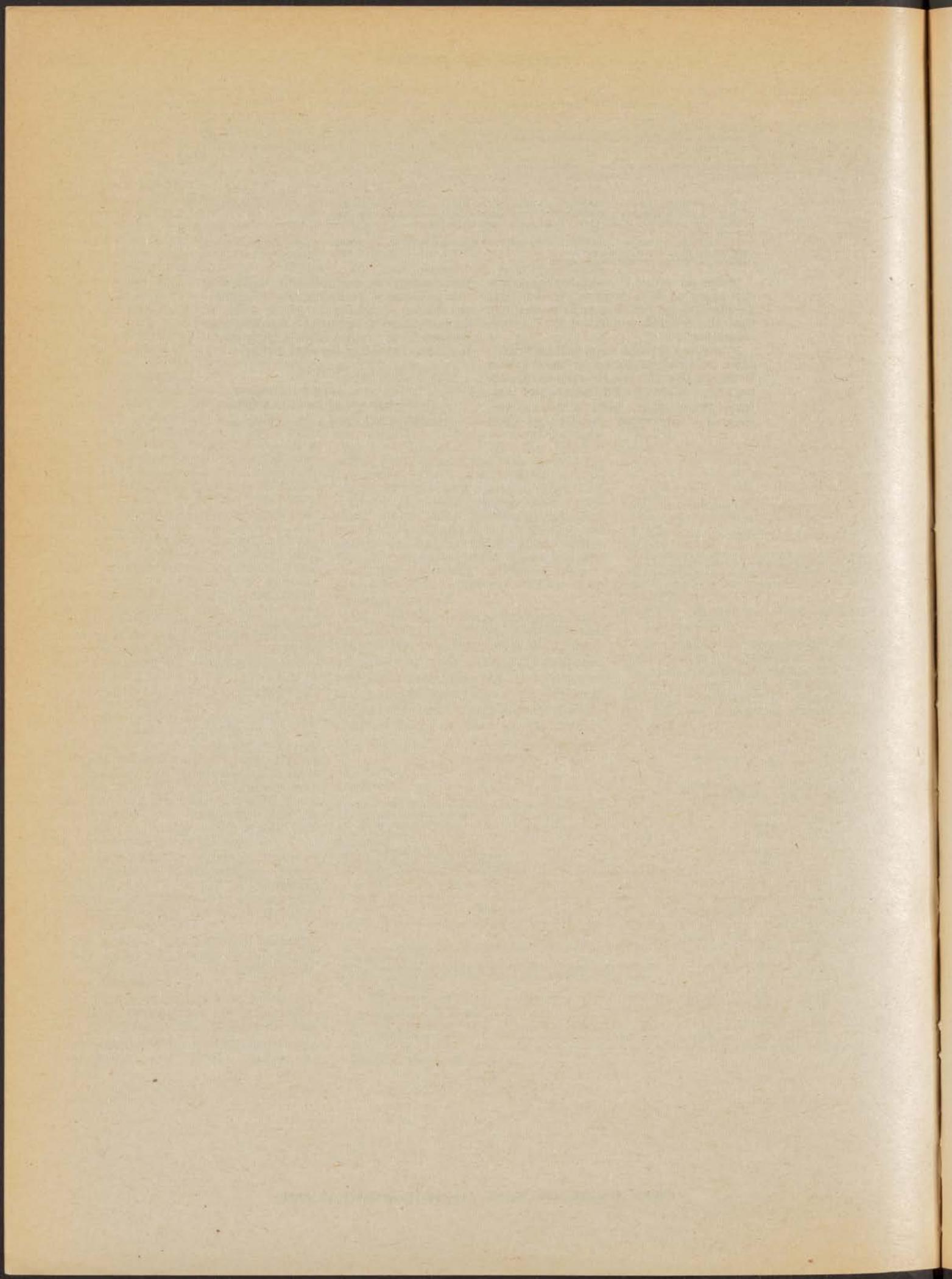
Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments

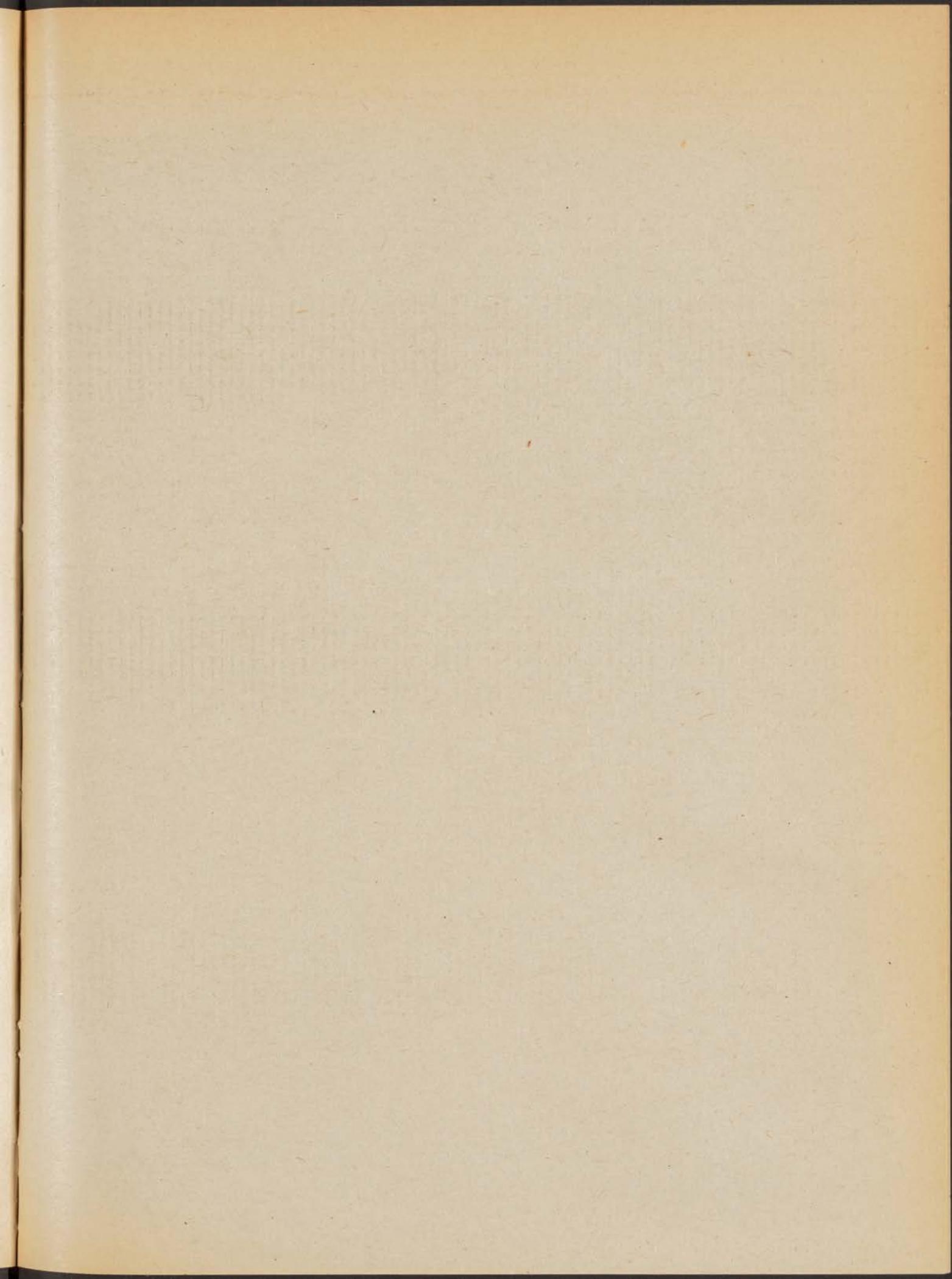
(preferably in triplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

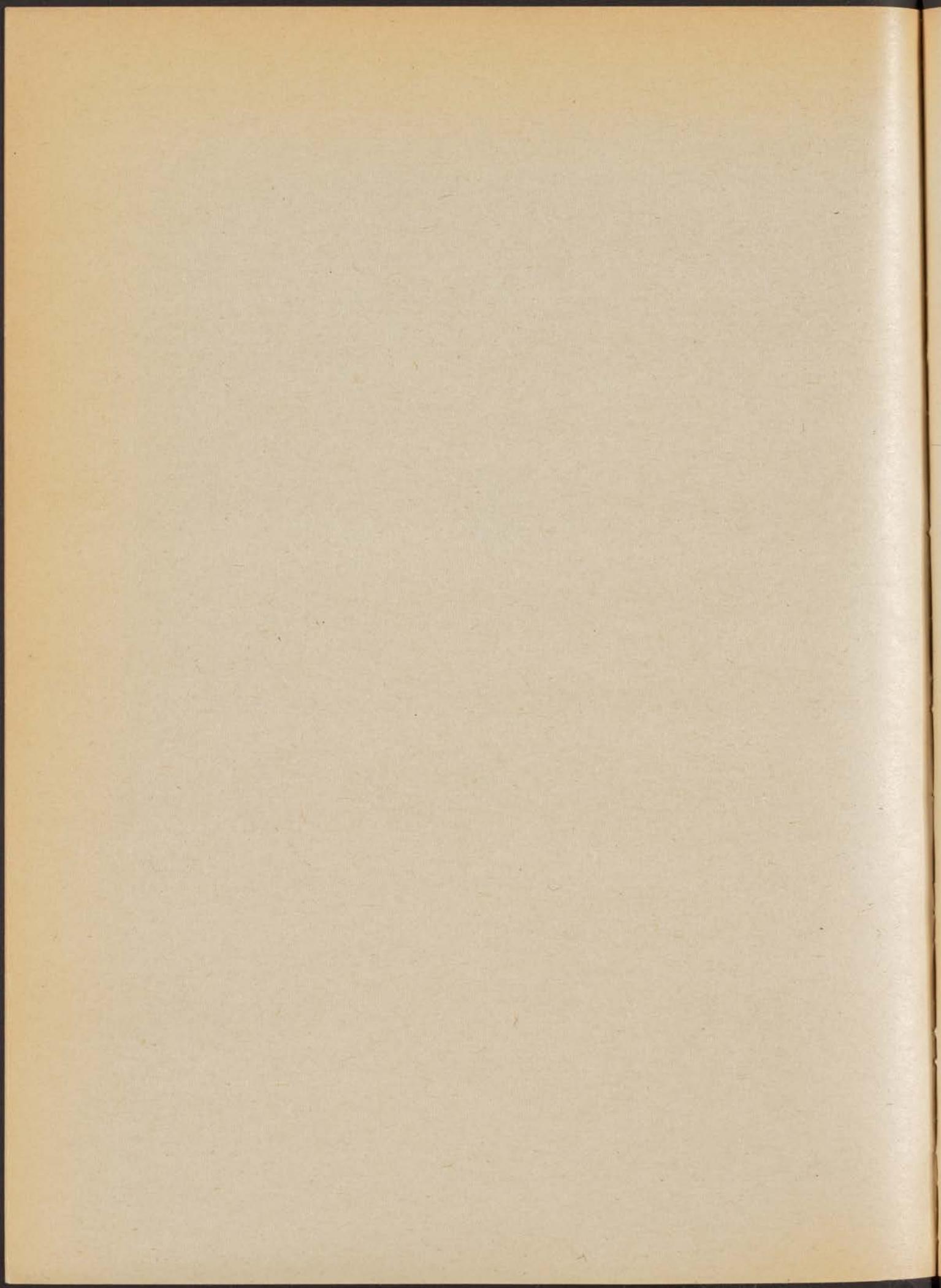
Dated: January 13, 1972.

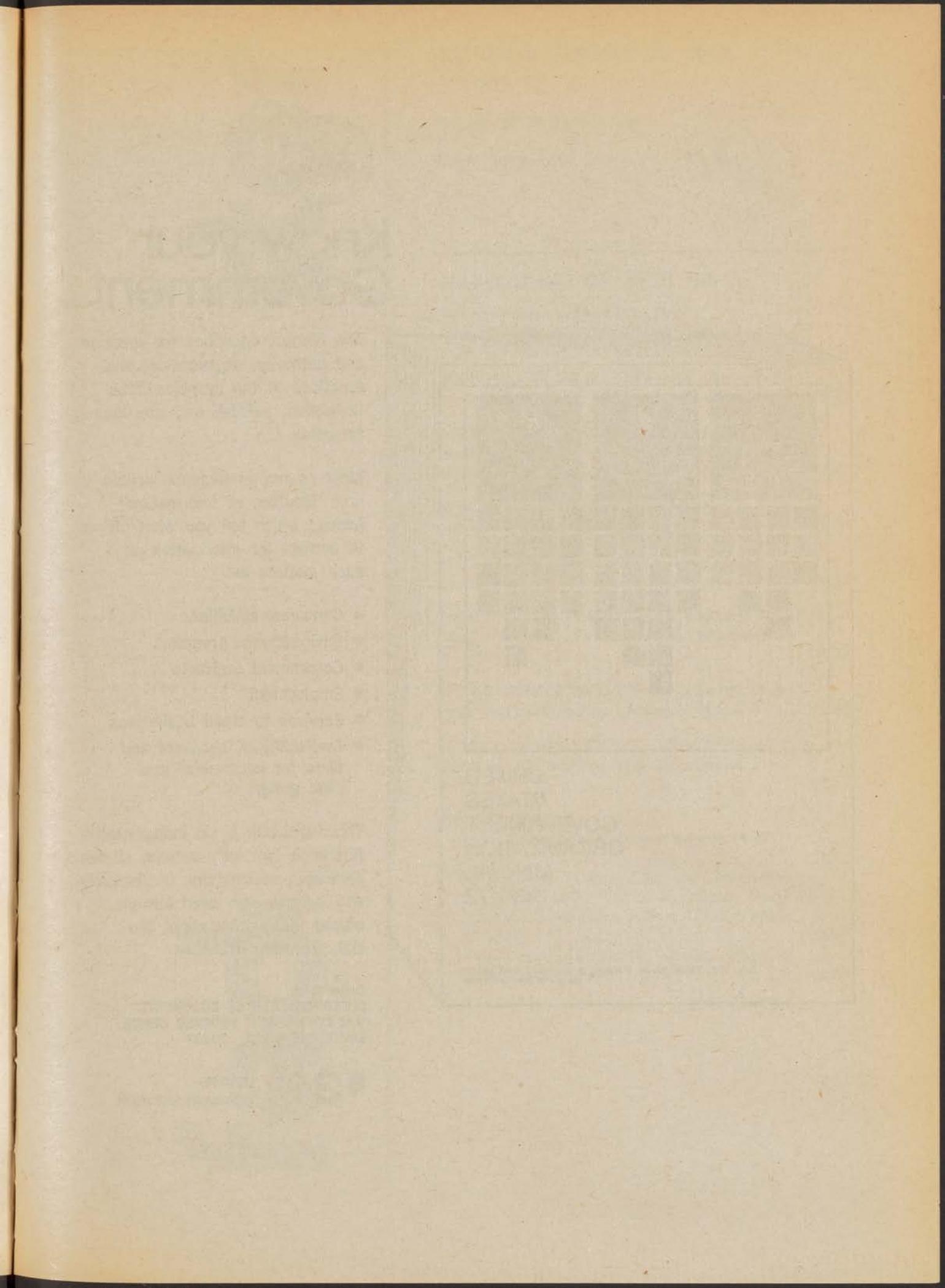
CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-851 Filed 1-20-72;8:45 am]



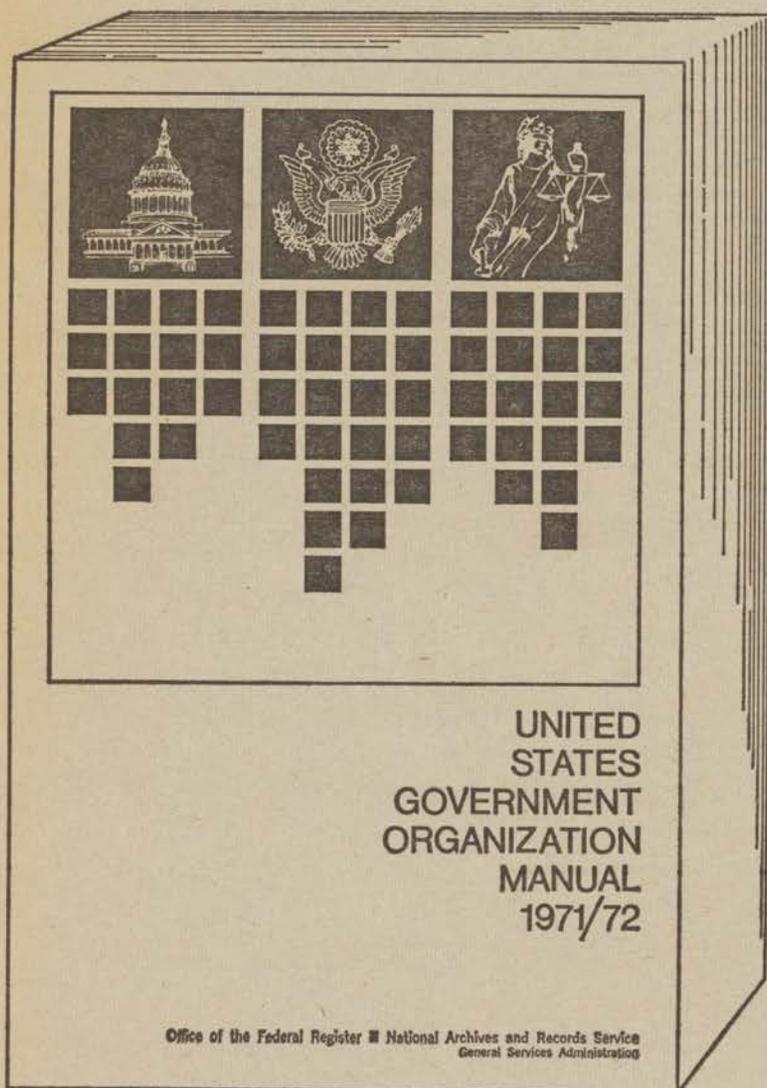








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