HIGHLIGHTS OF THIS ISSUE

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

ECONOMIC STABILIZATION—
IRS notices of Pay Board rulings including decisions to permit 7% competitive pay hikes for key employees and to exempt bona fide promotions from post-freeze strictures (5 documents) 3994, 3995
IRS notices of Price Commission rulings including decisions on the citizens role in finding violations and on the status of advance sports tickets (8 documents) 3996-3998

SHIPPERS OF RADIOACTIVE MATERIAL—AEC amendments imposing safety regulations on licensees 3985

FEDERAL SAVINGS AND LOAN SYSTEM—FHLBB policy change regarding branch offices 3987

FOOD ADDITIVES—
FDA amendments to standards for safe silicone release agents; effective 2-25-72 3987
FDA notices of petitions proposing food contact uses for a certain salt and a synthetic petroleum wax (2 documents) 4004

PESTICIDES—
EPA amendment setting tolerances for a bird repellent used on corn grain and insecticides used on wheat, barley, peas and cottonseed (3 documents); effective 2-25-72 3988, 3989
EPA notices of tolerance petitions for fungicides used on apples and other commodities (3 documents) 4007
EPA notice proposing to exempt a sugar beet insecticide from the tolerance requirement 4007

(Continued inside)
Current White House Releases

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HIGHLIGHTS—Continued

RESALE OF TV TIME—
FCC amendment freeing barter or trade out arrangements from the contract filing obligation; effective 3-31-72 3991
FCC notice calling for money value estimations of trade-outs in annual financial reports 4009

ASBESTOS DUST AND CANCER—Labor Dept. announces the availability of a report from the National Institute of Occupational Safety and Health 3992

SECURITIES FINANCIAL REPORTS—
SEC proposal to require names and addresses of members of reporting associations; comments by 4-10-71 3992
SEC notice approving New York Stock Exchange plan to review the reports of its members 4041

GOVERNMENT PROPERTY BUYERS—SBA proposal to lower size standards; comments within 30 days 3993

ENVIRONMENT—AEC notice of 3-24-72 hearing on Colorado gas project; comments within 15 days 4006

WORLD-WIDE MILITARY COMMAND AND CONTROL SYSTEM—DoD guidelines for design and operation 3998

ANIMAL DRUGS—FDA notices withdrawing approval of certain solutions (2 documents) 4003, 4004

DRUGS—
HEW redelegation of authority and memorandum to coordinate the public protection functions of FDA and NIH 4004
FDA notice proposing to withdraw approval of Suvren Tablets; hearing requests within 30 days 4003
FDA evaluations of a list of coronary vasodilator drugs 4001

BRANIFF AIRWAYS—CAB notice of a prehearing conference on first-class excursion fares between U.S. mainland and Hawaii 4033

MINIMUM WAGES IN FEDERAL CONSTRUCTION—Labor Dept. determinations for specified areas 4015

TOTAL GAS SUPPLY—FPC notice postponing conference to 3-21-72 3992

Contents

AGRICULTURE DEPARTMENT
See also Consumer and Marketing Service.
Notices
Administrator, Economic Research Service; delegation of authority 4033
Economic Research Service and Foreign Economic Development Service; merger of functions and authorities 4033

ATOMIC ENERGY COMMISSION
Rules and Regulations
Shipments of radioactive material; safety regulations on licenses 3985

Notices
Alabama Power Co.; determination not to suspend construction activities pending completion of environmental review 4005
Damon Tract Site; revocation of trespass notice 4005
Rio Blanco Gas Stimulation Project, Colo.; draft environmental statement 4006
Washington Public Power Supply System; availability of applicant's supplemental environmental report 4006

CIVIL AERONAUTICS BOARD
Notices
Braniff Airways, Inc.; notice of prehearing conference regarding first-class excursion fares between U.S. mainland and Hawaii 4033

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Almonds grown in California; order regulating handling 3983

DEFENSE DEPARTMENT
Notices
World-wide military command and control system; guidelines for design and operation 3998

EMERGENCY PREPAREDNESS OFFICE
Notices
Washington; amendment of major disaster notice 4015

EMPLOYMENT STANDARDS ADMINISTRATION
Notices
Minimum wages for Federal and federally assisted construction; modifications and/or supersedeas decisions to area wage determinations for specific localities 4015

ENVIRONMENTAL PROTECTION AGENCY
Rules and Regulations
Code of conduct 3989
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions from tolerances: Ethion 3988
4-aminopyridine 3989
S-2,3,3-trichloroallyl diisopropylthiocarbamate 3988

Notices
Food additives; petitions: E. I. du Pont de Nemours & Co., Inc 4007
Merck Sharp & Dohme 4007
Pesticide chemicals; petitions: Diamond Shamrock Chemical Co 4007
Wellbro, Inc 4007

(Continued on next page)
FEDERAL AVIATION ADMINISTRATION
Rules and Regulations
Enstrom Models F-28 and F-28A helicopters; airworthiness directive

FEDERAL COMMUNICATIONS COMMISSION
Rules and Regulations
FM broadcast stations; table of assignments
Radio broadcast services; remote control operation; correction
Sale of broadcast time for resale; filing of contracts
"Trade Outs" reporting; broadcast financial reports
Hearings, etc.: Corvallis Broadcasting Corp., et al.
Salem Broadcasting Co., Inc., et al.

FEDERAL HOME LOAN BANK BOARD
Rules and Regulations
Branch offices of Federal savings and loan associations; policy change

FEDERAL MARITIME COMMISSION
Notices
Casualty and/or performance certificates of financial responsibility; issuance:
Carnival Cruise Lines Ltd. and Carnival Cruise Lines, Inc.
(2 documents)
United Overseas Export Lines, Inc. and/or Chinese Maritime Trust, Ltd. (2 documents)
Sealake Line rate agreement; agreement filed

FEDERAL POWER COMMISSION
Proposed Rule Making
Natural gas companies; uniform systems of accounts; comment time extended
Natural Gas pipeline companies; postponement of conference on Annual Report PPC Form No. 15

Notices
Wisconsin Michigan Power Co.; availability of environmental statement for inspection
Hearings, etc.: Commercial Pipeline Co., Inc.
Horne, Ranson, Jr., et al.
Louisiana Power & Light Co.
Mississippi Power & Light Co.
Northern Natural Gas Co.
Sea Robin Pipeline Co., et al.
Southwest Gas Corp.
Transcontinental Gas Pipe Line Corp.
Western Massachusetts Electric Co., et al.

FEDERAL REGISTER ADMINISTRATIVE COMMITTEE
Rules and Regulations
List of acts requiring publication in the Federal Register; 1971 additions

FEDERAL RESERVE SYSTEM
Notices
Charter New York Corp.; acquisition of bank holding company
First National Financial Corp.; formation of bank holding company
Milton Hershey School and School Trust; approval of exemption of nonbanking activities of bank holding company
Newport Savings and Loan Association; approval of formation of bank holding company and continuation of activities of a thrift institution

FISCAL SERVICE
Notices
Surety companies acceptable on Federal bonds:
Cotton States Mutual Insurance Co
National-Ben Franklin Insurance Company of Illinois

FOOD AND DRUG ADMINISTRATION
Rules and Regulations
Food additives; resins and polymeric coatings

Notices
Ayerst Laboratories; opportunity for hearing on proposal to withdraw approval of new drug application
Certain organic nitrates containing drugs; drugs for human use; drug efficacy study implementation
Food additives; petitions:
E. I. du Pont de Nemours & Co.
Petrolite Corp.

Human drugs which are biological products; redelegation of authority to administer certain provisions of the Federal Food, Drug, and Cosmetic Act; cross reference
New animal drug applications; withdrawals of approval:
Armour Pharmaceutical Co.
Haver-Lockhart Laboratories

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Food and Drug Administration; National Institutes of Health; Public Health Service.

Notices
Human drugs which are biological products; redelegation of authority to administer certain provisions of the Federal Food, Drug, and Cosmetic Act

INTERIOR DEPARTMENT
See also Land Management Bureau; National Park Service.

rules and Regulations
Public contracts and property management; miscellaneous amendments

INTERNAL REVENUE SERVICE
Notices
Economic stabilization; Pay Board and Price Commission rulings

INTERSTATE COMMERCE COMMISSION
Notices
Assignment of hearings
Fourth section applications for relief
Motor carrier, broker, water carrier and freight forwarder applications
Motor carriers:
Temporary authority applications
Transfer proceedings
Port of New Orleans and interior points; investigation into railroad freight rate structure

LABOR DEPARTMENT
See Employment Standards Administration; Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU
Notices
Arizona; opening of public lands
Reservation of lands; proposed withdrawals:
Idaho
Oregon

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Notices
Final environmental impact statement; availability

NATIONAL INSTITUTES OF HEALTH
Notices
Human drugs which are biological products; redelegation of authority to administer certain provisions of the Federal Food, Drug, and Cosmetic Act; cross reference

NATIONAL PARK SERVICE
Notices
Directors of National Park Service regions; delegation of authority
CONTENTS

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Rules and Regulations
Safety and health for construction; hazardous locations; correction 3989
Proposed Rule Making
Asbestos dust; standard for exposure 3992

PUBLIC HEALTH SERVICE
Notices
Human drugs which are biological products; redelegation of authority to administer certain provisions of the Federal Food, Drug, and Cosmetic Act; cross reference 4005

SECURITIES AND EXCHANGE COMMISSION
Proposed Rule Making
New York Stock Exchange Plan; report of income and expenses 3992
Notices
New York Stock Exchange plan; action declaring plan effective 4041
Hearings, etc.: A. M. Capital Corp 4037
Aetna Life Variable Account A and Aetna Life Insurance Co. 4036
Appalachian Power Co 4036
Gulf Power Co 4037
Investment Partnership Fund, Inc. 4038
Pan American Sulphur Co 4038
Paul Revere Life Insurance Co. and Paul Revere Investors, Inc. 4039

SMALL BUSINESS ADMINISTRATION
Proposed Rule Making
Sales of Government property; definition of small business 3993

TRANSPORTATION DEPARTMENT
See Federal Aviation Administration.

TREASURY DEPARTMENT
See Fiscal Service; Internal Revenue Service.

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

1 CFR
Appendix B 3983

7 CFR
98f 3993

10 CFR
20 3985
30 3995
40 3995
50 3985
71 3995

12 CFR
556 3997

13 CFR
Proposed Rules:
121 3993

14 CFR
39 3986

17 CFR
Proposed Rules:
240 3992
249 3992

18 CFR
Proposed Rules:
201 3992
204 3992
205 3992
290 (2 documents) 3992

21 CFR
121 3987

29 CFR
1926 3989
Proposed Rules:
1910 3992

40 CFR
180 (3 documents) 3988, 3989

41 CFR
15-1 3989
114-32 3990
114-38 3990
114-48 3990

47 CFR
1 3991
73 (2 documents) 3991
Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

APPENDIX B—LISTS OF ACTS REQUIRING PUBLICATION IN THE FEDERAL REGISTER

Appendix B is amended by adding thereto the list of acts enacted in 1971 requiring or authorizing the publication of documents in the Federal Register, as follows:

1971

<table>
<thead>
<tr>
<th>Description of Act</th>
<th>Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sugar Acreage Allocation</td>
<td>85 Stat. 387, 388; 7 U.S.C. 1132(a); 1132(c).</td>
</tr>
</tbody>
</table>

Title 7—AGRICULTURE

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

PART 981—ALMONDS GROWN IN CALIFORNIA

Order Amending the Order, as Amended, Regulating Handling

It is hereby ordered that on and after the effective date hereof all handling of almonds grown in California shall be in conformity to, and in compliance with, the Order Regulating the Handling of Almonds Grown in California, as amended (Order No. 981, as amended; 7 CFR Part 981) and as further amended by the "Order Amending the Order, as Amended, Regulating the Handling of Almonds Grown in California" which was annexed to and made a part of the decision of the Secretary of Agriculture, issued January 10, 1972 (F.R. Doc. 72-507; 37 F.R. 617) with respect to proposed amendment of the marketing agreement, as amended, and order, as amended, regulating the handling of such almonds. All of the findings, determinations, terms, and conditions of the aforesaid amendatory order shall be, and the same hereby are, the findings, determinations, terms, and conditions of this order as if set forth in full herein. It is hereby further ordered that, for convenient reference, there be set forth hereinafter the aforesaid amendatory order, together with the aforesaid findings and determinations as herein supplemented.

§ 981.0 Findings and determinations.

(a) Previous findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 15 F.R. 4933; 22 F.R. 3781; 22 F.R. 8485; 23 F.R. 903; 35 F.R. 11372.)

(b) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Sacramento, Calif., on March 17-23, 1971, on a proposed amendment of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The said order, as amended, and as hereby further amended, regulates the handling of almonds grown in California in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held:

(3) There are no differences in the production and marketing of almonds in the production area covered by the order, as amended, and as hereby further amended, which require different terms applicable to different parts of such area:

(4) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of almonds grown in California is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(c) Additional findings. It is hereby further amended, for the reasons hereinbefore set forth, that good cause exists for making the provisions of this amendatory order effective on the date hereinbefore specified rather than postponing the effective date thereof until 30 days after publication in the Federal Register (5 U.S.C. 553). The amendatory order permits the Control Board, with the approval of the Secretary, to establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion including paid advertising. The Control Board may also provide for crediting the pro rata expense assessment obligations of a handler with such portion of his direct expenditure for such marketing promotion including paid advertising as may be authorized. The crediting concept is new to the almond order. Hence, the Control Board must make extensive preparations before recommending administrative rules and regulations. An effective advertising program by the industry should tend to maximize the industry's opportunity to effectuate the declared policy of the act, and the almond industry should be afforded opportunity to engage in such activity as soon as practicable. No advance preparation by handlers will be necessary to comply with the amended order. Hence, to permit compliance with, and maximum benefit from, the new or revised provisions, it is necessary that the amendatory order become effective as hereinafter specified.

(d) Determinations. It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Almonds Grown in California," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping almonds covered by the said order, as amended and as hereby further amended) who during the period July 1, 1970, through June 30, 1971, handled not less than 50 percent of the volume of
such almonds covered by the said order, as amended and as hereby further amended; and

The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period July 1, 1970, through June 30, 1971 (which has been determined to be a representative period), have been engaged, within the State of California, in the production for market of almonds, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum. It is therefore ordered: That on and after the effective date hereof all handling of almonds grown in California shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

§ 981.16 [Amended]
1. Section 981.16 is amended by deleting the words "continental," "Alaska," and "Hawaii".

§ 981.21 [Amended]
2. Section 981.21 is amended by deleting the word "continental," and substituting therefor the word "the" and deleting the words "Alaska" and "Hawaii".

3. A new paragraph (e) is added to § 981.40 to read:

§ 981.40 Procedure.

(e) Additional voting requirements. Adoption of recommendations by the Control Board with respect to projects pursuant to § 981.41 involving production research, marketing research and development projects, and marketing promotion including paid advertising and crediting the prorate expense assessment obligations of handlers with such portion of their direct expenditures for marketing promotion including paid advertising, shall require at least seven affirmative votes.

4. Section 981.41 is revised to read:

§ 981.41 Research and development.

(a) General. The Control Board, with the approval of the Secretary, may establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion including paid advertising, designed to assist, improve, or promote the marketing, distribution, consumption or efficient production of almonds. The Board may also provide for crediting the prorate expense assessment obligations of a handler with such portion of his direct expenditure for such marketing promotion including paid advertising as may be authorized. The expenses of such projects shall be paid from funds collected pursuant to § 981.81(a) or credited pursuant to paragraph (e) of this section.

(b) Authorization. If, on the basis of a Control Board recommendation pursuant to § 981.40(e) with respect to projects pursuant to this section, and appertaining rules and regulations established by the Secretary on recommendation of the Control Board, and other available information, the Secretary concludes that such activities, including "creditable expenditures," The Control Board, with the approval of the Secretary, may provide for crediting all or any portion of a handler's direct expenditures for marketing promotion including paid advertising, that promotes the sale of almonds, almond products or their uses. No handler shall receive credit for any allowable direct expenditures that would exceed the total of his assessment obligation which is attributable to that portion of his assessment designated for marketing promotion including paid advertising. Such expenditures may include, but are not limited to, money spent for advertising space or time in newspaper, magazines, radio, television, transit, and outdoor media, including the actual standard agency commission costs not to exceed 15 percent. Provided, That proceeds from paid advertising, advertising production costs, preparation expenses, travel allowances, and other expenses not directly connected with paid space or time, and costs relating to the development of advertising, test marketing, directory advertising, point of sales materials, premiums, and trade promotion allowances shall not be eligible for credit against a handler's assessment obligation.

(d) Promotion guidelines. All marketing promotion activity engaged in by the Control Board, including paid advertising, shall be subject to the following terms and conditions:

(1) No marketing promotion, including paid advertising shall refer to any private brand, private trademark or private trade name.

(2) No promotion or advertising shall disparage the quality, use, value, or sale of like or any other agricultural commodity or product, and no false or unwarranted claims shall be made in connection with the product.

(3) No promotion or advertising shall be undertaken without reason to believe that returns to producers will be improved by such activity; and

(4) Upon conclusion of each activity, but at least annually, the Control Board shall summarize and report the results of such activity to its members and to the Secretary.

(e) Rules and regulations. Before any project involving marketing promotion, including paid advertising and the crediting of the prorate expense assessment obligation of handlers is undertaken pursuant to this section, the Secretary, after recommendation by the Board, shall prescribe appropriate rules and regulations as are necessary to effectively regulate such activity.

§ 981.66 [Amended]
5. Paragraph (b) of § 981.66 is amended by deleting the words "continuous" and "Alaska," and "Hawaii".

§ 981.70 [Amended]
7. Section 981.70 is amended by inserting in the first sentence after the word "disposition" the words "advertising and promotion activities".

§ 981.80 [Amended]
8. Section 981.80 is amended by inserting in the first sentence after the words "marketing and functioning of the Control Board" the words "including the accumulation and maintenance of an operating reserve fund" and in the second sentence after the word "expenses" the words "and size of the operating reserve fund".

§ 981.81 [Amended]
9. Paragraph (a) of § 981.81 is amended by inserting in the first sentence after the words "such sums" the words "less any amounts credited pursuant to § 981.41 and by inserting after the words "to meet the authorized Board expenses" in the words "and the operating reserve requirements," and by adding a new sentence, after the last sentence, to read as follows: "The payment of assessments for the maintenance and functioning of the Board may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become ineffective".

10. Paragraph (b) of § 981.81 is revised to read:

(b) Refunds. Any money collected as assessments during any crop year and not paid in connection with projects and activities requiring funds pursuant to this section. Assessment collected in excess of Board expenses and not retained in the reserve shall be refunded to handlers. The Control Board shall distribute from funds on hand, including assessments collected during the new crop year, or from funds in the reserve, distribute or make available within 5 months after the beginning of the new crop year, such money to the handlers from whom it was collected or credited. Each handler's share of such funds shall be the amount of assessment he paid to the Board plus any assessment credited pursuant to § 981.41, in excess of his prorate share of actual expenses of the Board including amounts credited to handlers for advertising pursuant to § 981.41 and the addition, if any, to the operating reserve fund.

FEDERAL REGISTER, VOL. 37, NO. 38—FRIDAY, FEBRUARY 25, 1972
11. Paragraph (c) of § 861.81 is designated (d), and a new paragraph (c) is added to read:

(c) Reserve. The Board, with the approval of the Secretary, may establish and maintain during one or more years an operating reserve fund for marketing promotion including paid advertising, and for the maintenance and functioning of the Board. For the foregoing respective activities, the amount applicable to these purposes shall not exceed approximately 1 crop year's budgeted expenses for such activities. Upon approval of the Secretary, funds accumulated in the reserve fund may be used by the Board for authorized activities.

* * * * *

(See 1-19, 48 Stat. 21, as amended; 7 U.S.C. 601-674)

Dated February 18, 1972, to become effective in the Federal Register (2-25-72).

RICHARD E. LYNG, Assistant Secretary.

[FEDERAL REGISTER, VOL. 37, NO. 38—FRIDAY, FEBRUARY 25, 1972]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

On April 6, 1971, the Atomic Energy Commission published in the Federal Register (36 F.R. 6521) proposed amendments to 10 CFR Parts 20, 30, 40, 70, and 71 of its regulations. The proposed amendments would impose on AEC licensees safety regulations applicable to shippers and carriers of radioactive materials, licensed and regulated by the Department of Transportation (DOT), the T.S. Postal Service (formerly the Post Office Department), or an Agreement State. Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the Federal Register.

After consideration of the comments received and other factors involved, the Commission has adopted the amendments published for comment with certain modifications of the requirements for opening instructions in §§ 20.205, 71.51, and 71.55, and certain editorial changes. The amendments which follow impose on AEC licensees: (1) Packaging requirements for shipments of licensed material not presently subject to Part 71 and DOT regulations; (2) package marking and labeling requirements for all shipments of licensed material not subject to DOT regulations; (3) requirements to provide consignees with any special opening instruction needed to safely open packages delivered to a carrier for transport and to have procedures for opening and closing packages; and (4) all applicable requirements of the regulations of DOT when transporting licensed material as a carrier not subject to DOT regulations.

Amendments to §§ 30.13, 40.12, and 70.12 add freight forwarders and warehousemen to the present exemptions from licensing requirements for common and contract carriers to the extent that they transport or store byproduct, source, or special nuclear material for another. An amendment to Part 71, § 71.7, exempts physicians from the requirements of Part 71 to the extent that they transport, or direct an employee to transport, in a vehicle under the physician's control, licensed radioactive material for use in the practice of medicine.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 20, 30, 40, 70, and 71, are published as a document subject to codification to become effective 30 days after publication in the Federal Register.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. A new § 20.205 is added to Part 20 to read as follows:

§ 20.205 Procedures for opening packages.

Each licensee shall establish and maintain procedures for safely opening packages in which licensed material is received, and shall assure that such procedures are followed and due consideration is given to special instructions for the type of package being opened.

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BY-PRODUCT MATERIAL

2. Section 30.13 of Part 30 is revised to read as follows:

§ 30.13 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part to the extent that they transport or store special nuclear material in the regular course of carriage for another or storage incident thereto.

3. Paragraph 30.34(c) of Part 30 is amended by adding the following sentence:

§ 30.34 Terms and conditions of license.

* * * * *

(c) * * * Preparation for shipment and transport of byproduct material shall be in accordance with the provisions of Part 71 of this chapter.

* * * * *

PART 40—LICENSING OF SOURCE MATERIAL

4. Section 40.12 of Part 40 is revised to read as follows:

§ 40.12 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part and the requirements for a license set forth in section 62 of the Act to the extent that they transport or store source material in the regular course of carriage for another or storage incident thereto.

5. Paragraph 40.41(c) of Part 40 is amended by adding the following sentence:

§ 40.41 Terms and conditions of license.

* * * * *

(c) * * * Preparation for shipment and transport of source material shall be in accordance with the provisions of Part 71 of this chapter.

* * * * *

PART 70—SPECIAL NUCLEAR MATERIAL

6. Section 70.12 of Part 70 is revised to read as follows:

§ 70.12 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part to the extent that they transport or store special nuclear material in the regular course of carriage for another or storage incident thereto.

7. Paragraph 70.41(a) of Part 70 is amended by adding the following sentence:

§ 70.41 Authorized use of special nuclear material.

(a) * * * Preparation for shipment and transport of special nuclear material shall be in accordance with the provisions of Part 71 of this chapter.

* * * * *

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT

8. The title of 10 CFR Part 71 is amended to read as follows:

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIAL UNDER CERTAIN CONDITIONS

9. Section 71.1 of Part 71 is revised to read as follows:

§ 71.1 Purpose.

(a) This part establishes requirements for transport and for preparation for shipment of licensed material and prescribes procedures and standards for approval by the Atomic Energy Commission of packaging and shipping procedures for fissile material (uranium-233, uranium-235, plutonium-238, plutonium-239, and plutonium-240) and for large quantities of licensed materials, as defined in § 71.4(f).

(b) The packaging and transport of these materials are also subject to other
parts of this chapter and to the regula-
tions of other agencies having jurisdic-
tion over means of transport. The re-
quirements of this part are in addition
to, and not in substitution for, other
requirements.

10. Section 71.2 of Part 71 is revised
to read as follows:

§ 71.2 Scope.
The regulations in this part apply to
each person authorized by specific license
issued by the Commission to receive, pos-
sess, use or transfer licensed materials,
if he delivers such materials to a carrier
for transport or transports such ma-
terial outside the confines of his plant or
other place of use.

11. Section 71.3 of Part 71 is revised
to read as follows:

§ 71.3 Requirement for license.
No licensee subject to the regulations
in this part shall (a) deliver any licensed
material to a carrier for transport or
(b) transport licensed material except as
authorized in a general license or specific
license issued by the Commission, or as
exempted in this part.

12. Section 71.5 of Part 71 is redesig-
nated § 71.6 and §§ 71.6 through 71.14
are redesignated § 71.8 through 71.16.
13. A new § 71.5 is added to Part 71
to read as follows:

§ 71.5 Transportation of licensed ma-
terial.
(a) No licensee shall transport any
licensed material outside of the confines
of his plant or other place of use, or
deliver any licensed material to a car-
rier for transport, unless the licensee
complies with the applicable require-
ments of the regulations appropriate to
the mode of transport, of the Depart-
ment of Transportation in 49 CFR Parts
170-189, 14 CFR Part 103, or 46 CFR Part
146, and the U.S. Postal Service in 39
CFR Parts 14 and 15 of packages each of
which contains less than a large quantity
of radioactive material, as defined in § 71.4(d),
which may include one of the following:

1. A new § 71.7 is added to Part 71
to read as follows:

§ 71.7 Exemption of physicians.
Physicians, as defined in § 35.3(b) of
this chapter, are exempt from the regu-
lations in this part to the extent that
they transport licensed material for use
in the practice of medicine.

17. Redesignated § 71.16 of Part 71 is
amended by designating the present text
as paragraph (a) and adding a new
paragraph (b) to read as follows:

§ 71.16 Amendment of existing licenses.
(a) AEC licenses issued pursuant to
this part and in effect on October 4,
1968, which authorize Fissile Class II
packages are hereby amended by in-
creasing the maximum number of units
specified for each Fissile Class II pack-
age by a factor of 1.25. The new number
shall be rounded up to the first decimal.
In addition, the term "radiation units"
is changed to "transport index" where-
ever used in the license.
(b) The reference to § 71.17(b) in AEC
licenses issued pursuant to this part
prior to the effective date of this amend-
ment is changed to § 71.17(b).

18. Section 71.24 is revised to read as
follows:

§ 71.24 Procedural controls.
The applicant shall describe the regu-
lar and periodic inspection procedures
proposed to comply with § 71.51(e).
19. Section 71.51 of Part 71 is revised
by amending paragraphs (a) and (b)
redesignating paragraph (b) as para-
graph (c), and adding a new paragraph
(b) to read as follows:

§ 71.51 Establishment and maintenance
of procedures.
The licensee shall establish and main-
tain:
(a) Operating procedures adequate to
assure that the determinations and con-
trols required by this chapter are
accomplished;
(b) Procedures for opening and clos-
ing packages in which licensed material
is transported to provide safety and to
assure that, prior to delivery to a carrier
for transport, each package is properly
closed for transport;
(c) Regular and periodic inspection
procedures adequate to assure that the
procedures required by paragraphs (a)
and (b) of this section are followed.

20. A new § 71.55 is added to Part 71
to read as follows:

§ 71.55 Opening instructions.
Prior to delivery of a package to a
carrier for transport, the licensee shall
have in the package a special instruction
needed to safely open the package are
sent to or have been made available to
the consignee.

(Docs. 53, 62, 81, 161; 68 Stat. 939, 932, 935,
948, as amended; 42 U.S.C. 2073, 2092, 2111,
2282, 2284, and 2286)

Dated at Germantown, Md., this 18th
day of February 1972.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

Title 14—AERONAUTICS
AND SPACE

Chapter I—Federal Aviation Adminis-
tration, Department of Transportation

[Docket No. 72-CE-7—AD, Amdt. 39-198]

PART 39—AIRWORTHINESS
DIRECTIVES

Enstrom Models F-28 and F-28A
Helicopters

There have been failures of the hori-
zontal stabilizer center spar on Enstrom
Model F-28 and F-28A helicopters. These
failures are caused by a combination of
fatigue and overload due to improper
ground handling of the helicopters. Fail-
ure of the spar can result in loss of the
horizontal stabilizer and possible inter-
ference with the tail rotor. Since the
conditions described herein may exist or
develop in other helicopters of the same
type design, an Airworthiness Directive
is being issued requiring repetitive visual
and penetrant inspections of the hori-
zontal stabilizer spar attachments on
Enstrom Models F-28 and F-28A heli-
copters for evidence of cracks and the
replacement of defective parts discov-
dered during said inspections.

Since a situation exists which requires
expeditious adoption of the amendment,
notice and public procedure hereon are
impracticable and good cause exists for

FEDERAL REGISTER, VOL. 37, NO. 38—FRIDAY, FEBRUARY 25, 1972
Title 21—Food and Drugs

Chapter 1—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment

Otherwise Affecting Food

Resinous and Polymeric Coatings

A notice was published in the Federal Register on June 5, 1971 (36 FR 10663), proposing that §121.2514 of CFR 121 (21 CFR 121.2514) be amended to provide for silicone release agents of not less than 100 centistokes viscosity for use only on metal substrates; this amendment was proposed in accordance with a petition (FAP 8B2295) filed (and subsequently revised) by E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, Delaware 19898, to the Commission proposing that §121.2514(b)(3) be amended to reflect the identity of the silicone release agents that have been shown to be toxicologically safe and to clarify the identity of the related item “Silicones, as the basic polymers, and their curing catalysts.” Thirty days were allowed for comments by interested persons. No comments were received, and it is concluded that the amendments should be adopted as proposed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c) and (d), 72 Stat. 1786-87) as amended; 21 U.S.C. 348 (c) and (d) and under authority delegated to the Commissioner (21 CFR 2.120), §121.2514(b)(3) is amended in subdivision (xxv) by revising the existing entry on silicones and adding a new entry on silicones, and by revising subdivision (xxvii) as follows:

§ 121.2514 Resinous and polymeric coatings.

Silicones (not less than 300 centistokes viscosity): Dimethylpolysiloxanes and/or methyldiphenylpolysiloxanes. The methylsiloxanepolysiloxanes contain not more than 2.0 percent by weight of cyclosiloxanes having up to and including 6 silicon units. Silicones (not less than 100 centistokes viscosity): Dimethyldipolysiloxanes and/or methylphenylpolysiloxanes limited use on only metal substrates. The methylphenylpolysiloxanes contain not more than 2.0 percent by weight of cyclosiloxanes having up to and including 6 silicon units.

(xxvii) Silicones and their curing catalysts:

(c) Silicones as the basic polymer:

Silicone resins originating from methyl hydrogen polysiloxane, dimethylpolysiloxane, and methyldiphenylsiloxane.
RULES AND REGULATIONS

(b) Curing (cross-linking) catalysts for silicones (the maximum amount of tin catalyst used shall be that required to effect optimum cure but shall not exceed 1 part of tin per 100 parts of siloxane resins solids):

- Dibutyltin dilaurate.
- Stannous oleate.
- Tetrahydrobinyl tin oxide.

(29) (Sec. 409 (c) and (d), 72 Stat. 1786-87 as amended; 21 U.S.C. 348 (c) and (d))

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5-86, 5000 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the Federal Register (2-25-72).

Dated: February 17, 1972.

SAM D. FINE, Associate Commissioner for Compliance.

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Ethion

A petition (PP 0F0944) was filed by Monsanto Co., North Lincoln Boulevard, St. Louis, Mo. 63166, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the herbicide S-2,3,3-trichloroallyl disopropylphosphorodithioate in or on the raw agricultural commodities designated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. Established and proposed tolerances for residues of the insecticide ethion in or on cottonseed, tomatoes, soybeans, and summer squash are adequate to cover residues resulting from the established and proposed uses. The uses are in the category specified in §180.173. Ethion; tolerances for residues.

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 43 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15823), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), §180.173 is amended by adding the following new paragraph:

0.5 part per million in or on cottonseed, tomatoes, soybeans, and summer squash. 0.5 part per million in milk fat (reflecting negligible residues in milk) at 0.5 part per million and in eggs and in meat, fat, and meat byproducts of goats, hogs, horses, poultry, and sheep.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the Federal Register file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must be accompanied by a memorandum or brief in support thereof. Effective date. This order shall become effective on its date of publication in the Federal Register (2-25-72).


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

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

S-2,3,3-Trichloroallyl disopropylphosphorodithioate (Diisopropylthiocarbamate)

A petition (PP 0F0944) was filed by Monsanto Co., North Lincoln Boulevard, St. Louis, Mo. 63166, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the herbicide S-2,3,3-trichloroallyl disopropylphosphorodithioate in or on the raw agricultural commodities designated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The proposed uses are not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. 2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 43 Stat. 512; 21 U.S.C. 346a(d)(2)), 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), Part 180 is amended by adding the following new section:

FEDERAL REGISTER, VOL. 37, NO. 38—FRIDAY, FEBRUARY 25, 1972

3988
§ 180.312 4-Aminopyridine; tolerances for residues.

A tolerance of 0.1 part per million is established for residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodities corn grain and corn forage and forage at 0.1 part per million.

(Part 180, Subpart C, Title 40, U.S.C. 346a(d)(2))

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the Federal Register file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the Federal Register.


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

[FR Doc. 72-2814 Filed 2-24-72; 8:49 am]

PART 180—TOLEERANCES AND EXEMPTIONS FROM TOLEERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

4-Aminopyridine

A petition (PP 1P1013) was filed by Phillips Petroleum Co., Bartlesville, Okla., 74004, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodities corn grain and corn forage and forage at 0.1 part per million.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which the tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to the tolerances.

Part 120, Chapter I, Title 10 was redesignated Part 420 and transferred to Chapter III (36 F.R. 524). Subsequently, Part 420, Chapter III, Title 10 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 23269).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The proposed usage is not reasonably expected to result in residues of the pesticide in eggs, milk, and poultry.

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), 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), the following new section is added to Part 180, Subpart C, as follows:

§ 180.312 4-Aminopyridine; tolerances for residues. A tolerance of 0.1 part per million is established for residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodities corn grain and corn forage and forage.
claim against the United States; (iv) 18 U.S.C. 208 relating to transacting business as an officer or agent of the United States with firms of which such officer or agent, his spouse, minor child, or partner is an official in or which he has a pecuniary interest; and (v) 18 U.S.C. 200 seq. All personnel involved in procurement actions shall become familiar with these statutory prohibitions. Any questions concerning them shall be referred to the Assistant General Counsel for Grants and Procurement. In addition to criminal penalties the statutes provide that transactions entered into in violation of these prohibitions are voidable (18 U.S.C. 218).

(2) Aside from such statutory prohibitions, as set forth above, procurement personnel shall maintain the highest standards of conduct in connection with dealings on behalf of the Government, and all times be beyond reproach and must be such that each individual involved in EPA procurement activities would have no reluctance in making a full public disclosure of all actions taken in connection with such activities.

§ 15-1.5301 Organizational conflicts of interest.

(a) It is EPA policy to avoid situations in the procurement process where, by virtue of work or services performed for EPA, or as the result of data acquired from EPA or from industry, a particular company:

(1) Is given an unfair competitive advantage over other companies in respect to future EPA business;

(2) Is placed in a position to affect Government actions under circumstances in which there is danger that the company's judgment may be biased; or

(3) Otherwise finds that a conflict exists between the performance of work or services for the Government in an impartial manner and the company's own self-interest.

(b) It has been EPA's experience that conflicts of this type occur most frequently in circumstances where contractors provide services involving either (1) the preparation of specifications or statements of work to be incorporated into a solicitation of bids or proposals on subsequent procurements, or (2) access to the proprietary data of other companies. In such circumstances, the following clause shall be used in both the solicitation and the ensuing contract:

LIMITATION ON FUTURE CONTRACTING

(a) It is agreed by the parties to this contract that the Contractor will be restricted in its future contracting with EPA in the manner described below. Except as specifically provided in this clause, the Contractor shall be free to compete for EPA contracts on an equal basis with other companies.

(b) If the Contractor, under the terms of this contract, or through the performance of tasks pursuant to this contract, is required to develop specifications or statements of work and such specifications or statements of work are incorporated into a solicitation, the Contractor shall be ineligible to perform the work described in that solicitation as a prime or first tier subcontractor under an ensuing EPA contract. Such restriction shall remain in effect for three years following the date of the initial solicitation. It is further agreed that EPA will not unilaterally require the Contractor to prepare specifications or statements of work under this contract.

(c) To the extent that the work under this contract requires access to proprietary or confidential business or financial data of other companies, and as long as such data remains proprietary or confidential, the Contractor shall protect such data from unauthorized use and disclosure and agrees not to use it to compete with such companies.

(d) The waiver provision in paragraph (c) above may be waived by the contracting officer if it is determined that such restrictions would be detrimental to the EPA program.

The waiver provision in paragraph (d) of the clause may be exercised by the contracting officer only after receiving written approval from the Director, Contracts Management Division, EPA. Unless the circumstances of paragraph (b) or (c) of the clause are present, the fact that a contractor will perform research and development work under a contract whose general scope contract is not reason for inclusion of the clause: Provided, That if the circumstances of paragraph (b) or (c) of the clause are introduced by a task order which is to be issued under a contract whose general scope would not have otherwise required the clause, the clause will be incorporated in the basic contract prior to issuance of the task order.

(e) In those cases where the contracting officer determines that a potential organizational conflict of interest exists which is not covered by the clause set out in paragraph (b) of this section, he shall prepare a written analysis of the facts of the case, clearly indicating the area of concern and the nature of the potential conflict. The written analysis shall be forwarded to the Director, Contracts Management Division, who after obtaining the advice of counsel, shall prepare an appropriate clause for use in the solicitation and/or the contract, or take other appropriate action.

[FR Doc.72-2740 Filed 2-24-72; 8:49 am]

Chapter 114—Department of the Interior

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and section 206(c), 60 Stat. 390; 40 U.S.C. 486(c), Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

These amendments shall become effective on the date of publication in the Federal Register (2-25-72).

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

FEBRUARY 17, 1972.

PART 114—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Subpart 114-32.4 is deleted in its entirety.

PART 114—MOTOR EQUIPMENT MANAGEMENT Subpart 114-38.3—Official Government Tags


Section 114-38.5001(b) is amended to read:

§ 114-38.5001 Statutory requirement. (b) Approval of authorizations. The head of a bureau or office may approve the use of a Government-owned or leased vehicle between an employee's domicile and place of employment or he may delegate this authority to officials not below the Chief Administrative Officer of the Bureau pursuant to Delegation found in 205 DM 9. Except as provided in FPMR 114-38.5002 and 114-38.5003, the approving official must determine that the nature of the field duties of the employee involved make such transportation necessary before granting such approval. Approvals must be in writing and are not transferable.

PART 114—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

The title of Subpart 114-45.8, erroneously numbered "Subpart 144-45.8" in the Federal Register of January 8, 1970, is amended to read: "Subpart 114-45.8—Mistakes in Bids".

Section 114-45.803(a) is amended to read:

§ 114-45.803 Other mistakes disclosed before award.

(a) The Director, Office of Survey and Review, is authorized to make the determinations contemplated by FPMR 101-45.803. This authority may not be redelegated.

Section 114-45.804(a) is amended to read:

§ 114-45.804 Mistakes disclosed after award.

(a) The Director, Office of Survey and Review, is authorized to make the determinations contemplated by FPMR 101-45.804. This authority may not be redelegated.

[FR Doc.72-2784 Filed 2-24-72; 8:49 am]
PART 1—PRACTICE AND PROCEDURE

Order. In the matter of clarifying paragraph (c) of § 1.613(c) of the Commission's rules and regulations.

Paragraph (c) of that section imposes this requirement as to "Contracts relating to the sale of broadcast time to 'time brokers' for resale." Our notice of apparent liability to "Rand Broadcasting Company," FCC 71-621, 22 RR 2d 155 (June 1971), applied this requirement to "trade-out" arrangements where the licensee gave other parties the right to sell spot announcements on the station in return for providing goods or services to the licensee. However, when the Commission first adopted the requirement that time brokerage contracts be filed, it was primarily concerned with situations in which stations sold time brokers substantial segments of their programming. In the historic sense of that term, arrangements under which an outstation's daily or weekly program time is surrendered to a time broker for resale.1

Since it is interpretative in nature, prior to the hearing before us on this matter we have given further consideration by NBC that otherwise the meaning would be much too broad in relation to what was meant. Nevertheless, there is no reason to reconsider the ruling of the Rand case and covered in contracts in which stations sold time brokers substantial segments of their programing. In the historic sense of that term, arrangements under which an outstation's daily or weekly program time is surrendered to a time broker for resale.1

3. That any extensive time brokering in the latter sense may be contrary to the public interest is well settled. "Metropolitan Broadcasting Corp., et al.," 8 FCC 557 (1941). Because of the lessening of licensee control involved, a requirement for filing such agreements was first adopted in 1945 along with other filing requirements (Docket No. 6750). Our concern is with the broadcaster maintaining his programming responsibility.

4. In a large number of situations, including many of those mentioned in the Rand case and material, in contracts, which have recently been filed, this ground for concern is absent. These are where—in return for consideration of various types, such as cash, merchandise or by use of the station, for example, contest prizes, air travel or hotel accommodations, equipment or station construction, etc.—the other party to the contract gets the right to sell a certain number of spot announcements on the station. Sometimes, these called "barter" or "tradeout" arrangements, do not give sufficient grounds for Commission concern to warrant a requirement that they be filed, as long as the station retains under the contract the right to reject, without contractual liability, the particular advertisement to whom the item resold is resold or his programing responsibility. Accordingly, the amendment of § 1.613(c).

In the circumstances, we have decided to revise paragraph (c) of § 1.613 as set forth below to clarify its meaning. Authority for such amendment may be found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended:

8. It is ordered. That this amendment shall be effective March 31, 1972.


FEDERAL COMMUNICATIONS COMMISSION

John M. Torbet, Executive Director.

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in South Lake Tahoe, Calif.

Order. In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (South Lake Tahoe, Calif.).

1. In the first report and order in Docket No. 18883, we assigned Channel 261A to "South Lake Tahoe, California" and included Channel 276A previously allocated to "Tahoe Valley" because Tahoe Valley was included as part of South Lake Tahoe when incorporated in 1965, 27 FCC 2d 844, 848-849 (1971). In the circumstances, the entry for Tahoe Valley, Calif., in § 73.203(b) is deleted.

2. Authority for this action is taken pursuant to section 5(d) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations. Since this change is entirely editorial in nature, the "notice" and "effective date" provisions of the Administrative Procedure Act (5 U.S.C. 553) do not apply. This amendment shall become effective February 19, 1972.


FEDERAL COMMUNICATIONS COMMISSION

John M. Torbet, Executive Director.

PART 73—RADIO BROADCAST SERVICES

Remote Control Operation

Correction

In F.R. Doc. 71-19134 appearing at page 25413 in the issue of Friday, December 31, 1971, a line of five asterisks should be added between the two notes under § 73.676.

Commissioners Johnson and H. Rex Lee absent.
Proposed Rule Making

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

STANDARD FOR EXPOSURE TO ASUSBOS DUST

Supplement to Notice of Proposed Rule Making

On January 12, 1972, notice of proposed rule making was published in the Federal Register at page 468 concerning proposed occupational standards dealing with exposure of employees to asbestos dust. The notice is supplemented as follows.

The National Institute for Occupational Safety and Health has filed with the Secretary of Labor “Criteria for a Recommended Standard on Occupational Exposure to Asbestos.” The above-captioned document will be submitted for inclusion in the record of the proceeding. Copies of the document are available for public inspection and copying during normal business hours in the National office of the Occupational Safety and Health Administration, Office of Standards, Room 305, 400 First Street NW., Washington, DC 20210, and also in the various regional offices of the Administration.

Signed at Washington, D.C., this 22d day of February 1972.

C. C. GUNTHER, Assistant Secretary of Labor.

[FR Doc.72-2919 Filed 2-24-72;8:49 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 201, 204, 205, and 260] [Docket No. R-485]

NET REALIZABLE VALUE OF HYDROCARBON RESERVES

Uniform System of Accounts; Notice of Extension of Time

FEBRUARY 18, 1972.

Revisions in Uniform Systems of Accounts for Natural Gas Companies (Classes A, B, C, and D) and Annual Report Form No. 2 to provide that the determination of natural gas reserves on acreage acquired after October 7, 1969, shall be made and attested to by independent appraisers, to disclose the net realizable value and related costs of hydrocarbon reserves, and to eliminate an allowance for equity funds on exploration and development expenditures incurred on or related to acreage acquired after October 7, 1969.

On February 15, 1972, the Independent Natural Gas Association of America filed a request for an extension of time to and including March 21, 1972, within which any interested person may submit data, views, comments or suggestions concerning the notice of proposed rule making issued on January 5, 1972.

KENNETH P. PLUMB, Secretary.

[FR Doc.72-2794 Filed 2-24-72;8:51 am]

[18 CFR Part 260] [Docket No. R-808]

GAS PIPELINES COMPANIES

Total Gas Supply; Notice of Postponement of Conference Regarding Annual Report FPC Form No. 15

FEBRUARY 18, 1972.

On February 11, 1972, the American Gas Association filed a request for a postponement of the conference scheduled for March 14, 1972, by notice issued February 7, 1972, in the above-designated matter.

Upon consideration, notice is hereby given that the conference in the above-designated matter is postponed to March 21, 1972, at 10 a.m., in a hearing room (to be posted) of the Federal Power Commission, 441 G Street NW., Washington, DC.

KENNETH P. PLUMB, Secretary.

[FR Doc.72-2796 Filed 2-24-72;8:51 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249] [Release 34-9496; File No. S7-428]

NEW YORK STOCK EXCHANGE PLAN

Report of Income and Expenses

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend Rule 17a-10 (17 CFR 240.17a-10) under the Securities Exchange Act of 1934 (the Act). The action would be taken under the provisions of the Act, and particularly sections 17(a) and 23(a) thereof.

Rule 17a-10 requires every member of a national securities exchange and every broker or dealer registered pursuant to section 15 of the Act to file each year with the Commission a report of his income and expenses and related financial and other information on Form X-17A-10 (17 CFR 240.618).

Paragraph (b) of Rule 17a-10 presently provides that a national securities exchange or a registered national securities association may submit to the Commission a plan providing for reports from its members on forms consistent with Form X-17A-10, and for the transmission to the Commission of copies of such reports. Such a plan may also provide that, in transmitting copies of such records to the Commission, the names and addresses of members whose information is transmitted may be omitted. The Commission, in declaring any such plan effective, may impose such terms and conditions relating to the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission’s duties under the Act.

Upon Commission approval of such a plan, the members of the exchange or association which submitted the plan are to file their reports directly with the Commission or exchange in accordance with the plan and not with the Commission. The National Association of Securities Dealers, Inc. and the American, Midwest, New York and Philadelphia-Baltimore-Washington Stock Exchanges have qualified plans pursuant to paragraph (b).

Since the adoption of that rule in June 1968, many important developments have occurred relating to commission rates and other matters, the operations and back office crisis of 1968, the failure of numerous broker-dealers because of financial difficulties, the adoption of the Securities Investor Protection Act of 1970 and the “Study on Unsafe and Unsound Practices of Brokers and Dealers” submitted to Congress on December 28, 1971, have taken place. In light of these developments and the experience accumulated by the Commission during that period, the Commission believes that it should receive Form X-17A-10 reports from organizations that have qualified a plan pursuant to paragraph (b) of Rule 17a-10 on an identified basis so that they can more effectively carry out its regulatory responsibilities in the future. Accordingly, the Commission proposes to amend paragraph (b) of Rule 17a-10 by deleting the wording in that paragraph which permits a plan to provide that in transmitting copies of Form X-17A-10 reports to the Commission, a self-regulatory organization may omit the names and addresses of members as to whom such information is transmitted. If this proposal is adopted, it will be FEDERAL REGISTER, VOL. 37, NO. 38—FRIDAY, FEBRUARY 25, 1972.
necessary for all self-regulatory organizations that have qualified plans with the Commission pursuant to paragraph (b) of Rule 17a-10 to amend their respective plans to delete the provisions of this nature.1

TEXT OF PROPOSED AMENDMENT

The Commission acting pursuant to the provisions of the Securities Exchange Act of 1934, and more particularly sections 17(a) and 23(a) proposes to amend Part 240 of Title 17 of the Code of Federal Regulations by amending § 240.17a-10(b) to read as follows:

§ 240.17a-10 Report of income and expenses.

(b) The provisions of paragraph (a) of this section shall not apply to a member of a national securities exchange or a registered national securities association which maintains records containing the information required by Form X-17A-10 as to each of its members, and which transmits to the Commission a copy of the record as to each such member, pursuant to a plan the procedures and provisions of which have been submitted to and declared effective by the Commission. Any such plan filed by a national securities exchange or a registered national securities association may provide that (in transmitting copies of such records to the Commission, the names and addresses of members as to whom such information is transmitted may be omitted, and may further provide that) when a member is also a member of one or more national securities exchanges, or of one or more national securities exchanges and a registered national securities association, the information required to be submitted with respect to any such member may be transmitted by

1 While the Commission is not at this time proposing to amend other provisions of Rule 17a-10, including paragraph (c) relating to nonpublic treatment of individual Form X-17A-10 reports, it has pending certain rule proposals concerning financial disclosures to customers of securities firms. See Securities Exchange Act of 1934 Release No. 9404 (December 3, 1971) and the Federal Register of December 50, 1971, 36 F.R. 25236.

PROPOSED RULE MAKING

3993

only one specified national securities exchange or registered national securities association. For the purpose of this section a plan filed with the Commission by a national securities exchange or a registered national securities association shall not become effective unless the Commission, having due regard for the public interest, for the protection of investors, and for the fulfillment of the Commission's functions under the provisions of the Act, declares the plan to be effective. Further, the Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties under the Act.

All interested persons may submit their views and comments on the above proposals in writing to the Securities and Exchange Commission, Washington, D.C. 20549 on or before April 10, 1972. All communications with respect to the proposed amendment should refer to File No. 87-428 and all such communications will be available for public inspection.

By the Commission.

[SEAL]

RONALD F. HUNT, Secretary.

FEBRUARY 15, 1972.

[FEDERAL REGISTER: Vol. 37, No. 38—FRIDAY, FEBRUARY 25, 1972]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Proposed Definition for Sales of Government Property

Notice is hereby given that the Administrator of the Small Business Admin-

istration hereby proposes to amend the definition of a small business for the purpose of sales to other than manufacturers and stockpile purchasers, of Government-owned personal property. It has been suggested that the currently effective $5 million annual receipts small business size standard applicable to nonmanufacturers other than stockpile purchasers for the purpose of bidding on sales of Government-owned personal property includes substantially all of the concerns that normally would buy such property. Government data indicates that ninety-five percent (95%) of such concerns generate annual sales of less than $1 million.

In order to provide a more reasonable basis for small business set-aside sales of Government-owned personal property, it is proposed to revise § 121.3-9 (a) of Part 121, Chapter I, Title 13 of the Code of Federal Regulations to read as follows:

§ 121.3-9 Definition of small business for sales of Government property.

(a) * * *

(2) Other than manufacturers. Any concern which is primarily not a manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its average annual receipts for the preceding three (3) fiscal years do not exceed $1 million.

The exception in the proposed rule refers to stockpile purchasers. Interested parties may file with the Small Business Administration within 30 days of publication of this proposal in the Federal Register, written statements of facts, opinions, or arguments concerning the proposal. All correspondence shall be addressed to:

William L. Fellington, Acting Director, Size Standards Staff, Small Business Administration, 1441 L Street NW, Washington, DC 20416.


THOMAS S. KLEPP, Administrator.

[FR Doc.72-2785 Filed 2-24-72; 8:49 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

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William L. Fellington, Acting Director, Size Standards Staff, Small Business Administration, 1441 L Street NW, Washington, DC 20416.


THOMAS S. KLEPP, Administrator.

[FR Doc.72-2785 Filed 2-24-72; 8:49 am]
DEPARTMENT OF THE TREASURY

Fiscal Service
[Dept. Cir. 570, 1971 Rev., No. 11]

COTTON STATES MUTUAL INSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $420,000.00 has been established for the company.

Name of company, location of principal executive office, and state in which incorporated:
Cotton States Mutual Insurance Company
Atlanta, Georgia

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

[Seal]
JOHN K. CARLOCK,
Fiscal Assistant Secretary.
[FR Doc. 72-2781 Filed 2-24-72; 8:48 am]

INTERNAL REVENUE SERVICE

[Pay Board Ruling 1973-7]

COMPETITIVE WAGE AND SALARY INCREASES TO RETAIN KEY EMPLOYEES

Pay Board Ruling

Facts. Employer A has had difficulty retaining his key employees or attracting replacements because his salary scale is below that of his competitors. He restrained from increasing salaries and wages during the freeze period; now, however, he would like to increase his wage scale so as to become more competitive.

Issue. May Employer A increase his wage rate to a competitive level without regard to the 5.5 percent general wage and salary standard?

Ruling. In Economic Stabilization Regulations, 6 CFR 201.11(a)(2) , 36 F.R. 28437 (December 31, 1971), the Pay Board has attempted to permit an employer to become more competitive in his wage rate so that he might attract or retain employees essential to an efficient operation of his firm. An employer will be permitted to increase his wage rate by as much as 7 percent, if he can demonstrate to the Pay Board:

1. That he has experienced a significant proportion of vacancies in an employee unit, despite intensive recruiting activity over a period of at least 3 months,
2. That there has been no significant deterioration or reduction in other conditions of employment, and
3. That there is a reasonable expectation that higher wages will be effective in recruiting and maintaining a supply of qualified employees.

Within these limitations, the employer may disregard the general wage and salary standard, thereby increasing his wage rate by a maximum of 7 percent. However, if he fails to satisfy the specific criteria set forth by the Pay Board, the employer will be subject to the 5.5 percent limitation. Furthermore, the employer must notify the Board and receive its approval before the increase permitted under this exception may be implemented.

This ruling has been approved by the General Counsel of the Pay Board.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.
SAMUEL R. FRIECE, Jr.,
General Counsel,
Department of the Treasury.

[Pay Board Ruling 1973-8]

INCORPORATION OF AN EXISTING BUSINESS

Pay Board Ruling

Facts. A grocer with four employees was operating his store as a sole- proprietorship on November 13, 1971. Sometime after that date, he incorporated his business.

Issue. Whether a business in existence before November 13, 1971, which is incorporated after November 13, 1971, will be treated as an existing business or as a new business under the stabilization regulations.

Ruling. In cases where an existing business is incorporated after November 13, 1971, the appropriate employee units, the wage and salary bases of these units, and the wage years of these units of the existing business organization shall be carried over into the newly incorporated business. The wages and salaries for the positions in the new corporation would thus be subject to the same standards and criteria as would have been the lawful rates for the same or comparable jobs in the business organization had it not incorporated.

A determination of the appropriate employee unit of the grocer himself would take into account the contractual or historical wage and salary relationships within the business organization. If treated as such in the old business, the employer-as-employee of the newly incorporated grocery store may be treated as a separate, appropriate employee unit, which would be distinguished from the unit (or units) formed by the other employees of the store.

This ruling has been approved by the General Counsel of the Pay Board.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.
SAMUEL R. FRIECE, Jr.,
General Counsel,
Department of the Treasury.

[F.R. Doc. 72-2824 Filed 2-24-72; 8:50 am]
NOTICES

INCLUSION OF VACATION AND HOLIDAY BENEFITS IN TOTAL COMPENSATION PACKAGE

Pay Board Ruling

Facts. X corporation has 1,500 production workers, all represented by one bargaining representative. X’s present contract with these employees was entered into on October 1, 1970, and expired on November 30, 1974. The contract provides (1) that these employees will receive an average wage increase of 5 percent commencing on November 30, 1971, and (2) that X’s employees generally will receive additional vacation and holiday benefits beginning November 30, 1971. The average value of the increase in incidental benefits is 1 percent of the employee’s total remuneration.

Issue. 1. Are pay adjustments that result from existing contracts and pay practices subject to the 5.5 percent general wage and salary standard?

2. Is the 1 percent general increase in the incidental benefits accorded to X’s employees included in determining whether the 5.5 percent general wage and salary standard has been exceeded?

Ruling. With respect to the first issue, Economic Stabilization Regulations 6 CFR 201.14, 36 F.R. 21791 (November 13, 1971), that pay adjustments under contracts and pay practices existing prior to November 14, 1971, will be permitted to operate according to their terms, except that, if such pay adjustments are challenged, the Pay Board will consider the issue of whether they are unreasonably inconsistent with criteria established by the Pay Board. (Since X’s pay adjustments apply to or affect more than 1,000 employees, the pay adjustments must be reported to and reviewed by the Pay Board, the Construction Industry Stabilization Committee under criteria established by the Board.)

With respect to the second issue, Economic Stabilization Regulations, 6 CFR 101.51, 36 F.R. 21790 (November 13, 1971), provides that the increased vacation and holiday benefits which are subject to being reasonably valued, must be considered in calculating the total compensation package granted to X’s employees. Accordingly, X’s combined wage and benefits increase will not be considered in calculating the total compensation package granted to X’s employees. Accordingly, X’s combined wage and benefits increase will be considered by the Pay Board (assuming that X’s pay adjustments are challenged) in determining whether they are unreasonably inconsistent with the criteria established by the Pay Board. It must be noted, however, that section 203(g) of the Economic Stabilization Act of 1970, as amended, exempts from the term “wages and salaries” employer contributions to the following fringe benefits: (1) Pension plan, profit-sharing, and annuity savings plans meeting the requirements of section 401(a), 404(a)(2), or 403(b) of the Internal Revenue Code of 1954; (2) group insurance plans; and (3) disability and medical plans.

This ruling has been approved by the General Counsel of the Pay Board.


LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2826 Filed 2-24-72; 8:50 am]

PAY BOARD RULING 1972-10

MEASURING COST OF LIVING INCREASES

Pay Board Ruling

Facts. A local union has negotiated with Employer X a labor contract whereby he has agreed to grant cost-of-living increases to his employees on a semianual basis. That is, a 2 percent cost of living increases at the end of the third month of the 12-month period, commencing with the contract date, and a 6 percent increase at the end of the ninth month. The employer asserts that he is unable to grant the increases, the first of which is due April 1, because the total increase, 8 percent, would exceed the 5.5 percent general wage and salary standard.

Issue. May cost of living increases be made without regard to the general wage and salary standard?

Ruling. Economic Stabilization Regulations, 6 CFR 201.11(a)-(4), 36 F.R. 25427 (December 31, 1971), provides that:

If a wage and salary increase in a new contract or pay practice is composed of two parts, wages and salaries other than cost of living adjustments and cost of living adjustments pursuant to and justified by a generally accepted escalator formula, the wage and salary part shall be calculated by the sum of the percentage increases; and the cost of living part shall be calculated by multiplying the cost of living adjustment by a fraction, the numerator of which shall be the number of months within the appropriate 12-month period; the denominator of which shall be 12. These two parts shall be added together to determine the maximum permissible annual aggregate wage and salary increase.

That is, the cost-of-living increase for a portion of a 12-month year would be averaged over the 12 months, thus reducing the percentage increase. If the employer provided a 2 percent cost of living increase at the end of the third month of the year and a 6 percent increase at the end of the ninth month and the “sum of the percentages” method were used the total increase would be computed as 8 percent, far in excess of the General Wage and Salary Standard. However, using the formula applicable to cost-of-living adjustments, the 2 percent increase for the 9-month period would be averaged over 12 months, producing a 1.67 percent increase and the 6 percent increase for the 3-month period, averaged over 12 months, would produce only a 1.5 percent annual increase.

Therefore, the total annual cost-of-living increase would be 3 percent, determined by combining the averaged percentage for both cost-of-living increases; this could be combined with a 2.5 percent increase in other wages and salaries and still be within the General Wage and Salary Standard. The appropriate 12-month period means the 12-month period beginning on the date that the wage and salary increases became effective.

However, such a benefit is available only if the cost-of-living increase is pursuant to a “generally accepted escalator formula”; it cannot be subject merely to the whim of the employer. Moreover, such an exemption would be subject to the prenotification requirements for Category II wage and salary increases, as defined in the Economic Stabilization Regulations, 6 CFR 101.21, 36 F.R. 21788 (November 13, 1971), and as set forth in regulations, 6 CFR 202.10, 36 F.R. 25429 (December 31, 1971), or the reporting requirements for Category II wage and salary increases, as defined in regulations 6 CFR 101.23, 36 F.R. 101.33, 36 F.R. 21788 (November 13, 1971), and as set forth in regulations 6 CFR 202.10, 36 F.R. 25429 (December 31, 1971).

This ruling has been approved by the General Counsel of the Pay Board.


LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2827 Filed 2-24-72; 8:50 am]

PAY BOARD RULING 1972-11

RETROACTIVE BONA FIDE PROMOTIONS

Pay Board Ruling

Facts. Employee A receives a bona fide promotion in June 1971, but does not automatically receive the increased salary for the new job. The Board of Directors of the employer has two meetings in late November 1971, directing that the employee be paid the salary designated for the position to which he has been promoted granting the salary increase.

FEDERAL REGISTER, VOL. 37, NO. 38—FRIDAY, FEBRUARY 25, 1972
NOTICES

Issue. Can the employer now pay the employee a retroactive pay increase, effective June 1971, to reflect the promotion on that date?

Ruling. Bonafide promotions have never been the subject of regulation under the Economic Stabilization Program. During the initial freeze period, the Cost of Living Council announced that bonafide promotions which constituted an advancement to an established job with greater responsibilities would be permitted.

For the purposes of Phase II of the Economic Stabilization Program, bona fide promotions are excluded from the 5.5 percent general wage and salary standard because the remuneration goes with the job, not the man. That is, they can be made without regard to the Stabilization Program guidelines.

Therefore, since the bona fide promotions are not limited by the Economic Stabilization Program, the timing of the actual promotions or pay increases which accompany them would likewise not be subject to regulation. This would mean that the employer can grant the increased salary without regard to the Economic Stabilization Regulations controlling retroactivity, back to the actual effective date of the promotion, June 1971.

This ruling has been approved by the General Counsel of the Pay Board.


L. H. Henkel, Jr., Acting Chief Counsel, Internal Revenue Service.

Approved: February 18, 1972.

MUNICIPALITIES—ALLOWABLE COSTS

Price Commission Ruling

Municipalities, sewer service fees. December 1, 1971, was the effective date of Cost of Living Council regulations which became effective exempting price adjustment for water and sewage services by State and local governments. See Economic Stabilization Regulations, 6 CFR 101.34(a)(2), 37 F.R. 1241 (January 27, 1972).

This ruling has been approved by the General Counsel of the Price Commission.


L. H. Henkel, Jr., Acting Chief Counsel, Internal Revenue Service.

Approved: February 18, 1972.

MUNICIPALITIES—FEES FOR SERVICES

Price Commission Ruling

Facts. Federal authorities required City A to make water and sewage system improvements. In making these improvements City A incurred costs in October 1971, including construction of sewage treatment facilities and hiring of additional personnel, which will continue in effect for months to come.

Issue. May City A, (1) increase its water and sewage service charges effective November 14, 1971, to pass on to the property owners and users increased costs in effect on or after that date and (2) bill the owners and users additional charges for the month of October 1971, to recover the increased expenditures made in October.

Ruling. State and local fees and charges (including those for water and sewage) are prices within the meaning of the Economic Stabilization Act of 1970, as amended, and any increase must conform to Price Commission regulations. The charge for service after November 14, 1971, must reflect prices which increased in effect on or after November 14, 1971, reduced to reflect productivity gains provided the price increase does not increase the profit margin. Economic Stabilization Regulations 6 CFR 300.14, 36 F.R. 23976 (December 16, 1971). The increased charges, however, may not be applied retroactively, so that, for example, charges, even if “cost-justified” by pre-November 14, 1971, costs. This ruling is effective only from November 14, 1971, to January 26, 1972.

As of the latter date Cost of Living Council regulations became effective exempting price adjustments for water and sewage services by State and local governments. See Economic Stabilization Regulations, 6 CFR 101.34(a), 37 F.R. 1241 (January 27, 1972).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 17, 1972.

L. H. Henkel, Jr., Acting Chief Counsel, Internal Revenue Service.

Approved: February 17, 1972.

M. R. Pierce, Jr., General Counsel, Department of the Treasury.

RETAIL PRICE INCREASES—DETERMINING VIOLATIONS

Price Commission Ruling

Facts. X is a regular customer of Y, a department store. Y has posted its base period October-December 1971. X has heard that a store may increase its selling price for a product to the extent its cost of the product has increased.

Issue. Is X’s understanding correct that prices may be increased to reflect increased cost? How can X determine whether Y is complying with the stabilization regulations?

Ruling. X’s understanding is correct. A retailer or wholesaler is allowed to maintain the “customary initial percentage markup” that prevailed during its base period on current sales, so long as the price changes do not, in the aggregate, increase its profit margin over that in its base period. (6 CFR 300.13(a), 36 F.R. 23974 (December 16, 1971)). This means that, if during the freeze base period, Y sold a particular product at 150 percent of the product’s cost to it, it may now sell the same product at 150 percent of its current cost to it. Y may not, however, increase its prices to fully reflect its customary markup if to do so would increase its profitability (expressed as a percent of sales) over that of its base period.

In an effort to encourage retailers to comply with the above requirements, the Price Regulations require the posting of base period prices for many articles sold (6 CFR 300.13(b)) so that the consumer would be alerted to any price increases which appear to be unreasonable.

Since X does not have access to Y’s actual costs during the base period and currently, he is not able to compute for himself the business’s customary markup these complaints. The Internal Revenue Service has been given the task of enforcing the regulations and investigating complaints. Thus, if X believes that a price increase is unreasonable and Y cannot adequately explain (or refuses to explain) the reason for the increase, he should file a complaint with the appropriate District Director of the Internal Revenue Service and the matter will be investigated in accordance with established procedures.

FEDERAL REGISTER, VOL. 37, NO. 38—FRIDAY, FEBRUARY 25, 1972
This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 17, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 17, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2823 Filed 2-24-72:8:50 am]

[Price Commission Ruling 1972-70]

FORMULA RENTAL PAYMENTS

Price Commission Ruling

Facts. A owns a building with three apartment units. He has a lease with B under the terms of which the monthly rental is determined in part by reference to increases in the assessed value of the property. The assessed value has increased, and under the formula in B’s lease, B’s monthly rental would be increased. A also has a lease with C providing for an automatic increase in the rent of C’s apartment to take effect at December 1, 1971. The leases were both executed January 1, 1971.

Issue. May the rent under either B’s lease or C’s lease be increased after November 13, 1971?

Ruling. B may be required to make increased payments to take into account the increase in the assessed value for which provision was made in the formula in the lease. Economic Stabilization Regulations, 6 CFR 300.364, 36 F.R. 21794 (November 13, 1971) provides that leases of real property entered into prior to August 15, 1971, in which the periodic rental price is determined by means of a formula specified in the lease agreement may continue with such formula in effect. However, any increases in the periodic rental price due to the passage of time shall not be allowed, and therefore, A may not increase C’s rent.

This ruling is effective only from November 14, 1971 to December 29, 1971. As of the latter date new rent regulations became effective. See Economic Stabilization Regulations, 6 CFR 301.104, 36 F.R. 25390 (December 30, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 17, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 17, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2823 Filed 2-24-72:8:50 am]

[Price Commission Ruling 1972-71]

RENT—10-PERCENT RULE

Price Commission Ruling

Facts. A landlord of a 100-unit apartment building requires a 1-year lease from tenants. All leases expiring after January 1, 1971, have been renewed for another term at a 10 percent increase. Five leases expired between July 20 and August 14, 1971, were for the same amount, and all were renewed prior to August 14, 1971, with a 10 percent increase in rent. All units in the building are substantially identical.

Issue. May the landlord after November 13, 1971, demand a 10 percent increase in rent for leases expiring after this date?

Ruling. The landlord may renew leases expiring after November 13, 1971, at a 10 percent increase over the rate of the expiring leases. The base price for a lease of an interest in real property is the highest price charged by the lessor with respect to the same or substantially identical rental units in the substantial number of transactions during the freeze base period. Economic Stabilization Regulations, 6 CFR 300.407, 36 F.R. 23979 (December 16, 1971). Since all leases that expired during the freeze base period (beginning June 16 and ending August 14, 1971), were continued at an increased rate of 10 percent over the rate of the previous leases, the base price for the new leases executed after November 13, 1971, is the increased lease amount. This ruling is not applicable to transactions occurring after December 28, 1971, or requests for informal Hearings concerning those transactions. New regulations have been issued covering transactions after December 28, 1971, See Economic Stabilization Regulations, 6 CFR 301.1 et seq., 36 F.R. 25388 (December 30, 1971).

This ruling has been approved by the General Counsel of the Price Commission.


LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2834 Filed 2-24-72:8:51 am]

[Price Commission Ruling 1972-73]

DETERMINATION OF BASE PRICE OF ADVANCE TICKET SALES

Price Commission Ruling

Facts. A professional athletic team begins to solicit advance season ticket sales in July, 1971, for the 1971-72 season. The price of each seat has been raised 50 cents over the price last year. A substantial number of the solicitations are accepted by persons during the period July 16, 1971, to August 14, 1971.

Issue. Under the postfreeze stabilization program is the transaction, for determining a base price, consider to occur at the time the season tickets are purchased or at the time the events are scheduled to take place or in fact do take place.

Ruling. Under § 300.5, Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971), a transaction is considered to occur at the time and place a binding contract is entered into. In the particular case of advance ticket sales the transaction occurs at the time the tickets are sold, because the team is bound to supply the tickets to the one item than the other stores for several years. Store F is in a competitive area and has generally had lower prices than either E or G.
This ruling has been approved by the General Counsel of the Price Commission.


LEE H. HENKEL, JR., Acting Chief Counsel, Internal Revenue Service.

Approved: February 18, 1972.

SAUL M. PIERCE, General Counsel, Department of the Treasury.

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

WORLD-WIDE MILITARY COMMAND AND CONTROL SYSTEM

Guidelines for Design and Operation

The Deputy Secretary of Defense approved the following:

I. Purpose. The purpose of this directive is to define the functional, organizational, and operational relationships between all elements of the World-Wide Military Command and Control System (WWMCCS) and to provide policy guidance and establish responsibilities for the management, development, acquisition, and operation of the WWMCCS.

II. Applicability and scope. This directive applies to the Military Departments, Joint Chiefs of Staff, Office of the Secretary of Defense, Unified and Specified Commands, and Department of Defense Agencies (hereinafter referred to as DOD Components) involved in the development, acquisition, and support of the WWMCCS.

III. Definitions—A. National Command Authorities (NCA). The NCA consists only of the President and the Secretary of Defense and through the Chairman of the Joint Chiefs of Staff, representing the Joint Chiefs of Staff (hereinafter referred to as the NMCS). The NCA is the highest level of decision making and control systems of the Unified and Specified Commands and the WWMCCS related management/information systems of other DOD Components is the second level of decision making and control which are employed in planning, directing, coordinating, and controlling operational activities of U.S. Military Forces.

IV. G. This function will be supported by the WWMCCS subordinate to and on the basis of noninterference with the primary mission.

B. Guidelines for Design and Operation of the World-Wide Military Command and Control System (WWMCCS). The WWMCCS is the worldwide command and control system that provides the means for operational direction and technical administrative support involved in the function of command and control of U.S. Military Forces.

D. National Military Command System (NMCS). The NMCS is the priority component of the WWMCCS designed to support the National Command Authorities in the exercise of their responsibilities. It also supports the Joint Chiefs of Staff in the exercise of their responsibilities.

F.O.B. PRICES WHICH ANTICIPATE TRANSPORTATION COST REDUCTIONS

Price Commission Ruling

Facts. A is a manufacturer, such as a brewer, distiller, paint manufacturer, etc., which customarily establishes its prices f.o.b. the factory so that the f.o.b. factory price, plus transportation costs according to published tariff schedules and an anticipated profit margin for the wholesaler, will result in a price that is competitive in each wholesaler's marketing area. It has in this fashion effectively created a "delivered price" applicable in each wholesaler's marketing area. There need be no guarantee that the wholesaler will be bound to supply the agreed number of tickets upon receipt of the subscribers remittance. This definition of transaction is different from the definition of transaction in effect during the freeze, which looked to the time goods were shipped or service rendered. Economic Stabilization Regulation No. 1, Circular No. 101, section 302(1), 36 F.R. 18739, September 21, 1971.

This ruling has been approved by the General Counsel of the Price Commission.


LEO H. HENKEL, JR., Acting Chief Counsel, Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, General Counsel, Department of the Treasury.

[FR Doc. 72-2835 Filed 2-24-72; 8:51 am]
effectiveness of installed and deployed command and control equipment, equip-
ment changes, and to assist in validating the need for and characteristics of hard-
ware and software proposed to correct identified deficiencies.

These guidelines apply to all DOD Components and to the utilization of all
other Department of Defense resources in support of the WWMCCS and its
prime mission.

3. The effective operation of the World Widescale Command and Control System
(WMCs) rests upon the understanding of its concepts and objectives and its innova-
tive support by those charged with its design and operation. Every effort must
be made to assure this understanding and encourage this support.

V. Composition of the WWMCCS.

A. National Military Command System (NMCS)

1. Since survival of the command and control capability of NMCS is funda-
mental to continuity of operations, a composite command structure with sur-
vivable communications is required. This includes the National Military Com-
mand (NMCM), the Alternate National Military Command Center (ANMCC),
the National Emergency Airborne Command Post (NEACP), and such other
command centers as may be designated by the Secretary of Defense. These cen-
ters must be linked by reliable communications supported by warning and in-
telligence systems, and continuously manned and ready for use. Special capa-
bilities must be provided for communication with strategic offensive and de-
defensive forces and for other forces which may be required for quick reaction in
crises. In this case, the communications will be designated and operated to as-
sure minimum elapsed time for the transmission of orders to the operating
units of these forces. The NMCS also in-
cludes communications connecting its facilities with primary and alternate
command facilities of the:

a. Headquarters of the Unified and Specified Commands.
b. Service headquarters of the Mili-
tary Departments.
c. Other designated DOD Compo-
nents which provide support through the
WWMCCS.

2. Support of the NMCS will be the
priority function of all primary and al-
ternate command facilities.

B. Command and Control Systems of the Unified and Specified Commands:

1. The command and control systems of the Unified and Specified Commands
provide the means through which Unified/Specified Commanders receive
information to his Component Command and exercise operational
command over their forces.

2. The command and control system of a unified command includes the com-
mand and control systems of subordinate unified commands and joint task
forces when such organizations are established and assigned. Further, the
Unified/Specified Commander must pro-
vide for the employment of the Com-
mands to assure interoperability of the command-wide command, control, and
intelligence support systems necessary to his operational functions.

C. WWMCCS-Related Management/Information Systems of the Head quar-
ters of the Military Departments: This consists of the facilities, equipment,
communications, procedures, and personnel which provide the means through
which the headquarters of the Military Departments carry out their assigned
functions in support of the WWMCCS.

D. Command and Control System of the Headquarters of the Service Com-
ponent Commands: These systems pro-
vide the means through which the commanders send and receive informa-
tion and exercise command over their forces.

E. Command and Control Support Systems of Department of Defense
Agencies: These systems provide the
means through which the Directors ac-
complish the missions of their Agencies in support of the command and control
function.

F. Command and Control Systems described in paragraphs B, C, D, and E
will be configured and operated generally to meet the requirements of the com-
mands being served. However, the prior-
ity requirements defined under "b." are to be met first. These priorities will be
set forth in a WWMCCS plan to be sub-
mitted to the Secretary of Defense and the Joint Chiefs of Staff for approval.

G. Non-Department of Defense Sys-
tems. 1. Effective coordination and liaison must be established and maintained with
those activities of the U.S. Government outside the Department of Defense which
have functions associated with the NMCS, e.g., White House Situation
Room, Strategic Department Operations Center, Central Intelligence Agency In-
dications Office, U.S. Intelligence Board National Indications Center, U.N. Mili-
tary Mission, Office of Emergency Pre-
paredness National Operations Center, the U.S. Coast Guard Operations Center, the
FAA Executive Communications Control Center, and such other agencies, activi-
ties, or centers as may be designated.

2. Appropriate military information will be provided to these associated sys-
tems through the NMCS, utilizing timely, secure, and reliable communications sys-
tems. Conversely, political, Intelligence, diplomatic, and economic information
input to the NMCS will be provided by these same systems. The WWMCCS may be
required to interface with such systems and such information. In addition, the NMCS should provide
communications and space to support repre-
sentatives of the White House and other Government activities who may use the
NMCS, e.g., in a political-military situation concerning strategic direction of U.S.
Military Forces. The Joint Chiefs of Staff
will provide for lateral coordination with U.S. Government Activities external to the Department of Defense to insure ne-
cessary interchange of data to and from the NMCS.

VI. Responsibilities.

A. Subject to the authority and direction of the President and the Secretary of Defense, the Joint
Chiefs of Staff have the responsibility:

1. To prepare strategic plans and pro-
vide for the strategic direction of the
Armed Forces, including the direction
of operations conducted by Commanders of Unified and Specified Commanders and the
discharge of any other function of com-
mand for such commands directed by the Secretary of Defense.

2. To serve as advisers and as military
staff in the chain of operational com-
mand with respect to Unified and Spec-
ified Commanders, to provide a channel of communication from the President
and Secretary of Defense to Unified and Specified Commanders, and to coordinate
all communications in matters of joint
interest addressed to the Commanders of the Unified or Specified Commanders by other
authority.

3. To advise on the effectiveness of the
WWMCCS.

B. Under the direction of the Secre-
tary of Defense, the Chairman of the Joint
Chiefs of Staff will:

1. Operate, for the Secretary of De-
fense, the NMCS to meet the needs of
the USA. He will establish operational policies and procedures for all compo-
nents of the NMCS and assure their im-
plementation.

2. Define the scope and components of
the NMCS.

3. Develop and validate requirements for the NMCS, make recommendations on the design, develop-
ment, and procurement of systems and prepare, with the Joint Chiefs of Staff, the
budgeting documents for the NMCS.

4. Maintain cognizance of all
WWMCCS programs and capabilities.

C. The Assistant Secretary of Defense
(Communications) will have primary
staff responsibility in the Office of the
Secretary of Defense for the WWMCCS,
NMCS, and WWMCCS-related systems.

D. The Assistant Secretary of Defense
(Intelligence) will have primary staff responsibility in the Office of the
Secretary of Defense for the WWMCCS,
NMCS, and WWMCCS-related systems.

E. The Assistant Secretary of Defense
(Specifications and Standardization) will have primary staff responsibility in the
Office of the Secretary of Defense for the WWMCCS,
NMCS, and WWMCCS-related systems.
responsibility in the Office of the Secretary of Defense for intelligence collection and reporting systems. This responsibility includes review and advice to the Secretary of Defense on all matters involving warning and intelligence relating to the design, development, procurement (other than ADP procurement), and performance, of equipment, systems and technical procedures involved in the WWMCCS, including recommendations made by or through the Chairman, Joint Chiefs of Staff.

Chiefs of Staff.

The Assistant Secretary of Defense (Comptroller) will maintain central focal point cognizance of ADP procurement, reporting, and reutilization.

Non-NMCS elements of the WWMCCS will continue to be administered by their responsible DOD Components.

VII. World-Wide Military Command and Control System (WWMCCS) Council.

There is hereby established a WWMCCS Council, which will be chaired by the Deputy Secretary of Defense and will have as additional members the Chairman of the Joint Chiefs of Staff, the Assistant Secretary of Defense (Intelligence), and the Assistant Secretary of Defense (Telecommunications). The Council will provide policy guidance for the development and operation of the WWMCCS and evaluate its overall performance. In particular, it will review and evaluate for the Secretary of Defense the exercises specified under IV.B. It will also review and make recommendations to the Secretary of Defense on the planning of programming, and budgeting of the WWMCCS.

Maurice W. Roche, Director, Correspondence and Directives Division OASD

(FR Doc. 72-2782 Filed 2-24-72; 8:46 am)

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona A 6721; Power Site Classification 438; Cancellation 311]

ARIZONA

Order Providing for Opening of Public Lands

By published notice (37 F.R. 24, Jan. 4, 1972) the U.S. Geological Survey cancelled Power Site Classification No. 438 of November 16, 1956, as to the lands described therein.

The purpose of this order is to restore to the operation of applicable public land laws the unreserved public lands involved in that notice.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the continuing management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

Williamette Meridian

T. 8 S., R. 6 W., Sec. 33, W1/4 NW1/4.

The area described contains 80 acres in Polk County.


[FR Doc. 72-2877 Filed 2-24-72; 8:32 am]

[Serial No. Idaho-2626]

IDAHO

Notice of Proposed Withdrawal and Reservation of Land

February 15, 1972.

The Department of Agriculture has filed an application, Serial No. 1-4798, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as scenic and recreation areas around 21 high mountain lakes in the St. Joe and Clearwater National Forests.

For a period of 30 days from the date of publication of this notice all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned, or to the authorized officer of the Bureau of Land Management, Department of the Interior, Room 198, Federal Building, 550 West Fort Street, Boise, ID 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the continuing management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Agriculture.
The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

St. Joe National Forest
HIGH MOUNTAIN LAKES, MALLARD-LARKINS AREA—BOISE MERIDIAN

Devil's Lake

T. 42 N., R. 6 E.,
Sec. 25, E½SW¼NW¼, W½SE¼NE¼, NW¼NE¼SE¼, and NE¼NW¼SE¼.
Total area—60 acres.

Fawn Lake

T. 42 N., R. 7 E.,
Sec. 26, SE¼NE¼NE¼, and SE¼SE¼.
Sec. 35, NE¼.
Sec. 36, NW½NW¼NW¼.
Total area—35 acres.

Northbound Lake

T. 42 N., R. 7 E.,
Sec. 34, SE¼SW¼NW¼, SE¼SW¼SW¼, W½SE¼SW¼, W½SE¼NE¼, W½SE¼NW¼, W½SE¼SW¼, N½SE¼SW¼, N½SE¼NE¼, N½SE¼NW¼, E½NW¼SW¼, and E½NW¼NE¼.
Sec. 33, NW¼NE¼NW¼.
Total area—70 acres.

Hero Lake and Oxal Lake

T. 42 N., R. 7 E.,
Sec. 21, E½SW¼NW¼, and W½SW¼.
Sec. 26, NW½NE¼NW¼, and NW¼.
Total area—105 acres.

Crug Lake

T. 42 N., R. 7 E.,
Sec. 29, E½NE¼SW¼, E½SW¼SW¼, SW¼SE¼NE¼, SW¼SE¼NW¼, SW¼SE¼SW¼, N½SE¼SW¼, N½SE¼NE¼, N½SE¼NW¼, W½NW¼NE¼, and NW¼.
Total area—125 acres.

Heart Lake

T. 42 N., R. 7 E.,
Sec. 33, SW¼NE¼, E½NW¼SW¼, SW¼SW¼, and SE¼SE¼.
Sec. 32, NW¼NE¼NW¼, and NW¼.
Total area—45 acres.

Mudd Lake

T. 42 N., R. 7 E.,
Sec. 29, S½SW¼NW¼, N½SW¼NE¼, NW¼NE¼, SW¼SW¼NE¼, and NW¼SE¼.
Sec. 30, NW¼NE¼NW¼, and NW¼.
Total area—47.50 acres.

Larkins Lake

T. 42 N., R. 7 E.,
Sec. 29, SW¼NE¼SW¼, SW¼SE¼, NW¼NE¼SW¼, NW¼SW¼, E½NW¼SW¼, N½SE¼SW¼, N½SE¼NE¼, and NW¼SE¼.
Total area—75 acres.

The above areas aggregate 946.60 acres more or less within Shoshone County, Idaho.

Clearwater National Forest

HIGH MOUNTAIN LAKES, MALLARD-LARKINS AREA—BOISE MERIDIAN

Bacon Lake

T. 42 N., R. 9 E.,
Sec. 24, SW¼SW¼NE¼, SW¼SE¼SW¼, NE¼, SE¼SE¼NW¼, E½NE¼SW¼, N½NE¼SE¼, N½NE¼NW¼, N½NE¼NE¼, and NW¼SE¼.
Total area—75 acres.

Forage Lake

T. 42 N., R. 9 E.,
Sec. 18, NE¼SW¼SW¼, N½SE¼SW¼, SW¼SE¼SW¼, SW¼NW¼SW¼, W½SW¼SW¼, NW½SW¼SW¼, and W½SW¼SW¼.
Total area—66 acres.

Halo Lake

T. 42 N., R. 9 E.,
Sec. 33, SE¼NE¼SE¼, SE¼NW¼SE¼, and SE¼SE¼SE¼.
Sec. 34, NE¼NW¼.
Sec. 42, NW½NW¼.
Sec. 41, Susan NE¼.
Sec. 18, SW¼NW¼ of lot 4 and SW¼ of lot 4.
Sec. 19, NW¼ of lot 1.
Total area—60.10 acres.

The above areas aggregate 329.82 acres more or less within Clearwater and Shoshone Counties, Idaho.

Richard H. Petrie,
Chief,
Division of Technical Services.
Road, New Brunswick, N.Y. 08903 (NDA containing trolnitrate phosphate and butabarbital; Charles Pfizer & Co., Inc. (NDA 8-798).

3. Metamit with Butabarbital Tablets containing trolnitrate phosphate and butabarbital; Charles Pfizer & Co., Inc. (NDA 8-798).

4. Metamit with Butabarbital Tablets containing trolnitrate phosphate and butabarbital; Charles Pfizer & Co., Inc. (NDA 8-798).

5. Metamit with Butabarbital Tablets containing trolnitrate phosphate and butabarbital; Charles Pfizer & Co., Inc. (NDA 8-798).


8. Pentropic Temples containing pentactive tetractate; Armour Pharmaceutical Co., Box 511, Kankakee, Ill. 60901 (NDA 12-311).

9. Timed Pentryate Stronger Caps containing pentaerythritol tetractate; Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137 (NDA 12-450).

10. Pentryate SA Tablets containing pentactive tetractate; Warner-Chilcott Laboratories, Inc. 585 West Second Avenue, Columbus, Ohio 43215 (NDA 12-468).


14. Tetrasul-60 Timesules containing pentactive tetractate; Schrock Pharmaceuticals, Inc., Division Armanstone Laboratories, Inc., 601 East Kensington Road, Mount Prospect, Ill. 60056 (NDA 12-450).

15. Timed Pentryate Stronger Caps containing pentaerythritol tetractate and phenobarbital; Marion Laboratories, Inc. (NDA 12-749).

16. Pentactive tetractate and phenobarbital; Nyco Laboratories, Inc. (NDA 12-538).

17. Peritrate with Phenobarbital SA Tablets containing pentactive tetractate and phenobarbital; Warner-Chilcott Laboratories (NDA 12-266).

18. Pencard No. 2 with Phénobarbital Tablets containing pentactive tetractate; Cole-Pharmacal Co., Inc., 3721 Laclede Avenue, St. Louis, Mo. 63108 (NDA 8-852).

19. Pentraline Tablets containing pentactive tetractate, sodium buta

barbital, and reserpine; McNeill Laboratories, Inc., Chain Hill Road, Fort Washington, Pa. 19034 (NDA 10-972).


21. Nitranite Tablets containing manfattoxite hexanitrate; The Wm. S. Merrell Co., Division of Richardson-Merrell, Inc., 110 East Ambly Road, Cincinnati, Ohio 45215 (NDA 3-192).


23. Nitranit with Phenobarbital Tablets containing mannitol hexanitrate and phenobarbital; the Wm. S. Merrell Co. (NDA 4-363).

24. Fexitate with Phenobarbital Tablets containing mannitol hexanitrate and phenobarbital; Strasenburgh Pharmaceuticals, Inc.; 50 Northwest 176th Street, Miami, Fla. 33169 (NDA 9-599).

25. Nitroglyrin SA Tablets containing nitroglycerine; Key Pharmaceuticals, Inc.; 50 Northwest 176th Street, Post Office Box 3670, Norland Beach, Miami, Fla. 33169 (NDA 9-599).


27. Isordil Tembids containing isosorbide dinitrate; Ives Laboratories, Inc. (NDA 12-882).

28. Isordil Sublingual Tablets containing isosorbide dinitrate; Ives Laboratories, Inc. (NDA 12-093).

29. Isordil with Phenobarbital Tablets containing isosorbide dinitrate and phenobarbital; Ives Laboratories, Inc. (NDA 12-093).

30. Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

On April 19, 1966, a statement of policy relating to the management, prophylaxis, and treatment of anginal attacks (21 CFR 3.74) was published by the Food and Drug Administration. The Food and Drug Administration has classified the highest classification is probably effective. The marketing status of drugs for which the highest classification is probably effective. This was published in the Federal Register, Vol. 37, No. 38, Friday, February 25, 1972.

C. Marketing status of the drug for which the highest classification is probably effective. The holder of any approved new drug application shall submit a supplement to his application to market the drug for the indication for which the highest classification is probable effective. This was published in the Federal Register, Vol. 37, No. 38, Friday, February 25, 1972.
be identified with the reference number DESH 1763, directed to the attention of the appropriate official, listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of the Product Evaluation (BD-100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-87), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 62 Stat. 1090-3, in which amended; 21 U.S.C. 355, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).


JAMES D. GRANT,
Deputy Commissioner of Food and Drugs.

[FR Doc.72-2798 Filed 2-24-72; 8:51 am]

[Docket No. FDC-D-433; NDA No. 10-891]

AYERST LABORATORIES

Captodiame Hydrochloride; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESH 10891) published in the FEDERAL REGISTER of September 1, 1970 (35 FR 10300), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below, stating that the drug was regarded as possibly effective for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted within the period provided for in section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)).

Therefore, notice is given to Ayerst Laboratories, 665 Third Avenue, New York, N.Y. 10017, that approval of the drug described below, stated to have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling, is hereby withdrawn effective on the date of publication of this document.


SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2797 Filed 2-24-72; 8:49 am]

[Docket No. FDC-D-433; NDA No. 10-891]

DYNACO; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of April 29, 1971 (36 FR 8065). Said notice gave the named holders of various NADA's (new animal drug applications) the opportunity for a hearing. Armour Pharmaceutical Co., Box 3113, York, N.Y. 10017, was given the opportunity for a hearing.

ARMOUR PHARMACEUTICAL CO.

Dynaco; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of April 29, 1971 (36 FR 8065). Said notice gave the named holders of various NADA's (new animal drug applications) the opportunity for a hearing. Armour Pharmaceutical Co., Box 3113, York, N.Y. 10017, was given the opportunity for a hearing.

ARMOUR PHARMACEUTICAL CO., Box 3113, Omaha, Neb. 68103 the holder of NADA No. 9-664V for the product Dynaco, filed a written appearance requesting an opportunity for a hearing. However, said written appearance was not supported by a well-organized and full-factual analysis of the clinical and other investigational data to support their opposition to the grounds for said notice. Therefore, the firm's request for a hearing is denied.

The Commissioner of Food and Drugs, based on his evaluation of information before him with respect to said drug, finds that there is a lack of substantial evidence that the drug will have the effects it purports and is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Accordingly, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 9-664V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of publication of this document.


SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2788 Filed 2-24-72; 8:49 am]

DESI 1786, directed to the attention of the Office of Scientific Evaluation (BD-60), Bureau of Drugs.

Original new drug applications: Office of the Product Evaluation (BD-100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-87), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).


JAMES D. GRANT,
Deputy Commissioner of Food and Drugs.

[FR Doc.72-2786 Filed 2-24-72; 8:49 am]
E. I. DU PONT DE NEMOURS & CO.

Notice of Amended Filing of Petition for Food Additives

Notice was given in the Federal Register of August 20, 1970 (35 F.R. 13325), that a petition (FAP 1B2571) had been filed by E. I. Du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing that § 121.2526 of the substance "Diethanolamine salts of mono- and fatty foods (21 CFR 121.2526) be amended in paragraph (a) (5) in the table by revising the "Limitations" for the substance "Diethanolamine salts of mono- and bis (1H, 1H, 2H, 2H-perfluoroalkyl) phosphates, * * * * *" as follows:

to expand the permitted conditions of food-contact use to include conditions of use C and D as described in table 2 of paragraph (c) of that section.

2. To reduce the upper level of use from 0.17 pound (0.09 pound of fluorine) per 1,000 square feet of treated paper or paperboard to 0.14 pound (0.075 pound of fluorine) when such paper or paperboard is used in contact with nonalcoholic food components of type C, D, E, F, and G described in table 2 of paragraph (c) of that section.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348), notice is given that it has been further proposed that said petition be amended to permit conditions of food-contact use described in No. 1 above to include conditions of use B and A described in table 2 of paragraph (c) of § 121.2526 and to delete the proposed reduction of use level described in No. 2 above.


VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-2789 Filed 2-24-72; 8:49 am]

PETROLITE CORP.

Notice of Filing of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(a)(5)), notice is given that a petition (FAP 2B2754) has been filed by Petrolite Corp., Barco Division, Post Office Drawer K, Tulsa, Okla. 74115 proposing that the food additive regulations be amended to provide for additional safe uses for synthetic petroleum wax as a component of articles intended to contact food.

Dated: February 17, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-2791 Filed 2-24-72; 8:51 am]

HUMAN DRUGS WHICH ARE BIOLOGICAL PRODUCTS

Redelegation of Authority To Administer Certain Provisions of the Federal Food, Drug, and Cosmetic Act

Redelegation of authority delegated to the Assistant Secretary for Health and Scientific Affairs by the Secretary of Health, Education, and Welfare under section 6 of Reorganization Plan No. 1 of 1953 and section 2 of Reorganization Plan No. 3 of 1966 is hereby redelegated to the Commissioner of Food and Drugs and the Director, National Institutes of Health, as follows:

In effect on the date of this notice, each of you is hereby concurrently redelegated the authority vested in me to administer, enforce, and apply all applicable provisions of the Federal Food, Drug and Cosmetic Act as amended, with respect to those human drugs that are biological products as defined in, and subject to licensing under, section 351 of the Public Health Service Act, as amended (42 U.S.C. 262) and the regulations thereunder, 21 CFR Part 73.

2. This authority shall be exercised in accordance with the attached Memorandum of Understanding between the Commissioner of Food and Drugs, and the Director, National Institutes of Health, which memorandum sets forth with particularity the functions to be undertaken by each agency.

3. Any prior delegation, statement of organization, functions and delegations of authority, or chapter of the Department of Health, Education, and Welfare Organization Manual inconsistent with this delegation or the attached Memorandum of Understanding is hereby superseded to the extent of such inconsistency.

The authority delegated in paragraph 1, other than the authority to promulgate regulations, may be redelegated as, in the judgment of the Commissioner of Food and Drugs or the Director, National Institutes of Health, may be necessary or advisable for the effective administration of such authority by them.

Effective date.
This redemption of authority shall be effective immediately.


MERLIN K. DUYAL
Assistant Secretary for Health and Scientific Affairs.

Memorandum of understanding between the Food and Drug Administration and the National Institutes of Health concerning authority to enforce applicable provisions of the Federal Food, Drug, and Cosmetic Act with respect to human drugs which are biological products.

Memorandum of understanding between the Food and Drug Administration and the National Institutes of Health concerning authority to enforce applicable provisions of the Federal Food, Drug, and Cosmetic Act with respect to human drugs which are biological products.

National Institutes of Health

HUMAN DRUGS WHICH ARE BIOLOGICAL PRODUCTS

Redelegation of Authority To Administer Certain Provisions of the Federal Food, Drug, and Cosmetic Act

Cross reference: For a document issued jointly by the Food and Drug Administration, the National Institutes of Health, and the Public Health Service, regarding authority to enforce certain provisions of the Federal Food, Drug, and Cosmetic Act with respect to human drugs which are biological products, see F.R. Doc. 72-2759, Department of Health, Education, and Welfare, infra.

FEDERAL REGISTER, VOL. 37, NO. 38—FRIDAY, FEBRUARY 25, 1972
or analogous product applicable to the prevention, treatment, or cure of diseases or injuries of man [henceforth referred to as biological products (henceforth referred to as DBS) of the National Institutes of Health. These biological products are also referred to as drugs for human use under the Federal Food, Drug, and Cosmetic Act enforced by the Division of Biological Standards (henceforth referred to as DBS) of the National Institutes of Health. The purpose of this Memorandum of Understanding is to establish the Department of Health and Human Services (henceforth referred to as DHHS) as the lead agency in the Federal Government with respect to all matters pertaining to human drugs which are biological products will be promulgated by DBS after approval of FDA. 7. DBS and FDA will each appoint one liaison representative to the Atomic Energy Commission to facilitate carrying out the above provisions.


Charles C. Edwards,
Commissioner of Food and Drugs.

Robert O. Mastro,
Director
National Institutes of Health.

[FR Doc. 72-2759 Filed 2-24-72; 8:49 am]

Public Health Service
HUMAN DRUGS WHICH ARE BIOLOGICAL PRODUCTS

Redelegation of Authority To Administer Certain Provisions of the Federal Food, Drug, and Cosmetic Act

Cross Reference: For a document issued jointly by the Food and Drug Administration, the National Institutes of Health, and the Public Health Service, regarding authority to enforce certain provisions of the Federal Food, Drug, and Cosmetic Act with respect to human drugs which are biological products, see F.R. Doc. 72-2759, Department of Health, Education, and Welfare, Office of the Secretary, supra.

ATOMIC ENERGY COMMISSION

Determination Not To SUSPEND CONSTRUCTION ACTIVITIES PENDING COMPLETION OF ENVIRONMENTAL REVIEW

Alabama Power Co. (the applicant) is the holder of a construction exemption issued by the Atomic Energy Commission on April 12, 1971. The construction exemption authorizes the applicant to construct below-ground portions of the Unit 1 containment and the Unit 1 and 2 auxiliary building prior to issuance of construction permits for the Joseph M. Farley Nuclear Plant to be located at the applicant's site on the west side of the Chattahoochee River, 5 miles south of Columbia, Ala., in Houston County. Each facility is designed for initial operation at approximately 2,660 megawatts (thermal).

The applicant has furnished to the Commission a written statement, with supplementary letters, furnishing additional information which indicates that a drug subject to the regulation of the other agency may be in violation of the provisions of the Federal Food, Drug, and Cosmetic Act with respect to a biological product. For the purposes of this Memorandum of Understanding, it is agreed by both agencies that:

1. DBS, in addition to establishing standards designed to insure the continued safety, purity and potency of biological products pursuant to the Federal Food, Drug, and Cosmetic Act, has primary responsibility for enforcing all applicable provisions of the Federal Food, Drug, and Cosmetic Act with respect to biological products which will foster the utmost public protection.

2. In emergency situations involving protection of human life or health, that agency may be in violation of the provisions of the Federal Food, Drug, and Cosmetic Act, has primary responsibility for enforcing all applicable provisions of the Federal Food, Drug, and Cosmetic Act with respect to a biological product.

3. If either agency, through inspection or enforcement action, requests to do so by DBS.

4. In the event the other agency, through inspection or otherwise, becomes aware of any information which indicates that a drug subject to the jurisdiction of the other agency may be in violation of the provisions of the Federal Food, Drug, and Cosmetic Act, has primary responsibility for enforcing all applicable provisions of the Federal Food, Drug, and Cosmetic Act with respect to a biological product.

5. Any complaints or reports received by either agency with respect to a drug subject to the jurisdiction of the other agency will be reported to that agency.

6. All regulations promulgated by FDA under authority of the Federal Food, Drug, and Cosmetic Act, with respect to human drugs will be applicable to biological products. The regulations issued under authority of the Federal Food, Drug, and Cosmetic Act pertaining only to human drugs which are biological products will be promulgated by DBS after approval of FDA.

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Charles C. Edwards,
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Robert O. Mastro,
Director
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[FR Doc. 72-2759 Filed 2-24-72; 8:49 am]

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Charles C. Edwards,
Commissioner of Food and Drugs.

Robert O. Mastro,
Director
National Institutes of Health.

[FR Doc. 72-2759 Filed 2-24-72; 8:49 am]
NOTICES

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, as revised September 6, 1971, notice is hereby given that a report entitled "Environmental Report, Amendment 1" submitted by the Washington Public Power Supply System is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545. The report is also being made available at the U.S. Bureau of Mines, Bartlesville Petroleum Research Center, Virginia and Cudahy, Bartlesville, Okla. 74009.

As soon as they become available to the Commission, copies of the draft Rio Blanco Project Definition Report and of the Federal and State agency environmental statements will also be made available at the above-specified locations.

Notice is hereby given that public hearings concerning the draft environmental statement will be held on March 24, 1972 at 10 a.m. in the Meeker Public High School Auditorium, Meeker, Colo., and on March 27, 1972 at 10 a.m. in the Las Vegas Convention Center, Las Vegas, NV 89114.

The purpose of the hearings is to afford further opportunity for public comment regarding the draft environmental statement and the Rio Blanco Gas Stimulation Project and for the furnishing of any additional information which will assist the Commission in determining whether to authorize the project. The Commission has decided as a matter of discretion not to permit persons as participants on good cause shown as to why they did not seek to become participants in the proceeding must file a written statement to the effect that the Secretary of the Commission not later than 15 days from the date of publication of this notice in the Federal Register. A person permitted to make a limited appearance may state his position on the draft environmental statement and the Rio Blanco Gas Stimulation Project.

Participants and persons making limited appearances may submit written questions relevant to the purpose of the hearings to the presiding board, which, in its discretion, may provide for the answering of such questions as appropriate.

Procedures that will be followed in the scheduled hearings are as follows:

1. Two members of the presiding board will constitute a quorum, if one of those members is the Chairman. All persons admitted as participants will be entitled to testify under oath. Consent with the full and true disclosure of the facts, duplicative, redundant or nonproductive testimony will not be permitted and the presiding board will impose suitable restrictions to that end.

2. The AEC will make available appropriate witnesses to explain the background and purpose of the Rio Blanco Gas Stimulation Project, and the contents of the draft environmental statement. Participants may request specified witnesses, and if such a request is made, the presiding board, upon determining that the request is relevant, nonduplicating and meritorious, will encourage such witness to testify. No subpoenas requiring the testimony of witnesses will be issued by the presiding board.

3. Participants will reference and produce on request the documents on which they rely. Requests for interrogatories, depositions or formal discovery will not be entertained.

4. The presiding board will set appropriate, reasonable time limits on the statements and testimony.

5. The presiding board is authorized to take appropriate action to control any abuse of the processes of the hearing. The presiding board will have authority to maintain order; to administer oaths and affirmations; rule on offers of, and receive, evidence; regulate the course of the hearing; and conduct the hearing. The presiding board may, in its discretion, consolidate presentations as appropriate; dispose of procedural requests or similar matters; examine witnesses; and hold conferences before or during the hearing.

The hearings will be conducted as expeditiously as practicable, consistent with affording participants and those making limited appearances a reasonable opportunity to present their positions, as determined by the presiding board. A transcript of the hearings will be made, and a copy of the transcript, together with all documents and exhibits presented at the hearings, will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and at the other locations specified in the first paragraph of this notice.

ROGER S. BOYD, Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc. 72-2738 Filed 2-24-72; 8:45 am]
EMINENT PROTECTION AGENCY
DIAMOND SHAMROCK CHEMICAL CO.
Notice of Filing of Petition Regarding Pesticide Chemical
Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 72; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 2F1208) has been filed by the Diamond Shamrock Chemical Co., 300 Union Commerce Building, Cleveland, Ohio 44115, proposing establishment of tolerances (40 CFR Part 190) for combined residues of the fungicide chlorothalonil (2,4,5,6-tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the raw agricultural commodities lima and snap bean vines at 50 parts per million; peanut vine, sugarbeet tops, and sweet corn forage at 20 parts per million; lima beans at 15 parts per million; meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep, and milk and sugar beets at 0.5 part per million.
The analytical method proposed in the petition for determining residues of the fungicide is a microcoulometric gas chromatographic procedure.
WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.
[FRC Doc. 72-2242 Filed 2-24-72; 8:48 am]

WELLGRO, INC.
Notice of Filing of Petition Regarding Pesticide Chemical
Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 72; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1208) has been filed by Wellgro, Inc., Post Office Box 173, Greeley, CO 80631, proposing establishment of an exemption from the requirement of a tolerance (40 CFR Part 190) for paraformaldehyde when applied to the soil as an insecticide. In accordance with good agricultural practice, in the production of sugar beets.
WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.
[FRC Doc. 72-2244 Filed 2-24-72; 8:48 am]

NOTICES
Federal Communications Commission
(Dockets Nos. 19439-19444; FOC 72-159)
CORVALLIS BROADCASTING CORP.
ET AL.
Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues
In regard applications of Corvallis Broadcasting Corp., Corvallis, Ore., requests: 1240 kHz, 250 w., 1 kw.-LS, U, and 101.5 MHz, No. 268; 28 kw.; 100 feet, Docket No. 19439, File No. BP-18942; Docket No. 19440, File No. BP-18943; Ted A. Jackson, Corvallis, Ore., requests: 1240 kHz, 250 w., 1 kw.-LS, U, and 101.5 MHz, No. 268; 28 kw.; 100 feet, Docket No. 19441, File No. BP-18966, Docket No. 19442, File No. BP-18967; Western Radio Corp., Corvallis, Ore., requests: 1240 kHz, 250 w., 1 kw.-LS, U, and 101.5 MHz, No. 268; 28 kw.; 100 feet, Docket No. 19443, File No. BP-18970; Docket No. 19444, File No. BP-18971; for construction permits.
1. The Commission has before it the above mutually exclusive applications for construction permits to use the facilities formerly authorized to stations KFLY AM and FM.
2. In a decision released on May 26, 1970, the Commission revoked the license of station KFLY (AM) and denied the application for regular authority for station KFLY (FM).
3. In response to the Commission's announcement and public notice, the above-captioned applicants filed for both the AM and FM facilities. Subsequently, on March 3, 1971, the three applicants were authorized to operate the facilities under a joint venture agreement on an interim basis pending the termination of the hearing which is required on the applications for regular authority.
4. According to its application, Western Radio Corp. (Western Radio) would require $149,000 to modify, improve and lease equipment and to operate the proposed station for 1 year without reliance on expected revenues. To meet this requirement, Western Radio relies on 11 stock subscriptions totaling $60,000 and loans totaling $150,000. The Commission requires all persons or entities,
NOTICES

except financial institutions, who have agreed to furnish funds or purchase stock from an applicant and who have not already done so, to submit balance sheets showing sufficient liquid assets to meet their obligations as to comply with the terms of their agreements. Western Radio has failed to submit balance sheets showing sufficient liquid assets to subscribers to its stock. In addition, when a bank loan is expressed as conditioned upon the personal guarantee of a particular guarantor, the Commission requires that the guarantor of the bank loan submit a written statement showing his willingness to so specify. Western Radio relies on two bank loans of $25,000 each and one bank loan of $100,000. Each of these loans is expressly conditioned upon the personal guarantee of an individual who has not submitted a written agreement or promised to be a guarantor. Thus, Western Radio has failed to show the availability of either its stock subscriptions or its bank loans.. Accordingly, a financial issue will be specified as to this applicant.

5. Except as indicated by the issues specified below, the applicants are qualified to operate as proposed. However, in order to determine the issues, a consolidated proceeding, at a time and place to be announced in the Federal Register, will be held. In a subsequent order, upon the following issues:

6. Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues


1. The Commission has before it for consideration the above-captioned mutually exclusive applications. Accordingly, it is ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be announced in the Federal Register. In a subsequent order, upon the following issues:

(1) To determine with respect to the application of Western Radio Corp.:
(a) Whether the stock subscribers have sufficient net liquid assets to meet their respective commitments to purchase stock;
(b) Whether Fred G. Meyer, John S. Brandt Jr. and Charles S. Wilson are willing to guarantee the bank loans; and
(c) Whether, in light of the evidence adduced above, the issues, the applicant is financially qualified.

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

7. It is further ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be announced in the Federal Register. In a subsequent order, upon the following issues:

(1) To determine with respect to the application of Western Radio Corp.:
(a) Whether the stock subscribers have sufficient net liquid assets to meet their respective commitments to purchase stock;
(b) Whether Fred G. Meyer, John S. Brandt Jr. and Charles S. Wilson are willing to guarantee the bank loans; and
(c) Whether, in light of the evidence adduced above, the issues, the applicant is financially qualified.

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

8. 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, either individually or, if feasible and consistent with the rules, jointly within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.


FEDERAL COMMUNICATIONS
COMMISSION.

[Seal] Ben F. Waple,
Secretary.

[FR Doc.72-2803 Filed 2-24-72; 8:50 am]

(Dockets Nos. 19434-19456; FCC 72-138)

SALEM BROADCASTING CO., INC., ET AL.

Memorandum Opinion and Order


1. The Commission has before it for consideration the above-captioned mutually exclusive applications. Accordingly, it is ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be announced in the Federal Register. In a subsequent order, upon the following issues:

(1) To determine with respect to the application of Western Radio Corp.:
(a) Whether the stock subscribers have sufficient net liquid assets to meet their respective commitments to purchase stock;
(b) Whether Fred G. Meyer, John S. Brandt Jr. and Charles S. Wilson are willing to guarantee the bank loans; and
(c) Whether, in light of the evidence adduced above, the issues, the applicant is financially qualified.

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

7. A "Suburban" issue is required with respect to the applications of Salem Broadcasting Co., Inc., and New Hampshire Broadcasting Corp., which are currently in hearing (Docket No. 18641) to determine, along with other matters, the character allocation of Edward F. Perry Jr., and the other principals of Natick. The proceeding seeks to determine whether Perry or any Natick principal misrepresented or concealed material facts, or lacked candor in their dealings with the Commission.

The findings with respect to Perry in Docket No. 18641 shall be res judicata as to this proceeding. Accordingly, in the event Salem Broadcasting Co., Inc., is denied in the forthcoming comparative hearing, final action will be withheld pending resolution of the issues in Docket 18641 and a condition with respect to this matter will be included.

An examination of the financial section of the Salem Broadcasting Co.'s application reveals the applicant has failed to establish its financial qualifications. The bank guarantee, which is currently held by the Arlington Trust Co., is defective in that it fails to provide the terms of repayment, collateral or security required, rate of interest to be charged, any special requirements imposed, and therefore cannot be accepted by the Commission. In light of this deficiency, a hearing issue to Salem Broadcasting Co.'s financial qualifications is required.

A "Suburban" issue is required with respect to Spacetown Broadcasting Corp. While the most current survey submitted by the applicant shows it has contacted additional community leaders and members of the general public, the community survey continues to fall short of the "Primer’s" requirements that the applicant provide a description of the program it proposes to provide to meet the community's needs, and identify the population affected. Therefore, the application has not fulfilled the Primer’s requirements, and a "Suburban" issue is included.

FEDERAL REGISTER, VOL. 37, NO. 38—FRIDAY, FEBRUARY 25, 1972


NOTICES

8. The respective proposals would serve substantial areas in common. Consequently, in addition to the section 307(b) determination, a contingent comparative issue will also be specified.

10. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications herein 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 primary service from the proposed operations, and the availability of other primary aural (1 mv/m or greater in the case of FM) service to such areas and populations.

(2) To determine the efforts made by Spacetown Broadcasting Corp. to ascertain the community needs and interests of the areas to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine, with respect to the application of Salem Broadcasting Co., (a) Whether the Arlington Trust Co. or any other banking institution, is willing to loan the applicant the amount it proposes to use for first-year construction and operation expense;

(b) Whether, in the light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(4) To determine, in light of 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.

(5) To determine, in the event it is concluded that a choice between the applications should be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would, on a comparative basis, better serve the public interest.

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

11. It is further ordered, That, in the event that the application of Salem Broadcasting Co., Inc., is favored, final action will be withheld pending resolution of the issues with respect to the qualifications of Edward F. Perry, Jr., in Docket No. 18641:

12. It is further ordered, That, in the event of a grant of the application of Spacetown Broadcasting Corp., the permittee shall submit equipment performance measurements made in accordance with § 73.47 of the Commission’s rules with the application for license:

13. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 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.

14. 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 either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Federal Communications Commission, [seal] Ben F. Waple, Secretary.

FCC BROADCAST FINANCIAL REPORTS

Reporting “Trade Outs”

February 17, 1972.

The Commission has received inquiries concerning the reporting of trade outs or barter transactions in the broadcast stations’ Annual Financial Report (FCC Form 324). These are exchanges of a station’s broadcast time for goods, programs, other media, or other services (in lieu of money).

These transactions may be made directly with the advertiser or with “third party agencies” acting in behalf of an advertiser. It often is the practice in the industry for stations to place considerable values on the time which is to be provided the advertiser under a trade or barter agreement. This is true because the time may otherwise remain unsold.

Trade outs or barter transactions have value and should be reported in the Annual Financial Report (FCC Form 324). Spots exchanged for program material should be estimated at a fair value consistent with purchases of other program material of similar quality and quantity. Spots exchanged for fixed assets (such as furniture, automobiles, studio equipment etc.), to which the station takes title or ownership for use in conducting business should be estimated at the amount of cash which would have been paid for the asset, if the trade out was not available.

Spots exchanged for merchandise (such as radio sets, television sets, sporting equipment, theater tickets, novelty items, items to be used as prizes, gifts, or give-aways), for advertisements in other media (such as newspapers, radio, television, transit ads, billboard, etc.), for services (such as hotels, travel, auto rentals, restaurants, etc.) are more difficult to value, but must be estimated for purposes of the financial report. Again, the amount of cash the station would have paid for the merchandise or service provides a reasonable basis for estimating the value.

In the Annual Financial Report, the value of traded time should be included as time sales when the spots are broadcast. The corresponding cost (estimated value) of the goods or services received should be treated in the report in the same manner as similar purchases for cash, i.e., amortized or expensed out.

Action by the Commission February 16, 1972. Commissioners Burach (Chairman), Bartley, Robert E. Lee, Reid, and Wiley.

Federal Communications Commission, [seal] Ben F. Waple, Secretary.

FEDERAL MARITIME COMMISSION

CARNIVAL CRUISE LINES, LTD. AND CARNIVAL CRUISE LINES, INC.

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):


Dated: February 18, 1973,
Joseph C. Polking, Assistant to the Secretary.

CARNIVAL CRUISE LINES, LTD. AND CARNIVAL CRUISE LINES, INC.

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):
NOTICES

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).


JOSEPH C. POLKING, Assistant to the Secretary.

[FR Doc. 72-2697 Filed 2-24-72; 8:52 am]

SCANLAKLE LINE RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1445 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreement, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the Federal Register. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to appear. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall be set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. H. S. Heyerdahl, Scanlake Line, Post Office Box 1653, Oslo 1, Norway.

Agreement No. 5691-2 modifies the basic agreement to provide for the change in membership and update the rate agreement in accordance with the terms and conditions set forth therein.

Dated: February 17, 1972.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING, Assistant to the Secretary.

[FR Doc. 72-2808 Filed 2-24-72; 8:52 am]

UNITED OVERSEAS EXPORT LINES, INC. AND/OR CHINESE MARITIME TRUST, 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 pursuant to the provisions of section 2, Public Law 88-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540).

United Overseas Export Lines, Inc., and/or Chinese Maritime Trust, Ltd. (Orient Overseas Line), c/o Orient Overseas Services, Inc., 311 California Street, San Francisco, CA 94104.

Dated: February 17, 1972.

JOSEPH C. POLKING, Assistant to the Secretary.

[FR Doc. 72-2809 Filed 2-24-72; 8:52 am]

FEDERAL POWER COMMISSION

[DOCKET NO. RP71-106]

COMMERCIAL PIPELINE CO., INC.

Notice of Application for Increase in Resale Rates

February 17, 1972.

Take notice that on February 1, 1972, Commercial Pipeline Co., Inc. filed in Docket No. RP71-105 an application for an increase in its resale rates. The company's letter of transmittal is as follows:

Pursuant to the requirements of Part 154 of the Commission's regulations under the Natural Gas Act, there are submitted herewith for filing ten (10) copies of Third Revised Sheet No. 4 to Commercial Pipeline Co., Inc. FPC Gas Tariff, First Revised Volume No. 1. This tariff sheet incorporates a proposed tracking increase in the base and excess rates applicable to Commercial's Rate Schedule F-1 for firm service.

It is requested that the Commission waive the notice requirements of § 154.22 of its regulations to permit the foregoing tariff sheet to become effective on February 1, 1972.

Joseph C. Polking, Assistant to the Secretary.

[FR Doc. 72-2805 Filed 2-24-72; 8:51 am]

UNITED OVERSEAS EXPORT LINES, INC. AND/OR CHINESE MARITIME TRUST, LTD.

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Insasmuch as the rate increase incorporated in the revised tariff sheet filed herewith is designed solely to track the cost of gas purchased in the settlement filed by Cities Service Gas Co. in Dockets Nos. RP71-105 and RP71-129 on November 9, 1971, and is consistent with the Commission's interpretation with regard to assuring cost support of gas purchased. In support of this request, reference is made to the rate increase filing tendered by Commercial in Docket No. RP71-96 which includes full cost support. The rates proposed therein by Commercial were approved by the Commission and permitted to become effective on May 19, 1971, without suspension. The cost data supporting those rates included purchased gas cost adjusted to reflect the prices being charged by Cities Service Gas Co. as of December 31, 1970. Cities Service Gas Co. is a sole supplier of natural gas. On April 23, 1971, while Commercial's rate increase application in Docket No. RP71-96 was pending before the Commission, Cities Service Gas filed increased rates in Docket No. RP71-106. Cities Service's rates were suspended and are now being reviewed in the settlement agreement filed by Cities Service with its letter of November 9, 1971.

Schedule N-5A of the data filed by Commercial in support of its rate increase in Docket No. RP71-96 sets out the purchased gas cost included in each dollar that purchased gas cost was adjusted, amounted to $181,487. At the rates proposed by Cities Service in its application for its suspended cost of purchased gas for Commercial would be increased to $184,487.

This is an increase of $12,982 above the purchased gas cost involved in the cost of service supporting the rates approved by the Commission in Docket No. RP71-96.

Based upon the data set forth on Schedule N-5 of the data filed by Commercial in Docket No. RP71-96, 76.42 percent of the increased purchased gas cost is attributable to jurisdictional business. Thus the tracking adjustment attributable to jurisdictional business is $14,921. This is equivalent to 3.45 cents per Mcf for jurisdictional sales. Accordingly the increased rates filed herewith reflect 3.45 cents per Mcf above those rates approved by the Commission in Docket No. RP71-96.

There is included herewith as Appendix A, a schedule setting forth a comparison of revenues under the present and proposed rates based upon sales during the 12 months ending December 31, 1971.

Insasmuch as the Cities Service settlement in Dockets Nos. RP71-106 and RP71-129 proposed for Cities Service to file tracking rate changes from time to time, it is requested that the Commission, in accepting this rate filing, authorize Commercial to make concurrent tracking rate changes whenever Cities Service Gas Co. files a tracking determination and Agreement dated November 5, 1971, in Dockets Nos. RP71-106 and RP71-129.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street...
required, further notice of such hearing shall be duly given.

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

Kenneth F. Plumb, Secretary.

[FR Doc.72-2754 Filed 2-24-72;8:47 am]

[Ransom Horne, Jr., et al.]

Notice of Applications for "Small Producer" Certificates

February 17, 1972.

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

Any person desiring to be heard or to make any protest with reference to said applications should file such protest on or before March 15, 1972, with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure. Persons wishing to become a party must file a petition to intervene. The Company's application is on file with the Commission and available for public inspection.

Kenneth F. Plumb, Secretary.

[FR Doc.72-2755 Filed 2-24-72;9:48 am]

[LOUISIANA POWER & LIGHT CO.]

Notice of Rate Schedule Changes

February 17, 1972.

Take notice that on October 27, 1971, and December 6, 1971, Louisiana Power & Light Co. (Company) filed application to reinstate a portion of FPC Rate Schedule 44 (Emergency Assistance Agreement) which filing would amount to a rate schedule change.

Pursuant to the Emergency Assistance Agreement, effective June 15, 1971, Company is to provide emergency assistance service to the city of Plaquemine, La. (City). The agreement provided that City maintain generating capacity equal to its maximum demand plus a reserve equal to one-half its largest generating unit, and an $18 per kilowatt per year charge for additional reserve generating capacity.

It was intended that the service and charge, if any, be placed into effect contemporaneous to bringing the City's new 20,000 kw. generating unit on the line. However, the facility was not completed and Company, by letter filed June 9, 1971, agreed to waive the $18 deficiency charge until such time as the 20,000 kw. unit was on the line or November 1, 1971, whichever was earlier.

By Commission letter of July 7, 1971, FPC Rate Schedule 44, as supplemented, was accepted for filing with the provision that any subsequent charge of the $18 deficiency charge would constitute a change in the filed rate and should be preceded by a timely filing.

Company, by letters of October 27 and December 6, 1971, seeks to reinstate that charge within FPC Rate Schedule 44, as supplemented. Company has requested waiver of Commission's Notice require

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

NOTICES
NOTICES

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, Secretary.

[Fed. Reg. 37:22-3386 Filed 2-24-72; 8:48 am] [Docket No. CP72-194]

NORTHERN NATURAL GAS CO.

Notice of Application

FEBRUARY 16, 1972.

Take notice that on January 31, 1972, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP72-194 an application pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment of certain natural gas facilities in Minnesota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to abandon and remove for salvage its Lakeville TBS No. 1 metering station, to abandon and transfer to its Peoples Division approximately 19,062 feet of 2-inch Lakeville Branchline, and to abandon in place the remaining 24,251 feet of said branchline for use as yard piping, all located in Dakota County, Minn. Applicant states that since the construction of its new Lakeville TBS metering station, its 2-inch Lakeville Branchline in Dakota County, Minn., is no longer utilized to deliver gas to the Lakeville area except for seven tap customers, who are now served by its Peoples Division by backflowing gas through the portion of the branchline proposed to be abandoned and transferred to Peoples. Applicant estimates the cost of removing the Lakeville TBS No. 1 to be $460.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

KENNETH F. PLUMB, Secretary.


SEA ROBIN PIPELINE CO. ET AL.

Notice of Joint Application

FEBRUARY 14, 1972.

Take notice that on January 28, 1972, Sea Robin Pipeline Co. (Sea Robin), Post Office Box 1407, Shreveport, LA 71158, United Gas Pipe Line Co. (United), 1500 Southwest Tower, Houston, Tex. 77002, and Southern Natural Gas Co. (Southern), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP72-193 a joint application pursuant to section 7(b) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas among applicants, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek authorization for a three-way exchange of natural gas whereby Southern will deliver to Texas Eastern Transmission Corp. for the account of Gulf Oil Corp. (Gulf) a daily quantity of gas at the tailgate of Gulf's Venice Gas Processing Plant in Plaquemines Parish, Louisiana, which Sea Robin will transport for Gulf from Eugene Island Area, offshore Louisiana, which Sea Robin will deliver to United near Erath, La., and which United will deliver to Southern near Southern's Shady Side Compressor Station in St. Mary Parish, La. Sea Robin has filed in Docket No. CP72-120 an application seeking authorization to transport the subject gas for Gulf to a point onshore near Erath, Vermilion Parish, La.

Applicants state that the purpose of the proposed exchange is to fulfill the terms of an interrelated gas purchase contract and a gas supply agreement between Gulf and Sea Robin whereby Sea Robin will purchase 50 percent of the gas produced from Gulf's production in Blocks 237, 238, 283, and 253 in Eugene Island Area, which United and Southern will ultimately acquire, and will transport for Gulf its 50 percent retained volume of gas to Gulf's Venice Processing Plant, offshore Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 3, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, Secretary.


SOUTHWEST GAS CORP.

Order Permitting Tracking Increase To Become Effective, Granting Tracking Authority Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Consolidating Proceedings

FEBRUARY 17, 1972.

Southwest Gas Corp. (Southwest) on January 18, 1972, tendered for filing proposed changes in its FPC Gas Tariff Original Volume No. 1. Two of the revised tariff sheets reflect an increase of 0.03 cent per therm in its jurisdictional

1 Fifth Revised Sheets Nos. 4 and 10A.
rates. This proposed increase amounts to $20,512 annually, and tracks an increase in Southwest's cost of purchased gas resulting from the increase of its supplier, El Paso Natural Gas Co. (El Paso), which became effective on February 1, 1972. Southwest has requested an effective date of February 1, 1972, to coincide with the effective date of El Paso's filing. Two tariff sheets \(1^\text{st}\) reflect an increase of 0.654 percent and others reflect the level of the rates proposed to become effective February 1, 1972. This additional increase would increase jurisdictional revenues in the amount of $38,511 annually and has a proposed effective date of February 18, 1972.

Southwest states that the principal reasons for this proposed increase (footnote 2) are increases in virtually all items of cost such as capital, labor, material, and supplies, and taxes and the need for an 8.8-percent rate of return on those sheets for filing and allow them to become effective February 1, 1972, or such later date as may be authorized by the Price Commission, as hereinafter ordered and conditioned and that the notice requirements were waived pursuant to §154.51 of the Commission's regulations under the Natural Gas Act so that the tariff sheets can go into effect on such date.

(b) The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Southwest's FPC gas tariff, as proposed to be amended by the tariff sheets contained in footnote 2 above, and these tariff sheets be suspended and its effective date be deferred as herein provided.

(c) The disposition of this proceeding be expedited in accordance with the provisions as follows:

The Commission orders:

(A) The tariff sheets described in footnote 1 above are hereby accepted effective February 1, 1972, or such later date as may be authorized by the Price Commission, subject to further orders in this proceeding and the notice requirements are hereby waived pursuant to §§154.41 and §§154.51 of the Commission's regulations under the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. 1), a public hearing commencing with the prehearing conference shall be held on April 25, 1972, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 F Street NW, Washington, DC 20426, concerning the entire rates, charges, classifications, and services contained in Southwest's FPC gas tariff, as proposed to be amended herein.

(C) Pending such hearing and decision thereon, the proposed revised tariff sheets in footnote 2 above are hereby suspended and the use thereof is deferred until July 18, 1972, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) At the hearing on April 25, 1972, Southwest's prepared testimony (Statement P), filed and served on February 2, 1972, together with its entire rate filing as submitted and served on January 18, 1972, shall be admitted to the record as Southwest's complete case-in-chief as provided by §154.65(a)(1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any by parties to the proceeding.

(E) Following the admission of Southwest's case-in-chief, the parties shall proceed to effectuate the intent and purpose of §2.59 of the Commission's rules of practice and procedure of and of this order, as set forth above.

(F) On or before May 2, 1972, the Commission shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before May 2, 1972. Any rebuttal evidence by Southwest shall be submitted on or before May 23, 1972. Cross-examination of the evidence shall commence on June 6, 1972.

(G) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in §2.59 of the Commission's rules of practice and procedure.

(H) The proceedings in Docket No. RP72-71 and RP72-100 are hereby consolidated.

(I) Southwest's proposed tracking December 31, 1972, of El Paso's increases under its tracking authority in Docket No. RP71-137 is granted.

By the Commission.

[Seal.]

Kenneth F. Plump,
Secretary.

[F.R. Doc. 72-779 Filed 2-24-72; 3:49 am]

Transcontinental Gas Pipe Line Corp.
Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

February 16, 1972

On January 17, 1972, Transcontinental Gas Pipe Line Corp. (Transco) submitted for filing revised tariff sheets \(^*\) to its presently effective FPC Gas Tariff, Original Volume No. 1 constituting its permanent curtailment plan pursuant to the Commission's order of November 15, 1971, approving Transco's interim curtailment plan in Docket No. RP71-118. Transco requests its tendered sheets to become effective March 1, 1972; however, since its presently effective interim curtailment plan terminates on November 15, 1972, Transco requests the Commission to suspend the effectiveness of the tariff sheets for the full statutory period of 5 months. Further, Transco represents that it will not move to make such tariff sheets effective prior to November 16, 1972.

In summary Transco's proposed permanent curtailment plan provides:

(1) During the winter period, November 16, through April 15, a mandatory curtailment on a ratable basis will be effected on Transco's system. During this time, a customer may obtain partial or complete exemption if it curtails all of its interruptible service, except for certain minor exceptions;

\(^*\) The tariff sheets submitted by Transco listed in Appendix A to this order are filed as part of the original document.

Federal Register, Vol. 37, No. 38—Friday, February 25, 1972

NOTICES

4013

Transcontinental Gas Pipe Line Corp.
Order Providing for Hearing andSuspending Proposed Revised Tariff Sheets

February 16, 1972

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\(^*\) The tariff sheets submitted by Transco listed in Appendix A to this order are filed as part of the original document.

Federal Register, Vol. 37, No. 38—Friday, February 25, 1972

NOTICES

4013
NOTICES

WESTERN MASSACHUSETTS ELECTRIC CO. ET AL.

Notice of Applications for Approval of Exhibits K
FEBRUARY 17, 1972.

Public notice is hereby given that applications have been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Connecticut Light and Power Co. (correspondence to: E. L. Johnson, Vice President, The Connecticut Light and Power Co., Post Office Box 2010, Hartford, CT 06101; A. G. Baer, Vice President, The Hartford Electric Light Co., Post Office Box 2370, Hartford, CT 06101; Leon E. Megathlin, Jr., Vice President, Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, MA 01089) for Commission approval of revised and supplemental Exhibits K showing lands to be included within the project boundaries of Project No. 1889, known as the Turners Falls Project, and of Project No. 2485, known as the Northfield Mountain Pumped Storage Project, in the project boundary does not include certain parcels beyond 200 feet horizontally from the high water level of the Turners Falls reservoir.

Inclusion within the project boundary of the lands here proposed to be included within the project boundaries of the Turners Falls Project and of Project No. 2485 will be the subject of subsequent filings with the Commission. Any person desiring to be heard or to make any protest with reference to said application should file protest with the Commission at the above address on or before March 29, 1972, and all protest shall include a statement of the reasons why the application should not be approved. The application is on file with the Commission and available for public inspection. The application also notes that the land here proposed to be included within the project boundary does not include certain parcels beyond 200 feet horizontally from the high water level of the Turners Falls reservoir.
of Order 415-B. Written statement by persons not wishing to intervene may be considered for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 60 days from February 24, 1972. The Commission will consider all responses to the statement.

KENNETH F. PLUMB, Secretary.

[FR Doc.72-2354 Filed 2-24-72; 10:13 am]

OFFICE OF EMERGENCY PREPAREDNESS
WASHINGTON

Amendment to Notice of Major Disaster
Notice of Major Disaster for the State of Washington dated February 3, 1972, and published February 8, 1972 (37 F.R. 2859), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his Declaration of February 1, 1972:
The Counties of:
  Pacific.
  Wahkiakum.

G. A. LINCOLN, Director,
Office of Emergency Preparedness.

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification and/or Supersedes Decisions to Area Wage Determination Decisions for Certain Specified Localities

Modification and/or Supersedes Decisions to area wage determination decisions for specified localities in Arkansas, Connecticut, Illinois, Maryland, New Mexico, New York, North Dakota, Pennsylvania, and Texas.

Area wage determination decisions published in the Federal Register on the following dates:

<table>
<thead>
<tr>
<th>Decision No.</th>
<th>Date</th>
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<tbody>
<tr>
<td>AM-1699, AM-1890</td>
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<td>Nov. 12, 1971</td>
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<td>AM-2012</td>
<td>Nov. 19, 1971</td>
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Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any differences with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80

Notices are hereby modified and/or superseded as set forth below. Supersedes decision numbers are in parentheses following the number of the decision being superseded. These modifications and/or supersedes decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The modifications of prevailing rates and fringe benefits made in these modifications and/or supersedes decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon the determination of Wage Rates, and of 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 preliminary determination of wage rates and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8759). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions as hereby modified, modified, and/or superseded shall, in accordance with the provisions of the foregoing area wage determination decisions, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in construction work of the character and in the localities described therein.

The modifications and/or superseded decisions are effective from their date of publication in the Federal Register until the end of the period for which the determinations are modified and/or superseded 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, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The change for not utilizing the rule making procedures prescribed in 5 U.S.C. sec. 553 is set forth in the document being modified.

The modifications and/or superseded decisions to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 18th day of February 1972.

HORACE E. MENASCO,
Administrator, Employment Standards Administration.
### SW-CONN-1-F:

**Power equipment operators, building construction:**

<table>
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<tr>
<th>Classification</th>
<th>Base hourly rate</th>
<th>Fringe benefits payments</th>
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- **Sheet metal workers**
  - Footnote: A. Apprenticeship fund shall be $0.50 per month per journeyman and apprentice employed.

### SW-CONN-2-3-T:

**Power equipment operators—heavy and highway construction:**

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</table>

- **Sheet metal workers**
  - Footnote: A. Employer contributes $0.15 to supplemental unemployment fund.
  - b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.

### SW-CONN-3-P:

**Power equipment operators, building construction:**

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### Footnotes:

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**Paid holidays (where applicable):**

- A—New Year's Day
- B—Memorial Day
- C—Independence Day
- D—Labor Day
- E—Thanksgiving Day
- F—Christmas Day

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- A—New Year's Day
- B—Memorial Day
- C—Independence Day
- D—Labor Day
- E—Thanksgiving Day
- F—Christmas Day

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**FEDERAL REGISTER, VOL. 37, NO. 38—FRIDAY, FEBRUARY 25, 1972**
Paid holidays (where applicable): A—New Year’s Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. Employer contributes $0.15 to supplemental unemployment fund.
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.

Change:
SW-CONN-3-3-T:
Paid equipment operators—heavy and highway construction:

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<tr>
<td>Power equipment operators—heavy and highway construction: Erecting and handling structural steel:</td>
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</tr>
<tr>
<td>Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, power (concrete), derrick (stiff leg and guy), steel pile sheeting, Koehring loader (skooper)</td>
<td>7.00</td>
<td>0.20</td>
</tr>
<tr>
<td>Drill (Joy—heavy weight champion or equivalent) side boom, loader (Gradall) trenching machine, gradall, Gradall, steel pile sheeting, Koehring loader (skooper)</td>
<td>7.44</td>
<td>0.20</td>
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</tbody>
</table>

Paid holidays (where applicable): A—New Year’s Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. Employer contributes $0.15 to supplemental unemployment fund.
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.

Change:
SW-CONN-3-1-F:
Power equipment operators—building construction:

<table>
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<tr>
<th>Classification</th>
<th>Basic hourly rates</th>
<th>Fringe benefits payments</th>
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<tbody>
<tr>
<td></td>
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<td>H &amp; W</td>
</tr>
<tr>
<td>Derricks (5 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick</td>
<td>7.50</td>
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<tr>
<td>Tower crane, crane, Gradall, Koehring, crane, loader, under 10 ft., shovel, front end loader (2 yd. or over)</td>
<td>7.40</td>
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<tr>
<td>Maintenance engineer</td>
<td>7.30</td>
<td>0.20</td>
</tr>
<tr>
<td>Loader (portable—high pressure), hammer (vibratory), front end loader (3-7 yd.), Gradall</td>
<td>7.15</td>
<td>0.20</td>
</tr>
<tr>
<td>Concrete mixer (5 bags or over), front end loader (under 3 yd.), power stone spreader</td>
<td>6.90</td>
<td>0.20</td>
</tr>
<tr>
<td>Concrete mixer (5 bags or over), power stone spreader</td>
<td>6.90</td>
<td>0.20</td>
</tr>
<tr>
<td>Asbestos spreader</td>
<td>7.15</td>
<td>0.20</td>
</tr>
<tr>
<td>Building hoist</td>
<td>6.60</td>
<td>0.20</td>
</tr>
<tr>
<td>Grader, scraper, carryall operator</td>
<td>6.60</td>
<td>0.20</td>
</tr>
<tr>
<td>Combination hoe and loader</td>
<td>6.60</td>
<td>0.20</td>
</tr>
<tr>
<td>Concrete mixer (5 bags or over), front end loader (under 3 yd.), power stone spreader</td>
<td>6.60</td>
<td>0.20</td>
</tr>
<tr>
<td>Concrete mixer (5 bags or over), power stone spreader</td>
<td>6.60</td>
<td>0.20</td>
</tr>
<tr>
<td>Asbestos spreader</td>
<td>7.15</td>
<td>0.20</td>
</tr>
<tr>
<td>Building hoist</td>
<td>6.60</td>
<td>0.20</td>
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<tr>
<td>Asbestos spreader</td>
<td>7.15</td>
<td>0.20</td>
</tr>
<tr>
<td>Concrete mixer (5 bags or over), front end loader (under 3 yd.), power stone spreader</td>
<td>6.60</td>
<td>0.20</td>
</tr>
<tr>
<td>Concrete mixer (5 bags or over), power stone spreader</td>
<td>6.60</td>
<td>0.20</td>
</tr>
<tr>
<td>Asbestos spreader</td>
<td>7.15</td>
<td>0.20</td>
</tr>
</tbody>
</table>

Paid holidays (where applicable): A—New Year’s Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. Employer contributes $0.15 to supplemental unemployment fund.
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.

Change:
SW-CONN-3-3-T:
Power equipment operators—heavy and highway construction:

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<th>Fringe benefits payments</th>
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</thead>
<tbody>
<tr>
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<td></td>
<td>H &amp; W</td>
</tr>
<tr>
<td>Erection and handling structural steel:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, power (concrete), derrick (stiff leg and guy), steel pile sheeting, Koehring loader (skooper)</td>
<td>7.00</td>
<td>0.20</td>
</tr>
<tr>
<td>Drill (Joy—heavy weight champion or equivalent) side boom, loader (Gradall) trenching machine, gradall, steel pile sheeting, Koehring loader (skooper)</td>
<td>7.44</td>
<td>0.20</td>
</tr>
</tbody>
</table>

Paid holidays (where applicable): A—New Year’s Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. Employer contributes $0.15 to supplemental unemployment fund.
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.
Footnotes:

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

a. Employer contributes .05 to supplemental unemployment fund.

b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.

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**Classifications**

<table>
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<td>Pensions</td>
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<tr>
<td><strong>SW-CONN-1-P</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Power equipment operators, building construction:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, light derrick (5-10 yd.), light derrick, stiff leg and groy derr...</td>
<td>7.50</td>
<td>.20</td>
</tr>
<tr>
<td>Tower crane, derrick, Gradall, hoist, Koerner scooper loader under hoe, shovel, front end loader (2 yd. or over) fork lift (over 4 ft. lift), dock loader, 150-ft. boom, 30-ton mobile crane, 30-ton mobile crane, 150-ft. boom, 30-ton mobile crane, 150-ft. boom, 30-ton mobile crane...</td>
<td>7.40</td>
<td>.20</td>
</tr>
<tr>
<td>Maintenance engineer</td>
<td>7.30</td>
<td>.20</td>
</tr>
<tr>
<td>Boiler (portable—high pressure), hammer (vibratory), front end loader (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), milling machine, pump, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over 6 yd.)</td>
<td>7.10</td>
<td>.20</td>
</tr>
<tr>
<td>Asphalt spreader (high pressure), gear pump</td>
<td>7.10</td>
<td>.20</td>
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<tr>
<td>Bulldozer</td>
<td>7.00</td>
<td>.20</td>
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<tr>
<td>Bulldozer, large, scrapyard, carryall operator</td>
<td>7.05</td>
<td>.20</td>
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<tr>
<td>Combination hoe and loader</td>
<td>6.90</td>
<td>.20</td>
</tr>
<tr>
<td>Concrete mixer (1 to 2 yd.), power stone spreader</td>
<td>6.90</td>
<td>.20</td>
</tr>
<tr>
<td>Compressor, generator, pump and well point operator, welding machine, air steam valve operators</td>
<td>6.80</td>
<td>.20</td>
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<tr>
<td>Steam jetty, fork lift (not over 4 ft.), mechanical heater operators</td>
<td>6.80</td>
<td>.20</td>
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<tr>
<td>Roller operators</td>
<td>6.75</td>
<td>.20</td>
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<tr>
<td>Dinky machine operator, firemen (high pressure) power pavement breaker</td>
<td>6.60</td>
<td>.20</td>
</tr>
<tr>
<td>Crane with boom, 150 ft., additional .05 per hour</td>
<td>6.60</td>
<td>.20</td>
</tr>
<tr>
<td>Crane with boom, 300 ft., additional .05 per hour</td>
<td>6.60</td>
<td>.20</td>
</tr>
</tbody>
</table>

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

a. Employer contributes .05 to supplemental unemployment fund.

b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.

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**SW-CONN-2-3-T**

Power equipment operators—heavy and highway construction:

Erecting and handling structural steel | 7.50 | .20 | .15 | a | b |

Front end loader (3 yd. or over), pile driver, crane, shovel, derrick, Gradall, trenching machine, light derrick, paver (concrete), derrick (stiff leg and groy), steel pile sheathing, Koerner loader (skooper) | 7.44 | .20 | .15 | a | b |

Drill (Joy—heavy weight champion or equivalent), side boom, load (Raeled) mucking machines, pump, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over 6 yd.) | 7.15 | .20 | .15 | a | b |

Asphalt mixer, towed, 150-ft. boom, 30-ton mobile crane, 150-ft. boom, 20-ton mobile crane, 150-ft. boom, 30-ton mobile crane | 7.05 | .20 | .15 | a | b |

Front end loader (3-7 yd.), grader, power stone spreader | 6.90 | .20 | .15 | a | b |

Well point system, combination hoe and loader | 6.85 | .20 | .15 | a | b |

Asphalt roller, bulldozer, carryall, maintenance engineer | 6.75 | .20 | .15 | a | b |

Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt Compressor, pump | 6.60 | .20 | .15 | a | b |

Batch plant, bulk cement plant, oiler | 6.30 | .20 | .15 | a | b |

Crate with 150-ft. boom, additional .05 per hour | 6.30 | .20 | .15 | a | b |

Crate with 300-ft. boom, additional .05 per hour | 6.30 | .20 | .15 | a | b |

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

a. Employer contributes .05 to supplemental unemployment fund.

b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.

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**WD No. AM-1,582—50 FR. 1456, Middlesex County, Conn., Modification No. 1**

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**WD No. AM-1,586—50 FR. 1460, New Haven County, Conn., Modification No. 2**

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**CHANG: SW-CONN-1-P**

Power equipment operators, building construction:

Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, light derrick, stiff leg and groy derr... | 7.50 | .20 | .15 | a | b |

Tower crane, derrick, Gradall, hoist, Koerner scooper loader under hoe, shovel, front end loader (7 yd. or over) fork lift (over 4 ft. lift), dock loader, 150-ft. boom, 30-ton mobile crane, 150-ft. boom, 30-ton mobile crane... | 7.40 | .20 | .15 | a | b |

Maintenance engineer | 7.30 | .20 | .15 | a | b |

Boiler (portable—high pressure), hammer (vibratory), front end loader (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), milling machine, pump, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over 6 yd.) | 7.15 | .20 | .15 | a | b |

Asphalt spreader (high pressure), gear pump | 7.15 | .20 | .15 | a | b |

Bulldozer | 7.05 | .20 | .15 | a | b |

Bulldozer, large, scrapyard, carryall operator | 7.00 | .20 | .15 | a | b |

Combination hoe and loader | 6.90 | .20 | .15 | a | b |

Concrete mixer (1 to 2 yd.), power stone spreader | 6.90 | .20 | .15 | a | b |

Compressor, generator, pump and well point operator, welding machine, air steam valve operators | 6.80 | .20 | .15 | a | b |

Steam jetty, fork lift (not over 4 ft.), mechanical heater operators | 6.80 | .20 | .15 | a | b |

Roller operators | 6.75 | .20 | .15 | a | b |

Dinky machine operator, firemen (high pressure) power pavement breaker | 6.60 | .20 | .15 | a | b |

Other | 6.60 | .20 | .15 | a | b |

Crane with boom, 150 ft., additional .05 per hour | 6.60 | .20 | .15 | a | b |

Crane with boom, 300 ft., additional .05 per hour | 6.60 | .20 | .15 | a | b |

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

a. Employer contributes .05 to supplemental unemployment fund.

b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.
Paid holidays (where applicable): A—New Year’s Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.

Employer contributes $0.15 to supplemental unemployment fund.

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<tbody>
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</tr>
<tr>
<td>SW-CONN-2-3-T: Power equipment operators—heavy and highway construction:</td>
<td>7.50</td>
<td>0.20</td>
</tr>
<tr>
<td>Breeding and handling structural steel...</td>
<td>7.60</td>
<td>0.20</td>
</tr>
<tr>
<td>Front end loader (3 yd. or over), grader power stone spreader...</td>
<td>6.80</td>
<td>0.20</td>
</tr>
<tr>
<td>Gravel...</td>
<td>6.80</td>
<td>0.20</td>
</tr>
<tr>
<td>Drill (Joy—heavy weight champion or equivalent) side boom, loader (150 ft.) mucking machine, pumper, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over 14 yd.)</td>
<td>7.10</td>
<td>0.20</td>
</tr>
<tr>
<td>Asphalt spreader...</td>
<td>7.50</td>
<td>0.20</td>
</tr>
<tr>
<td>Front end loader (3 yd. or over), grader power stone spreader...</td>
<td>6.80</td>
<td>0.20</td>
</tr>
<tr>
<td>Pile driver, lighter (150 ft.), grader power stone spreader...</td>
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<td>0.20</td>
</tr>
<tr>
<td>Asphalt roller, bulldozer, carryall, maintenance engineer...</td>
<td>6.80</td>
<td>0.20</td>
</tr>
<tr>
<td>Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure)</td>
<td>6.60</td>
<td>0.20</td>
</tr>
<tr>
<td>Compresor...</td>
<td>6.60</td>
<td>0.20</td>
</tr>
<tr>
<td>Crane...</td>
<td>6.60</td>
<td>0.20</td>
</tr>
<tr>
<td>Crane with boom, additional $0.25 per hour.</td>
<td>6.60</td>
<td>0.20</td>
</tr>
</tbody>
</table>

Paid holidays (where applicable): A—New Year’s Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

a. Employer contributes $0.15 to supplemental unemployment fund.

b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.

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<tbody>
<tr>
<td>SW-CONN-4-1: Power equipment operators, building construction:</td>
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</tr>
<tr>
<td>Derrick, hoist (2 drums or over), structural steel (breeding and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick...</td>
<td>7.50</td>
<td>0.20</td>
</tr>
<tr>
<td>Tower crane, derrick, Gravel, hoist, Karding loader and/or hoe, shovel, front end loader (7 yd. or over) fork lift (over 4 ft. boom)...</td>
<td>7.40</td>
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</tr>
<tr>
<td>Mechanical engineer...</td>
<td>7.30</td>
<td>0.20</td>
</tr>
<tr>
<td>Roller (portable—high pressure), hammer (vibratory), front end loader (3-7 yd.), Coleman loader, central mix operator (stirred equipment), drill (Joy—heavy weight champion or equivalent), mucking machine, pumper, rock and earth boring machine, compressor (battery operated), peed cable and well digger, conveyor, central mix operator, combination hoe and loader (over 14 yd.)</td>
<td>7.15</td>
<td>0.20</td>
</tr>
<tr>
<td>Asphalt spreader...</td>
<td>7.15</td>
<td>0.20</td>
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<tr>
<td>Bulldozer...</td>
<td>7.15</td>
<td>0.20</td>
</tr>
<tr>
<td>Gravel...</td>
<td>7.15</td>
<td>0.20</td>
</tr>
<tr>
<td>Combination hoe and loader...</td>
<td>7.15</td>
<td>0.20</td>
</tr>
<tr>
<td>Concrete mixer (3 bags or over), front end loader (under 3 yd.), power stone spreader...</td>
<td>6.80</td>
<td>0.20</td>
</tr>
<tr>
<td>Concrete mixer (5 bags or over), front end loader (under 3 yd.), power stone spreader...</td>
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<td>0.20</td>
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<tr>
<td>Screen...</td>
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<td>Screen, fork lift (not over 4 ft.), mechanical hoist, mechanical hoist...</td>
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<td>0.20</td>
</tr>
<tr>
<td>Dinky machine operator, firemen (high pressure) power pavement breaker...</td>
<td>6.90</td>
<td>0.20</td>
</tr>
<tr>
<td>Crane...</td>
<td>6.90</td>
<td>0.20</td>
</tr>
<tr>
<td>Crane with boom, additional $0.25 per hour.</td>
<td>6.90</td>
<td>0.20</td>
</tr>
<tr>
<td>Crane with boom, 200 ft., additional $0.25 per hour.</td>
<td>6.90</td>
<td>0.20</td>
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</table>

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b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.

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<tbody>
<tr>
<td>SW-CONN-2-3-T: Power equipment operators—heavy and highway construction:</td>
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</tr>
<tr>
<td>Breeding and handling structural steel...</td>
<td>7.60</td>
<td>0.20</td>
</tr>
<tr>
<td>Front end loader (7 yd. or over), pile driver, crane, shovel, derrick, Gravel, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pipe sheeting, Karding loader (skilge)...</td>
<td>7.44</td>
<td>0.20</td>
</tr>
<tr>
<td>Drill (Joy—heavy weight champion or equivalent) side boom, loader (150 ft.) mucking machine, pumper, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over 14 yd.)</td>
<td>7.10</td>
<td>0.20</td>
</tr>
<tr>
<td>Asphalt spreader...</td>
<td>7.50</td>
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</tr>
<tr>
<td>Front end loader (3 yd. or over), grader power stone spreader...</td>
<td>6.80</td>
<td>0.20</td>
</tr>
<tr>
<td>Well point system, combination hoe and loader...</td>
<td>6.80</td>
<td>0.20</td>
</tr>
<tr>
<td>Asphalt roller, bulldozer, carryall, maintenance engineer...</td>
<td>6.80</td>
<td>0.20</td>
</tr>
<tr>
<td>Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure)</td>
<td>6.60</td>
<td>0.20</td>
</tr>
<tr>
<td>Compresor...</td>
<td>6.60</td>
<td>0.20</td>
</tr>
<tr>
<td>Crane...</td>
<td>6.60</td>
<td>0.20</td>
</tr>
<tr>
<td>Crane with 150 ft. boom, additional $0.25 per hour.</td>
<td>6.60</td>
<td>0.20</td>
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</tbody>
</table>

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Footnotes:

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b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.
### Notices — Continued

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<td><strong>NOTICES</strong></td>
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</table>

**W D No. AM-1,568 —36 P.R. 12,692, Tolland County Conn., Modification No. 1**

**CHANGE:**

**SW-CONN-1-F:**

- **Power equipment operators, building construction:**
  - Derrick: hoist (over 9 ft. or over), structural steel (bolting and handling), stone setting, pile driving, lighter derrick, stilt leg and guy derrick.
  - Tower crane, derrick, Gradall, hoist, Kobering scooper loader and/or hoist, shovel, hose and circles, crane (over 4 ft. lift).

- **Maintenance engineer:**
  - Digger (portable-high pressure), hammer (vibratory), front end loader (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery operated), field hoist and well digger, conveyer, central mix operator, combinations.

- **Asphalt spreader:**
  - Roller, asphalt spreader.
  - Bulldozer, carryall, carryall operator.
  - Combination hoe and loader.
  - Concrete mixer (6 bags or over), front end loader (under 3 yd.), power stone spreader.

- **Concrete mixer (5 bags or over), front end loader (under 3 yd.), powerstone spreader:**
  - Oiler, oiler.

- **Power equipment operators—heavy and highway construction:**
  - Grouting and handling structural steel.
  - Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, power (concrete), derrick (stilt leg and guy), steel pile sheeting.
  - Kobering loader (skimmer).
  - Drill (Joy—heavy weight champion or equivalent), side boom, loader (tubular), mucking machine, pumpcrete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, central mix loader (over 4 yd.).

- **Asphalt spreader:**
  - Roller, asphalt spreader.
  - Power equipment operator, pump and well point operator, welding machine, air steam valve operator.

- **Steam junky, fork lift (not over 4 ft.), mechanical heater operators:**
  - Power equipment operator, power pavement breaker.

- **Roller operators:**
  - Oiler, power pavement breaker.

- **Concrete mixer:**
  - Combination hoe and loader.

- **Cranes with boom:**
  - 150 ft., additional 0.50 per hour.
  - 300 ft., additional 0.50 per hour.

**Paid holidays (when applicable):**

- A—New Year’s Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.

**Footnotes:**

- a. Employer contributes $0.15 to supplemental unemployment fund.
- b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.

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**W D No. AM-1,568 —36 P.R. 12,692, Windham County Conn., Modification No. 1**

**CHANGE:**

**SW-CONN-1-F:**

- **Power equipment operators, building construction:**
  - Derrick: hoist (3 drums or over), structural steel (bolting and handling), stone setting, pile driver, lighter derrick, stilt leg and guy derrick.
  - Tower crane, derrick, Gradall, hoist, Kobering scooper loader and/or hoist, shovel, hose and circles, crane (over 4 ft. lift).

- **Maintenance engineer:**
  - Digger (portable—high pressure), hammer (vibratory), front end loader (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery operated), field hoist and well digger, conveyer, central mix operator, combinations.

- **Asphalt spreader:**
  - Roller, asphalt spreader.
  - Bulldozer, carryall, carryall operator.
  - Combination hoe and loader.
  - Concrete mixer (4 bags or over), front end loader (under 3 yd.), power stone spreader.

- **Compressor, generator, pump and well point operator, welding machine, air steam valve operator:**

- **Steam junky, fork lift (not over 4 ft.), mechanical heater operators:**

- **Roller operators:**

- **Concrete mixer:**

- **Cranes with boom:**
  - 150 ft., additional 0.50 per hour.
  - 300 ft., additional 0.50 per hour.

**Paid holidays (where applicable):**

- A—New Year’s Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.

**Footnotes:**

- a. Employer contributes $0.15 to supplemental unemployment fund.
- b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.

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**FEDERAL REGISTER, VOL. 37, NO. 38—FRIDAY, FEBRUARY 25, 1972**
### Footnotes:

- a. Employer contributes $0.15 to supplemental unemployment fund.
- b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.

### Changes:

**WD No. AM-382—36 F.R. 15186, Cook County, Ill., Modification No. 6**

Pipefitters.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Basic Hourly Rate</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacancy</th>
<th>App. Tr.</th>
<th>Other</th>
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**WD No. AM-383—36 F.R. 16501, DuPage County, Ill., Modification No. 7**

Pipefitters.

<table>
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<th>Basic Hourly Rate</th>
<th>H &amp; W</th>
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**WD No. AM-385—36 F.R. 18170, Lake County, Ill., Modification No. 5**

Pipefitters.

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<th>Basic Hourly Rate</th>
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**WD No. AM-841—36 F.R. 15438, Will County, Ill., Modification No. 7**

Pipefitters (remainder of county).

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<th>Basic Hourly Rate</th>
<th>H &amp; W</th>
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**WD No. AM-514—36 F.R. 15915, Winnebago County, Ill., Modification No. 7**

Pipefitters (within the city limits of Joliet).

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<th>Classification</th>
<th>Basic Hourly Rate</th>
<th>H &amp; W</th>
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**WD No. AM-515—36 F.R. 15923, Fulton, Hancock, Henderson, Knox, McDonough, Mercer, Peoria, Stark, Tazewell, and Warren Counties, Ill., Modification No. 1**

Concrete mixers.

Knox and Warren Counties.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Basic Hourly Rate</th>
<th>H &amp; W</th>
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</table>

**WD No. AM-564—36 F.R. 10710, Los Altos County, N. Mex., Modification No. 4**

Line construction—New Mexico (B):

- Linemen
- Lineman's helpers
- Equipment operators
- Equipment mechanics
- Towermen
- Gravemasons and Jackhammer operators:
  - 3, 6 months
  - 24 months
- Experienced

Line Construction—New Mexico (B):

<table>
<thead>
<tr>
<th>Classification</th>
<th>Basic Hourly Rate</th>
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**WD No. AM-572—36 F.R. 15455, Nassau County, N.Y., Modification No. 4**

Laborers, building.

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**WD No. AM-576—36 F.R. 15460, Suffolk County, N.Y., Modification No. 8**

Laborers, building.

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**WD No. AM-726—36 F.R. 15663, Warren County, Ill., Modification No. 8**

Laborers, building.

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<th>Pensions</th>
<th>Vacancy</th>
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**WD No. AM-726—36 F.R. 16386, Warren County, Ill., Modification No. 8**

Laborers, building.

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<th>Pensions</th>
<th>Vacancy</th>
<th>App. Tr.</th>
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**WD No. AM-729—36 F.R. 15460, Suffolk County, N.Y., Modification No. 8**

Laborers, building.

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**Footnotes:**

- Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
- Paid holidays: A and C through F and Decoration Day and Good Friday.
- Employer contributes $0.15 to supplemental unemployment fund.
- Seven paid holidays: A and C through F and Decoration Day and Good Friday.
### Modifications—Continued

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<td>H &amp; W</td>
<td>Pension</td>
</tr>
<tr>
<td>Site preparation, excavation and incidental paving:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building construction:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Concrete mixer stationary plant operator over 35 cu. yd.:</td>
<td>5.45</td>
<td>.25</td>
</tr>
<tr>
<td>Dope machine operator (pipeline); drill rigs, heavy duty rotary or chain or cable drill; front end loader over 5 cu. yd.; power shovel and/or other equipment with shovel type controls to 25 cu. yd.:</td>
<td>5.60</td>
<td>.26</td>
</tr>
<tr>
<td>Concrete saw operator (multiple blade) (power operated); fine grade operator; roller, steel; grader or Motor Patrol, finishing earth work and bituminous; mechanic or welder; pump-crete operator; refrigeration plant engineer; slip form operator (power driven) (paving); tandem scraper—twin engine, 30 cu. yd.; struck and other:</td>
<td>5.30</td>
<td>.26</td>
</tr>
<tr>
<td>Asphalt paving machine operator; asphalt plant operator and control board operator; CMI grading operator; crushing plant operator (crushed and stone or gravel crushing, crushing and screening plant operator); front end loader operator, 1 cu. yd. up to 6 cu. yd.; grader or Motor Pad; finishing earth work and bituminous; machine or welder (heavy duty); rubber tired dozer Napco or similar and over; rubber tired industrial tower:</td>
<td>5.25</td>
<td>.25</td>
</tr>
<tr>
<td>Bituminous spreader and bituminous finishing operator (power); concrete distributor and spreader operator; finishing machine longitudinal float operator; Ft. machine operator and spray operator; concrete mixer operator on job site under 20 cu. yd.; paving breaker or truck mechanic; concrete mixer operator on job site under 10 cu. yd.:</td>
<td>5.05</td>
<td>.25</td>
</tr>
<tr>
<td>Conveyor operator; curb machine operator; dewatering machine operator (paddle wheel); concrete mixer operator; boom truck operator; concrete batch operator (cement, rock and sand) (manual); fire man or tank car operator; form trench digger (power); front end loader operator, up to 5 cu. yd.:</td>
<td>4.82</td>
<td>.25</td>
</tr>
<tr>
<td>Bituminous spreader and bituminous finishing operator (power); concrete distributor and spreader operator; finishing machine longitudinal float operator; Ft. machine operator and spray operator; concrete mixer operator on job site under 20 cu. yd.; paving breaker or truck mechanic; concrete mixer operator on job site under 10 cu. yd.:</td>
<td>3.94</td>
<td>.25</td>
</tr>
<tr>
<td>Crawler type tractor pulling compaction or paving equipment; farm type rubber tired tractor with 4-wheel attachment; self-propelled vibratory paver operator and type S5-S8 waterproofing equipment:</td>
<td>3.79</td>
<td>.25</td>
</tr>
<tr>
<td>Bituminous spreader and bituminous finishing operator (shovel) (power); boom truck operator; concrete batch operator (cement, rock and sand) (manual); fire man or tank car operator; form trench digger (power); front end loader operator, up to 5 cu. yd.:</td>
<td>3.69</td>
<td>.25</td>
</tr>
<tr>
<td>Hyster carrier; leverman; loader operator (Barber Greene or similar type); Mechanic's helper; crane operator (power shoveling, crane, dragline); pump truck operator; pump operator (wash pit):</td>
<td>3.59</td>
<td>.25</td>
</tr>
<tr>
<td>Conveyor operator; curb machine operator; dewatering machine operator (paddle wheel); concrete mixer operator; boom truck operator; concrete batch operator (cement, rock and sand) (manual); fire man or tank car operator; form trench digger (power); front end loader operator, up to 5 cu. yd.:</td>
<td>3.55</td>
<td>.25</td>
</tr>
</tbody>
</table>

*Federal Register, Vol. 37, No. 38—Friday, February 25, 1972*
NOTICES

MODIFICATIONS—Continued

WD No. AM-4.811—89 F.R. 17139, Cass and Rixinthal Counties, N. Dak., Modification No. 3

CHANGEBuilding construction:

Power equipment operators:

Site preparation, excavation, and incidental paving:

Power equipment operators:

Concrete mixer stationary plant operator over 34E; concrete mixer operator on jobsite under 16S; yard truck operator; operator (power) and engineer; elevator operator; concrete mixer operator; power shovel and/or other equipment with shovel type controls 30 cu. yd. and over.

Concrete mixer stationary plant operator over 34E; concrete mixer operator on jobsite under 16S; crane operator, 65 cu. yd. and over; power shovel (skids and stationary); front end loader, 6 cu. yd. and over; pipeline welding; cleaning and bending machine operator; power actuated horizontal boring machine over 6' operator (pipeline); pump operator; refrigeration plant engineer; slip form operator (power driven); tandem scraper-twin engine 30 cu. yd. struck and over.

Concrete mixer stationary plant operator over 34E; concrete mixer operator on jobsite under 16S; crane operator, 65 cu. yd. and over; power shovel and/or other equipment with shovel type controls 30 cu. yd. and over; road power shovel and/or other equipment with shovel type controls up to 30 cu. yd. (skid); tandem tandem (quad 8 or similar); tractor operator (pneumatic) side boom; truck crane operator.

Concrete cutter operator; concrete operator (power); concrete mixing plant operator; concrete mixer operator over 34E; concrete mixer operator on jobsite under 16S; crane operator, 65 cu. yd. and over; power shovel (skids and stationary); front end loader, 6 cu. yd. and over; pipeline welding; cleaning and bending machine operator; power actuated horizontal boring machine over 6' operator (pipeline); pump operator; refrigeration plant engineer; slip form operator (power driven); tandem scraper-twin engine 30 cu. yd. struck and over.

Concrete mixer stationary plant operator over 34E; concrete mixer operator on jobsite under 16S; crane operator, 65 cu. yd. and over; power shovel (skids and stationary); front end loader, 6 cu. yd. and over; pipeline welding; cleaning and bending machine operator; power actuated horizontal boring machine over 6' operator (pipeline); pump operator; refrigeration plant engineer; slip form operator (power driven); tandem scraper-twin engine 30 cu. yd. struck and over.

Concrete mixer stationary plant operator over 34E; concrete mixer operator on jobsite under 16S; crane operator, 65 cu. yd. and over; power shovel (skids and stationary); front end loader, 6 cu. yd. and over; pipeline welding; cleaning and bending machine operator; power actuated horizontal boring machine over 6' operator (pipeline); pump operator; refrigeration plant engineer; slip form operator (power driven); tandem scraper-twin engine 30 cu. yd. struck and over.
**NOTICES**

**MODIFICATIONS—Continued**

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<td>H &amp; W</td>
<td>Pensions</td>
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<tr>
<td><strong>BUILDING CONSTRUCTION</strong></td>
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<tr>
<td>Carpenters (Grand Forks, Steele, and Walsh)</td>
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<tr>
<td>Power equipment operators:</td>
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<td></td>
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<tr>
<td>Group I</td>
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<tr>
<td>Building construction:</td>
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<tr>
<td>Site preparation, excavation, and incidental paving:</td>
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<tr>
<td>* stump chipper operator; tie tamper and ballast machine operator</td>
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<tr>
<td>Group II</td>
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<td></td>
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<tr>
<td>Brickmason; any air compressed operations over 300; well points; front end loader over 10 cu. yd.; gravel screening plant operator (portable); power shovel and or other equipment with shovel type controls up to 16 cu. yd.; scraper tandem; tandem pusher quad or similar; tractor operator (pipeline) side boom; front end loader</td>
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<tr>
<td>Group III</td>
<td></td>
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<tr>
<td>Crawler type tractor pulling compaction or aerating equipment; farm type rubber tired tractor with backhoe attachment; self-propelled rubber or steel wheeled pipe or other similar machines; front end loader over 10 cu. yd.; gravel screening plant operator (portable); power shovel and or other equipment with shovel type controls up to 16 cu. yd.; scraper tandem; tandem pusher quad or similar; tractor operator (pipeline) side boom; front end loader</td>
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<tr>
<td><strong>CONCRETE LEVEE</strong></td>
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<td>Cement (Grand Forks, Steele, and Walsh)</td>
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<td>Power equipment operators:</td>
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<td>Brickmason; any air compressed operations over 300; well points; front end loader over 10 cu. yd.; gravel screening plant operator (portable); power shovel and or other equipment with shovel type controls up to 16 cu. yd.; scraper tandem; tandem pusher quad or similar; tractor operator (pipeline) side boom; front end loader</td>
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<td>Crawler type tractor pulling compaction or aerating equipment; farm type rubber tired tractor with backhoe attachment; self-propelled rubber or steel wheeled pipe or other similar machines; front end loader over 10 cu. yd.; gravel screening plant operator (portable); power shovel and or other equipment with shovel type controls up to 16 cu. yd.; scraper tandem; tandem pusher quad or similar; tractor operator (pipeline) side boom; front end loader</td>
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### Modifications—Continued

#### Site preparation, excavation, and incidental paving:

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<tr>
<td>Labors:</td>
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<tr>
<td>Laborers:</td>
<td></td>
<td></td>
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<tr>
<td>Jackhammer; vibrator and air tool; mortar mixers; maker; yarner.</td>
<td>4.19</td>
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<tr>
<td>Open ditch work.</td>
<td>4.20</td>
<td>25</td>
</tr>
<tr>
<td>Laying of main sewer pipes in streets and laying of nonmetallic pipe for drainage only; sandblaster.</td>
<td>4.21</td>
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<td>Hod carriers.</td>
<td>4.43</td>
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<tr>
<td>Underplanting.</td>
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<td>Power equipment operators:</td>
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<td>Group I:</td>
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<tr>
<td>Holes; graver; concrete mixer operator; boom truck; fireman; tractor, 75 hp. and under; front end loader, 15 cu. yd. and under; air compressor, 300 and under; forklift.</td>
<td>5.40</td>
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<tr>
<td>Open ditch work.</td>
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<td>25</td>
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<tr>
<td>Plumbers; steamfitters</td>
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**Site preparation, excavation, and incidental paving:**

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<td>Jackhammer; vibrator and air tool; mortar mixers; maker; yarner.</td>
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<td>Open ditch work.</td>
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<tr>
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<tr>
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<tr>
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<td>Holes; graver; concrete mixer operator; boom truck; fireman; tractor, 75 hp. and under; front end loader, 15 cu. yd. and under; air compressor, 300 and under; forklift.</td>
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<td>Plumbers; steamfitters</td>
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**Site preparation, excavation, and incidental paving:**

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<th>Classification</th>
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<th>Fringe benefit payments</th>
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**CHANGE:**

**PA-55-PRO-1-2:**

Power equipment operators, building and heavy construction:

**Wage group I:**

- Handling steel and stone in connection with erection; cranes doing hook work; any machine handling machinery; cable spinning machine; helicopters, machines similar to the above.

<table>
<thead>
<tr>
<th>Description</th>
<th>Basic Rate</th>
<th>Fringe Benefits payment</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>8.96</td>
<td>4.6% 5.2% a 1.7%</td>
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</table>

**Wage group II:**

- Engineers working with deck builders and pile drivers.

**Wage group III:**

- Handling steel and stone in connection with erection; cranes doing hook work; any machine handling machinery; cable spinning machine; helicopters, machines similar to the above.

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<thead>
<tr>
<th>Description</th>
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<th>Fringe Benefits payment</th>
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<td>8.72</td>
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**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 holiday.
### Notices

**Modifications—Continued**

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<tr>
<td>- Wage group I:</td>
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<tr>
<td>Handling steel and stone in connection with erection; cranes doing hoist work; any machines handling machinery; cable spooling machine; helicopters; machines similar to the above.</td>
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<td>Linemen:</td>
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<td></td>
</tr>
<tr>
<td>Groundmen:</td>
<td></td>
<td></td>
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</tbody>
</table>

### Wage group II: |
| - Wage group I: |
|  Engineers working with dock builders and pile drivers. |
|  All types of cranes. |
|  All types of backhoes; Excavators; draglines; keystone; all types of shovels; derricks; trench shovels; trenching machines; Pippin type backhoes; hoist with two towers; pavers 215 and over; all types overhead cranes; building hoists—double drum (naked as single drum) (made in tunnels); Gradalls; front-end loaders over 3 cu. yd.; boat launch; random scrapers; tower type crane operation; erecting; dismantling; jumping; or jackin; drills self-contained (Drillmaster type); forklift (50 ft. and over); Motor Patrols (fine grade); batch plant mixer; machines similar to the above. |
|  Incidental paving and utilities: |
|  Building construction: |

### Wage group III: |
| - Wage group I: |
|  Carpenters: |
|  Millwrights: |

### Wage group IV: |
| - Wage group I: |
|  Concrete breaking machines. |
|  Rollers. |
|  Machines similar to the above. |

### Wage group V: |
| - Wage group I: |
|  All builders under D-7. |
|  Tractors including rubber-tired type with front and overhead loaders under 2 cu. yd. |
|  Seamans pulverizing mixer. |
|  Welders and maintenance engineers. |
|  Trenchmen on power equipment. |
|  Maintenance engineers (power boat). |
|  Machines similar to the above. |

### Wage group VI: |
| - Wage group I: |
|  Concrete (building) |
|  Welding machines. |
|  Brackets. |
|  Wellpoints. |
|  Compressors. |
|  Farm tractors. |
|  Forte gear graders. |
|  Road finishing machines. |
|  Pumps. |
|  Power broom (self-contained). |
|  Seed spreader. |

### Wage group VII: |
| - Wage group I: |
|  Oilers and deck hand (personnel boat). |
|  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. |

### Wage group VIII: |
| - Wage group I: |
|  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. |

### CHANGES: |
| **Building construction:** |
|  Carpenters: |
|  Millwrights: |
|  **OMIT:** |
|  Incidental paving and utilities: |
|  Concrete finisher helper. |
|  **ADD:** |
|  Incidental paving and utilities: |
|  Concrete finisher helper (paving). |

### CHANGES: |
| **WD No. AM-7,734—56 F. R. 2179, Galveston County, Tex., Modification No. 8.** |
| **WD No. AM-7,737—56 F. R. 2173, Jefferson and Orange Counties, Tex., Modification No. 1.** |

### CHANGES: |
| **Line construction:** |
|  Linemen: |
|  Groundmen: |

---

**Federal Register, Vol. 37, No. 38—Friday, February 25, 1972**
<table>
<thead>
<tr>
<th>Classification</th>
<th>Basic hourly rates</th>
<th>Fringe benefits payments</th>
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FEDERAL REGISTER, VOL. 37, NO. 38—FRIDAY, FEBRUARY 25, 1972
### Footnote a. Holidays: A through F.

### 3-MD-9-J:

#### Highway construction:

<table>
<thead>
<tr>
<th>Description</th>
<th>Basic Hourly Rate</th>
<th>H &amp; W</th>
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<tbody>
<tr>
<td>Bricklayers</td>
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<tr>
<td>Cement masons</td>
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<td>Electricians</td>
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<td>Form setters</td>
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<td>Ironworkers, structural</td>
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<td>Groundmen</td>
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#### Laborers:

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#### Pile drivers and platform steel and bridge:

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#### Pipe drivers:

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<tr>
<td>Pile drivers</td>
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### 3-MD-PI-C:

#### Building and heavy construction power equipment operators:

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<td>Deckhands</td>
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### DREDGE 1-ATLANTIC-U:

#### Differential pay rates:

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<td>Welders</td>
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### Notices

**Superseeded Decisions—Continued**

#### Dredge 1—Atlantic-U—Continued

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<tr>
<td>Drill helper</td>
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Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

b. Holidays: A through F. Washington's Birthday and Veteran's Day (01) days of vacation with pay for 104 days of service; an additional day of vacation with pay for each additional 2125 days of service, all in a calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in 1 calendar year.

d. Pennsylvania; County: Montgomery.

### 46-PA-1-M:

Building, heavy and highway construction:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Base hourly rates</th>
<th>Fringe benefits payments</th>
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<td>Laborers</td>
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<td>Bricklayers:</td>
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<td>Carpenters, building</td>
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<td>Carpenters, concrete and highway</td>
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<td>Cement masons:</td>
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<td>Pottstown and Pottstown</td>
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<td>Upper Hanover</td>
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<td>Pottsgrove, Upper Pottsgrove, Douglass, and Pottstown</td>
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<td>Springfield, Olmsted, and Jenkintown Townships</td>
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<td>Glaziers:</td>
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<td>field, and Cheltenham</td>
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<td>Sprinkler installers</td>
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**Federal Register, Vol. 37, No. 38—Friday, February 25, 1972**
Supersedeas—Continued

Classification

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<th>Base hourly rates</th>
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<td>Weiners—receive rate prescribed for craft performing operation to which welding is incidental.</td>
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<td>Paid holidays: A—New Year’s Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.</td>
<td></td>
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<tr>
<td>a. Paid holiday “D”.</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as vacation pay credit.</td>
<td></td>
<td></td>
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<tr>
<td>c. 6 paid holidays: A through F.</td>
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<tr>
<td>d. Holidays: A through F, Washington’s Birthday and Good Friday providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holiday.</td>
<td></td>
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<tr>
<td>e. Election Day—paid holiday.</td>
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<tr>
<td>f. Employee who has been on the employer’s seniority list for a period of 6 months to 5 years service as vacation pay credit.</td>
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<td></td>
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<td></td>
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<tr>
<td>g. Paid holidays: Memorial Day; Independence Day and Labor Day for employee who has worked a minimum of 30 days, and is on the employer’s seniority list, provided he works the scheduled work days before and after the said holidays.</td>
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<tr>
<td>PA-51-LAB-1-F: Building construction:</td>
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<tr>
<td>Laborers:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>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, power brookers and all other pneumatic tools, building scaffolds, raking, shoveling and tamping of asphalt, grading and concrete pit work, grading, form pinning, shoring, demolition except fencers, laying conduits and ducts, shalving, lagging, laying nonmetallic pipe and caulkings, all other types of laborers.</td>
<td>5.63</td>
<td>44</td>
<td>.20</td>
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<tr>
<td>Mason tender, power huggers, burners on demolition.</td>
<td>5.71</td>
<td>44</td>
<td>.20</td>
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<tr>
<td>Wagon drill operator (single).</td>
<td>5.72</td>
<td>44</td>
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<td></td>
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<tr>
<td>Wagon drill operator (multiple).</td>
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<td>44</td>
<td>.20</td>
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<tr>
<td>Circular caissons excavation:</td>
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<tr>
<td>Caisson groundmen.</td>
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<td>44</td>
<td>.20</td>
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<td>Caisson bottom men.</td>
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<td>44</td>
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<td>Underground excavation:</td>
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<td>Laborers, working at depth of 8 ft. or under.</td>
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<td>44</td>
<td>.20</td>
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</table>

Footnotes:

a. Paid holiday “D”.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as vacation pay credit.

c. 6 paid holidays: A through F.

d. Holidays: A through F, Washington’s Birthday and Good Friday providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holiday.

e. Election Day—paid holiday.

f. Employee who has been on the employer’s seniority list for a period of 1 year from date of hire; and who shall have worked a minimum of 120 days in the year previous to his anniversary date, shall be eligible for 1 week’s vacation.

g. Paid holidays: Memorial Day; Independence Day and Labor Day for employee who has worked a minimum of 30 days, and is on the employer’s seniority list, provided he works the scheduled work days before and after the said holidays.
### Notices

#### Superpedlar Decisions—Continued

<table>
<thead>
<tr>
<th>Classification</th>
<th>Basic hourly rates</th>
<th>Fringe benefits payments</th>
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<tr>
<td><strong>PA-41-LAB-3-3-C</strong></td>
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<tr>
<td><strong>Heavy and highway construction laborers:</strong></td>
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<td>Foremen, multiple wagon drill operator</td>
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<tr>
<td>Foremen, multiple bucket or road work shovelers, excavators, dumpers, loaders, graders,</td>
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<td>Other pneumatic tool operators, laborers stripping concrete forms, form桩s, form men,</td>
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<td>Form line graders</td>
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<td><strong>PA-42-PEO-1-2-2</strong></td>
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<td><strong>Power equipment operators, building and heavy construction:</strong></td>
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<td><strong>Wage Group I:</strong></td>
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<tr>
<td>Engineers working with dock builders and pile drivers</td>
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<td>Engineers working with dock builders and pile drivers</td>
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<td><strong>Wage Group IV:</strong></td>
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<td>4.6%</td>
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</tbody>
</table>

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Footnotes:
- 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.
- All workers on construction work, with the exception of workers in compressed air.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Basic hourly rates</th>
<th>Fringe benefits payments</th>
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<td><strong>Wage Group I:</strong></td>
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<tr>
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<tr>
<td>Engineers working with dock builders and pile drivers</td>
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</tbody>
</table>

---

Footnotes:
- 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.
- All workers on construction work, with the exception of workers in compressed air.
DEPARTMENT OF AGRICULTURE

Office of the Secretary

ECONOMIC RESEARCH SERVICE AND FOREIGN ECONOMIC DEVELOPMENT SERVICE

Merger of Functions and Authorities

On January 26, 1972, 37 F.R. 1181, the Department gave notice of a proposal to merge the functions and authorities of the Foreign Economic Development Service with those of the Economic Research Service.

This public notice invited comments from interested persons and groups. No comments were received.

Therefore, in accordance with the proposal and pursuant to the authority contained in 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, the Director of Agricultural Economics, who continues to have the responsibility for such functions and authorities, is hereby authorized to delegate them to the Administrator of the Economic Research Service. The Foreign Economic Development Service is hereby abolished.

The above shall be effective as of February 6, 1972.

Done in Washington, D.C., this 18th day of February 1972.

EARL L. BUTZ, Secretary.

[FR Doc.72-2777 Filed 2-24-72:8:48 am]

ADMINISTRATOR, ECONOMIC RESEARCH SERVICE

Delegation of Authority

On February 25, 1972, 37 F.R. 4033, The Secretary of Agriculture gave public notice that the functions and authorities of the Foreign Economic Development Services were vested in me with the additional authority, effective February 6, 1972, to delegate them to the Administrator of the Economic Research Service.

This public notice invited comments from interested persons and groups. No comments were received.

Therefore, in accordance with the proposal and pursuant to the authority contained in 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, the Director of Agricultural Economics, who continues to have the responsibility for such functions and authorities, is hereby authorized to delegate them to the Administrator of the Economic Research Service.

Done in Washington, D.C., this 18th day of February 1972.

DON PAARLEBERG, Director of Agricultural Economics.

[FR Doc.72-2777 Filed 2-24-72:8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24112]

BRANIFF AIRWAYS, INC.

Notice of Prehearing Conference Regarding U.S. Mainland-Hawaii First-Class Excursion Fares

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 17, 1972, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Richard M. Hartsock.

In order to facilitate the conduct of the conference parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before March 6, 1972, and the other parties on or before March 13, 1972. The submissions of the other parties shall be limited to points on which they differ with the Board.


Ralph L. Wiser, Chief Examiner.

[FR Doc.72-2820 Filed 2-24-72:8:52 am]
NOTICES

FIRST NATIONAL CORP.

Order Approving Formation of Bank Holding Company

First National Corporation, Kalamazoo, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of The First National Bank and Trust Company of Michigan, Kalamazoo, Mich., (Kalamazoo Bank); the First National Bank and Trust Company of Kalamazoo County, Kalamazoo, Mich., (Kalamazoo Bank); and the Calumet Bank, Calumet, Mich. (Calumet Bank). Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, a newly organized corporate, was formed by the present management of the Kalamazoo Bank for the purpose of engaging in banking activities. Upon consummation of the proposal herein, applicant would control three subsidiary banks with total deposits of approximately $282 million, representing 12.2 percent of the commercial bank deposits in Michigan, and would be the eleventh largest banking organization in the State. (All banking data are as of June 30, 1971.)

Kalamazoo Bank ($258.2 million deposits), located in southwestern Michigan, operates 26 offices in and around the city of Kalamazoo, and is the largest of 20 banks operating within its service area, which is approximated by all of Kalamazoo County and portions of the five counties adjacent thereto. Calumet Bank ($71.3 million deposits), located in the Upper Peninsula of Michigan, operates two offices in the second largest of the five banks operating within its service area, which is approximated by all the Keeweenaw County and the greater portion of Houghton County. Deerfield Bank, located in Calumet County, southeastern Michigan, operates one office, and is the smallest of the 18 banks operating within its service area, which is approximated by portions of Lenawee and Monroe Counties. The record discloses that there is no significant existing competition among the proposed subsidiary banks, primarily due to the distances separating the banks (850 miles and 90 miles separate Calumet Bank and Deerfield Bank, respectively, from the closest offices of the Kalamazoo Bank; and the Deerfield Bank is located about 50 miles from either office of Calumet Bank). Moreover, in light of the restricted Michigan branching law, it does not appear that any significant potential competition would be foreclosed as a result of the proposal of applicant's proposal. It appears that the overall effect of the proposal on competition would be favorable, since the Deerfield Bank and Calumet Bank should be able to compete more effectively in their respective markets as subsidiaries of applicant.

The financial and managerial resources of applicant appear to be satisfactory, and its prospects, which are dependent upon those of its subsidiary banks, appear to be favorable. The financial and managerial resources and prospects of Deedlefield Bank and Calumet Bank are satisfactory and consistent with approval of the application. The Board notes that the capital position of the Kalamazoo Bank is satisfactory and should be augmented. Although the maintenance of adequate capital positions at subsidiary banks of the holding company is a matter of serious concern to the Board, the circumstances of this case do not indicate that the situation warrants denial of the application. The holding company structure should offer better prospects in expanding the central position of the Kalamazoo Bank. Other considerations relating to the financial and managerial resources and prospects of Kalamazoo Bank are satisfactory and consistent with approval of the application.

The considerations relating to convenience and needs of the communities to be served and weight toward approval of the application. As a subsidiary of a bank holding company, Kalamazoo Bank would be in a better position to serve the growing needs of its service area. Furthermore, applicant proposes to assist Deerfield Bank and Calumet Bank in expanding their services to include consumer loans, agricultural loans, economic development, and computer services. Applicant will also be able to assist its subsidiary banks by providing a source of qualified management personnel. It is the Board's judgment that consummation of the proposal would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors, February 17, 1972.

[SEAL] TYNAN SMITH, Secretary of the Board.

[FR Doc. 72-2746 Filed 2-24-72; 8:46 am]

MILTON HERSEY SCHOOL AND SCHOOL TRUST

Order Approving Exemption of Non-banking Activities of Bank Holding Company

Milton Hershey School and School Trust, Hershey, Pa., a bank holding company by virtue of 95 percent ownership of The Hershey National Bank, Hershey, Pa. (Bank), has applied to the Board of
NOTICES

Governors, pursuant to section 4(d) of the Bank Holding Company Act (12 U.S.C. 1843(d)), for an exemption from the prohibitions of section 4 (relating to nonbanking activities and acquisitions).

Notice of receipt of the application has been given in accordance with section 4(d) of the Act, and the time for filing comments and views has expired. The Governor has considered the application and all comments furnished in the light of the factors set forth in section 4(d) of the Act and finds that:

Milton Hershey School was established in 1909 by Milton and Catherine Hershey. In 1930, Milton Hershey transferred his controlling interest in The Hershey National Bank, founded in 1925, to the Milton Hershey School Trust, with the Hershey School as beneficiary. Upon Milton Hershey's death in 1945, Milton Hershey School and School Trust held a controlling interest in Hershey Foods Corp. and other nonbanking interests in and around the town of Hershey, Pa. Bank ($40 million in deposits as of June 30, 1971) was established to provide banking facilities for the employees of the predecessor to the Bank. Over the years, the majority of the bank's customers have been employees of Hershey Foods Corp. Furthermore, over 90 percent of Bank's loans are to individuals or small businesses in the Hershey community or its immediate area. The present ownership has existed for over 40 years, a period of affiliation within the terms of section 4, and the Bank is well managed and in sound financial condition and applicant has not abused its relationship with the Bank. There is no reason to believe that permitting this relationship to continue indefinitely will adversely affect either the Bank or the community of Hershey.

At the present time, over 80 percent of Bank's stock is owned either by applicant or residents of the Hershey community or its environs. Forced sale would probably result in a loss of this kind of local control. Bank has historically maintained a home, farm, and commercial mortgages of over 80 percent of the borrower's net worth as a traditional mortgage loan. Approximately 37 percent of the Bank's loans are commercial loans to small businesses in Hershey or installment loans on automobiles. Bank also makes education loans to students. With higher rates of return available on other types of investments, a new owner of Bank would be quite likely to change its investment policy substantially. Because of the nature of the community and the nature of Bank under present ownership, it is the Board's view that forced sale of Bank would result in control by interests not similarly representative of the Hershey community.

Exemption under 4(d)(3) is contingent upon a finding of a bank's small size in relation to the holding company's total interests. The type of holding company for which such an exemption was granted to an operating industrial company, Applicant's assets consist of a portfolio of stock investments which are not subject to the type of analysis contemplated under this provision of the Act.

The legislative history of section 4(d) indicates that Congress clearly intended applicant to be one of the companies entitled to an exemption (House Report No. 77-572, June 19, 1942, p. 91-1747, 91st Cong., 2d sess., p. 24 and 116 Cong. Rec., H. 11790 and S. 20653). After a review of the entire record, the Board concludes that the granting of an exemption pursuant to section 4(d) of the Act would not be substantially at variance with the purposes of the Act.

On the basis of the record, the application is approved for the reasons summarized above; Provided, however, That this determination is subject to revocation by the Board if the facts upon which it is based change in any material respect.

By order of the Board of Governors,1 February 17, 1972. 

[SEAL.] TYNAN SMITH, Secretary of the Board.

NEWPORT SAVINGS AND LOAN ASSOCIATION

Order Approving Formation of Bank Holding Company and Continuation of the Activities of a Thrift Institution

Newport Savings and Loan Association, Newport, R.I., has applied for the Board's approval under section 3(a)(1) and section 4(c)(6) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) and 1843(a)(6)) to become a bank holding company through acquisition of 100 percent of the voting shares of The Island Trust Co., Newport, R.I., a proposed new bank, and to continue thereafter to engage in the activities of a thrift institution.

Pursuant to section 3(b) of the Act, the Board gave written notice of receipt of the application to become a bank holding company to the Bank Commissioner for the State of Rhode Island and to requested his views and recommendation. The Commissioner recommended that the application be favorably considered. Subsequently, the Director of the Department of Business Regulation for the State of Rhode Island (whose jurisdiction encompasses the office of the Bank Commissioner) recommended that the application be approved.

Notice of receipt of the application to become a bank holding company was published in the FEDERAL REGISTER on June 19, 1971 (36 F.R. 11832), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. Several letters of comment objected to Newport Savings and Loan Association becoming a bank holding company and continuing thereby to engage in the activities of a thrift institution.

Voting for this section: Chairman Burns and Governors Robertson, Mitchell, Deane, Maisel, Brimmer, and Sheehan.

In view of the issues raised, the Board published notice of a hearing on the matter (36 F.R. 11832). The hearing was held before available members of the Board on November 29, 1971. All persons desiring to give testimony, present evidence, or otherwise participate in the hearing were permitted to do so. Time for filing additional comments and views has expired; all those received and the entire record of the hearing have been considered by the Board.

On the basis of the record and other relevant material, the applications are approved for the reasons set forth in the Board's Statement of this date: Provided, That the proposed acquisition shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order; and that (c) The Island Trust Co. shall be opened for business not later than 6 months after the date of this order, unless the times specified in (b) and (c) are extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors.2 February 17, 1972. 

[SEAL.] TYNAN SMITH, Secretary of the Board.

EXEMPTIONS

NOTICES

By order of the Board of Governors,1 February 17, 1972. 

[SEAL.] TYNAN SMITH, Secretary of the Board.

FEDERAL REGISTER, VOL. 37, NO. 38—FRIDAY, FEBRUARY 25, 1972

NOTICES 4035

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Final Environmental Impact Statement

Public Notice Regarding Availability

Notice is hereby given of the public availability of the final Environmental Impact Statement for the Jet Propulsion Laboratory operated for the National Aeronautics and Space Administration under contract with the California Institute of Technology. Comments on the draft Environmental Statement for the Jet Propulsion Laboratory were previously solicited from State and local agencies and members of the public through a notice in the Federal Register of March 18, 1971. Copies of the draft statement were sent to the Office of Management and Budget, the Council on Environmental Quality, and the Environmental Protection Agency.

Copies of the final statement will be furnished to the Office of Management and Budget and the Council on Environmental Quality.

1 Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Office of the Secretary, D.C. 20551, or to the Federal Reserve Bank of Boston.

2 Voting for this section: Chairman Burns and Governors Robertson, Mitchell, Deane, Maisel, Brimmer, and Sheehan.
NOTICES

Copies of the final statement may be purchased (price $1 each) or examined at any of the following locations:
(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), Independence Avenue SW., Washington, DC 20546.
(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.
(c) Flight Research Center, NASA (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 83523.
(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.
(e) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.
(f) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23665.
(g) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.
(h) Manned Spacecraft Center, NASA (Building 1, Room 136), Houston, Tex. 77058.
(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Ala. 35812.
(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.
(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.
(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C., this 18th day of February 1972.
By direction of the Administrator.
HOMER E. NEWELL
Associate Administrator, National Aeronautics and Space Administration.

SECURITIES AND EXCHANGE COMMISSION

APPALACHIAN POWER CO. AND SOUTHERN APPALACHIAN COAL CO.

Notice of Proposed Issue and Sale of Common Stock by a Newly Created Subsidiary Company and Acquisition Thereof by Parent Utility Company

February 18, 1972.

Notice is hereby given that Appalachian Power Co. (Appalachian), an electric utility subsidiary company of American Electric Power Co., Inc. (AEP), and Southern Appalachian Coal Co. (Appalachian Coal), 301 Virginia Street, Charleston, WV 25327, a newly created corpora-
tion, have filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(b), 9, and 10 of the Act as applicable to the following proposed transactions: Appalachian, a newly created Virginia corporation, was incorporated on January 31, 1972, to, among other things, develop, mine, transport, and sell coal. Appalachian Coal has 50,000 shares of capital stock, of which 10,000 shares are outstanding, none of which have been issued to date.

Appalachian has two new 800,000 kilowatt coal-fired steam electric generating units, which will require in aggregate over 4 million tons of coal per year. In order to assure a reliable supply of coal for these generating facilities, a financing program for Appalachian Coal is proposed. Appalachian Coal and various reserves of coal owned or controlled by Appalachian in West Virginia, Appalachian Coal proposes to issue and sell, on or before December 31, 1974, 10,000,000 shares of common capital stock, and Appalachian proposes to acquire such stock for a consideration of $20 per share ($20 million).

It is estimated that the most significant coal reserves to be developed and mined by Appalachian Coal are located south of Charleston, W. Va., and have an estimated 145 million tons of recoverable coal. A portion of these coal reserves must be "deep mined". None of the coal to be mined by Appalachian Coal will be sold to anyone other than public utility companies in the AEP system.

It is estimated that the development of such coal reserves will require capital expenditures of approximately $20 million through 1974. Additional financing requirements will be the subject of future applications. The charges for coal by Appalachian Coal will be based on an amount equal to its actual cost to develop the reserve and mine such coal, including all appropriate overhead and interest charges and including a reasonable rate of return on Appalachian's equity investment in Appalachian Coal. Such rate of return will be no greater than the rate then being earned by Appalachian on equity invested in electric plant as determined pursuant to the then effective Uniform System of Accounts prescribed by the Federal Power Commission for electric utility companies.

It is stated that no fees or commissions will be paid in connection with the proposed transactions with the exception of miscellaneous expenses estimated not to exceed $2,500. It is further stated that the Virginia State Corporation Commission has jurisdiction over the proposed transactions and that no other state commission or agency, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 15, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549.

A copy of such request should be served personally or by mail (airmail if the person being served is located more than 50 miles from the place of the hearing) upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the Commission. At any time after said date, the application as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

RonalD F. Hunt
Secretary.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

February 18, 1972.

Notice is hereby given that Aetna Life Variable Account A and Aetna Life Insurance Co. have filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Account A has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Account A was established by Aetna on September 4, 1968, as a separate account for variable annuity contracts with a stock life insurance company incorporated under authority of a charter from the Connecticut legislature. On September 9, 1969, Account A was registered as a unit investment trust under the Act, and on that date a registration statement on Form S-6 was filed pursuant to the Securities Act of 1933 for registration of variable annuity contracts with a proposed maximum aggregate offering price of $10 million.

Federal Register, Vol. 37, No. 38—Friday, February 25, 1972
Subsequent to the filing of said registration statement, Aetna determined not to proceed with the proposed offering of variable annuity contracts. On November 9, 1971, upon request of the registrant, the Commission issued an order consenting to withdrawal of the registration statement.

The application states that no variable annuity contracts participating in Aetna's variable investment company have ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order the registration of such contract shall cease to be in effect.

Notice is further given that any interested person may, not later than March 8, 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 should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Aetna at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 6-5, the Commission may promulgate regulations promulgated under the Act, an order for a hearing thereon 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.

[F.R Doc.72-2765 Filed 2-24-72;8:46 am]

[811-1062]

A. M. CAPITAL CORP.

Notice of Filing of Application for Order of the Act Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 16, 1972.

Notice is hereby given that A. M. Capital Fund Corp. (Applicant), 22 East 40th Street, New York, NY, a Delaware corporation registered as a closed-end, non-diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application therefor. 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 in the Act. All interested persons are referred to the application, notice of the Commission for a statement of the representations set forth therein which are summarized below.

Applicant registered under the Act on May 18, 1971 by the filing of a declaration of registration on Form N-8A. Applicant represents that it has authorized 500,000 shares of common stock of which 99,312 shares are outstanding. Applicant further represents that as of December 23, 1971, there were 95 beneficial owners of said common stock and that no company owns more than 10 percent of its outstanding shares. Applicant states that the public offering of its securities is presently being made nor is any such offering presently proposed for the future.

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

Notice is further given that any interested person may, not later than March 8, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 6-5, the Commission may promulgate regulations promulgated under the Act, an order for a hearing thereon 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.

[F.R Doc.72-2766 Filed 2-24-72;8:47 am]

[70-5145]

GULF POWER CO.

Notice of Proposed Amendment of Charter and By-laws and Solicitation of Proxies

FEBRUARY 17, 1972.

Notice is hereby given that Gulf Power Co. (Gulf), 75 North Face Boulevard, Pensacola, FL 32502, an electric-utility subsidiary company of The Southern Co. (Southern), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Gulf proposes to amend its charter to increase the authorized number of shares of its cumulative preferred stock, par value $100 per share, from 251,626 shares to 425,000 shares and to transfer to the articles of incorporation provisions now in the bylaws which set forth the relative rights, preferences and limitations of the shares of Gulf's preferred and common stocks. Gulf states that the increase in the authorized number of shares of preferred stock is necessary to enable Gulf to finance a portion of its construction requirements through the issuance of the proposed additional shares of preferred stock.

It is further proposed that Gulf solicit proxies from holders of its outstanding preferred stock in connection with the special meeting of stockholders, which is to be held on April 27, 1972, to take action upon the foregoing proposals. Southern, the owner of all the outstanding 992,717 shares of Gulf common stock, proposes to vote all such shares for the adoption of the above proposal. In addition, the affirmative vote of a majority of the outstanding 251,626 shares of preferred stock is needed for the adoption of this proposal. Such solicitation may be made personally, or by telephone, telegram or mail by employees of the company. Gulf may use professional proxy solicitors.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that the fees and expenses to be incurred in connection with the proposed transactions are estimated to be $19,950, including legal fees of $8,000 and fees for soliciting proxies of $4,000.
Notice is further given that any interested person may, not later than March 13, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration as to which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL]  
Ronald F. Hunt, Secretary.  
[FR Doc.72-2767 Filed 2-24-72; 8:47 am]

INVESTMENT PARTNERSHIP FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be An Investment Company

FEBRUARY 18, 1972.

Notice is hereby given that Investment Partnership Fund, Inc. (Applicant), Suite 812, 110 Sutter Street, San Francisco, CA 94104, registered under the Investment Company Act of 1940 (Act) as a closed-end diversified investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined under the Act. 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.

Application on file with the Commission for a statement of the representations therein, which are summarized below.

Azufrera Panamericana, S.A. (Azufrera), is incorporated in Mexico. Its principal business is the exploration for, and the development and production of, sulphur in Mexico. Applicant formerly owned all of the outstanding shares of Azufrera, but on June 30, 1967, Applicant sold 66 percent of its outstanding Azufrera shares to Mexican interests, including an instrumentality of the Mexican Government, National Financiera S.A., which acquired 43 percent of the outstanding Azufrera shares. The shares held by Mexican interests are now classified as Class A shares and cannot be acquired by non-Mexicans. The remaining shares are freely transferable and are classified as Class B shares.

The Class A shares and the Class B shares are empowered to elect, respectively, six and three Directors. Accordingly, none of the nine Directors are associated with Applicant. The Executive Committee of Azufrera has six members, only one of whom is associated with Applicant. The Chairman of the Board (who is not its chief executive officer) is Vice Chairman of the Board and Chief Executive Officer of Azufrera but none of the other six officers of Azufrera are associated with Applicant.

Azufrera and four of its subsidiaries entered into a Management Assistance Agreement with Applicant in 1967 in connection with the above sale of 66 percent of the outstanding Azufrera shares to Mexican nationals. The Management Assistance Agreement was designed to protect the shareholders of Azufrera from a sudden change in operating personnel and to ensure Applicant’s activities under the Management Assistance Agreement have gradually decreased and are now minimal. This substantial disengagement of Azufrera and its subsidiaries is the principal reason for Applicant’s decision to register as an investment company under the Act. Azufrera owns various subsidiaries which engage in transactions among themselves and with Azufrera.

Applicant also owns 33 percent of the outstanding shares of Minera Santa Leticia S.A. de C.V., an inactive Mexican corporation which was engaged in exploration for copper deposits in Mexico. It has seven directors only one of whom is associated with Applicant. None of its six officers is associated with Applicant. Applicant asserts that the above corporations in which PASCO has direct and indirect equity interests are not in control of Applicant as defined by section 2(a)(9) of the Act. Applicant does not control certain corporations in which it has direct or indirect equity interests. All interested persons are referred to the

PAN AMERICAN SULPHUR CO.

Notice of Filing of Application for Order Determining Certain Companies Not To Be Controlled

FEBRUARY 18, 1972.

Notice is hereby given that Pan American Sulphur Co. (Applicant), 2038 Bank of Southwest Building, Houston, Tex. 77002, a Delaware Corporation registered as a closed-end management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 2(a)(9) of the Act for an order of the Commission determining that Applicant does not control certain corporations in which it has direct or indirect equity interests. All interested persons are referred to the

FEDERAL REGISTER, VOL. 37, NO. 38—FRIDAY, FEBRUARY 25, 1972
Act. If they should also be considered to be controlled by Applicant within the definition of section 2(a)(9) of the Act because Applicant owns beneficially more than 25 percent of their voting securities, Applicant declares that this would be seriously hampered in their business relationships with each other by reason of section 17 of the Act. Sections 17(a), (d), and (e) of the Act make unlawful certain affiliated persons of a registered investment company on the one hand and registered investment companies and companies controlled by such registered investment company on the other hand.

Applicant desires to prevent its registration under the Act from disrupting business relationships between the above concerns with which it has direct or indirect interests. Section 2(a)(9) of the Act provides that the presumption of control arising through beneficial ownership of more than 25 percent of a company's voting securities may be rebutted through a determination to the contrary by the Commission upon application by an interested party.

If the Commission determines that Applicant does not control Azufrera or its subsidiaries, (Pile No. 812-3118), or Minera Santa Leticia, S.A. de C.V. the prohibitions set forth in sections 17(a), (d), and (e) of the Act against certain transactions involving affiliated persons of a registered investment company on one hand and companies controlled by a registered investment company on the other hand would not apply to those transactions involving only Applicant's Mexican subsidiaries. The prohibitions set forth in sections 17(a), (d), and (e) against certain transactions involving affiliated persons of a registered investment company on the one hand and such registered investment company on the other hand would, however, still apply. Applicant on January 31, 1972, filed an application for consideration by the Commission under section 17(a) and (d) for certain transactions involving Applicant and its above mentioned Mexican subsidiaries. (File No. 812-3118.)

Federico L. Revere, Jr. of the foregoing, Applicant has requested that an order be entered by the Commission under section 2(a)(9) of the Act determining that Applicant does not control Azufrera or any subsidiary of Azufrera or Minera Santa Leticia, S.A. de C.V., in which it has direct or indirect equity interests.

Notice is further given that any interested person may, not later than March 8, 1972, submit to the Commission in writing objections to the application, on one or more of the grounds stated above, accompanied by a statement as to the issues, if any, of fact or law proposed to be controverted, or he may request that he be permitted to be heard 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 (aerial if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. 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 of the Commission as its 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.

By the Commission.

[SEAL]

RONALD F. HUNT,
Secretary.

(FRG Doc. 72-2769 Filed 2-24-72.
8:47 am.)

[812-2978]

PAUL REVERE LIFE INSURANCE CO. AND PAUL REVERE INVESTORS, INC.

Notice of Filing of Application for Order

FEARURY 18, 1972.

Notice is hereby given that the Paul Revere Life Insurance Co. (Paul Revere Life) and Paul Revere Investors, Inc. (the "Fund"), 18 Chestnut Street, Worcester, MA, a registered closed-end nondiversified management investment company (collectively "Applicants") have filed an application for consideration by the Commission under sections 17(b) and 17(d) of the Investment Company Act of 1940 (Act) and Rule 17d-1 thereunder for an order permitting Paul Revere Life to sell to the Fund approximately 50 percent of securities recently purchased in Goodman Equipment Corp. (Goodman). All interested persons are referred to the application on file with the Commission for a full statement of the requesting companies therein which are summarized below.

The Fund is designed to acquire direct placement investments of the kind currently being acquired for the general account of Paul Revere Life and the Paul Revere Equity Management Co. (Equity Management), a wholly owned subsidiary of Paul Revere Life, is employed as investment adviser to the Fund. The Fund's investment objective is to generate increasing dollar amounts of income "over the long term" for distribution to its shareholders. The principal investments of the Fund will be long-term obligations and, occasionally, preferred stocks, where possible with equity features, purchased directly from the issuers. The equity features associated with these investments will ordinarily be shares of common stock of the issuer or an affiliate of the issuer, warrants or rights which are exercisable for such shares or the right to convert the debt securities into such shares. On September 17, 1971, the Commission granted an order to Paul Revere Life and the Fund pursuant to section 17(d) of the Act and Rule 17d-1 thereunder (Investment Company Act Release No. 6733) permitting Paul Revere Life to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement and to exercise warrants, conversion privileges and other rights at the same time and in the less advantageous than that of other participants.

The application states that Paul Revere Life purchased certain debt securities, common stock and a contingent right from Goodman on September 17, 1971, prior to the Commission order permitting joint transactions between the Fund and Paul Revere Life. Applicants represent that the transaction was consummated prior to the order since Goodman and another institutional investor (whose investment in Goodman equals that of Paul Revere Life) desired to complete the transaction as soon as possible. Paul Revere Life proposes to sell at its cost plus accrued and unpaid interest on the bonds and subordinated note to be sold and transferred, the following securities to the Fund representing approximately 50 percent of its investment in Goodman:

(1) $500,000 face amount of 10 percent first mortgage bonds of Goodman dated September 17, 1971, and due June 30,
NOTICES

PUBLIC SERVICE COMPANY OF OKLAHOMA AND CENTRAL AND SOUTH WEST CORP.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding, and Issue and Sale and Acquisition of Shares of Common Stock

FEBRUARY 16, 1972.

Notice is hereby given that Central and South West Corp. (Central), 300 Delaware Avenue, Wilmington, DE 19899, a registered holding company, and its public-utility subsidiary company, Public Service Company of Oklahoma (Public Service), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 9, 10, and 12(f) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for an immediate statement of the proposed transactions.

Public Service proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $30 million principal amount of first mortgage bonds, Series L, ___ percent, due March 1, 2002. The bonds will be issued under an indenture dated as of July 1, 1945, between Public Service and The First National Bank and Trust Company of Tulsa, as trustee, as hereafter amended and as to be further amended by a supplemental indenture to be signed by Applicants and the Trust Company after the date of this Notice which includes a prohibition until March 1, 1977, against refunding the issue with the proceeds of funds borrowed at a lower interest cost. The interest rate (which shall be in multiples of 1/100th of 1 percent) and the price, exclusive of accrued interest (which shall not be less than 99 percent nor more than 102.75 percent of the principal amount thereof), will be determined by competitive bidding.

Public Service proposes to issue and sell 418,000 shares of its common stock, $12 par value per share, to the fund underwritten by Central. Central proposes to acquire such shares at the aggregate par value thereof, $4,980,000.

The net proceeds to be derived from the issue and sale of the bonds and common stock will be used by Public Service to finance a part of its construction expenditures, including the payment or prepayment of its borrowings from Central. Public Service estimates that its net worth on a going business basis was $15,000 and accountants' fees of $5,000. The expenses in connection with the proposed issue and sale of common stock are estimated at $400. The fees and expenses to be paid to Public Service in connection with the issue and sale of the bonds are estimated at about $8,027,000, including payment of interest of $15,000 and accountants' fees of $5,000.

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Notice is hereby given that any interested person may, not later than March 6, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication shall be served personally or by mail (a) if the person of mailing served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than 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 or ordered will receive notice of further developments and, 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.

[FED Doc.72-2771 Filed 2-24-72; 8:47 am]
of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[Seal]

RONALD F. HUNT, Secretary.

[FR Doc.72-2770 Filed 2-24-72;8:47 am]

[File No. 500-1]

TOPPER CORP.

Order Suspending Trading

FEBRUARY 17, 1972.

The common stock, $1 par value, of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission, the names and addresses of members whose information is transmitted may be omitted. (See Securities Exchange Act of 1934 Release No. 9496 also pursuant to paragraph (b) of section 17a-10 is as follows:

The NYSE plan provides that each individual member not affiliated with any member organization of the exchange will be required to file a report of such a plan. In summary, the plan provides that the NYSE will adopt and implement appropriate internal procedures for review of the reports submitted by members and member organizations, (1) will maintain all reports filed for reasonableness and accuracy, (3) will submit edited reports to the Commission (excluding the names and addresses of the respective firms), (4) will maintain and preserve all information furnished to it by any member or member organization and of related correspondence, memoranda, etc., for a period of 6 years, and (5) will undertake certain other obligations. A copy of the NYSE plan is available for inspection at the Commission's main office in Washington, D.C.

The Commission wishes to point out that it may not be practical to comment a proposed amendment to paragraph (b) of Rule 17a-10. That amendment would delete the wording in paragraph (b) which permits a plan to provide that, in transmitting copies of the Form X-17A-10 reports to the Commission, the names and addresses of members whose information is transmitted may be omitted. (See Securities Exchange Act of 1934 Release No. 9486 also released February 15, 1972.) If the Commission adopts the proposal it will be necessary for the NYSE as well as the other self-regulatory organizations that have qualified Rule 17a-10 plans to amend their respective plans to delete those provisions which provide for the reporting of information to the Commission on an unidentifed basis.

COMMISSION ACTION

The text of the Commission action declaring effective the NYSE plan filed pursuant to paragraph (b) of section 17a-10 is as follows:

The Securities and Exchange Commission action pursuant to the Securities Exchange Act of 1934, particularly sections 17(a) and 24(a) thereof and § 240.17a-10(b) thereunto, deeming it necessary for the exercise of the functions vested in it, and taking due regard for the public interest and for the protection of investors, hereby declares effective February 9, 1972, the plan filed by the New York Stock Exchange (NYSE) with the Commission pursuant to paragraph (b) of section 17a-10 on November 7, 1971, on the condition that at any time it appears to the Commission to be necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of such plan by sending at least 60 days written notice to the NYSE. The Commission finds that notice and subsequent procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553) are unnecessary with respect to this action.


By the Commission.

[Seal]

RONALD F. HUNT, Secretary.

FEBRUARY 15, 1972.

[FR Doc.72-2763 Filed 2-24-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

FEBRUARY 22, 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-F-11122, Duff Truck Line, Inc.—Purchase of W. J. McQuade Freight Line, Inc., assigned March 9, 1972, at Columbus, Ohio, will be held in Room 2 State Office Building, 65 Front Street.

MC 2900 Sub 218, Ryder Truck Line, Inc., assigned March 15, 1972, and MC 128291 Sub 34, Howard Bier, assigned March 9, 1972, at Columbus, Ohio, will be held in Room 4 State Office Building, 65 Front Street.

FD 26615, City of Wheeling, W. Va.—Abandonment Baltimore & Ohio Railroad Tracks, Wheeling, Ohio County, W. Va., assigned March 13, 1972, and MC 158524 Sub 2, G. F. Trucking, Inc., assigned March 6, 1972, at Columbus, Ohio, will be held in Room 2 State Office Building, 65 Front Street.
NOTICES

[58475 (Sub 3)]

PORT OF NEW ORLEANS AND INTERIOR POINTS
Investigation Into Railroad Freight Rate Structure


Notice is hereby given that on December 6, 1971, the New Orleans Traffic and Transportation Bureau filed a petition requesting this Commission, on its own motion, to institute an investigation into the railroad freight rates for trailer-on-flatcar (TOFC) and coil-on-flatcar (COFC) ramps-to-ramps (Plans I, II and III) service, on traffic having a prior or subsequent movement by water, (1) between interior points within Southern Ports Foreign Freight Committee territory, on the one hand, and the Port of New Orleans and other Gulf ports, the South Atlantic ports, and the North Atlantic ports, on the other hand, and (2) between interior points within Southern and Southwestern territories and the Port of New Orleans, on the one hand, and between those interior points and other Gulf ports and South Atlantic ports, on the other hand.

A letter dated December 13, 1971, was submitted by the Greenville (Miss.) Port Commission on behalf of Greenville and inland river ports opposing the petition and requesting that it be held in abeyance until a determination has been made in Ex Parte No. 270 (Sub-No. 1), Investigation of Railroad Freight Rate Structure, Export-Import Rates and Charges.

In support of the request, the petitioner averred that the railroads generally apply their domestic rates for the inland movement of TOFC and COFC import and export traffic; that those rates are predicated on a distance formula to meet the competition of motor carriers; that this rate structure creates rate advantages to the ports nearest the inland points and disadvantages to the Port of New Orleans. The petitioner claims that for many years the railroads serving the Port of New Orleans participated in the export-import rate structure approved by the Interstate Commerce Commission in Ex Parte No. 270 (Sub-No. 1), Investigation of Railroad Freight Rate Structure, Export-Import Rates and Charges.

Grounds for relief—Market competition.

Tariff—Supplement 133 to Western Trunk Line Committee, agent, ICC A-2657, for interested rail carriers. Rates on iron and steel articles, in carload lots, as described in the application, from Fort Collins and Minnequa, Colo., to points in various states.

Notices of hearing, or in the alternative, a determination of the case by this Commission, will be made in due course.

A copy of the application is on file, and copies of the same may be obtained upon application to the Interstate Commerce Commission, Washington, D.C., or in field offices to which protests are to be transmitted.

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A copy of the application is on file, and copies of the same may be obtained upon application to the Interstate Commerce Commission, Washington, D.C., or in field offices to which protests are to be transmitted.

CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 18, 1972.

The following are notices of filing of applications for temporary authority under section 216(a) of the Interstate Commerce Act provided for under Part 1131 of the Tariff—Supplement 133 to Western Trunk Line Committee, agent, ICC A-2657, for interested rail carriers. Rates on iron and steel articles, in carload lots, as described in the application, from Fort Collins and Minnequa, Colo., to points in various states.

A copy of the application is on file, and copies of the same may be obtained upon application to the Interstate Commerce Commission, Washington, D.C., or in field offices to which protests are to be transmitted.
business as SUPER M FOODS DELIVERY, 411A North Wood Avenue, Linden, NJ 07036. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household cleaning products, except in bulk, under contract with J. L. Prescott Co., from Waco, Texas, to Charlestown, Somerville, Norton, Waymouth, Revere, and Boston, Mass.; Cumberland, R.I.; Hartford, Conn.; Syracuse, Brentwood, and Central Islip, N.Y.; Westwood, New Jersey, and the Counties of Camden, Gloucester, Ocean, and Burlington, New Jersey. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glazed structural masonry products, and supplies used in the installation thereof, from Lansing, Mich., to points in Iowa and Wisconsin, for 180 days. Supporting shipper: United Glazed Products (Mid- Michigan), Inc., 4500 Aurelius Road, Lansing, MI 48906.

No. MC 111170 (Sub-No. 184 TA), filed February 8, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Vinyl Bromide, in bulk, from Brunswick, Ark., to Charleston, S.C., for 180 days. Supporting shipper: Monsanto Co., 800 North Lindberg Boulevard, St. Louis, MO 63166. Applicant's representative: William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 114533, filed December 27, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60652. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Radiopharmaceuticals, isotopes, and related products, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas and Missouri. Restricted, however, to shipments having a prior or subsequent movement by air, for 150 days. Supporting shipper: Mr. Harold T. Raven, Transportation Manager, E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 1215 South Dearborn Street, Chicago, IL 60604.

No. MC 115841 (Sub-No. 424 TA), filed February 7, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1218 Bankhead Highway, West, Post Office Box 10327, Birmingham, AL 35204. Applicant's representative: Roger M. Shiner, Post Office Box 108, Concord, TN 37320. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except in bulk), animal and pet foods (except in bulk), and agricultural commodities the transportation of which is exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with the commodities named above, from points in the United States (except Alaska, Hawaii, Nebraska, Iowa, Illinois, Indiana, Kansas, Missouri, Michigan, Wisconsin, Ohio, and North Carolina), for 180 days. Supporting shipper: Holly Farms Poultry Industries, Inc., Transportation Division, Box 245, Wilkesboro, NC 28697. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 117686 (Sub-No. 130 TA), filed February 9, 1972. Applicant: HIRSCHBACH MOTOR LINES, INC., 3924 U.S. Highway 76 North, Post Office Box 417, Sioux City, IA 51102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coconuts, plantains, pineapples, and other agricultural commodities exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from
NOTICES

Morehead City, N.C., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Neb. 68102.

No. MC 118535 (Sub-No. 51 TA), filed February 8, 1972. Applicant: JIM TIONA, JR., 111 South Prospects Blvd., Box 1028, Lawrence, Mass. 01843. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizer and fertilizer materials (dry), from Springfield, Mo., to points in Arkansas, Kansas, and Oklahoma, for 180 days. Supporting shipper: Wilchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 123392 (Sub-No. 35 TA), filed February 7, 1972. Applicant: JACK B. KELLEY, 12102 47th Drive, Dearborn, Mich. 48126. Applicant's representative: Weldon M. Teague (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cryogenically liquefied argon gas, in bulk, from the United States-Canadian boundary located at Detroit, Mich., and Niagara Falls, N.Y., to points in Ohio, Pennsylvania, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Georgia, and Alabama, for 150 days. Supporting shipper: R. E. Bryant, Manager, Distribution, American Cryogenics Division of Liquid Air, Inc., 1 Embaracadero Center, San Francisco, CA 94111. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Bureau of Operations, Post Office Box H-4395, Herring Plaza, Amarillo, TX 79101.

No. MC 128190 (Sub-No. 8 TA), filed February 9, 1972. Applicant: FREEMONT CONTRACT CARRIERS, INC., 1520 East Railroad Drive, Davenport, IA 52802. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Glass bottles or jars and honey when in mixed shipments with glass bottles or jars, from the plantsite or storage facilities of Kerr Glass Co., at Plainfield, Ill., to the plantsite or storage facilities of Sioux Honey Association, Inc., Waycross, Ga., and Temple, Tex., for 180 days. Supporting shipper: Sioux Honey Association, Post Office Box 1107, Sioux City, IA. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Neb. 68102.

No. MC 133095 (Sub-No. 23 TA), filed February 9, 1972. Applicant: TEXAS CONTINENTAL EXPRESS, INC., Post Office Box 434, 2603 West Eusses Boulevard, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Alcohol and alcoholic beverages having a proof of 19% or less, from foreign commercial business, from Roma, Houston, Brownsville, and Laredo, Tex., to Del Rio, El Paso, and Presidio, Tex., for 180 days. Supporting shipper: Inland Distributing Co., Inc., 1006 S. Second Street, Odessa, TX. Send protests to: H. C. Morrison, Jr., Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, Room 1252, Federal Office Building, 819 Taylor Street, Fort Worth, TX 76102.


No. MC 135755 (Sub-No. 13 TA), filed February 8, 1972. Applicant: MILLIS EXPRESS TRANSIT, INC., Post Office Box 112, Black River Falls, WI 54615. Applicant's representative: Eric F. Stutz, 104 Main Street, Black River Falls, WI 54615. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, from St. Paul, Minn., to Merrill, Wis., for 180 days. Supporting shipper: Ament & Sons, Inc., 601 South Alexander, Merrill, WI 54452. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 200, Madison, WI 53703.


No. MC 134838 (Sub-No. 2 TA), filed February 4, 1972. Applicant: SOUTHEASTERN TRANSIT & STORAGE CO., INC., 2561 Plant Atkinson Road NW, Post Office Box 660, Atlanta, GA 30318. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW, Washington, DC 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Houses or building sections and component parts thereof, including: Appliance turnings, electrical and plumbing fixtures, heating and air conditioning, floor coverings and cabinets: Set up, from Arabi, Ga., to points in Tennessee, Florida, Alabama, South Carolina, and North Carolina, the return to origin of damaged or unsuitable houses or components, for 180 days. Supporting shipper: Boise Cascade Corp., Transportation and Distribution Department, Post Office Box 7747, Boise, ID 83707. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1222 West Peachtree Street NW, Atlanta, GA 30309.

No. MC 134822 (Sub-No. 25 TA), filed February 8, 1972. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Canned chicken, in vehicles equipped with mechanical refrigeration, from the storage facilities of Hope Food Corp. in Hope, Ark., to interstate points in Texas, located approximately 4 miles north of Hope, Ark., to points in Texas, Louisiana, Iowa, Illinois, Minnesota, and California; and (2) metal containers and container ends, from Elwood, Ind., to the origin points listed in (1) above, for 180 days. Supporting shipper: Hope Food Corp., Post Office Box 99, Hope, AR 71801. Send protests to: District Supervisor William H. Hand, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.


No. MC 136283 (Sub-No. 1 TA), filed February 8, 1972. Applicant: DEL TRANSPORT LIMITED, 385 Richelieu Avenue, McMasterville, PQ Canada. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Explosives classes A and B, blasting supplies and materials and component parts thereof, and material and supplies incidental thereto, from the international boundary line between

No. MC 136276 TA (Correction), filed December 27, 1971, published in the Fed- eral Register issue of January 11, 1972, corrected and republished as corrected, this is: GOESON TRANS- PORTATION, INC., Route No. 4, Union- cennes, IN 47591. Applicant's represent­ tive: Thomas F. Quinn, Suite 715-716 First Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Air­ hydrous ammonia, liquid, nitrogen fer­ tilizer solutions, liquid, and fertiliser ma­ terials unaccompanied by persons, for 180 days. Supporting shipper: Cominco American, Inc., 818 West Main Street, Lexington, KY 40505.

No. MC 136409 TA, filed February 10, 1972. Applicant: B C & W TRUCKING CO., INC., 416 West Lamar Street, Amer­ ica, GA 31709. Applicant's representa­ tive: John R. Parks, 206 Prince Street, Americus, GA 31709. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Rubber tires, tubes, patches, flaps, gaskets, valves, road maps, calenders and materials, equip­ ment and supplies incidental to the busi­ ness of a tire manufacturer, wholesaler, or distributor, for 180 days. Supporting shipper: Michelin Tire Corp., 2500 Marcus Avenue, Lake Suc­ cess, New Hyde Park, NY 11040. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

By the Commission.

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 22, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Com­ merce Act, and rules and regulations pre­ scribed thereunder (49 CFR Part 1132), appear below:

Sent to: R. W. Schneiter, Dis­ trict Supervisor, Interstate Commerce Commis­ sion, Post Office Box 151, Paris, KY 40361. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Used household goods, unaccompanied baggage and per­ sonal effects, for 180 days. Supporting ship­ pers: The Jim Dandy Co., Birmingham, Ala.; and The Jim Dandy Co., Mt. Sterling, Ky., or copies thereof which may be examined at the field office named below. Send protests to: R. W. Schneiter, Dis­ trict Supervisor, Interstate Commerce Commis­ sion, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

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By the Commission.
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-73432. By order of February 18, 1972, the Motor Carrier Board approved the transfer to Ira Holiday Logging, Inc., Eagar, Ariz., of that portion of the operating rights in certificate No. MC-116457 (Sub-No. 2), issued April 30, 1971, to General Transportation, Inc., Sprinerville, Ariz., authorizing the transportation of wood chips, from points in New Mexico to points in Navajo County, Ariz. Donald E. Fernaays, 4114A North 20th Street, Phoenix, AZ 85016, registered practitioner for applicants.


No. MC-FC-73461. By order of February 17, 1972, the Motor Carrier Board approved the transfer to STX Inc., doing business as Spotswood Trail Express, Redbone Road, Chester Springs, Pa. 19425, of certificate No. MC-111402 and sub thereunder, issued February 2, 1950, to Pawley Motor Lines, Inc., Broadway, S.C., authorizing the transportation of: General commodities, and various commodities of a general commodity nature, but, with certain exceptions, between specified points in Virginia, Florida, West Virginia, Pennsylvania, Ohio, New York, North Carolina, Tennessee, Kentucky, Delaware, New Jersey, Maryland, and the District of Columbia.


No. MC-FC-73475. By order of February 16, 1972, the Motor Carrier Board approved the transfer to Palmer Moving & Storage, Inc., Bedford Heights, Ohio, of certificate No. MC-47861 issued December 8, 1969, to Stephen's Moving Co., Inc., Berea, Ohio, authorizing the transportation of: Household goods, as defined by the Commission, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kansas, Michigan, Minnesota, New Jersey, New York, Pennsylvania, and West Virginia. Robert E. Fleck, Attorney, 731 Leader Building, Cleveland, Ohio 44114.

[SEAL] ROBERT L. OSWALD, Secretary.

[Notice 14] MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 18, 1972.

The following applications are governed by § 1100.247 of the Commission's general rules of practice (49 CFR, as amended), published in the Federal Register issue of April 30, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the Federal Register. Failure seasonably to file a protest will render it inadmissible and the protestant thereby waives opportunity to participate in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the ground upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be exceeded), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required thereunder.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of the protest, notify the Commission in writing: (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the Federal Register issue of May 3, 1968. This will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown. Also, these amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.

No. MC 531 (Sub-No. 279), filed January 12, 1972. Applicant: ALBERT E. HUGHES (same address as applicant), representative for transferor. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Antifreeze preparations, glycols, glycol ethers, jet fuel anti-icing agents and motor fuel cooling compounds, in bulk, in tank vehicles, from the plant site of Houston Chemical Co. near Beaumont, Tex., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, South Carolina, Tennessee, and Virginia, restricted to traffic originating at Houston Chemical Co.'s plant site and destined to the States involved. Notice: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

NOTICES

FEDERAL REGISTER, VOL. 37, NO. 38—FRIDAY, FEBRUARY 25, 1972

4047

NOTICES

NOTICES

deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 95540 (Sub-No. 834), filed January 19, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant’s representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, such as, fruit, cold, pack (frozen fresh fruit, either sweetened or not sweetened), vegetables, fresh or green, cold-pack (frozen fresh or green vegetable either sweetened or not sweetened), potatoes, fresh or cooked frozen, with or without meat ingredients, from the warehouse facilities of Stokely-Van Camp, Inc., at Indianapolis, Ind., to points in Alabama, Florida, Kentucky, North Carolina, Virginia, and West Virginia. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 95920 (Sub-No. 25), filed January 24, 1972. Applicant: SANTRY TRUCKING COMPANY, a corporation, 11532 Southwest Pacific Highway, Portland, OR 97222. Applicant's representative: George R. LaBissoniere, 1424 Wash Avenue, Philadelphia, PA 19132. Applicant’s representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by manufacturers and distributors of greeting cards, printed cards, and miscellaneous commodities, from Philadelphia, Pa., to points in Maryland; Virginia; the counties of Berks, Bucks, Carbon, Chester, Delaware, Dauphin, Lackawanna, Lancaster, Luzerne, Monroe, Montgomery, Northampton, Schuylkill, and York, Pa.; the counties of Atlantic, Ocean, Cape May, Burlington, Camden, Cumberland, Gloucester, Hunterdon, Mercer, Salem, and Warren, N.J.; the county of New Castle, Del.; and points in the District of Columbia. Restriction: The service sought herein is subject to the following: (a) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, shall be considered as a separate and distinct shipment; (b) no service shall be provided in the transportation of packages on which the aggregate more than 500 pounds from one consignor at one location to one consignee at one location on any one day; and (c) service is limited to shipment which have a prior movement from out of State by motor common carrier. Note: Applicant now holds contract carrier authority in its No. MC 102799, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 97394 (Sub-No. 11), filed January 24, 1972. Applicant: BOWLING GREEN EXPRESS, INC., Post Office Box 111, Bowling Green, Ky. 42101. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment); (1) between Bowling Green and Munfordville, Ky., from Bowling Green over U.S. Highway 31W to Munfordville, Ky., and return; (2) between junction U.S. Highway 31W with U.S. Highway 68 and Smiths Grove, Ky., from junction of U.S. Highway 31W with U.S. Highway 68, approximately 7 miles northeast of Bowling Green, Ky., over U.S. Highway 68 to its junction with Kentucky Highway 101, thence over Kentucky Highway 101, thence to Smiths Grove, Ky., and return over the same route, serving all intermediate points; (3) between Cave City, Ky., and Mammoth Cave National Park; (a) from Cave City, Ky., over Kentucky Highway 70 to the entrance to Mammoth Cave National Park, thence over park roads to facilities of Mammoth Cave National Park and return over the same route, serving all intermediate points; and (b) from Park Road, Mammoth Cave National Park, to Kentucky Highway 265 to Mammoth Cave National Park and return over the same route, serving all intermediate points. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Bowling Green, Ky.

No. MC 100623 (Sub-No. 32), filed January 24, 1972. Applicant: HOUPLY MESSINGERS, INC., a corporation, doing business as H. M. PACK THE DELIVERY SERVICE, 80th and Indiana Avenue, Philadelphia, PA 19132. Applicant’s representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by manufacturers and distributors of greeting cards, printed cards, and miscellaneous commodities, from Philadelphia, Pa., to points in Maryland; Virginia; the counties of Berks, Bucks, Carbon, Chester, Delaware, Dauphin, Lackawanna, Lancaster, Luzerne, Monroe, Montgomery, Northampton, Schuylkill, and York, Pa.; the counties of Atlantic, Ocean, Cape May, Burlington, Camden, Cumberland, Gloucester, Hunterdon, Mercer, Salem, and Warren, N.J.; the county of New Castle, Del.; and points in the District of Columbia. Restriction: The service sought herein is subject to the following: (a) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, shall be considered as a separate and distinct shipment; (b) no service shall be provided in the transportation of packages on which the aggregate more than 500 pounds from one consignor at one location to one consignee at one location on any one day; and (c) service is limited to shipment which have a prior movement from out of State by motor common carrier. Note: Applicant now holds contract carrier authority in its No. MC 102799, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 1066920 (Sub-No. 42) (Correction), filed January 4, 1972, published in the Federal Register issue of February 3, 1972, and republished in part, as corrected this issue. Applicant: RIGGS FOOD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, OH 43869. Applicant’s representative: Carroll V. Lewis, 122 East North Street, Sidney, OH 45365. Note: The sole purpose of this partial republication is to reflect applicant's correct name as Riggs Food Express, Inc., in lieu of Riggs Road Express, Inc., shown in error in previous publication. The rest of the application remains the same.

No. MC 107496 (Sub-No. 937), filed January 31, 1972. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Post Office Box 855, Des Moines, IA 50304. Applicant’s representative: C. D. Philpott (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Cement, in bulk, in tank vehicles from Wichita, Minn., to points in Minnesota, Wisconsin, and Iowa; (2) flour, from Hastings and Minneapolis, Minn., to Fargo, Grand Forks, and Bismarck, N. Dak.; (3) anhydrous ammonia, in bulk, in tank vehicles, from facilities of Gulf Pipeline Co., at or near Algona and Iowa Falls, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin, and Wyoming; (4) feed and feed ingredients, in bulk, between points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin, and Wyoming; (5) cotton seed oil, in bulk, from Denver, Colo., to Gallup, N. Mex.; (6) silicea sand, in bulk, from southwestern Washington County, Minn., to points in Montana. Nebraska, North Dakota, South Dakota, Wisconsin, Iowa, and the Upper Peninsula of Michigan; (7) tallow, in bulk, from Minneapolis-St. Paul, Minn., to points in North Dakota; and (8) liquid
NOTICES

4049

synthetic resin, in bulk, in tank vehicles, from Minneapolis, Minn., to Lenoir, N.C.

NOTES: Applicant states that the requested authority can be granted with its existing authority and indicates that it has no present intention to tack. Persons interested in the tacking possibilities are requested to be in touch with the applicant.

No. MC 109382 (Sub-No. 14), filed January 3, 1972. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Post Office Box 357, Bay City, MI 48708. Applicant: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Applicant holds authority in No. MC 108676 (Sub-No. 6), containing the following restriction: "Restriction: The authority granted herein is restricted against the transportation of shipments of steel or steel products moving between the United States and the United States possessions, namely: Sault Ste. Marie, Mich., on the one hand, and, on the other, points in Michigan." By the instant application it seeks to remove the said restriction so as to enable transportation of shipments of steel products moving between the United States-Canada boundary line at Sault Ste. Marie, Mich., on the one hand, and, on the other, points in Michigan in bulk, in tank vehicles, from points in Escambia County, Ala., to points in Ala­bama, 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 Memphis, Tenn., and, on the other, points in Arkansas, having an immediately prior or subsequent movement by air; (f) between Little Rock, Ark., on the one hand, and, on the other, points in Arkansas, having an immediately prior or subsequent movement by air; (g) between Mobile, Ala., on the one hand, and, on the other, points in Indiana, Iowa, Ken­tucky, Michigan, Ohio, and Wisconsin.

Applicant states that a portion of the requested authority could be tacked with certain existing authorities, provided, however, applicant does not at present have any intentions to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority.

No. MC 109869 (Sub-No. 21), filed January 30, 1972. Applicant: INFINITI TRANSPORTATION COMPANY, INC., 2811 Carrner Avenue, Post Office Box 7398, Charleston Heights, SC 29405. Applicant's representative: Frank B. Hand, Jr. 1511 G Street NW., Washington, DC 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, in bulk (except asphalt in bulk), from Birmingham, Ala., to points in Georgia and South Carolina. Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 111045 (Sub-No. 89), filed February 3, 1972. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, FL 33601. Applicant's representative: J. Douglas Harris, Jr., 1110 Union Bank Building, Montgomery, Ala. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Crude oil, in bulk, in tank vehicles, from points in Escambia and Santa Rosa Counties, Fla., and Escambia County, Ala., inclusive, to points in Ala­bama and Florida. Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., or Washington, D.C.

No. MC 111279 (Sub-No. 336), filed January 20, 1972. Applicant: AMER­ICAN COURIER CORPORATION, 2203 East Eighth Street, Post Office Box 1233, Pampa, TX 79065. Applicant's representative: Donald L. Stern, 530 Univec Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen bakery products, from the plantsite of Pewter Pot Restaurants, Burling­ton, Mass., to points in New York, Pennsylvania, New Jersey, Delaware, West Virginia, Maryland, Ohio, Indiana, Kentucky, Tennessee, Michigan, Wiscon­sin, Minnesota, Iowa, Missouri, Illinois,
NOTICES

Kansas, and Nebraska. Note: Common control may be involved. Applicant states that the requested authority can be tacked under Sub 276 at Fairmont, Minn.; Sub 368 at Chicago, Ill.; Sub 391 at Elk Grove Village, Ill., to States west of the Continental Divide. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 112713 (Sub-No. 140), filed January 20, 1972. Applicant: YELLOW FREIGHT SYSTEM, INC., 92d at State Line, Post Office Box 4662, Kansas City, MO 64114. Applicant’s representative: John M. Records (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except in bulk), drugs, rubber, and plastic articles, from Altavista, Va., to points in Maryland, Pennsylvania, New Jersey, New York, Connecticut, and Massachusetts. Note: Applicant states that the requested authority can be tacked with its existing authority that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 230), filed January 31, 1972. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50553. Applicant’s representative: James Elsworth, 4500 North State Line Road, Texarkana, AR 75501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Feed area, fertilizer, and fertilizer materials and, by motor car and tank car, from South Dakota, Minnesota, Wisconsin, Iowa, Missouri, and Kansas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 113410 (Sub-No. 73), filed January 21, 1972. Applicant: DAHLEN TRUCK LINE, INC., 1215 Bankhead Highway West, Post Office Box 8462, Kansas City, MO 64114. Applicant’s representative: Leonard A. Jaskielewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Road oil and asphalts, in bulk, in tank vehicles, from Minneapolis, St. Paul, Minn., and 10 miles thereof, to points in North Dakota, South Dakota, on and east of U.S. Highway 83; points in Iowa on and north of U.S. Highway 30; points in Wisconsin; (2) sulfuric acid, in tank vehicles, from West Central, Minn., to points in Minnesota; (3) propane and mixtures thereof, in bulk, in tank vehicles, from Junction City, Wyo., to points in Minnesota; and (4) lumber in tank vehicles, from Minneapolis, and St. Paul, Minn., and 10 miles thereof, to points in South Dakota, South Dakota, on and east of U.S. Highway 83; points in Iowa on and north of U.S. Highway 30, and points in Wisconsin. Note: Applicant states tacking possibilities exist, but it does not contemplate tacking at the present and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in a restricted grant of authority. No duplicate authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charles City, Iowa.

No. MC 113388 (Sub-No. 97), filed January 26, 1972. Applicant: LESTER C. NEWMAN TRUCKING CO., a corporation, Post Office Box 618, Seahorse, DE 19973. Applicant’s representative: Charles Ephraim, Suite 600, 1250 Commerce Tower, Washington, DC 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except in bulk), drugs, rubber, and plastic articles, from Altavista, Va., to points in Maryland, Pennsylvania, New Jersey, New York, Connecticut, and Massachusetts. Note: Applicant states that the requested authority can be tacked with its existing authority that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.
No. MC 116073 (Sub-No. 219), filed January 28, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert O. Tessor, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers, designed to be drawn by passenger automobiles in initial movements, and buildings, complete or in sections, mounted on wheeled undercarriages, from points in Park County, Montana, to points in the United States including Alaska (but excluding Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Helena, Mont.

No. MC 116073 (Sub-No. 220), filed January 31, 1972. Applicant: BULK TRANSPORT, INC., U.S. Highway 190, Post Office Box 89, Port Allen, LA 70767. Applicant's representative: John Schwab, Post Office Box 3036, Baton Rouge, LA 70821. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Material, equipment, supplies and supplies (in bulk), used or useful in the manufacture or distribution of lumber, forest products, and manufactured wood products, from points in New Hampshire, Maine, Massachusetts, Vermont, Connecticut, Pennsylvania, Michigan, Ohio, North Carolina, New Jersey, Maryland, Virginia, South Carolina, Kentucky, Rhode Island, New York, Delaware, West Virginia, Indiana, Illinois, Wisconsin, and the District of Columbia, to Hancock, Vt., under contract with Weyerhaeuser Co. of Chicago, Ill. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hancock, Vt.

No. MC 116073 (Sub-No. 6), filed January 25, 1972. Applicant: ARROW TRANSPORTATION, a corporation, 1911 86th Avenue South, Des Moines, IA 50313. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Clay products, (1) from Adel, Des Moines, Iowa; Dodge, Kalo, Ottumwa, and Redfield, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; and (2) from Mason City, Iowa, to points in Indiana, Michigan, and North Dakota. Note: Applicant continues with Can-Tex Division of Halsey Corp.; Kalo Brick & Tile Co.; and United Brick & Tile Co. Note: Applicant states that the requested authority duplicates authority in MC 116164 (Sub-No. 2) and that intent is to supersede the Sub-No. 2 permit to the extent it is duplicated. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 116273 (Sub-No. 151), filed January 21, 1972. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Chicago, Ill. Applicant's representative: Arnold Burke, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry plastics, in bulk, in tank vehicles, from Chicago, Ill., to points in Ohio. Note: Applicant states that the requested authority can be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 117147 (Sub-No. 6), filed January 31, 1972. Applicant: STAR'S TRANSPORTATION, INC., Upper Main Street, North Troy, VT 05859. Applicant's representative: Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Material, equipment, supplies and supplies (in bulk), used or useful in the manufacture or distribution of lumber, forest products, and manufactured wood products, from points in New Hampshire, Maine, Massachusetts, Vermont, Connecticut, Pennsylvania, Michigan, Ohio, North Carolina, New Jersey, Maryland, Virginia, South Carolina, Kentucky, Rhode Island, New York, Delaware, West Virginia, Indiana, Illinois, Wisconsin, and the District of Columbia, to Hancock, Vt., under contract with Weyerhaeuser Co. of Chicago, Ill. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hancock, Vt.

No. MC 117439 (Sub-No. 220), filed January 31, 1972. Applicant: LOWRANCE, INC., 4916 Jefferson Highway, Baton Rouge, LA 70806. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts and articles distributed by meat packhousers, as described in sections A and C, appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Lubbock, Tex., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North South Carolina, and Tennessee. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.; Fort Worth, Tex., or New Orleans, La.

No. MC 118159 (Sub-No. 120), filed January 27, 1972. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, LA 70121. Applicant's representative: Jack R. Anderson, 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts and articles distributed by meat packhousers, as described in sections A and C, appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Lubbock, Tex., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North South Carolina, and Tennessee. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.; Fort Worth, Tex., or New Orleans, La.
NOTICES

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supplies used in connection therewith, from
points in Virginia east of U.S. High-
way 258 and the Chesapeake Bay, points
in North Carolina east of U.S. Highway
301, southeast of U.S. Highway 29, to
points in Georgia to the north of North
Carolina, to Alabama, Mississippi, Louisi-
a, Arkansas, and Oklahoma. Note: Applic-
ant states that the requested authority
cannot be tacked with its existing au-
thority. If a hearing is deemed neces-
sary, applicant requests it be held at
Richmond, Va., or Washington, D.C.

No. MC 126780 (Sub-No. 7), filed Jan-
uary 31, 1972. Applicant: MACK E.
BURGESS, doing business as BUILD-
ERS TRANSPORT, 409 14th Street SW,
Post Office Box 2805, Great Falls, MT 59403. Applicant's representa-
tive: Howard C. Burton, 503 Strain
Building, Post Office Box 2265, Great
Falls, MT 59403. Authority sought to
operate as a contract carrier, by motor
vehicle, over irregular routes, transpor-
ting: Building materials, gypsum wall-
board, and other products and mate-
rials and supplies used in the manufac-
ture, distribution, and installation there-
of, from the plant sites of Georgia-Pacific
Corp., 100 Lovell Vista, to points in South Dakota and North Dak-
a, under contract with Georgia-
Pacific Corp., 300 Southwest Fifth Ave-
ue, Portland, OR 97204. Note: If a hear-
ing is deemed necessary, applicant re-
quests it be held at Great Falls or Billings, Mont.

No. MC 127505 (Sub-No. 50), filed Jan-
uary 26, 1972. Applicant: RALPH H.
BOELK, doing business as R. H. BOELK
TRUCK LINES, Route No. 2, Mendota,
PRINCE TRANSPORTATION COM-
PANY, INC., 2880 East Eighth Street,
Post Office Box 550, North Platte, NE
69101. Applicant's representative: Earl
R. Schudder, Jr., 605 South 14th Street,
Overland, Inc., Stead Facility, Reno, NV 89510. Authority sought to
operate as a contract carrier, by motor
vehicle, over irregular routes, transpor-
ting: Feed and feed in-
GREAT LAKES TRUCKING, INC., Post Office Box
700, Lake Forest, IL 60045. Authority sought to operate as a con-
tract carrier, by motor vehicle, over irregu-
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over irregular routes, transporting: Food and feed in-
hides and commodities in bulk), from the plant sites and storage facilities of Iowa Beef Processors, Inc., at or near Emporia, Kans., to points in New Jersey and New York. Note: Applicant states that the requested authority cannot be tacked with its existing authority under MC 87720 Sub 2 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Casper City, Nev.

No. MC 135153 (Sub-No. 15), filed February 1, 1972. Applicant: GREAT OVERLAND, INC., Stead Facility, Reno, Nev. 89506. Applicant's representative: Harley E. Laughlin, Post Office Box 10950, Reno, NV 89510. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat by-products and articles distributed by meat packinghouses as defined by the Commission (except commodities in bulk and hides), from points in Dawson County, Nebr., to points in Illinois, Connecticut, Massachusetts, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Missouri, Ohio; Zion, IN; and West Virginia, District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Casper City, Nev.

No. MC 135153 (Sub-No. 16), filed February 1, 1972. Applicant: GREAT OVERLAND, INC., Stead Facility, Reno, Nev. 89506. Applicant's representative: Harley E. Laughlin, Post Office Box 10950, Reno, NV 89510. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products, meat by-products and articles distributed by meat packinghouses as defined by the Commission, from the plant sites and storage facilities used by National Beef Packing Co., at or near Liberal, Kans., to named states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Casper City, Nev.

No. MC 135884 (Sub-No. 3), filed January 31, 1972. Applicant: BASS TRANSPORTATION, INC., Post Office Box 301, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat by-products and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 768, restricted against the transportation of commodities in bulk, in tank vehicles; and ingredients, attachments and accessories thereof, from the plant and warehouse sites of Needham Packing Co., Inc., Sioux City, Iowa, from the plant and warehouse facilities of Needham Packing Co., Inc., located at West Fargo, N. Dak.; Fargo, N. Dak.; Sioux City, Iowa; and Omaha, Nebr., to points in Georgia and Tennessee. Note: Applicant states that the requested authority cannot be tacked with its existing authority under MC 87720 Sub 2 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138759 (Sub-No. 1) (Clarification) filed September 8, 1971, published Federal Register, issues of October 15, 1971, and January 20, 1972 and republished as Clarified this issue. Applicant: K & C TRANSPORTATION, INC., Ninth Floor, Loyalty Building, Portland, Ore. 97204. Applicant's representative: Carol Hewitt (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Books and periodicals, and library carts, between Blackwood, N.J., on the one hand, and on the other points in Kings, Nassau, New York, Queens, Richmond, Rockland, and Suffolk Counties, N.Y.; Luzerne, Delaware, Philadelphia, and Lehigh Counties, Pa.; Suffolk and Middlesex Counties, Mass.; Mercer, Middlesex, Somerset, Hudson, Essex, Passaic, Bergen, and Morris Counties, N.J.; Baltimore, Carroll, Anne Arundel, and Clarke Counties, Md.; New Haven County, Conn.; and in Delaware; and (2) books, periodicals, and library carts, between Blackwood, N.J., Marion, Ohio; Zion, Ill.; Denver, Colo.; and Beaverton, Ore., under contract with Rich & Abel & Co. Inc. Note: The purpose of this clarification is to correctly set forth the authority requested in this application. The publication of January 20, 1972, was in error. The authority requested is as shown above. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 136119 (Sub-No. 1), filed January 20, 1972. Applicant: D H S, INC., Cliffs, State St., Parsons, W. Va. 38369. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Refrigeration and freezer equipment, and parts components, attachments, and accessories therefor, from the plant and warehouse sites of Kolpak Industries, Inc., at or near Decaturville and Flat Woods, Tenn., to points in the United States (except Alaska and Hawaii); and (3) materials, components, supplies, parts, attachments, and accessories, used in the manufacture, erection, installation, shipment and testing of refrigeration and freezer equipment and of urethane modular panels and parts, components, attachments and accessories thereof, from points in the United States (except Alaska and Hawaii) to the named states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 136196 (Sub-No. 1), filed January 21, 1972. Applicant: T. E. QUINN TRUCK LINES LIMITED, Post Office Box 401, Niagara Falls, ON Canada. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from Albany N.Y., to ports of entry on the international boundary line between the United States and Canada located in New York. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 136321 (Sub-No. 2), filed January 31, 1972. Applicant: H. L. STANSELL, INC., 1015 Illinois Avenue, Palm Harbor, Fl. 33563. Applicant's representative: David C. Venable, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Composition floor covering and adhesives, from Brooklyn, N.Y., to named points in the United States; and in Charlotte, Citrus, Collier, De Soto, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Lake, Lee, Manatee, Marion, Orange, Osceola, Pasco, Pinellas, Polk, Sarasota, Seminole, Sumter, and Volusia Counties, Fla., restricted to service provided under a continuing contract with Crest Flooring Distributor, Inc., of Tampa, Fla. Note: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 136324 (Sub-No. 1), filed January 28, 1972. Applicant: BURKHART ENTERPRISES, INC., Post Office Box 9131, Route 6, Asbury Road, Knoxville, TN 37914. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Ore and concentrates and agricultural and lime and stone having subsequent movement by river barge or vessel, from New Market, Mascot, and Jefferson City, Tenn., to docking on French Broad River, Knoxville, Tenn. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

Applicant's representative: George A. Olsen, 69 Tenneale Avenue, Jersey City, NJ 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages and malt beverage containers and cartons, bottles and can openers, advertising matter and returned cartons and containers, when moving therewith, from St. Louis, Mo., to Crookston, Minn., and empty containers and cartons, advertising matter, spoiled malt beverages, and pallets, on return. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 136378, filed January 24, 1972. Applicant: R & L TRUCKING CO., INC., 105 Rocket Avenue, Opelika, AL 36804. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Malt liquors, beer and advertising materials shipped therewith, from St. Louis, Mo.; Miami, Jacksonville, and Tampa, Fla.; to points in Barbour, Lee, and Russell Counties, Ala., to St. Louis, Mo.; Miami, Jacksonville, and Tampa, Fla.; and (2) materials and supplies used or useful in the manufacture or distribution of printed matter, from points in New York, New Jersey, and Maryland, to the facilities of the Haddow Craftsmen, Inc., in Lackawanna County, Pa. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136330, filed January 10, 1972. Applicant: HIGHTWAY MESSERGER & DELIVERY SERVICE, INC., 4 San Road, Warren, NJ 07060. Applicant's representative: Edwin D. Kunzman, 9 Wayne Avenue, Union Building, Plainfield, NJ 07060. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Post Office matter, small parcels and housewares, between East Brunswick, N.J., and Hicksville, Long Island, N.Y., under contract with supermarkets General Corp. Note: If a hearing is deemed necessary, applicant requests it be held in Newark, N.J.

No. MC 136372 (Sub-No. 2) filed January 28, 1972. Applicant: WILLIAM WALSH AND WILLIAM ANSON, a partnership, doing business as B & B TRUCK LEASING & STORAGE CO., 190 16th Avenue, Paterson, NJ 07501. Applicant's representative: George A. Olsen, 69 Tenneale Avenue, Jersey City, NJ 07306. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Textiles, from Paterson, N.J., to New York, N.Y., under contract with Coral Dying & Finishing, Inc., North Bergen, N.J. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or Newark, N.J.

No. MC 136377, filed January 27, 1972. Applicant: DYNE & LENTHAN TRUCKING, INC., Route 17, Ramsey, NJ 07446. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment) from Cincinnati, Ohio; to points in the United States (except Hawaii); and (2) from points in Nevada (except Las Vegas) to points in the United States (except Alaska, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin), restricted to traffic originating at Las Vegas, Nev. Note: If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev., or Spokane, Wash.
as a common carrier, by motor vehicle, over irregular routes, transporting: Material handling equipment, accessories, attachments, and parts thereof, from points in Washtenaw County, Mich., to points in the United States, but excluding Hawaii.

**NOTICE**

Applicant holds motor carrier authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, on round trip sightseeing or pleasure tours, beginning and ending at points in Columbus, Franklin, Muskingham, Guernsey, Harrison, Jefferson, Licking, Portage, and Summit Counties, Ohio, and extending to points in the United States (including Alaska, but excluding Hawaii). Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., and Pittsburgh, Pa.

Applicant seeks a postal certificate of public convenience and necessity to transport Mail in the following territory: Between Billings and Butte, Mont., and extending to points in Calhoun County, Wis., on the one hand, and, on the other, points of Livingston, Great Falls, and Helena, Mont. Appended to the application are copies of two postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date: Route No. 02011 relating to service between Billings and Butte, and an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the Federal Register. A copy of each such pleading should be served upon applicant's representative.

Applicant seeks a postal certificate of public convenience and necessity to transport Mail in the following territory: Between Fort Worth and Amarillo, Tex., from Fort Worth over the Dallas-Fort Worth Turnpike (also over Texas Highway 183) to Dallas, thence over Texas Highway 114 through Roanoke, Tex., to junction U.S. Highway 287, thence over U.S. Highway 287 to Amarillo, Tex., and return over the same route, serving the intermediate points of Irving, Dallas, Wichita Falls, Vernon, Quanah, Childress, and Memphis, Tex. Appended to the application is a copy of a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 75212 (formerly Route No. 48790) relating to service between (a) Dallas Truck Facility—Amarillo/Childress, and (b) Fort Worth—Amarillo/Wichita Falls. Any interested person desiring to participate may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the Federal Register. A copy of each such pleading should be served upon applicant's representative.


**APPLICATION FOR BROKERAGE LICENSE**

No. MC 12830 (Sub-No. 2), filed January 28, 1972. Applicant: CANTON AUTOMOBILE CLUB, INC., doing business as CANTON AUTOMOBILE CLUB, 2722 Fulton Drive NW, Canton, OH 44711. Applicant requests authority to operate as a brokerage common carrier, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Summit and Wayne Counties, Ohio, and extending to points in the United States, including Alaska but excluding Hawaii.

**APPLICATIONS FOR POSTAL CERTIFICATES**

**Interstate Commerce Commission, No. MC-137000 (Notice of Filing of an Application for a Postal Certificate of Public Convenience and Necessity)**, filed June 23, 1971. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 410 North 10th Street, Post Office Box 212, Billings, MT 59103. Applicant's representative: Dale Berry, Post Office Box 212, Billings, MT 59103. By application filed June 21, 1971, applicant seeks a postal certificate of public convenience and necessity to transport Mail in the following territory: Between Billings and Butte, Mont., and extending to points in Gallatin County, Mont., and Helena, Mont. Appended to the application are copies of two postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date:

**Interstate Commerce Commission, No. MC-137001 (Notice of Filing of an Application for a Postal Certificate of Public Convenience and Necessity)**, filed June 23, 1971. Applicant: MAIL SERVICE, INC., 8801 South 13th Street, Milwaukee, WI 53221. Applicant's representative: Leonard J. Lewensohn (same address as applicant). By application filed June 23, 1971, applicant seeks a postal certificate of public convenience and necessity to transport Mail in the following territory: Between points in Milwaukee County, Wis., on the one hand, and, on the other, points in Cook County, Ill., over irregular routes. Appended to the application is a document referring a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 53025 relating to service between (a) Dallas Truck Facility—Amarillo/Childress, and (b) Fort Worth—Amarillo/Wichita Falls. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the Federal Register. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137002 (Notice of Filing of an Application for a Postal Certificate of Public Convenience and Necessity), filed July 1, 1971. Applicant: WILLIAM DORRIS JOHNSTON, doing business as W. D. Johnston, 1512 Baurline, Post Office Box 212, Fort Worth, TX 76103. Applicant's representative: G. A. Braswell, 512 Candlewood Road, Fort Worth, TX 76103. By application filed July 6, 1971, applicant seeks a postal certificate of public convenience and necessity to transport Mail in the following territory: Between Fort Worth and Amarillo, Tex., from Fort Worth over the Dallas-Fort Worth Turnpike (also over Texas Highway 183) to Dallas, thence over Texas Highway 114 through Roanoke, Tex., to junction U.S. Highway 287, thence over U.S. Highway 287 to Amarillo, Tex., and return over the same route, serving the intermediate points of Irving, Dallas, Wichita Falls, Vernon, Quanah, Childress, and Memphis, Tex. Appended to the application is a copy of a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 75212 (formerly Route No. 48790) relating to service between (a) Dallas Truck Facility—Amarillo/Childress, and (b) Fort Worth—Amarillo/Wichita Falls. Any interested person desiring to participate may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the Federal Register. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137003 (Notice of Filing of an Application for a Postal Certificate of Public Convenience and Necessity), filed July 26, 1971. Applicant: TRANSPORT SALES, INC., a Connecticut corporation, Post Office Box 256, 59 Pepperidge Road, Watertown, CT 06795. By application filed July 26, 1971, applicant seeks a postal certificate of public convenience and necessity to transport Mail in the following territory: Between points in Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. Appended to the application is a copy of a postal contract entity subcontracted to applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 02011 relating to service between the terminal of Boston, Mass., and
North Jersey T.T. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, 30 days from the date of this publication in the Federal Register. A copy of such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-117243. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the Federal Register. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137006. (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed August 12, 1971. Applicant: JENNINGS O. KNOTTS, 502 Sumner Street, Fostoria, OH 44830. By application filed September 7, 1971, applicant seeks a postal certificate of public convenience and necessity to transport Mail in the following territory: (1) Between Marion and Mansfield, Ohio, from Marion over U.S. Highway 30N to Mansfield, and return over the same routes; (2) between Fostoria and Mansfield, Ohio, from Fostoria over Ohio Highway 662, thence over U.S. Highway 30N to Mansfield, and return over the same routes; (3) from Mansfield, Ohio, in a circular route, to Mansfield, Ohio; From Mansfield over U.S. Highway 30N to Crestline, Ohio, and the off-route points of North Robinson and Gallion, Ohio; (4) from Mansfield, Ohio, Annex.; Route No. 44833 relating to service between Mansfield and Fostoria, Ohio, and Route No. 44837 relating to service from Shelby to Mansfield, Ohio. Although applicant indicates that his trade name is J & E Trucking Co., the three contracts are issued in his individual name only. Any interested person desiring to oppose the application file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the Federal Register. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137008. (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed September 7, 1971. Applicant: LAKE ERIE TRANSPORTATION CO., INC., 1751 Fuhrmann Boulevard, Post Office Box 449, Buffalo, NY 14219. Applicant's representative: John A. Bauer, Post Office Box 83, Hamburg, NY 14075. By application filed August 7, 1971, applicant seeks a postal certificate of public convenience and necessity to transport Mail in the following territory: Between Buffalo, N.Y., and Boston, Mass., over Interstate Highway 90, serving the intermediate and off-route points of Rochester, Syracuse, Utica, and Albany, N.Y., and Lee and Springfield, Mass. Appended to the application is a copy of a postal certificate of public convenience and necessity, filed August 10, 1971, covering Star Route No. 01537 relating to service in or between Worcester, Mass., and Willimantic, Conn. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the Federal Register. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137009. (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed September 15, 1971. Applicant: JOHN HEYWOOD THOMPSON, JR., AND JOHN HEYWOOD THOMPSON III, a partnership, 108 Clearview Drive, Atlanta, TX 75551. Applicant's representative: Gerald A. Braswell, 512 Candlewood Road, Fort Worth, TX 76103. By application filed September 15, 1971, applicant
seeks a postal certificate of public convenience and necessity to transport Mail in the following territory: Between Dallas and El Paso, Tex., from Dallas over the Fort Worth-Dallas Turnpike to Fort Worth, thence over U.S. Highway 80 to junction Interstate Highway 20, thence over Interstate Highway 20 (also over U.S. Highway 69 or Interstate Highway 16) to El Paso, and return over the same routes, serving the intermediate points of Fort Worth, Abilene, Midland, Odessa, Pecos, and Van Horn, Tex. Appended to the application is a copy of a postal contract held by applicants which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 75218 relating to service in or between Dallas and El Paso, Tex. Applicants state that each partner operates or has an interest in other postal contracts as to which additional applications are being prepared.

Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the Federal Register. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137010 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed September 28, 1971. Applicant: LOUIS CLAIBOURNE HUNT, 1616 Kent Street, Durham, NC 27707. By application filed September 28, 1971, applicant seeks a postal certificate of public convenience and necessity to transport Mail in the following territory: Between Durham, N.C., and the Raleigh-Durham Airport, also serving the Research Triangle Post Office at Durham. Appended to the application is a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 277BD relating to service from Durham, N.C., to the Raleigh-Durham Airport. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of the publication in the Federal Register. A copy of each such pleading should be served upon applicant.


Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the Federal Register. A copy of each such pleading should be served upon applicant's representative.

By the Commission.

[SEAL] ROBERT L. OSWALD, Secretary.

[FEDERAL REGISTER, VOL. 37, NO. 38—FRIDAY, FEBRUARY 25, 1972]
FEDERAL REGISTER

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

<table>
<thead>
<tr>
<th>1 CFR</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix B</td>
<td>3933</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3 CFR</th>
<th>Proclamations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 CFR</td>
<td>3058</td>
</tr>
<tr>
<td>7 CFR</td>
<td>8318</td>
</tr>
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<td>7 CFR—Continued</td>
<td>2775</td>
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<tr>
<th>8 CFR</th>
<th>Proposed Rules:</th>
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<tr>
<td>7 CFR</td>
<td>2362</td>
</tr>
<tr>
<td>8 CFR—Continued</td>
<td>3642</td>
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<td>7 CFR—Continued</td>
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<td>9 CFR—Continued</td>
<td>2375</td>
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### 9 CFR—Continued

<table>
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</table>

### 10 CFR

| 20...          | 3985 |
| 30...          | 3985 |
| 40...          | 3985 |
| 70...          | 3985 |
| 71...          | 3985 |
| 140           | 3423 |

**PROPOSED RULES:**

50... 3985

### 12 CFR

| 558           | 3985 |
| 563           | 3985 |
| 701           | 3985 |

**PROPOSED RULES:**

529... 3985

### 13 CFR

| 107           | 3985 |
| 120           | 3985 |
| 123           | 3985 |

**PROPOSED RULES:**

121... 3985

### 14 CFR

| 25...          | 3985 |
| 39...          | 3985 |

**PROPOSED RULES:**

25... 3985

### 15 CFR

| 377           | 3985 |
| 386           | 3985 |
| 399           | 3985 |
| 602           | 3985 |
| 701           | 3985 |

**PROPOSED RULES:**

7... 3985

### 16 CFR

| 13...          | 3985 |
| 2575, 2576, 2578–2581, 2583 | 3985 |

### 16 CFR—Continued

<table>
<thead>
<tr>
<th>PROPOSED RULES:</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>302...</td>
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</tr>
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**PROPOSED RULES:**

1... 3802

### 17 CFR

<table>
<thead>
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<th>Page</th>
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<tbody>
<tr>
<td>230...</td>
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<td>239...</td>
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<tr>
<td>240...</td>
<td>3569, 3446, 3992</td>
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### 18 CFR

<table>
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<td>104...</td>
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<tr>
<td>105...</td>
<td>2451</td>
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<td>141...</td>
<td>3992</td>
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<td>205...</td>
<td>2451, 3199, 3992</td>
</tr>
</tbody>
</table>

### 19 CFR

| 1...            | 2439 |
| 12...           | 2439 |
| 16...           | 2439 |
| 24...           | 2439 |

**PROPOSED RULES:**

1... 2439

### 20 CFR

| 404...          | 3425 |
| 614...          | 2434 |
| 617...          | 2434 |

**PROPOSED RULES:**

405... 3492

### 21 CFR

<table>
<thead>
<tr>
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<th>Page</th>
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<tr>
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**PROPOSED RULES:**

3... 2503

### 22 CFR

<table>
<thead>
<tr>
<th>PROPOSED RULES:</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>41...</td>
<td>2439</td>
</tr>
</tbody>
</table>

**PROPOSED RULES:**

41... 2439

### 23 CFR

| 45...           | 3633 |
| 110...          | 3429 |
| 275...          | 3185 |
| 600...          | 2665 |
| 1710           | 2768 |
| 1911           | 3350 |
| 1914           | 2505, 2881, 3749 |
| 1918           | 2505, 2882, 3749 |

**PROPOSED RULES:**

45... 3633

### 24 CFR

<table>
<thead>
<tr>
<th>PROPOSED RULES:</th>
<th>Page</th>
</tr>
</thead>
<tbody>
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**PROPOSED RULES:**

35... 3633

### 25 CFR

<table>
<thead>
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<th>Page</th>
</tr>
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**PROPOSED RULES:**

425... 2506

### 26 CFR

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<th>Page</th>
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### 27 CFR

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**PROPOSED RULES:**

1... 3180

### 28 CFR

<table>
<thead>
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<th>Page</th>
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**PROPOSED RULES:**

301... 3180

### 29 CFR

<table>
<thead>
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<th>Page</th>
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**PROPOSED RULES:**

511... 3430

### 30 CFR

<table>
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**PROPOSED RULES:**

400... 2443

### 31 CFR

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### 32 CFR

<table>
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<th>Page</th>
</tr>
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**PROPOSED RULES:**

215... 3637

### 32A CFR

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