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FEDERAL REGISTER

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PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52) AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

TERMINATIONS OF QUOTAS; 1972–73 MARKETING YEAR

Basis and purpose. Section 724.36 is issued pursuant to, and in accordance with, the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to proclaim (1) that the operation of farm marketing quotas in effect on cigar-binder (types 51 and 52) tobacco for the 1972–73 marketing year will cause the amount of such kind of tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and (2) the termination of existing marketing quotas for such kind of tobacco for the 1972–73 marketing year.

The material previously appearing in this section under centerhead Terminations of Quotas—1971–72 Marketing Year remain in full force and effect as to the crop to which it was applicable.

A notice that an investigation was to be made to determine the existence of the fact stated in (1) above, and if such fact was found to exist, the actions to be taken with respect to an increase in or termination of marketing quotas on cigar-binder (types 51 and 52) tobacco for the 1972–73 marketing year was published in the FEDERAL REGISTER on February 16, 1972 (37 F.R. 3438). In such notice interested persons were given the opportunity to submit data, views, and recommendations pertaining to the investigation and action to be taken on the basis thereof. No submission was received pursuant to such notice.

The notice referred to above contained the latest available statistics of the Federal Government pertaining to the normal supply, total supply, and prospective supply of cigar-binder (types 51 and 52) tobacco for the 1972–73 marketing year. On the basis of the investigation which has been made, it has been determined that the operation of farm marketing quotas on cigar-binder (types 51 and 52) tobacco for the 1972–73 marketing year will cause the amount of such tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and that farm marketing quotas on such kind of tobacco for the 1972–73 marketing year should be terminated.

This document constitutes a substantive rule which relieves marketing quota restrictions, and producers of cigar-binder tobacco, who are preparing to plant their 1972 crops, need to know immediately the provisions hereof. Accordingly, this document shall become effective upon the date of its filing with the Director, Office of the Federal Register.

§ 724.36 Cigar-binder (types 51 and 52) tobacco.

It has been determined that the operation of farm marketing quotas in effect on cigar-binder (types 51 and 52) tobacco for the 1972–73 marketing year will cause the amount of such kind of tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and farm marketing quotas for the 1972–73 marketing year for such kind of tobacco are hereby terminated.

(Secs. 371, 375, 52 Stat. 64, as amended, 66, as amended; 7 U.S.C. 1371, 1375)

Effective date: Date of filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 10, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-4102 Filed 3-16-72;8:47 am]

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

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Suspension of Certain Provisions

Notice was published in the FEDERAL REGISTER issue of February 15, 1972 (37 F.R. 3366), that consideration was being given to a proposed suspension of the operation of certain provisions of Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons opportunity to submit written data, views, or arguments in connection with the proposed suspension action. No such comments were filed within the prescribed period of time.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and on the basis that on November 18, 1971, the Administrative Committee met in Yuma, Ariz., and voted 8 to 2 in favor of suspending the operations of the order for the current season and closing the office on December 31, 1971, it is hereby found and determined that:

(a) In such circumstances, the following provisions of Order No. 909, as amended (7 CFR Part 909), for the period January 1, 1972, through August 31, 1972, do not tend to effectuate the declared policy of the act:

(1) Section 909.41 *Assessments;*

(2) Section 909.51 *Recommendation for grade and size regulation;*

(3) Section 909.52 *Recommendation for regulation by minimum standards of quality and maturity;*

(4) Section 909.53 *Issuance of regulations;*

(5) Section 909.60 *Shipping manifest report;*

(6) Section 909.61 *Disposition report;* and

(7) Section 909.62 *Other reports.*

(b) Good cause exists for making this suspension order effective as hereinafter specified and for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER in that:

(1) This action is in accordance with the recommendation of the Administrative Committee that the operations of the order be suspended for the current season;

(2) The act requires the Secretary, whenever he finds that any provisions of a marketing order do not tend to effectuate the declared policy of the act, to suspend the operation of such provisions, so the issuance of this suspension order is mandatory;

(3) No comments regarding this suspension action were filed by interested persons within the period of time provided therefor in the notice (37 F.R. 3366) with respect to a proposed suspension;

(4) No useful purpose will be served by continuing in effect the operation of the said provisions hereby suspended during the remainder of the current fiscal period; and

(5) This order relieves restrictions on the handling of grapefruit within the production area.

It is, therefore, ordered, That the operation of the aforesaid provisions is

hereby suspended, during the period January 1 through August 31, 1972.

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

Dated March 14, 1972, to become effective upon publication in the FEDERAL REGISTER (3–17–72).

PHILIP C. OLSSON,
Deputy Assistant Secretary.

[FR Doc.72–4099 Filed 3–16–72;8:47 am]

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Subpart—Rules and Regulations

OUTLETS FOR RESTRICTED CRANBERRIES

Notice was published in the FEDERAL REGISTER issue on March 3, 1972 (37 F.R. 4443), that the Department was giving consideration to a proposed amendment of § 929.104 *Outlets for restricted cranberries* (Subpart—Rules and Regulations; 7 CFR 929.100—929.150; 36 F.R. 9496, 18852, 22808) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded 10 days for interested persons to submit written data, views, or arguments in connection with said proposal. None were received.

The amendment of said rules and regulations was unanimously recommended by the Cranberry Marketing Committee, established under said amended marketing agreement and order, as the agency to administer the terms and provisions thereof. Section 929.104(a) of the amended marketing agreement and order provides, in part, that after inspection pursuant to § 929.54(c), cranberries withheld from handling may be disposed of through diversion to research and development projects dealing with dehydration, radiation, or freeze drying of cranberries, approved by the U.S. Department of Agriculture, for the development of foreign markets. The proposed amendment would enlarge the scope of such research and development projects by adding authority for projects dealing with the freezing of cranberries. Permitting withheld cranberries to be diverted to projects that involve freezing cranberries should promote the development of foreign markets by facilitating the expansion of uses for cranberries.

After consideration of all relevant matters presented, including that in the notice, and other available information, it is hereby found that the amendment, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act and of this Part. Accordingly, the language in paragraph (a)(4) of § 929.104 is amended to read as follows:

§ 929.104 **Outlets for restricted cranberries.**

(a) * * *

(4) Research and development projects dealing with dehydration, radiation, freeze drying, or freezing of cranberries, approved by the U.S. Department of Agriculture, for the development of foreign markets.

* * * * *

Dated March 14, 1972, to become effective 30 days after publication in the FEDERAL REGISTER.

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

[FR Doc.72–4126 Filed 3–16–72;8:50 am]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Disposition of Reserve Prunes

On February 18, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 3644) regarding amendment of § 993.165(c) of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 993.101–993.174; 36 F.R. 15039). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993; 37 F.R. 861; 3349), regulating the handling of dried prunes produced in California. The amended marketing agreement and order (hereinafter collectively referred to as the "order") are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Prune Administrative Committee.

Interested persons were given 7 days in which to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

Section 993.65(a) of the order authorizes the Committee to sell or dispose of reserve prunes to meet either domestic or foreign trade demand, or for use in any outlet defined in rules and procedures as noncompetitive with normal outlets for salable prunes. Pursuant thereto, § 993.165(b) defines normal outlets to mean those outlets not specifically set forth in § 993.165(c) as noncompetitive outlets. The noncompetitive outlets listed in paragraph (c) includes diced prunes when used as an ingredient in, or the manufacture of, food products for human consumption other than for use in the manufacture of certain food items including chocolate coated prune pieces.

Currently, chocolate coated prune pieces are not sold in retail outlets. Some manufacturers have expressed interest in developing a commercial outlet for chocolate coated prune pieces, such as for candy or confections. In order to facilitate development of commercial outlets for chocolate coated prune pieces, it is appropriate that the Committee be permitted to sell reserve prunes for diced prunes for use in the manufacture of such prune pieces.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Prune Administrative Committee, and other available information, it is found and determined that diced prunes used in the manufacture of chocolate coated prune pieces are not competitive with normal outlets for salable prunes and that to permit the sale of reserve prunes by the Prune Administrative Committee for diced prunes for use in the manufacture of chocolate coated prune pieces would tend to effectuate the declared policy of the act.

It is, therefore, ordered, That § 993.165 (c) of Subpart—Administrative Rules and Regulations (7 CFR 993.101–993.174; 36 F.R. 15039) be revised to read as follows:

§ 993.165 **Disposition of reserve prunes.**

* * * * *

(c) *Noncompetitive outlets.* "Noncompetitive outlets" means (1) the U.S. Government or any agency thereof and any State or local government, except when such outlets are normally serviced through regular commercial trade channels, (2) any foreign government or any agency thereof, except any which normally is serviced through regular commercial trade channels, (3) any foreign country with an average of annual commercial imports of California prunes of less than 5 tons, based on imports during the most recent 5 years, (4) diced prunes for use as an ingredient in, or the manufacture of, food products for human consumption, other than for use in the manufacture of prune juice, prune concentrate, baby food, puree, butter, jam, and low moisture nuggets, granules, and powder, (5) charities, (6) research or educational activities, and (7) animal feed, distillation, and other salvage use.

It is further found that good cause exists for making this action effective promptly and for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action relieves restrictions in that it affords the Prune Administrative Committee an additional outlet for the sale of reserve prunes at returns considerably in excess of those which would be received if such prunes were sold for livestock feed; (2) this action imposes no requirements on handlers of prunes; (3) this action was unanimously recommended by the Prune Administrative Committee and handlers and producers are aware of this action;

and (4) no useful purpose would be served by postponing the effective time of this action.

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

Dated March 14, 1972, to become effective upon publication in the FEDERAL REGISTER (3–17–72).

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

[FR Doc.72–4127 Filed 3–16–72;8:51 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1972 Crop Oat Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1972 Crop Oat Loan and Purchase Program

On September 11, 1971, notice of proposed rule making regarding loan and purchase rates for 1972 crop oats and detailed operating provisions to carry out the 1972 oat loan program was published in the FEDERAL REGISTER (36 F.R. 18322). No data, views, or recommendations were filed by interested persons. The general regulations governing price support for the 1970 and subsequent crops, published at 35 F.R. 7363, and the 1970 and subsequent crop oats loan and purchase program regulations published at 35 F.R. 8340, and any amendments to such regulations, are further supplemented for the 1972 crop of oats. The material previously appearing in these sections under centerhead 1970 Crop Oat Loan and Purchase Program and 1971 Crop Oat Loan and Purchase Program remains in full force and effect as to the 1970 and 1971 crops to which it was applicable.

Sec.
1421.270 Purpose.
1421.271 Availability.
1421.272 Maturity of loans.
1421.273 Deduction of storage charges.
1421.274 Loan and purchase rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1970, as amended; 15 U.S.C. 714b. Interpret or apply sec 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c; 7 U.S.C. 1421, 1441.

§ 1421.270 Purpose.

This supplement contains additional program provisions which, together with the provisions of the general regulations governing price support for the 1970 and subsequent crops, the 1970 and subsequent crop oats loan and purchase program regulations, and any amendments thereto, apply to loans on and purchases of the 1972 crop of oats.

§ 1421.271 Availability.

A producer desiring to participate in the program through loans must request a loan on his 1972 crop of eligible oats on or before April 30, 1973, in Alaska, Idaho, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, and by March 31, 1973, in all other States. To sell eligible oats to CCC, a producer must execute and deliver to the appropriate county ASCS office a Purchase Agreement (Form CCC–614), indicating the approximate quantity of 1972 crop oats he will sell to CCC, on or before May 31, 1973, in the States named in this section and on or before April 30, 1973, in all other States.

§ 1421.272 Maturity of loans.

Unless demand is made earlier, loans on oats stored in Alaska, Idaho, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, mature on May 31, 1973, and loans on oats stored in all other States mature on April 30, 1973.

§ 1421.273 Deduction of storage charges.

Subject to the provisions of § 1421.252, the following schedules of deductions shall apply to oats stored in an approved warehouse operating under the Uniform Grain Storage Agreement.

Maturity date April 30, 1973	Deduction (cents per bushel)	Maturity date May 31, 1973
(1)		(1)
Prior to May 30, 1972	11	Prior to June 30.
May 30–June 30, 1972	10	June 30–July 31, 1972.
July 1–Aug. 1, 1972	9	Aug. 1–Sept. 1, 1972.
Aug. 2–Sept. 2, 1972	8	Sept. 2–Oct. 3, 1972.
Sept. 3–Oct. 4, 1972	7	Oct. 4–Nov. 4, 1972.
Oct. 5–Nov. 5, 1972	6	Nov. 5–Dec. 6, 1972.
Nov. 6–Dec. 7, 1972	5	Dec. 7, 1972–Jan. 7, 1973.
Dec. 8, 1972–Jan. 8, 1973.	4	Jan. 8–Feb. 8, 1973.
Jan. 9–Feb. 9, 1973	3	Feb. 9–Mar. 12, 1973.
Feb. 10–Mar. 13, 1973	2	Mar. 13–Apr. 13, 1973.
Mar. 14–Apr. 30, 1973	1	Apr. 14–May 31, 1973.

[1] Dates storage charges start, all dates inclusive.

§ 1421.274 Loan and purchase rates.

(a) *Basic loan and purchase rates.* County loan and purchase rates for oats and the schedule of premiums and discounts are shown below. The term "county" as used in this subpart with reference to the State of Alaska shall mean "marketing area." Marketing areas in Alaska shall be the areas established under the State small grain incentive program. Farm stored loans will be made at the basic rate of the county where the grain is stored, adjusted only for the weed control discount where applicable. The loan and purchase rate for warehouse stored oat loans shall be the basic rate for the county where the oats are stored, adjusted by the premiums and discounts shown in this section. Notwithstanding § 1421.23(c) settlement for oats delivered from other than approved warehouse storage shall be based (1) on the basic rate for the county in which the producer's customary delivery point is located, and (2) on the quality and quantity delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose. The basic rate applies to oats grading U.S. No. 3, having moisture not in excess of 14 percent.

ALABAMA

County	Rate per bushel
All counties	$0.65

ALASKA [1]

Delta	$0.63	Kenai-Soldotna	$0.71
Fairbanks	.62	Palmer	.75
Glenallen	.69	Talkeetna	.75
Homer	.66		

ARIZONA

All counties	$0.74

ARKANSAS

All counties	$0.63

CALIFORNIA

All counties	$0.67

COLORADO

All counties	$0.61

CONNECTICUT

All counties	$0.62

DELAWARE

All counties	$0.63

FLORIDA

All counties	$0.68

GEORGIA

All counties	$0.65

IDAHO

All counties	$0.59

ILLINOIS

Adams	$0.57	Johnson	$0.60
Alexander	.60	Kane	.57
Bond	.58	Kankakee	.57
Boone	.57	Kendall	.57
Brown	.57	Knox	.57
Bureau	.57	Lake	.58
Calhoun	.58	La Salle	.57
Carroll	.57	Lawrence	.59
Cas	.57	Lee	.57
Champaign	.57	Livingston	.57
Christian	.57	Logan	.57
Clark	.58	McDonough	.57
Clay	.59	McHenry	.57
Clinton	.59	McLean	.57
Coles	.57	Macon	.57
Cook	.59	Macoupin	.58
Crawford	.59	Madison	.59
Cumberland	.58	Marion	.59
De Kalb	.57	Marshall	.57
De Witt	.57	Mason	.57
Douglas	.57	Massac	.60
Du Page	.57	Menard	.57
Edgar	.57	Mercer	.57
Edwards	.60	Monroe	.60
Effingham	.58	Montgomery	.58
Fayette	.58	Morgan	.57
Ford	.57	Moultrie	.57
Franklin	.60	Ogle	.57
Fulton	.57	Peoria	.57
Gallatin	.61	Perry	.60
Greene	.58	Piatt	.57
Grundy	.57	Pike	.57
Hamilton	.60	Pope	.61
Hancock	.57	Pulaski	.60
Hardin	.61	Putnam	.57
Henderson	.57	Randolph	.60
Henry	.57	Richland	.59
Iroquois	.57	Rock Island	.57
Jackson	.60	St. Clair	.60
Jasper	.59	Saline	.61
Jefferson	.60	Sangamon	.57
Jersey	.58	Schuyler	.57
Jo Daviess	.57	Scott	.57

[1] In Alaska loan rates are for Marketing Areas.

ILLINOIS—Continued

County	Rate per bushel
Shelby	$0.57
Stark	.57
Stephenson	.57
Tazewell	.57
Union	.60
Vermilion	.57
Wabash	.60
Warren	.57
Washington	$0.60
Wayne	.60
White	.60
Whiteside	.57
Will	.58
Williamson	.60
Winnebago	.57
Woodford	.57

INDIANA

County	Rate per bushel
Adams	.58
Allen	.58
Bartholomew	.59
Benton	.57
Blackford	.58
Boone	.58
Brown	.60
Carroll	.58
Cass	.58
Clark	.60
Clay	.58
Clinton	.58
Crawford	.60
Daviess	.60
Dearborn	.61
Decatur	.59
De Kalb	.58
Delaware	.58
Dubois	.60
Elkhart	.59
Fayette	.58
Floyd	.60
Fountain	.57
Franklin	.60
Fulton	.58
Gibson	.60
Grant	.58
Greene	.60
Hamilton	.58
Hancock	.58
Harrison	.60
Hendricks	.58
Henry	.58
Howard	.58
Huntington	.58
Jackson	.60
Jasper	.57
Jay	.58
Jefferson	.61
Jennings	.61
Johnson	.58
Knox	.60
Kosciusko	.58
Lagrange	.59
Lake	.58
La Porte	.59
Lawrence	.60
Madison	.58
Marion	.58
Marshall	.58
Martin	.60
Miami	.58
Monroe	.60
Montgomery	.58
Morgan	.58
Newton	.57
Noble	.58
Ohio	.61
Orange	.60
Owen	.58
Parke	.57
Perry	.60
Pike	.60
Porter	.58
Posey	.60
Pulaski	.58
Putnam	.58
Randolph	.58
Ripley	.61
Rush	.58
St. Joseph	.59
Scott	.61
Shelby	.58
Spencer	.60
Starke	.58
Steuben	.59
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Wabash	.58
Warren	.57
Warrick	.60
Washington	.60
Wayne	.58
Wells	.58
White	.58
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IOWA

County	Rate per bushel
Adair	.57
Adams	.57
Allamakee	.56
Appanoose	.57
Audubon	.56
Benton	.57
Black Hawk	.57
Boone	.56
Bremer	.57
Buchanan	.57
Buena Vista	.56
Butler	.56
Calhoun	.56
Carroll	.56
Cass	.57
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Hamilton	.56
Hancock	.56
Hardin	.56
Harrison	.56
Henry	.57
Howard	.56
Humboldt	.56
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Jackson	.57
Jasper	.56
Jefferson	.57
Johnson	.57
Jones	.57
Keokuk	.57
Kossuth	.55
Lee	.57

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County	Rate per bushel
Linn	$0.57
Louisa	.57
Lucas	.57
Lyon	.53
Madison	.57
Mahaska	.57
Marion	.57
Marshall	.56
Mills	.57
Mitchell	.55
Monona	.55
Monroe	.57
Montgomery	.57
Muscatine	.57
O'Brien	.55
Osceola	.53
Page	.57
Palo Alto	.56
Plymouth	.54
Pocahontas	.56
Polk	.56
Pottawattamie	.57
Poweshiek	$0.56
Ringgold	.57
Sac	.56
Scott	.57
Shelby	$0.57
Sioux	.54
Story	.56
Tama	.56
Taylor	.57
Union	.57
Van Buren	.57
Wapello	.57
Warren	.57
Washington	.57
Wayne	.57
Webster	.56
Winnebago	.55
Winneshiek	.56
Woodbury	.55
Worth	.55
Wright	.56

KANSAS

County	Rate per bushel
Allen	.60
Anderson	.60
Atchison	.60
Barber	.63
Barton	.61
Bourbon	.61
Brown	.59
Butler	.62
Chase	.61
Chautauqua	.62
Cherokee	.62
Cheyenne	.60
Clark	.63
Clay	.59
Cloud	.59
Coffey	.60
Comanche	.63
Cowley	.62
Crawford	.61
Decatur	.59
Dickinson	.60
Doniphan	.60
Douglas	.60
Edwards	.61
Elk	.61
Ellis	.60
Ellsworth	.60
Finney	.62
Ford	.62
Franklin	.60
Geary	.60
Gove	.61
Graham	.60
Grant	.62
Gray	.62
Greeley	.61
Greenwood	.61
Hamilton	.62
Harper	.63
Harvey	.61
Haskell	.62
Hodgeman	.61
Jackson	.60
Jefferson	.60
Jewell	.58
Johnson	.61
Kearny	.62
Kingman	.62
Kiowa	.62
Labette	.62
Lane	.61
Leavenworth	.61
Lincoln	.59
Linn	.60
Logan	.61
Lyon	.60
McPherson	.61
Marion	.61
Marshall	.59
Meade	.63
Miami	.60
Mitchell	.59
Montgomery	.62
Morris	.60
Morton	.63
Nemaha	.59
Neosho	.61
Ness	.61
Norton	.59
Osage	.60
Osborne	.59
Ottawa	.59
Pawnee	.61
Phillips	.58
Pottawatomie	.59
Pratt	.62
Rawlins	.60
Reno	.61
Republic	.58
Rice	.61
Riley	.59
Rooks	.59
Rush	.61
Russell	.60
Saline	.60
Scott	.61
Sedgwick	.62
Seward	.63
Shawnee	.60
Sheridan	.60
Sherman	.60
Smith	.58
Stafford	.61
Stanton	.62
Stevens	.63
Sumner	.63
Thomas	.60
Trego	.60
Wabaunsee	.60
Wallace	.61
Washington	.58
Wichita	.61
Wilson	.61
Woodson	.60
Wyandotte	.61

KENTUCKY

All counties	$0.65

LOUISIANA

All parishes	$0.65

MAINE

All counties	$0.62

MARYLAND

All counties	$0.64

MASSACHUSETTS

All counties	$0.62

MICHIGAN

County	Rate per bushel
Alcona	$0.57
Alger	.59
Allengan	.59
Alpena	.57
Antrim	.58
Arenac	.57
Baraga	.58
Barry	.59
Bay	.57
Benzie	.58
Berrien	.58
Branch	.58
Calhoun	.58
Cass	.58
Charlevoix	.58
Cheboygan	.58
Chippewa	.59
Clare	.58
Clinton	.58
Crawford	.57
Delta	.58
Dickinson	.58
Eaton	.58
Emmet	.58
Genesee	.57
Gladwin	.58
Gogebic	.58
Grand Traverse	.58
Gratiot	.58
Hillsdale	.59
Houghton	.58
Huron	.57
Ingham	.58
Ionia	.58
Iosco	.57
Iron	.58
Isabella	.58
Jackson	.58
Kalamazoo	.59
Kalkaska	.58
Kent	.59
Keweenaw	.58
Lake	$0.59
Lapeer	.57
Leelanau	.58
Lenawee	.59
Livingston	.58
Luce	.59
Mackinac	.59
Macomb	.58
Manistee	.59
Marquette	.58
Mason	.59
Mecosta	.58
Menominee	.58
Midland	.57
Missaukee	.58
Monroe	.59
Montcalm	.58
Montmorency	.57
Muskegon	.59
Newaygo	.59
Oakland	.58
Oceana	.59
Ogemaw	.57
Ontonagon	.58
Osceola	.58
Oscoda	.57
Otsego	.58
Ottawa	.59
Presque Isle	.57
Roscommon	.57
Saginaw	.57
St. Clair	.58
St. Joseph	.58
Sanilac	.57
Schoolcraft	.59
Shiawassee	.57
Tuscola	.57
Van Buren	.59
Washtenaw	.58
Wayne	.58
Wexford	.59

MINNESOTA

County	Rate per bushel
Aitkin	.53
Anoka	.55
Becker	.49
Beltrami	.49
Benton	.53
Big Stone	.50
Blue Earth	.54
Brown	.53
Carlton	.55
Carver	.54
Cass	.51
Chippewa	.51
Chisago	.55
Clay	.48
Clearwater	.49
Cook	.55
Cottonwood	.52
Crow Wing	.52
Dakota	.55
Dodge	.54
Douglas	.51
Faribault	.54
Fillmore	.55
Freeborn	.54
Goodhue	.54
Grant	.50
Hennepin	.55
Houston	.55
Hubbard	.50
Isanti	.54
Itasca	.53
Jackson	.53
Kanabec	.54
Kandiyohi	.52
Kittson	.46
Koochiching	.50
Lac qui Parle	.51
Lake	.55
Lake of the Woods	.48
Le Sueur	.54
Lincoln	.51
Lyon	.51
McLeod	.53
Mahnomen	.48
Marshall	.47
Martin	.53
Meeker	.53
Mille Lacs	.53
Morrison	.52
Mower	.54
Murray	.51
Nicollet	.54
Nobles	.52
Norman	.47
Olmsted	.54
Otter Tail	.50
Pennington	.47
Pine	.54
Pipestone	.51
Polk	.47
Pope	.51
Ramsey	.55
Red Lake	.47
Redwood	.52
Renville	.52
Rice	.54
Rock	.52
Roseau	.47
St. Louis	.55

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Scott	$0.54	Wadena	$0.51
Sherburne	.54	Waseca	.55
Sibley	.53	Washington	.55
Stearns	.52	Watonwan	.53
Steele	.54	Wilkin	.49
Stevens	.50	Winona	.55
Swift	.51	Wright	.54
Todd	.51	Yellow Medicine	.51
Traverse	.49		
Wabasha	.54		

MISSISSIPPI

All counties	$0.64

MISSOURI

Adair	$0.59	Linn	$0.60
Andrew	.59	Livingston	.60
Atchison	.58	McDonald	.62
Audrain	.58	Macon	.59
Barry	.62	Madison	.61
Barton	.61	Maries	.61
Bates	.60	Marion	.57
Benton	.60	Mercer	.60
Bollinger	.61	Miller	.61
Boone	.60	Mississippi	.60
Buchanan	.61	Moniteau	.61
Butler	.61	Monroe	.58
Caldwell	.61	Montgomery	.60
Callaway	.60	Morgan	.61
Camden	.61	New Madrid	.61
Cape Girardeau	.60	Newton	.61
Carroll	.60	Nodaway	.58
Carter	.61	Oregon	.62
Cass	.60	Osage	.61
Cedar	.60	Ozark	.62
Chariton	.60	Pemiscot	.61
Christian	.62	Perry	.60
Clark	.57	Pettis	.61
Clay	.61	Phelps	.61
Clinton	.61	Pike	.57
Cole	.61	Platte	.61
Cooper	.61	Polk	.60
Crawford	.61	Pulaski	.61
Dade	.60	Putnam	.59
Dallas	.61	Ralls	.57
Daviess	.60	Randolph	.59
De Kalb	.60	Ray	.61
Dent	.61	Reynolds	.61
Douglas	.62	Ripley	.62
Dunklin	.61	St. Charles	.59
Franklin	.61	St. Clair	.60
Gasconade	.61	Sainte Genevieve	.60
Gentry	.59	St. Francois	.61
Greene	.61	St. Louis	.60
Grundy	.59	Saline	.60
Harrison	.59	Schuyler	.59
Henry	.60	Scotland	.58
Hickory	.60	Scott	.60
Holt	.59	Shannon	.61
Howard	.60	Shelby	.58
Howell	.62	Stoddard	.61
Iron	.61	Stone	.62
Jackson	.60	Sullivan	.59
Jasper	.61	Taney	.62
Jefferson	.60	Texas	.61
Johnson	.60	Vernon	.60
Knox	.58	Warren	.60
Laclede	.61	Washington	.61
Lafayette	.60	Wayne	.61
Lawrence	.61	Webster	.61
Lewis	.57	Worth	.58
Lincoln	.59	Wright	.61

MONTANA

Beaverhead	.56	Daniels	.44
Big Horn	.50	Dawson	.44
Blaine	.47	Deer Lodge	.54
Broadwater	.52	Fallon	.45
Carbon	.51	Fergus	.49
Carter	.48	Flathead	.54
Cascade	.51	Gallatin	.52
Chouteau	.49	Garfield	.46
Custer	.47	Glacier	.51

MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
Golden Valley	$0.50	Powder River	$0.49
Granite	.55	Powell	.54
Hill	.48	Prairie	.46
Jefferson	.53	Ravalli	.55
Judith Basin	.50	Richland	.44
Lake	.55	Roosevelt	.43
Lewis and Clark	.53	Rosebud	.48
Liberty	.49	Sanders	.56
Lincoln	.56	Sheridan	.43
McCone	.45	Silver Bow	.54
Madison	.54	Stillwater	.51
Meagher	.51	Sweet Grass	.51
Mineral	.56	Teton	.50
Missoula	.55	Toole	.50
Musselshell	.49	Treasure	.49
Park	.52	Valley	.45
Petroleum	.48	Wheatland	.50
Phillips	.46	Wilbaux	.45
Pondera	.50	Yellowstone	.51

NEBRASKA

Adams	.56	Jefferson	.57
Antelope	.53	Johnson	.58
Arthur	.54	Kearney	.56
Banner	.54	Keith	.55
Blaine	.53	Keya Paha	.52
Boone	.54	Kimball	.55
Box Butte	.54	Knox	.53
Boyd	.52	Lancaster	.57
Brown	.53	Lincoln	.55
Buffalo	.55	Logan	.54
Burt	.55	Loup	.53
Butler	.56	McPherson	.54
Cass	.57	Madison	.54
Cedar	.54	Merrick	.54
Chase	.57	Morrill	.54
Cherry	.53	Nance	.54
Cheyenne	.55	Nemaha	.58
Clay	.56	Nuckolls	.57
Colfax	.55	Otoe	.57
Cuming	.55	Pawnee	.58
Custer	.54	Perkins	.56
Dakota	.55	Phelps	.56
Dawes	.54	Pierce	.53
Dawson	.55	Platte	.54
Deuel	.55	Polk	.55
Dixon	.55	Red Willow	.57
Dodge	.56	Richardson	.58
Douglas	.57	Rock	.53
Dundy	.58	Saline	.57
Fillmore	.56	Sarpy	.57
Franklin	.57	Saunders	.57
Frontier	.56	Scotts Bluff	.54
Furnas	.57	Seward	.56
Gage	.58	Sheridan	.54
Garden	.54	Sherman	.54
Garfield	.53	Sioux	.54
Gosper	.56	Stanton	.54
Grant	.53	Thayer	.57
Greeley	.54	Thomas	.53
Hall	.55	Thurston	.55
Hamilton	.55	Valley	.54
Harlan	.57	Washington	.56
Hayes	.57	Wayne	.54
Hitchcock	.58	Webster	.57
Holt	.53	Wheeler	.53
Hooker	.53	York	.55
Howard	.54		

NEVADA

All counties	$0.71

NEW HAMPSHIRE

All counties	$0.62

NEW JERSEY

All counties	$0.63

NEW MEXICO

All counties	$0.68

NEW YORK

All counties	$0.64

NORTH CAROLINA

All counties	$0.65

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.45	McKenzie	$0.43
Barnes	.46	McLean	.42
Benson	.44	Mercer	.42
Billings	.43	Morton	.44
Bottineau	.42	Mountrail	.42
Bowman	.45	Nelson	.45
Burke	.42	Oliver	.43
Burleigh	.44	Pembina	.46
Cass	.47	Pierce	.43
Cavalier	.45	Ramsey	.45
Dickey	.46	Ransom	.47
Divide	.42	Renville	.42
Dunn	.42	Richland	.48
Eddy	.45	Rolette	.43
Emmons	.45	Sargent	.47
Foster	.45	Sheridan	.43
Golden Valley	.44	Sioux	.45
Grand Forks	.46	Slope	.44
Grant	.44	Stark	.43
Griggs	.45	Steele	.46
Hettinger	.44	Stutsman	.46
Kidder	.45	Towner	.44
La Moure	.46	Traill	.46
Logan	.45	Walsh	.46
McHenry	.42	Ward	.42
McIntosh	.45	Wells	.44
		Williams	.42

OHIO

Adams	.62	Licking	.61
Allen	.60	Logan	.61
Ashland	.61	Lorain	.62
Ashtabula	.63	Lucas	.60
Athens	.63	Madison	.61
Augulaize	.60	Mahoning	.63
Belmont	.64	Marion	.61
Brown	.62	Medina	.62
Butler	.60	Meigs	.63
Carroll	.63	Mercer	.58
Champaign	.61	Miami	.60
Clark	.61	Monroe	.64
Clermont	.62	Montgomery	.60
Clinton	.62	Morgan	.63
Columbiana	.63	Morrow	.61
Coshocton	.62	Muskingum	.62
Crawford	.61	Noble	.63
Cuyahoga	.62	Ottawa	.61
Darke	.59	Paulding	.59
Defiance	.59	Perry	.62
Delaware	.61	Pickaway	.61
Erie	.61	Pike	.62
Fairfield	.61	Portage	.62
Fayette	.61	Preble	.59
Franklin	.61	Putnam	.60
Fulton	.60	Richland	.61
Gallia	.63	Ross	.62
Geauga	.62	Sandusky	.61
Greene	.61	Scioto	.62
Guernsey	.63	Seneca	.61
Hamilton	.61	Shelby	.60
Hancock	.60	Stark	.62
Hardin	.60	Summit	.62
Harrison	.63	Trumbull	.63
Henry	.60	Tuscarawas	.62
Highland	.62	Union	.61
Hocking	.62	Van Wert	.59
Holmes	.62	Vinton	.62
Huron	.61	Warren	.61
Jackson	.62	Washington	.64
Jefferson	.64	Wayne	.62
Knox	.61	Williams	.60
Lake	.62	Wood	.60
Lawrence	.62	Wyandot	.61

OKLAHOMA

All counties	$0.64

OREGON

All counties	$0.63

PENNSYLVANIA

All counties	$0.64

RHODE ISLAND

All counties	$0.62

SOUTH CAROLINA

County	Rate per bushel
All counties	$0.65

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.49	Jackson	$0.48
Beadle	.49	Jerauld	.49
Bennett	.49	Jones	.48
Bon Homme	.51	Kingsbury	.49
Brookings	.50	Lake	.49
Brown	.47	Lawrence	.47
Brule	.49	Lincoln	.52
Buffalo	.49	Lyman	.48
Butte	.47	McCook	.50
Campbell	.46	McPherson	.46
Charles Mix	.50	Marshall	.47
Clark	.48	Meade	.47
Clay	.53	Mellette	.49
Codington	.49	Miner	.49
Corson	.46	Minnehaha	.51
Custer	.50	Moody	.50
Davison	.49	Pennington	.48
Day	.48	Perkins	.46
Deuel	.50	Potter	.47
Dewey	.47	Roberts	.48
Douglas	.50	Sanborn	.49
Edmunds	.47	Shannon	.50
Fall River	.50	Spink	.48
Faulk	.47	Stanley	.48
Grant	.50	Sully	.48
Gregory	.49	Todd	.49
Haakon	.48	Tripp	.49
Hamlin	.49	Turner	.52
Hand	.48	Union	.53
Hanson	.49	Walworth	.47
Harding	.46	Washabaugh	.49
Hughes	.48	Yankton	.52
Hutchinson	.51	Ziebach	.47
Hyde	.48		

TENNESSEE

All counties	$0.65

TEXAS

All counties	$0.66

UTAH

All counties	$0.68

VERMONT

All counties	$0.62

VIRGINIA

All counties	$0.64

WASHINGTON

All counties	$0.61

WEST VIRGINIA

All counties	$0.65

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.57	Iron	$0.58
Ashland	.57	Jackson	.57
Barron	.55	Jefferson	.58
Bayfield	.56	Juneau	.57
Brown	.56	Kenosha	.59
Buffalo	.55	Kewaunee	.56
Burnett	.55	La Crosse	.56
Calumet	.56	Lafayette	.59
Chippewa	.56	Langlade	.57
Clark	.56	Lincoln	.57
Colombia	.57	Manitowoc	.56
Crawford	.57	Marathon	.57
Dane	.58	Marinette	.58
Dodge	.57	Marquette	.57
Door	.56	Menominee	.57
Douglas	.55	Milwaukee	.59
Dunn	.56	Monroe	.57
Eau Claire	.56	Oconto	.57
Florence	.58	Oneida	.58
Fond du Lac	.56	Outagamie	.56
Forest	.58	Ozaukee	.58
Grant	.58	Pepin	.55
Green	.58	Pierce	.55
Green Lake	.57	Polk	.55
Iowa	.59	Portage	.57

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Price	$0.57	Trempealeau	$0.56
Racine	.59	Vernon	.56
Richland	.58	Vilas	.58
Rock	.58	Walworth	.58
Rusk	.56	Washburn	.55
St. Croix	.55	Washington	.58
Sauk	.58	Waukesha	.59
Sawyer	.56	Waupaca	.57
Shawano	.57	Waushara	.57
Sheboygan	.57	Winnebago	.56
Taylor	.57	Wood	.57

WYOMING

All counties	$0.58

(b) *Premiums and discounts.*

	Cents per bushel
Premiums: [1]	
Grade U.S. No. 2 or better	1
Test weight:	
Heavy	1
Extra heavy	2
Discounts:	
Grade U.S. No. 4 on the factor of test weight only but otherwise U.S. No. 3 or better	3
Grade U.S. No. 4 because of being "badly stained or materially weathered"	7
Grade U.S. No. 4 on the factor of test weight and because of being "badly stained or materially weathered"	10
Garlicky	3
Weed control discount (where required by § 1421.25)	10

[1] Premiums shall not be applicable to "sample grade" or "badly stained or materially weathered" oats.

Other factors:

Amounts determined by CCC to represent discounts for quality factors not specified above which affect the value of the oats, such as (but not limited to) low test weight, foreign material, heat damage, percent of sound cultivated oats, wild oats, moisture, sour, stones, musty, ergoty, weevily, smutty, and bleached. Such discounts will be established not later than the time delivery of oats to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately 1 month prior to the loan maturity date.

Effective date: Upon publication in the FEDERAL REGISTER (3–17–72).

Signed at Washington, D.C., on March 8, 1972.

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

[FR Doc.72–3976 Filed 3–16–72;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PART 4–12—LABOR

Procurement

These amendments involve matters relating to agency management and to contracts and include rules interpreting and implementing existing regulations of other Federal agencies which are not subject to the notice and public procedure requirements for rule making under 5 U.S.C. 553. It is in the public interest that these provisions be made effective immediately. Accordingly, in accordance with the Secretary's Statement of Policy (36 F.R. 13804) it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest.

1. The table of contents for Part 4–12 is amended by revising the entry for § 4–12.805–4 to read as follows:

Sec.
4–12.805–4 Reports and other required information.

2. Section 4–12.451 is revised to read as follows:

§ 4–12.451 Instructions regarding labor provisions.

The provisions contained in 29 CFR Part 5a, Labor Standards for Ratios of Apprentices and Trainees to Journeymen on Federal and Federally Assisted Construction and 29 CFR Part 5, § 5.5 (1)(ii), (2), and (4), shall be included (either physically or by reference) in every invitation for bids, or request for proposals, for a Federal or federally assisted construction contract estimated to exceed $10,000 and to every such contract entered into on the basis of such invitation or negotiation. The provisions of Part 5a and those applicable sections of Part 5 have been added to Form AD–372 9–71 edition).

Upon award of a construction contract, the successful bidder shall be furnished a copy of Form AD–372, Regulations of the Secretary of Labor Applicable to Contracts Covering Federally Financed and Assisted Construction and Other Contracts Subject to the Contract Work Hours Standards Act. The Contracting Officer or his representative shall explain the requirements and the procedures for enforcement which will be followed by Government personnel. Attention shall particularly be called to the requirement (a) that the contractor shall make a "diligent effort" to provide training opportunities consistent with the apprentice and trainee employment requirements, and (b) for weekly submission of payrolls and statements of compliance. If there is a representative of the Contracting Officer on the job site, responsibility for securing these documents may be delegated to him; otherwise the contractor shall be required to mail these directly to the Contracting Officer.

§ 4–12.805–3 [Amended]

3. Section 4–12.805–3 is amended as follows:

a. In paragraph (a), "Form AD–384" is changed to read "Form AD–425."

4. Section 4–12.805–4 is amended to read as follows:

§ 4–12.805–4 Reports and other required information.

(a) Procedures for evaluating contractor's performance under "imposed" and "hometown" plans in federally involved construction contracts.

(1) Requirements for prime contractors and subcontractors—Manpower Utilization Report:

(i) The contractor shall report to the Chief, Contract Compliance Review Staff, Office of the Secretary, U.S. Department of Agriculture, Washington, D.C. 20250, on a Manpower Utilization Report, Optional Form 66. The contractor shall make separate reports for federally involved and non-Federal construction projects.

(*a*) *Federally involved projects.* Report all critical and noncritical trades.

(*b*) *Non-Federal projects.* Report only critical trades in area covered by the plan for those projects bid subsequent to award of the federally involved contract.

(ii) The compliance agency shall require these reports to be submitted by the 5th day of each month. Five days thereafter, the compliance agency will submit the assembled information to the Director, Office of Federal Contract Compliance (OFCC). If the contractor fails to submit his report on time, he will be given an additional 5-day period to submit the report. Failure of the contractor to report by the end of the extended period requires the Department Contract Compliance Officer to immediately issue a 30-day show cause notice indicating that the contractor is in noncompliance for failure to submit the required information.

(iii) The contractor shall also send a duplicate copy of each Manpower Utilization Report to the nearest OFCC coordinator from the following list:

* * * * *

(29 U.S.C. 50)

Effective date. Upon publication in the FEDERAL REGISTER (3–17–72).

Done at Washington, D.C., this 13th day of March 1972.

T. M. BALDAUF,
Director of Plant and Operations.

[FR Doc.72–4104 Filed 3–16–72;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72–SO–8]

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

Designation of Transition Area

On February 4, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 2682), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Covington, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

COVINGTON, GA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Covington Municipal airport (latitude 33°37'54" N., longitude 83°51'07" W.); within 5 miles each side of Rex VORTAC 093° radial, extending from the 6.5-mile radius area to 34 miles east of the VORTAC.

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

Issued in East Point, Ga., on March 9, 1972.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72–4058 Filed 3–16–72;8:45 am]

[Airspace Docket No. 72–SO–7]

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

Alteration of Transition Area

On February 4, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 2683), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Statesboro, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Statesboro, Ga., transition area is amended to read:

STATESBORO, GA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Statesboro Municipal Airport (lat. 32°29'25" N., long. 81°44'08" W.); within 3 miles each side of the 120° and 326° bearings from Statesboro RBN (lat. 32°28'50" N., long. 81°44'22" W.), extending from the 6.5-mile-radius area to 8.5 miles southeast and northwest of the RBN.

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

Issued in East Point, Ga., on March 9, 1972.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72–4057 Filed 3–16–72;8:45 am]

[Docket No. 10562, Amdt. 121–88]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Flight Attendants

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to increase, from 44 to 50, the maximum seating capacity for which one flight attendant is required on large passenger-carrying airplanes in operations under Part 121.

Since Parts 123 and 135 of the Federal Aviation Regulations incorporate the flight attendant requirements in Part 121 by reference in §§ 123.27 and 135.2, this amendment affects operations conducted with large aircraft by air travel clubs governed by Part 123 and by air taxi and commercial operators governed by Part 135.

This amendment is based on a notice of proposed rule making issued as Notice 70–35 and published in the FEDERAL REGISTER on September 11, 1970 (35 F.R. 14327). The notice was issued in response to a petition of the Air Transport Association (ATA) filed with the FAA.

Subsequently, at the request of the Air Line Pilots Association (ALPA), the FAA held a public hearing on July 29, 1971, regarding the amendment proposed in Notice 70–35.

All of the written comments received in response to Notice 70–35, including the statements and supporting information submitted in connection with the July 29 public hearing, have been carefully considered by the FAA to the extent that they were pertinent to, and within the scope of, the proposal contained in Notice 70–35.

The ratio of passengers to flight attendants currently required by Part 121 was adopted in 1962 and established the minimum number of flight attendants that the FAA then considered necessary for the proper performance of safety functions related to the normal and emergency operation of aircraft, including emergency evacuation and decompression. Since that time, numerous changes have been made by the FAA in aircraft safety requirements. Specifically, the changes in crashworthiness and passenger evacuation standards for transport category airplanes include improved emergency exit access, exterior exit markings, more efficient emergency exits, escape slides that erect within 10 seconds after opening the exit, and fire resistance standards for cabin and cockpit materials. In addition, those changes include a 90-second evacuation demonstration requirement.

Both the Air Line Pilots Association (ALPA) and the Air Line Stewards and Stewardesses Association (ALSSA) expressed opposition to the proposal, and questioned the effectiveness of the changes made in crashworthiness and passenger evacuation standards with respect to older airplanes. However, we

believe that such changes support the adoption of this amendment.

It is recognized that under Part 121 of the Federal Aviation Regulations deviations are permitted for older airplanes that do not have the required crewmember standing room alongside each Type I and Type II exit and window exits not over the wing. However, such deviations are permitted under the regulations only when special circumstances exist that provide an equivalent level of safety. Furthermore, the regulations require access to each Type II and Type IV exit to be unobstructed and that each such exit meet the emergency exit access requirements prescribed in § 25.813(c). In addition, the exits on older airplanes have been made more efficient through compliance with requirements relating to emergency lighting control, exterior emergency lighting illumination, and slip-resistant escape routes. With respect to escape slides for older aircraft, some cannot meet the automatic deployment requirement due to exit design and must be manually deployed. However, any time delay associated with manual deployment must be accounted for through a 90-second emergency evacuation demonstration conducted in accordance with § 121.291.

The National Transportation Safety Board comments expressed agreement that improvements made in crashworthiness and evacuation provisions have been considerable. However, the Board recommended that the proposed amendment not be adopted until the FAA has conducted an appropriate study of the magnitude of the improvements made in crashworthiness and evacuation, including further analysis of existing accident data and controlled studies concerning passenger loads and their effect on flight attendants' service workload, routine safety procedures, and ability to handle various emergency procedures. It was recommended that such a study also include an FAA study of flight attendant redundancy (more than one attendant) as a factor in ensuring availability of leadership in response to emergency situations.

The ALPA also recommended that the FAA undertake a comprehensive study of cabin working conditions and its effect on the ability of flight attendants to provide safety services.

The FAA does not believe that such studies are necessary or appropriate for the adoption of this particular amendment. In 1965, certain air carriers were authorized to operate passenger-carrying airplanes under Part 121 with more than 50 passengers and only one flight attendant. Those operations were initially conducted under deviation authority prescribed in the regulations of Part 121. They are currently authorized by exemption No. 1108, but are now limited to the carriage of no more than 50 passengers with only one flight attendant. In our opinion, this record of operating experience, together with the changes made in aircraft crashworthiness and passenger evacuation requirements, is adequate support for the adoption of this amendment.

Since the commencement of this rulemaking action, the FAA has investigated numerous instances of alleged crashworthiness deficiencies reported by the ALPA and initiated appropriate corrective action where deemed necessary. Interested persons may be assured that the FAA will continue to be responsive to such reports and take appropriate action to provide adequately for safety in air commerce.

Finally, inasmuch as deviation authority is no longer prescribed in § 121.391, and all outstanding deviations have lapsed, paragraph (b)(3) is no longer necessary. Accordingly, paragraph (b)(3) of § 121.391 has been deleted.

In consideration of the foregoing, § 121.391 of the Federal Aviation Regulations is amended, effective June 15, 1972, as follows:

§ 121.391 Flight attendants.

(a) Each certificate holder shall provide at least the following flight attendants on each passenger-carrying airplane used:

(1) For airplanes having a seating capacity of more than nine but less than 51 passengers—one flight attendant.

(2) For airplanes having a seating capacity of more than 50 but less than 101 passengers—two flight attendants.

(3) For airplanes having a seating capacity of more than 100 passengers—two flight attendants plus one additional flight attendant for each unit (or part of a unit) of 50 passenger seats above a seating capacity of 100 passengers.

(b) * * *

(3) [Deleted]

* * * * *

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1424; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 10, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72-4056 Filed 3-16-72;8:50 am]

[Docket No. 7325, Amdt. 121-87]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Aircraft Dispatcher Qualifications

The purpose of this amendment to Part 121 is to update the aircraft dispatcher qualification requirements to more closely align them to the duties actually performed by the aircraft dispatcher and to generally clarify these requirements.

This amendment was originally proposed by Notice 70-26 and published in the FEDERAL REGISTER on July 9, 1970 (35 F.R. 11035). Numerous comments were received regarding the proposed amendments, the majority from aircraft dispatchers who will be affected by the rule. Generally, the comments took either of two points of view: one, the view originally expressed by the Air Line Dispatchers Association (ALDA), the other, that of the Air Transport Association (ATA). Both of these organizations had petitioned the FAA for rule making in the subject area prior to issuance of Notice 70-26. The objections and recommendations of the commentators can be summarized in terms of the positions taken by these two organizations in their initial proposals for rule making and in a subsequent public hearing conducted March 27, 1968, the original official report of which is available in the FAA regulatory docket.

The arguments submitted by ALDA support the position that there should be increased route, airport, and airplane familiarization obtained on the flight deck. It asserts that familiarization trips are necessary for the observation of pilot techniques, communication procedure, terrain, air traffic control in practice, airport approaches and hazards, approach control, tower practices, and dominant meteorological conditions, all of which, the ALDA asserts, are essential to dispatcher training and knowledge. Also, the ALDA states that the dispatcher must be exposed to the pilot's environment so that the dispatcher is knowledgeable to the extent that his judgment is reliable and respected. Such exposure would permit one dispatcher to monitor other dispatchers from the flight deck. In addition, the ALDA states that the only way to maintain a highly trained, sensitive, and efficient organization is to expose dispatchers to the actual operating conditions with which they must deal, and the only appropriate means by which this end is achieved is through operating familiarization and route qualification which acquaints the dispatcher with all facets of an operation with which he is concerned. Finally, ALDA states that when utilized to the proper extent, operating familiarization and route qualification trips provide the dispatcher with an opportunity to retain and increase his firsthand knowledge of engine and aircraft performance parameters.

These arguments were again aired at the March 27 public hearing and were supported by numerous commentators responding to notice 70-26 who are members of ALDA. The Transport Workers Union of America supports these views and commented that the current operational environment of the flight dispatcher is made more complex by the increased density of air traffic, noise abatement procedures, lower takeoff and landing limits and other factors; consequently, qualification trips are more important than ever. Other commentators who support the ALDA position expressed fear that relaxation of the flight experience requirements would compromise flight safety.

The other view that was supported by commentators was that expressed by ATA both in its initial request for rule

making and in its statements made at the public hearing. The ATA states that when the present regulation was promulgated, the dispatcher's role was more closely tied in with the pilot's duties in flight and flight safety than it is today. With the current state of the art, the dispatcher function is now primarily the important one of preplanning and coordination of equipment and manpower as well as the monitoring of aircraft departure and arrival information. In addition, the ATA states that a dispatcher can be better qualified with regard to aircraft operating procedures, communications, terminals, and airports through ground training. Finally, the ATA objects to qualification requirements which are higher for an aircraft dispatcher than those prescribed for a pilot in command.

In letters of September 11, 1970, and August 5, 1971, the ALDA requested that a second public hearing be held. In the rule-making process, a public hearing has basically the same purpose as written comments, namely, to inform the FAA of the facts and the opinions of the public concerning the proposed rule. The hearing serves a useful purpose, however, when it provides something more than is usually obtained from written comments. Normally, this would involve situations where facts and views cannot be expressed adequately by written comments, where written comments cannot properly be evaluated without further development in a public hearing, or where written comments which have been received raise new issues which require further public consideration and this can be accomplished most satisfactorily and expeditiously in a hearing.

In view of the fact that one public hearing was held prior to the issuance of notice 70–26, the FAA does not believe that any facts or opinions were subsequently presented that could not be evaluated properly without further development in a public hearing. Comments were received in response to notice 70–26 covering all the issues involved in the proposed rule and they have been most carefully evaluated with respect to their bearing on the request for a public hearing. The request for an additional public hearing did not indicate any area that the comments have not covered adequately nor has any showing been made that they could not be evaluated properly without another public hearing. Furthermore, they did not point out any significant issue that was not previously considered. On this point a public hearing is likely to repeat opinions and evidence already submitted in the form of written comments. Accordingly, it does not appear that another public hearing would serve a useful purpose and it is not deemed necessary in the public interest.

The concept of route qualification for aircraft dispatchers was essential to the safety of air carrier operations during the era of the low-frequency airways system. During this era, routes, many of which were off-airways or point to point, were approved on an individual basis for each air carrier. Day VFR and night VFR routes were common, and even lighted airways were in use. In addition, it was not uncommon for routes to be approved through mountainous areas at operating altitudes below the surrounding terrain. Against this background, the dispatcher had to play an intimate role in the actual conduct of each flight within his jurisdiction, and he had to know thoroughly the physical structure and peculiarities of each route. Generally, this knowledge was obtainable only by actual observation from the flight deck of the aircraft.

Today, aeronautical and electronic science have significantly altered the above situation. The original concept of routes no longer prevails and air carriers customarily fly at altitudes where knowledge of specific terrain is no longer a factor. Furthermore, the system has been made more efficient through the standardization of navigation facilities and air traffic control procedures.

As indicated in notice 70–18 (published in the FEDERAL REGISTER, 35 F.R. 7021, on May 2, 1970) which proposes revision of the pilot-in-command qualification requirements, the concept of a "route" is no longer applicable in light of the developing concept of air navigation and the flexibility of routing between airports which has rendered obsolete the concept of a "route" as a particular track over the ground. This consideration applies equally in the area of aircraft dispatcher qualification.

With regard to requiring qualification into specific airports and over particular routes, the FAA is of the opinion that there is no justification for prescribing such a requirement for dispatchers. Of course, the dispatcher must have adequate knowledge of the characteristics of appropriate airports and air traffic and approach control procedures. However, these can be learned through ground training and the use of pictorial displays and are adequately covered by current regulations.

In the rule-making action involving Amendment 121–55 (35 F.R. 84, January 3, 1970), which revised and updated the training programs for crewmembers and dispatchers, the FAA explained its position regarding the use of flight simulators and airplane groupings for training purposes. The FAA believes that the use of simulators should be expanded wherever they can be used effectively. Insofar as airplane groupings for training purposes are concerned, in adopting Amendment 121–55 the FAA concluded that regulatory requirements for minimum hours of training need not be established for each airplane by make and type and reduced the number of airplane groups to two—propeller driven including reciprocating and turboprop, and turbojet.

Accordingly, this amendment establishes a requirement for operating familiarization in § 121.463(a) that is limited to aircraft groups rather than aircraft types. Thus, if a dispatcher has obtained operating familiarization on the B–707 (a Group II aircraft), he is not required to have operating familiarization on any other aircraft within that group.

However, this amendment makes operating familiarization a recurrent training requirement. Specifically § 121.463(c) of this amendment requires that a dispatcher must have satisfactorily completed, during each consecutive 12-calendar-month period, operating familiarization consisting of at least 5 hours observing, from the flight deck, operations under Part 121 in one of the types of airplanes in the group he is to dispatch. This requirement may be reduced to a minimum of 2½ hours by the substitution of one additional takeoff and landing for an hour of flight. This requirement may also be met through the use of a simulator approved under § 121.407; however, in that event no reduction in hours is permitted.

In addition, this amendment changes the current rule that provides a 90-day exception to the operating familiarization requirement for dispatchers, for the reasons stated in the Notice. Specifically, § 121.463(a)(2) of this amendment permits a dispatcher to dispatch, without having had the 5 hours of operating familiarization required therein, for 90 days after initial introduction of the airplane into Part 121 operation.

In consideration of the foregoing, § 121.463 of Part 121 of the Federal Aviation Regulations is amended, effective April 17, 1972, to read as follows:

§ 121.463 Aircraft dispatcher qualifications.

(a) No domestic or flag air carrier may use any person, nor may any person serve, as an aircraft dispatcher for a particular airplane group unless that person has, with respect to an airplane of that group, satisfactorily completed the following:

(1) Initial dispatcher training, except that a person who has satisfactorily completed such training for another type airplane of the same group need only complete the appropriate transition training.

(2) Operating familiarization consisting of at least 5 hours observing from the flight deck operations under this part, except that a person may serve as an aircraft dispatcher without meeting this requirement for 90 days after initial introduction of the airplane into operations under this part. This requirement may be reduced to a minimum of 2½ hours by the substitution of one additional takeoff and landing for an hour of flight.

(b) No domestic or flag air carrier may use any person, nor may any person serve, as an aircraft dispatcher for a particular type airplane unless that person has, with respect to that airplane, satisfactorily completed differences training, if applicable.

(c) No domestic or flag air carrier may use any person, nor may any person serve, as an aircraft dispatcher unless within the preceding 12 calendar months he has satisfactorily completed operating familiarization consisting of at least 5 hours observing from the flight deck operations under this part in one of the types of airplanes in each group he is to

dispatch. This requirement may be reduced to a minimum of 2½ hours by the substitution of one additional takeoff and landing for an hour of flight. This requirement may be satisfied by observation of 5 hours of simulator training or each airplane group in one of the simulators approved under § 121.407 for the group. However, if this requirement is met by the use of a simulator, no reduction in hours is permitted.

(d) No domestic or flag air carrier may use any person, nor may any person serve as an aircraft dispatcher to dispatch airplanes in operations under this part unless the air carrier has determined that he is familiar with all essential operating procedures for that segment of the operation over which he exercises dispatch jurisdiction. However, a dispatcher who is qualified to dispatch airplanes through one segment of an operation may dispatch airplanes through other segments of the operation after coordinating with dispatchers who are qualified to dispatch airplanes through those other segments.

(e) For the purposes of this section, the airplane groups, terms, and definitions in § 121.400 apply.

(Secs. 313(a), 601, 602, 604, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1422, 1424; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 10, 1972.

J. H. SHAFFER,
Administrator.

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Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Miscellaneous Amendments

The Commission announces the following amendments to Chapter I of Title 16 of the Code of Federal Regulations. These amendments are effective 15 days after publication in the FEDERAL REGISTER and will govern all proceedings initiated on or after the aforesaid effective date and the remaining procedures in all proceedings pending on the aforesaid effective date.

Subpart C—Prehearing Procedures; Motions; Interlocutory Appeals; Summary Decisions

Section 3.23 is amended to read as follows:

§ 3.23 Interlocutory appeals.

Rulings of the hearing examiner on motions may not be appealed to the Commission prior to appeal from the initial decision except in the following circumstances:

(a) *Appeals without a determination by the hearing examiner.* The Commission may, in its discretion, entertain interlocutory appeals where a ruling of the hearing examiner: (1) Requires the disclosure of Commission records or the appearance of an official or employee of the Commission pursuant to § 3.36; (2) requires the appearance of other Government officials pursuant to § 3.37; (3) suspends an attorney from participation in a particular proceeding pursuant to § 3.42(d); or (4) grants or denies an application for intervention pursuant to the provisions of § 3.14. Appeal from such a ruling may be sought by filing with the Commission an application for review, not to exceed fifteen (15) pages, within five (5) days after notice of the hearing examiner's ruling. Answer thereto may be filed within five (5) days after service of the application for review. The application for review should specify the person or party taking the appeal; should designate the ruling or part thereof from which appeal is being taken; and should specify under which provisions hereof review is being sought. The Commission upon its own motion may enter an order staying the return date of an order issued by the hearing examiner pursuant to § 3.36 or § 3.37 or placing the matter on the Commission's docket for review. Any order placing the matter on the Commission's docket for review will set forth the scope of the review and the issues which will be considered and will make provision for the filing of briefs if deemed appropriate by the Commission.

(b) *Appeals upon a determination by the hearing examiner.* Except as hereinbefore provided in paragraph (a) of this section applications for review of a ruling by the hearing examiner may be allowed only upon request made to the examiner and a determination by the examiner in writing, with justification in support thereof, that the ruling involves a controlling question of law or policy as to which there is substantial ground for difference of opinion and that an immediate appeal from the ruling may materially advance the ultimate termination of the litigation or subsequent review will be an inadequate remedy. Applications for review in writing may be filed, not to exceed fifteen (15) pages, within five (5) days after notice of the hearing examiner's determination. Answer thereto may be filed within five (5) days after service of the application for review. The Commission may thereupon, in its discretion, permit an appeal. Commission review, if permitted, will be confined to the application for review and answer thereto, without oral argument or further briefs, unless otherwise ordered by the Commission.

(c) *Proceedings not stayed.* Application for review and appeal hereunder shall not stay proceedings before the hearing examiner unless the examiner or the Commission shall so order.

Subpart D—Discovery; Compulsory Process

1. Section 3.31 is amended to read as follows:

§ 3.31 Admissions.

(a) At any time after thirty (30) days after issuance of complaint, or after publication of notice of an adjudicative hearing in a rule making proceeding under § 3.13, any party may serve on any other party a written request for admission of the truth of any matters relevant to the pending proceeding set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or are known to be, and in the request are stated as being, in the possession of the other party. Each matter of which an admission is requested shall be separately set forth. A copy of the request shall be filed with the Secretary.

(b) The matter is admitted unless, within ten (10) days after service of the request, or within such shorter or longer time as the hearing examiner may allow, the party to whom the request is directed serves upon the party requesting the admission, with a copy filed with the Secretary, a sworn written answer or objection addressed to the matter. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known to, or readily obtainable by, him is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; he may deny the matter or set forth reasons why he cannot admit or deny it.

(c) The party who has requested the admissions may move to determine the sufficiency of the answers or objections. Unless the objecting party sustains his burden of showing that the objection is justified, the hearing examiner shall order that an answer be served. If the hearing examiner determines that an answer does not comply with the requirements of this rule, he may order either that the matter is admitted or that an amended answer be served. The hearing examiner may, in lieu of these orders, determine that final disposition of the request be made at a prehearing conference or at a designated time prior to trial.

(d) Any matter admitted under this rule is conclusively established unless the hearing examiner on motion permits

withdrawal or amendment of the admission. The hearing examiner may permit withdrawal or amendment when the presentation of the merits of the proceeding will be subserved thereby and the party who obtained the admission fails to satisfy the hearing examiner that withdrawal or amendment will prejudice him in maintaining his action or defense on the merits. Any admission made by a party under this rule is for the purpose of the pending proceeding only and is not an admission by him for any other purpose nor may it be used against him in any other proceeding.

§ 3.32 [Rescinded]

2. Section 3.32 is rescinded in its entirety. This section is reserved for future use.

3. Section 3.35 is amended to read as follows:

§ 3.35 Rulings on applications for compulsory process.

Applications for orders requiring the taking of depositions pursuant to the provisions of § 3.33, and applications for the issuance of subpoenas pursuant to the provisions of § 3.34 (other than as provided in §§ 3.36 and 3.37) may be made ex parte, and, if so made, such applications and rulings thereon shall remain ex parte unless otherwise ordered by the hearing examiner or the Commission. Such applications shall be ruled upon by the hearing examiner or, in the event the hearing examiner is not available, by the Director of Hearing Examiners or such other hearing examiner as the Director may designate.

4. Section 3.36 is amended to read as follows:

§ 3.36 Form of and rulings on applications for subpoenas for records of the Commission and for appearance of Commission employees.

(a) *Form.* An application for issuance of a subpoena requiring the production of documents, papers, books, physical exhibits, or other material in the records of the Federal Trade Commission, or for the issuance of a subpoena requiring the appearance of an official or employee of the Commission, shall be made in the form of a written motion filed in accordance with the provisions of § 3.22(a). No application for records, files, papers or information pursuant to § 4.11 of this chapter or the Freedom of Information Act may be filed with the hearing examiner.

(b) *Content.* The motion shall specify as exactly as possible the material to be produced, the nature of the information to be disclosed, or the expected testimony of the Commission official or employee, and shall contain a statement showing the general relevancy of the material, information, or testimony, and the reasonableness of the scope of the application, together with a showing that such material, information, or testimony is not available from other sources by voluntary methods or pursuant to §§ 3.33–3.34.

(c) *Rulings.* Such applications (in the form of written motions) shall be ruled upon by the hearing examiner or, in the event the hearing examiner is not available, by the Director of Hearing Examiners or such other hearing examiner as the Director may designate. To the extent that the motion is granted, the hearing examiner shall provide such terms and conditions for the production of the material, the disclosure of the information, or the appearance of the Commission official or employee as may appear necessary and appropriate for the protection of the public interest.

5. Section 3.37(b) is amended to read as follows:

§ 3.37 Applications for appearance of other government officials.

* * * * *

(b) *Content and disposition.* The motion shall contain a statement of the necessity for and the relevancy of the expected testimony or the specified material and shall be ruled upon by the hearing examiner.

6. Section 3.38, reading as follows, is added:

§ 3.38 Consequences of failure to comply with orders.

(a) If a party or an officer or agent of a party fails to comply with an order including, but not limited to, an order for the taking of a deposition or the production of documents, an order issued pursuant to a request for admissions, an order to comply with a subpoena, or to comply with an order of the hearing examiner or the Commission issued as, or in accordance with, a ruling upon a motion concerning such an order or subpoena or upon an appeal from such a ruling, the hearing examiner or the Commission, or both, for the purpose of permitting resolution of relevant issues and disposition of the proceeding without unnecessary delay despite such failure, may take such action in regard thereto as is just, including but not limited to the following:

(1) Infer that the admission, testimony, documents or other evidence would have been adverse to the party;

(2) Rule that for the purposes of the proceeding the matter or matters concerning which the order or subpoena was issued be taken as established adversely to the party;

(3) Rule that the party may not introduce into evidence or otherwise rely, in support of any claim or defense, upon testimony by such party, officer, or agent, or the documents or other evidence;

(4) Rule that the party may not be heard to object to introduction and use of secondary evidence to show what the withheld admission, testimony, documents, or other evidence would have shown;

(5) Rule that a pleading, or part of a pleading, or a motion or other submission by the party, concerning which the order or subpoena was issued, be stricken, or that a decision of the proceeding be rendered against the party, or both.

(b) Any such action may be taken by written or oral order issued in the course of the proceeding or by inclusion in an initial decision of the hearing examiner or an order or opinion of the Commission. It shall be the duty of parties to seek and hearing examiners to grant such of the foregoing means of relief or other appropriate relief as may be sufficient to compensate for the lack of withheld testimony, documents, or other evidence. If in the hearing examiner's opinion such relief would not be sufficient, he should certify to the Commission a request that court enforcement of the subpoena or deposition be sought.

Subpart E—Hearings

1. Section 3.41(b) is revised to read as follows:

§ 3.41 General rules.

* * * * *

(b) *Expedition.* Hearings shall proceed with all reasonable expedition, and, insofar as practicable, shall be held at one place and shall continue, except for brief intervals of the sort normally involved in judicial proceedings, without suspension until concluded. Consistent with the requirements of expedition, the hearing examiner may order hearings at more than one place and may grant a reasonable recess at the end of a case-in-chief for the purpose of discovery deferred during the prehearing procedure where the examiner determines that such recess will materially expedite the ultimate disposition of the proceeding.

* * * * *

2. Paragraphs (c) and (d) of § 3.42 are revised to read as follows:

§ 3.42 Presiding officials.

* * * * *

(c) *Powers and duties.* Hearing examiners shall have the duty to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and to maintain order. They shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpoenas;

(3) To take or to cause depositions to be taken;

(4) To rule upon offers of proof and receive evidence;

(5) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(6) To hold conferences for settlement, simplification of the issues, or any other proper purpose;

(7) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adjudicative proceeding, including motions to open defaults;

(8) To make and file initial decisions;

(9) To certify questions to the Commission for its determination; and

(10) To take any action authorized by the rules in this part or in conformance with the provisions of the Administrative Procedure Act as restated and incorporated in title 5, U.S.C.

(d) *Suspension of attorneys by hearing examiner.* The hearing examiner shall have the authority, for good cause stated on the record, to suspend or bar from participation in a

particular proceeding any attorney who shall refuse to comply with his directions, or who shall be guilty of disorderly, dilatory, obstructionist, or contumacious conduct, or contemptuous language in the course of such proceeding. Any attorney so suspended or barred may appeal to the Commission in accordance with the provisions of § 3.23(a). The appeal shall not operate to suspend the hearing unless otherwise ordered by the hearing examiner or the Commission; in the event the hearing is not suspended, the attorney may continue to participate therein pending disposition of the appeal.

* * * * *

Subpart G—Reports of Compliance

Section 3.61(a) is revised to read as follows:

§ 3.61 Reports of compliance.

(a) In every proceeding in which the Commission has issued an order, pursuant to the provisions of section 5 of the Federal Trade Commission Act or section 11 of the Clayton Act, as amended, and except as otherwise specifically provided in any such order, each respondent named in such order shall file with the Commission, within sixty (60) days after service thereof, or within such other time as may be provided by the order or the rules in this chapter, a report in writing, signed by the respondent, setting forth in detail the manner and form of his compliance with the order, and shall thereafter file with the Commission such further signed, written reports of compliance as it may require. Reports of compliance shall be under oath if so requested. Where the order prohibits the use of a false advertisement of a food, drug, device, or cosmetic which may be injurious to health because of results from its use under the conditions prescribed in the advertisement, or under such conditions as are customary or usual, or if the use of such advertisement is with intent to defraud or mislead, or where the order was issued under the Flammable Fabrics Act, or in any other case where the circumstances so warrant, the order may provide for an interim report stating whether and how respondents intend to comply to be filed within ten (10) days after service of the order. When court review of an order of the Commission is pending, the respondent shall file only such reports of compliance as the court may require. Thereafter, the time for filing report of compliance shall begin to run de novo from the final judicial determination, except that if no petition for certiorari has been filed following affirmance of the order of the Commission by a court of appeals, the compliance report shall be due the day following the date on which the time expires for the filing of such petition. The Commission will review such reports of compliance and may advise each respondent whether the actions set forth therein evidence compliance with the Commission's order. The Commission may, however, institute proceedings, including certification of facts to the Attorney General pursuant to the provisions of section 5(1) of the Federal Trade Commission Act (15 U.S.C. 45(1)) and section 11(1) of the Clayton Act, as amended (15 U.S.C. 21(1)), to enforce compliance with an order, without advising a respondent whether the actions set forth in a report of compliance evidence compliance with the Commission's order or without prior notice of any kind to a respondent.

* * * * *

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

By direction of the Commission dated March 13, 1972.

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

[FR Doc.72-4076 Filed 3-16-72;8:46 am]

[Docket No. C-2144]

PART 13—PROHIBITED TRADE PRACTICES

Burlington Industries, Inc.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Burlington Industries, Inc., Greensboro, N.C., Docket No. C-2144, Feb. 10, 1972]

In the Matter of Burlington Industries, Inc., a Corporation

Consent order requiring a Greensboro, N.C., manufacturer and distributor of textile fiber products, including cotton organdy fabrics, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

It is ordered, That the respondent Burlington Industries, Inc., a corporation, and its officers and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting, or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product", "fabric", and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondent notify all of its customers who have purchased or to whom have been delivered the fabric which gave rise to the complaint, of the flammable nature of said fabric, and effect the recall of said fabric from such customers.

It is further ordered, That the respondent herein either process the fabric which gave rise to the complaint so as to bring it into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon it of this order, file with the Commission a special report in writting setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the fabric which gave rise to the complaint, (2) the amount of said fabric in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabric and effect the recall of said fabric from customers, and of the results thereof, (4) any disposition of said fabric since May 16, 1970, and (5) any action taken or proposed to be taken to bring said fabric into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric and the results of such action. Such report shall further inform the Commission as to whether or not respondent has in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Upon request of the Commission respondent shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

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

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

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

Issued: February 10, 1972.

By the Commission.

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

[FR Doc.72-4064 Filed 3-16-72;8:46 am]

[Docket No. C-2142]

PART 13—PROHIBITED TRADE PRACTICES

Lu Wane Products Co., Inc.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Lu Wane Products Co., Inc., Wayne, N.J., Docket No. C-2142, Feb. 10, 1972]

In the Matter of Lu Wane Products Co., Inc., a Corporation

Consent order requiring a Wayne, N.J., manufacturer and distributor of wearing apparel, including ladies' turbans under the name "Magic Turban," to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

It is ordered, That respondent Lu Wane Products Co., Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce", "product", "fabric" or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondent, if it has not already done so, notify all of its customers who have purchased, or to whom have been delivered by said respondent, products which gave rise to this complaint of the flammable nature of such products, and effect recall of such products from said customers.

It is further ordered, That the respondent herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon it of this order, file with the Commission an interim special report in writing setting forth the respondent's intentions as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the products which gave rise to the complaint, (1) the number of such products in inventory, (2) any action taken and any further actions proposed to be taken to notify customers of the flammability of such products and effect recall of such products from said customers, and of the results of such actions, (3) any disposition of such products since January 16, 1970, (4) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products and the results of such action. Such report shall further inform the Commission whether respondent has in inventory any fabric, product or related material, as "fabric", "product" and "related material" are defined in the Flammable Fabrics Act, having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or combinations thereof, in a weight of 2 ounces or less per square yard, or having a raised fiber surface made of cotton or rayon or combinations thereof. Respondent will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of no less than 1 square yard of material.

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

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

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

Issued: February 10, 1972.

By the Commission.

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

[FR Doc.72-4066 Filed 3-16-72;8:46 am]

[Docket No. C-2146]

PART 13—PROHIBITED TRADE PRACTICES

Mickie Steiger, Inc., and Morton Steiger

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Mickie Steiger, Inc., et al., Chicago, Ill., Docket No. C-2146, Feb. 10, 1972]

In the Matter of Mickie Steiger, Inc., a Corporation, and Morton Steiger, Individually and as an Officer of Said Corporation

Consent order requiring a Chicago, Ill., importer and jobber of various products, including scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

It is ordered, That respondents Mickie Steiger, Inc., a corporation, its successors and assigns, and its officers, and Morton Steiger, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting, or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce any product, fabric, or related material; or selling or offering for sale any product made of fabric or related material, which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of said products, and effect recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since May 18, 1971, and (5) any action taken or proposed to be taken to bring said products into conformance

with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton, or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

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

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

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

Issued: February 10, 1972.

By the Commission.

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

[FR Doc.72-4065 Filed 3-16-72;8:46 am]

[Docket No. C-2143]

PART 13—PROHIBITED TRADE PRACTICES

Robert Busse & Co., Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Robert Busse & Co., Inc., et al., Great Neck, Long Island, N.Y., Docket No. C-2143, Feb. 10, 1972]

In the Matter of Robert Busse & Co., Inc., a Corporation, Trading As Busse Hospital Disposables, and Robert Busse and Emmanuel Cardinale, Individually and As Officers of Said Corporation

Consent order requiring a Great Neck, Long Island, N.Y., seller and distributor of hospital supplies and wearing apparel, including disposable paper operating room caps and face masks, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

It is ordered, That respondents Robert Busse & Co., Inc., a corporation, trading as Busse Hospital Disposables or under any other name or names, and its officers, and Robert Busse and Emmanuel Cardinale, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling, or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material, fails to conform to any applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to the complaint of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since March 9, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

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

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

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

Issued: February 10, 1972.

By the Commission.

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

[FR Doc.72-4067 Filed 3-16-72;8:46 am]

[Docket No. C-2145]

PART 13—PROHIBITED TRADE PRACTICES

Stetson Woolen Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Stetson Woolen Co., Inc., et al., Los Angeles, Calif., Docket No. C-2145, Feb. 10, 1972]

In the Matter of Stetson Woolen Co., Inc., a Corporation, and Bernard H. Wasserman and Anthony E. Aaronson, Individually and as Officers of Said Corporation

Consent order requiring a Los Angeles, Calif., seller of imported and domestic woolen fabrics to cease misbranding its woolen products.

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

It is ordered, That respondents Stetson Woolen Co., Inc., a corporation, and its officers, and Bernard H. Wasserman and Anthony E. Aaronson, individually and as officers of said corporation, and respondents' representatives, agents, and

employees, directly or through any corporate or other device, in connection with the introduction into commerce, or offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely and deceptive stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on each product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

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

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

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

Issued: February 10, 1972.

By the Commission.

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

[FR Doc.72-4068 Filed 3-16-72;8:46 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 295—REGULATIONS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970

Child Protection Packaging Standards for Certain Liquid Furniture Polishes

In the FEDERAL REGISTER of September 8, 1971 (36 F.R. 18012), the Commissioner of Food and Drugs proposed child protection packaging standards for certain liquid furniture polishes containing petroleum distillates. The 30-day comment period was extended to January 19, 1972, by subsequent notices (36 F.R. 20543, 21832, 25235). Of the 35 comments received from consumers, a consumer interest group, clergy, the medical and academic communities, a trade association, the packaging industry, and furniture polish manufacturers, 25 support the standards as proposed. The principal points raised in the other comments and the Commissioner's response to them are as follows:

A. *Viscosity specification.* One comment from a medical association recommends that the standards apply to all liquid furniture polishes, regardless of viscosity, which contain 40 percent or more mineral seal oil and/or other petroleum distillates. The Commissioner concludes, on the basis of toxicological data submitted by industry, human experience data, and information from toxicologists and pediatric specialists, that such products would not be expected to cause chemical pneumonitis following accidental ingestion unless their viscosity is less than 100 Saybolt universal seconds at 100° F.

B. *Coloring and fragrance.* A consumer and a consumer interest group recommend that the addition of coloring or fragrance to furniture polish be prohibited if either bears semblance to a food, since this makes the package unnecessarily attractive to children. The consumer interest group further suggests that the Commissioner should declare such furniture polishes as banned hazardous substances under the Federal Hazardous Substances Act. The Commissioner has concluded that the Federal Hazardous Substances Act offers the most appropriate means of dealing with the problems of coloring and fragrance in hazardous household substances and is currently preparing a regulation for FEDERAL REGISTER publication on this matter.

C. *Restricted-flow requirement.* 1. A consumer interest group objects to the restricted-flow requirement and suggests its deletion because two activations of the container could provide a child with 4 milliliters of polish, the amount noted in the proposal's preamble as capable of causing serious or fatal chemical pneumonitis. This is a misinterpretation of the proposed standards since the restricted-flow requirement is in addition to the child-resistant effectiveness requirement. A response from the medical community comments that restricting the amount of polish that could be ingested would significantly reduce hazards associated with mineral seal oil aspiration. The Commissioner concludes that the need for the restricted-flow requirement is apparent from the nature and use of household furniture polish. For example, during use the container without its closure may be moved about the home.

2. A trade association contends that industry needs a separate test protocol to measure compliance with the restricted-flow requirement and further that such requirement should not be adopted until the effectiveness specifications are in effect and it can be determined if restricted flow is necessary to protect children. On the basis of data from industry and other available information, the Commissioner concludes that establishing a test protocol by regulation for the purpose of measuring flow of liquid from a restricted orifice is unnecessary because appropriate testing for this purpose is within the capability of industry to perform. The Commissioner also concludes that delaying in adopting this requirement would be adverse to child protection.

3. A furniture polish manufacturer recommends changing the standards to provide for the use of a permanently affixed finger-actuated pump mechanism releasing not more than 2 milliliters per activation which would not have to otherwise comply with the effectiveness specifications. The Commissioner concludes that such a package could satisfactorily comply with the restricted-flow requirement and has changed the regulation accordingly. This pump mechanism, however, will not in itself preclude children from gaining access to the contents. Since both the restricted-flow and the package effectiveness specifications are necessary for adequate protection, this recommendation is unacceptable.

4. Another furniture polish manufacturer states that the Commissioner failed to give supportive reasons for the statement in the proposal's preamble that serious or fatal chemical pneumonitis can result from aspiration of as little as 4 milliliters of such liquid furniture polish and that since this statement appears to be the basis for the 2-milliliter restricted-flow requirement, the Commissioner failed to comply with section 3(c) of the act requiring that the reasons for a finding be published. In response to this, notice is given that the 2-milliliter-per-activation level in the restricted-flow requirement is based upon medical literature and data from the National Clearinghouse for Poison Control Centers indicating that as little as 4 milliliters can cause serious or fatal chemical pneumonitis. No further comments were received concerning the finding made by the Commissioner pursuant to section 3(a)(1) of the act, and the finding is hereby confirmed. The manufacturer also comments that the words "shaken" and "squeezed" in the restricted-flow requirement are vague and indefinite since individuals vary in strength or ability to shake or squeeze containers. The Commissioner finds that these terms refer only to forms of activation and are not intended as scientific descriptions. Furthermore, the requirement establishes a maximum amount of liquid which can be typically obtained from the container as the result of a single activation.

D. *Technically feasible, practicable, and appropriate.* Two comments, one from a trade association and one from a furniture polish manufacturer, contend that the Commissioner failed to state his reasons for finding that the subject special packaging is technically feasible, practicable, and appropriate as required by section 3(c) of the act. On the basis of reports and data from industry and other relevant information the Commissioner finds that the subject special packaging is:

1. Technically feasible because technology exists to produce special packaging conforming to these standards. More than 10 different special packages have been tested in accordance with § 295.10 *Testing procedure for special packaging* (36 F.R. 22151; 37 F.R. 741) that meet or exceed the child-resistant effectiveness and adult-use effectiveness specifications of § 295.3(b). Orifices which restrict the flow of liquid from a container to 2 milliliters per single activation are available. One major manufacturer reports the market testing in October 1971 of a package which incorporated both a safety closure and a restricted orifice.

2. Practicable in that the special packaging is susceptible to modern methods of mass production and assembly line techniques. Reported production data indicates capability to adequately meet the needs of the affected industries within 6 months.

3. Appropriate since the required special packaging is not detrimental to the integrity of the substance and will not interfere with its storage or use.

E. *Effectiveness specifications.* 1. A furniture polish manufacturer states that the required child-resistant effectiveness of 85–80 percent appears unnecessarily high. The legislative history of the act, however, points out that the Commissioner need not establish standards that can be met by the lowest, or even the average, level of packaging technology extant in the industry. The Commissioner concludes that the effectiveness specifications established in § 295.3(b) are technically feasible and are necessary to accomplish the purposes of the act.

2. A response from the packaging industry recommends child-resistant effectiveness specifications of 98 to 100 percent and adult-use effectiveness approaching 100 percent. This comment further recommends that the standards require special packaging of a unit-dispensing type. To require 100 percent child-resistance is prohibited by section 2(4) of the act. If experience with special packaging demonstrates a need for changing the effectiveness specifications, such changes may be made if they are technically feasible, practicable, and appropriate. As to requiring that special packaging be of a unit-dispensing design, section 3(d) of the act expressly prohibits prescribing specific packaging designs in establishing standards.

F. *Designation of substances.* A trade association and a furniture polish manufacturer suggest that the first sentence of § 295.3 appears to indicate that all household substances must be packaged in accordance with the standards. Such is not the intent and in fact the second sentence directs that application of the standards to substances requiring special packaging is in accordance with § 295.2, which specifically names the substances subject to the standards.

G. *Exemptions.* The legislative history of the act indicates that exemptions from special packaging standards may be granted, and the preamble to the document promulgating § 295.10 (36 F.R. 22151) indicates that the Commissioner is prepared to grant individual exemptions. One manufacturer requests exemption from the restricted-flow requirement for a product designed and promoted primarily for the cleaning and preservation of large wood surface areas in the home. Since the Commissioner does not have sufficient information to determine if the request should be granted, and since the request has not been published for comment in the FEDERAL REGISTER as required by section 5(a) of the act, this request is hereby denied without prejudice. Any request for an exemption from a special packaging standard will be considered by the Commissioner. Such a request must be directed in writing to the Commissioner and must furnish reasonable grounds therefor, including, but not limited to, available human experience data, relevant experimental data, toxicity information, product and packaging specifications, labeling, marketing history, and the justification for the exemption. If such request furnishes reasonable grounds therefor, the Commissioner will publish a notice in the FEDERAL REGISTER proposing the amendment of the standard. Following such publication, the proceedings shall be the same as prescribed by section 5 of the act.

H. *Effective date.* A furniture polish manufacturer and a trade association request an effective date of 1 year from publication of this order in the FEDERAL REGISTER. The principal reasons given are that 5 months are needed for tooling plants to produce special packaging and additional time is needed to produce sufficient quantities to satisfy the demands of the affected industry. Having considered these comments and other relevant information, the Commissioner concludes that a period of 180 days is a necessary, reasonable, and sufficient time to allow affected persons to achieve full compliance with the standards established by this order. A sufficient amount of special packaging for liquid furniture polishes is not presently available to permit promulgating an effective date of less than 180 days.

Therefore, having evaluated the comments received and other relevant material, the Commissioner concludes that the proposal, with changes, should be adopted as set forth below. Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5; 84 Stat. 1670–72; 15 U.S.C. 1471–74), and under authority delegated to the Commissioner (21 CFR 2.120), a new subparagraph is added to § 295.2(a) and a new paragraph is added to § 295.3 as follows (§§ 295.2 and 295.3 were promulgated in the FEDERAL REGISTER of February 16, 1972; 37 F.R. 3427):

§ 295.2 Substances requiring "special packaging."

(a) *Substances.* The Commissioner of Food and Drugs has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

* * * * *

(2) *Furniture polish.* Nonemulsion type liquid furniture polishes containing 10 percent or more of mineral seal oil and/or other petroleum distillates and having a viscosity of less than 100 Saybolt Universal seconds at 100° F., other than those packaged in pressurized spray containers, shall be packaged in accordance with the provisions of § 295.3 (a), (b), and (d).

* * * * *

§ 295.3 Poison prevention packaging standards.

To protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, the Commissioner has determined that packaging designed and constructed to meet the following standards shall be regarded as "special packaging" within the meaning of section 2(4) of the act. Specific application of these standards to substances requiring special packaging is in accordance with § 295.2.

* * * * *

(d) *Restricted flow.* Special packaging from which the flow of liquid is so restricted that not more than 2 milliliters of the contents can be obtained when the inverted opened container is shaken or squeezed once or when the container is otherwise activated once.

Effective date. This order shall become effective 180 days after its date of publication in the FEDERAL REGISTER.

(Secs. 2(4), 3, 5; 84 Stat. 1670–72; 15 U.S.C. 1471–74)

Dated: March 14, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-4109 Filed 3-16-72;8:49 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

[Docket No. R-72-146]

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Withdrawal of Approval of Mortgagees

On page 19703 of the FEDERAL REGISTER of October 9, 1971, there was published

a notice of proposed rule making to amend § 203.7 of the Department's regulations by adding a new cause for withdrawal of approval of mortgagees who have been approved for holding and servicing mortgages insured by this Department under the National Housing Act. The proposed new cause for withdrawal would be the payment of any fee by a mortgagee in connection with an insured mortgage transaction to any person, if such person had received any payment from any other person for services related to the transaction. Interested persons were given until November 8, 1971, to submit written comments or suggestions with respect to the proposal.

A large number of written comments were received and considered. Many comments stated that one person can perform legitimate nonconflicting services for both the mortgagee and for another party to the transaction and that the proposed amendment would have prevented a person who performs such services from being compensated for them. Accordingly, the amendment, as finally adopted, provides that compensation may be paid for the actual performance of such services as may be approved by the Assistant Secretary-Federal Housing Commissioner. A list describing the types of services approved and considered to be nonconflicting when performed for a mortgagee in connection with a mortgage transaction in which the party performing the service is also to be paid for other services by another party to the transaction is being developed and will be mailed to all approved mortgagees prior to the effective date of the amendment hereby adopted. This list will also be available for the information of interested members of the public in all offices of this Department during usual office hours. In addition, the Assistant Secretary-Federal Housing Commissioner will review specific situations not covered by the published list on a case by case basis. To obtain a review by the Assistant Secretary-Federal Housing Commissioner interested persons should address a written request to the Director of the HUD Area or Insuring Office having jurisdiction of the mortgage insurance transaction for which review or approval is requested. The written request should set forth all information the person submitting the request considers necessary for an informed ruling.

The regulation, as adopted, adds "attorney" to the description of persons to whom the mortgagee may not pay fees if such persons receive fees from other parties to an insured mortgage transaction. Attorneys were covered in the regulation, as proposed, by the term "any person" and are added to those specifically named to dispel any doubt in this matter.

Many comments received pointed out that it was possible to evade the proposed amendment by the establishment of "straw" or "dummy" third party companies or other entities, the sole purpose of which would be to receive fees from mortgagees for the benefit of persons also receiving compensation from other parties to the mortgage transaction. The Department considers that such an arrangement is prohibited by the language that prohibits the payment of such a fee "indirectly."

Most of the other comments presented specific factual situations and asked whether they would be covered by the proposed amendment. These and other fact situations are being considered by the Assistant Secretary-Federal Housing Commissioner in connection with publication of the list discussed above. Such factual situations as are considered to be of general interest and application will be dealt with in the list. For those considered to be of limited interest, no specific ruling will be issued unless the question is resubmitted through the HUD Area or Insuring Office as discussed above.

The full text of the amendment to § 203.7, as finally adopted, which adds a new paragraph (a)(6) and renumbers present paragraph (a)(6) as (a)(7), is as follows:

§ 203.7 Withdrawal of approval.

(a) Approval of a mortgagee may be withdrawn at any time by notice from the Commissioner, by reason of:

* * * * *

(6) The payment by the mortgagee of any fee, kickback, or other consideration, directly or indirectly, in connection with any insured mortgage transaction or transactions to any person including an attorney, escrow agent, title company, consultant, mortgage broker, seller, builder, or real estate agent if such person has received any other payment or other consideration from the mortgagor, the seller, the builder, or any other person for services related to such transaction or transactions or from or related to the purchase or sale of the mortgaged property, except that compensation may be paid for the actual performance of such services as may be approved by the Commissioner.

(7) Such other reason as the Commissioner determines to be justified.

* * * * *

Effective date. These regulations shall be effective as of May 1, 1972.

(Sec. 7(d), 79 Stat. 670; 41 U.S.C. 3535(d); Secretary's delegation to Assistant Secretary-Federal Housing Commissioner published at 36 F.R. 5006)

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner.

[FR Doc.72-4110 Filed 3-16-72;8:50 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 43h—PREPARATION OF A ROLL OF ALASKA NATIVES

The general authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. section 301, and sections 463 and 465 of the Revised Statutes (25 U.S.C. sections 2 and 9).

Beginning on page 2679 of the FEDERAL REGISTER of February 4, 1972 (37 F.R. 2679), there was published a notice of proposed rule making to add a new Part 43h to Title 25 of the Code of Federal Regulations relating to the enrollment of Alaska Natives. The regulations were proposed pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92-203, 85 Stat. 688-715).

Interested persons were given 30 days in which to submit written comments, views, or arguments regarding the proposed regulations.

During this period, comments, suggestions, and objections were submitted by interested persons. Careful consideration was given to all the views and arguments received, and certain revisions were made as a result of them. Among the revisions are the following:

1. Deletion of the words "whose Alaska Native ancestry predates the Treaty of March 30, 1867, and who are", as they referred to Tsimshian Indians in the definition of "Native" in § 43h.1(g).

2. Addition of clarifying language in the definition of "Permanent residence" in § 43h.1(k).

3. Addition of a new paragraph (n) in § 43h.1 defining "Enumerator."

4. Addition of the word "permanent" in the heading of § 43h.4(a) and the insertion of "and village or other place" following "region" to indicate where permanent residents of Alaska shall be enrolled. The word "permanent," as a modifier of "resident" or "residence" has been inserted where appropriate throughout the new Part 43h.

5. Insertion of a new paragraph (b) in § 43h.6 to provide for a sponsor to file an application on behalf of classes of persons who require assistance in applying for enrollment. Subsequent paragraphs are redesignated accordingly.

6. A clarification of § 43h.6(e) to provide that enumerators shall be sent to all villages in Alaska, rather than to the principal villages.

7. Addition of a new paragraph (g) in § 43h.6 to provide for notice to regions of the name, date, and place of birth, and claimed residence of all applicants for enrollment, including dependents, and to each village of the name, date, and place of birth, and claimed residence of applicants for enrollment, including dependents, within its region. This revision also provides for protests within 30 days after receipt of notice by regions and/or villages against the allowance of any application for enrollment.

8. A complete revision of § 43h.7 to provide for notice to individual applicants or sponsors, and to the appropriate region and village, of decisions as to enrollment or as to the region or village in which an applicant is enrolled. Rights of appeal are specifically given to the regions and villages, as well as to applicants.

9. A revision of § 43h.8 to provide for appeals from adverse decision of the Coordinator to be filed by individual applicants or sponsors, regions, or villages.

The revision retains a 45-day appeal period, but also requires that a copy of each appeal petition shall be served by the appellant upon the individual, region, and/or village, as the case may be, and that proof of such service be filed with the Regional Solicitor within 15 days of the filing of the appeal petition.

10. The phrase "or other basis for de-determining eligibility" has been inserted following "degree of Native blood" in § 43h.9 as it relates to the information to be shown on the completed roll.

11. For administrative purposes enrollment applications will be accepted from all eligible Native Alaska members of the Metlakatla Indian Community. Later determinations will be made concerning individual eligibility for inclusion on the roll and entitlement to benefits under the Act. The word "non-Tsimshian" has been deleted from the title and first line of § 43h.11.

The Alaska Native Claims Settlement Act, supra, requires that the roll be prepared within 2 years from its date of enactment. In order to provide for appeals and final preparation within the time allowed, it is necessary that deadline of March 30, 1973, be fixed for the filing of enrollment applications. An additional delay in the effective date of these regulations would unnecessarily and inequitably shorten the period during which applications may be filed and might result in some Natives not being enrolled to receive benefits. The revisions made in the proposed regulations, and reflected in these final regulations, are in consonance with the comments received and within the limits of the underlying laws, and no benefits would be gained by deferring their effective date. Therefore, good cause exists and is so found that the 30-day deferred effective date or any other deferred effective date otherwise required by 5 U.S.C. section 553(d) should be dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. section 533. Accordingly, the new Part 43h will become effective upon the date of publication in the FEDERAL REGISTER (3-17-72).

HARRISON LOESCH,
Assistant Secretary of the Interior.

MARCH 15, 1972.

Sec.
43h.1 Definitions.
43h.2 Purpose.
43h.3 Requirements for enrollment.
43h.4 Enrollment in regions.
43h.5 Enrollment in a 13th region.
43h.6 Applications for enrollment.
43h.7 Determination of eligibility.
43h.8 Appeals.
43h.9 Preparation, certification, and approval of the roll.
43h.10 Establishment of a 13th region.
43h.11 Metlakatla Community members.
43h.12 Special instructions.

AUTHORITY: The provisions of this Part 43h issued under 5 U.S.C. section 301; R.S. sections 463 and 465, 25 U.S.C. sections 2 and 9; and sec. 25, 85 Stat. 688, 715.

§ 43h.1 Definitions.

(a) "Act" means the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, Public Law 92-203.

(b) "Secretary" means the Secretary of the Interior or his authorized representative.

(c) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(d) "Area Director" means the Area Director, Bureau of Indian Affairs, Juneau, Alaska, or his authorized representative.

(e) "Coordinator" means the head of the Enrollment Coordinating Office, Pouch 7-1971, Anchorage, Alaska 99501, having the responsibility for coordinating all activities regarding preparation of the roll.

(f) "Roll" means the roll of Alaska Natives prepared pursuant to the Act.

(g) "Native" means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native as any village or group.

(h) "Village" means any tribe, band, clan, group, village, community, or association in Alaska listed in sections 11 and 16 of the Act, or which meets the requirements of the Act, and which the Secretary determines was, on the 1970 census enumeration date (April 1, 1970), composed of 25 or more Natives.

(i) "Native group" means any tribe, band, clan, village, community, or village association of Natives in Alaska composed of less than 25 Natives, who comprise a majority of the residents of the locality.

(j) "Region" means the geographic area covered by the operation of one of the 12 existing Native associations recognized in section 7(a) of the Act, or its successor regional corporation, and may include the 13th region if established as provided by section 7(c) of the Act.

(k) "Permanent residence" means the place of domicile on April 1, 1970, which is the location of the permanent place of abode intended by the applicant to be his actual home. It is the center of the Native family life of the applicant to which he has the intent to return when absent from that place. A region or village may be the permanent residence of an applicant on April 1, 1970, even though he was not actually living there on that date, if he has continued to intend that place to be his home.

(l) "Regional Solicitor" means the officer in charge of the Anchorage Region of the Office of the Solicitor, Department of the Interior.

(m) "Sponsor" means a parent, recognized guardian, next friend, next of kin, spouse, executor, or administrator of estate, the Area Director or other person who files an application for enrollment on behalf of another person. It does not include an enumerator.

(n) "Enumerator" means a person officially engaged in gathering for the Secretary data and information concerning eligibility of individual applicants for enrollment.

§ 43h.2 Purpose.

The regulations in this part are to govern exclusively the preparation of a roll of Alaska Natives pursuant to section 5 of the Act. The provisions of Parts 2 and 42 of this chapter shall not be applicable to enrollment procedures and appeals provided for in this Part 43h.

§ 43h.3 Requirements for enrollment.

The roll shall consist of the names of all persons who meet the definition of Native and who were born on or before and were living on December 18, 1971.

§ 43h.4 Enrollment in regions.

(a) Permanent residents of Alaska: A Native permanently residing in Alaska at the time of filing his application for enrollment shall be enrolled in the region and village or other place in which he was a permanent resident on April 1, 1970.

(b) Nonresidents of Alaska: A Native who at the time of filing his application for enrollment is not a permanent resident of one of the regions in Alaska shall be enrolled according to the following order of priority:

(1) In the 13th region, if it is formed and he so elects, or

(2) In the region where he resided on April 1, 1970, if he had resided there without substantial interruption for 2 or more years, or

(3) In the region where he previously resided for an aggregate of 10 years or more, or

(4) In the region where he was born, or

(5) In the region from which an ancestor came.

(c) A Native may be enrolled in a different region when necessary to avoid enrolling members of the same family (i.e., parents and children) in different regions or otherwise avoid hardship.

(d) Eligible children born on or after April 2, 1970, and on or before December 18, 1971, shall be enrolled in the region in which one of their parents is enrolled.

§ 43h.5 Enrollment in a 13th region.

A Native eligible for enrollment who is 18 years of age or older and is not a permanent resident of one of the 12 regions may, on the date he files an application for enrollment, elect to be enrolled in a 13th region for Natives who are nonresidents of Alaska, if such region is established pursuant to subsection 7(c) of the Act. If such region is not established, he shall be enrolled as

provided in subsection 4(b) of these regulations. His election shall apply to all dependent members of his household who are less than 18 years of age, but shall not affect the enrollment of anyone else.

§ 43h.6 Applications for enrollment.

(a) All applications for enrollment shall be in writing on forms provided by the Bureau of Indian Affairs and shall be signed by or for the head of each household, spouse, and/or the dependent members of his household under 18 years of age. A separate application shall be completed and signed by or for other members of a household 18 years of age or older.

(b) Applications for adopted children or other minors not living with their parents, mentally incompetent persons, members of the armed services and/or any eligible members of their immediate families, stationed outside the continental United States, or persons who have died since December 18, 1971, may be filed by a sponsor on or before the deadline specified in this section.

(c) The application shall contain, among other information, the applicant's social security number, name, address, sex, date, and place of birth, degree of Native blood, permanent residence as of April 1, 1970, the village from which his ancestors came, and for a nonresident of Alaska, his election regarding establishment and enrollment in a 13th region. Social security numbers and cards will be issued to those persons who do not have them.

(d) Completed applications must be filed with the Coordinating Office (Kaloa Building, 16th and C Streets), Pouch 7–1971, Anchorage, AK 99501, not later than March 30, 1973. For purposes of the regulations in this part, "filed" means received by the Coordinating Office.

(e) Residents of Alaska: Enumerators shall be sent to all villages to assist in the completion and filing of applications and centers will be established in urban areas to furnish assistance in the completion and filing of applications. Persons who are missed by the enumerators may apply to the Coordinating Office by mail or in person.

(f) Nonresidents of Alaska: Natives not residing in Alaska shall be furnished application forms, together with instructions for completing the forms, upon request made to the Commissioner, the Area Director, or the Coordinator.

(g) Notice to regions and villages: Each region shall be notified of the name, date, and place of birth, and claimed residence of every applicant for enrollment, including dependents. Each village shall be notified of the name, date, and place of birth, and claimed residence of every applicant for enrollment, including dependents, within its region. Any protest of any region or village against the allowance of any application for enrollment shall be filed with the Coordinator, accompanied by such evidence as it may care to submit, within 30 days after receipt of notice of such application.

§ 43h.7 Determination of eligibility.

(a) Determinations of eligibility shall be made by the Coordinator on the basis of information set forth in the application, records of the Bureau of Indian Affairs, village and tribal rolls and such other evidence as is available, including the submissions, if any, of the villages and regions: *Provided*, That no such determination shall be made less than 30 days after the notice required under § 43h.6(g).

(b) Each applicant shall be notified in writing of the decision. If such determination is favorable, the name of the applicant shall be placed on the roll. If the decision is adverse as to enrollment or as to the region or village in which enrolled, the applicant or sponsor shall be notified by certified mail, return receipt requested, of the decision together with the reasons for the decision and of his right of appeal.

(c) Each region shall be notified by certified mail, return receipt requested, of the Coordinator's decisions with respect to all enrollments and denials of enrollment, and each village shall be notified by certified mail, return receipt requested, of the Coordinator's decisions with respect to all enrollments and denials of enrollment in its regions; the regions and villages shall be further notified of their rights to appeal such decisions and the reasons for acceptance or rejection of the enrollment applications.

§ 43h.8 Appeals.

(a) Appeals by individuals from adverse decisions must be in writing and filed with the Coordinating Office not later than 45 days after the date of receipt of the notice thereof. Appeals by villages and regions from the Coordinator's decisions must be in writing and filed with the Coordinating Office not later than 45 days after receipt of the notice required under § 43h.7(c). No appeal of a village or region will be allowed unless a protest has been filed within the 30-day period provided by § 43h.6(g).

(b) Each appeal from a decision on an application for enrollment shall be by petition, which shall state the bases and reasons for the appeal, and which shall include or be accompanied by all arguments, briefs, records, or other evidence which the appellant urges as grounds for reversal. No additional presentation will be allowed except upon a showing satisfactory to the Regional Solicitor.

(c) A copy of each appeal petition and its supporting documents filed by an applicant shall be served upon the region and village whose names appear on the decision appealed from. A copy of each appeal petition and its supporting documents filed by a region shall be served upon the applicant for enrollment and upon the village whose name appears on the decision appealed from. A copy of each appeal petition and the supporting documents filed by a village shall be served upon the applicant for enrollment and upon the region whose name appears on the decision appealed from. Service shall be made at the time of filing in the manner provided in § 2.33 of this chapter, and proof of such service must be filed with the Regional Solicitor within 15 days of the filing of the appeal petition. Failure to serve copies of the appeal petition and its supporting documents or to file proof of service within the time allowed will subject the appeal to summary dismissal.

(d) Upon the receipt of an appeal petition, the Coordinator will forward the petition, with all records pertaining thereto, to the Regional Solicitor. Determination on appeals will be made by the Regional Solicitor on behalf of the Secretary and shall be final. The applicant and the appropriate village and region shall be notified in writing of the determination of the Regional Solicitor.

§ 43h.9 Preparation, certification, and approval of the roll.

The Coordinating Office shall prepare a roll listing enrollees by village or appropriate region. The roll shall contain for each person, his Social Security number, name, last known address, sex, date of birth, degree of Native blood or other basis for determining eligibility, permanent residence as of April 1, 1970, and the village and/or region in which he is enrolled. Upon completion the Coordinator shall affix to the roll a certificate indicating that to the best of his knowledge and belief the roll contains only the names of persons who were determined to meet the requirements for enrollment as Alaska Natives. The roll shall be submitted to the Secretary for approval.

§ 43h.10 Establishment of a 13th region.

If a majority of all eligible Natives 18 years of age or older who are not permanent residents of Alaska elect, pursuant to subsection 5(c) of the Act, to be enrolled in a 13th region for Natives who are nonresidents of Alaska, a region for the benefit of the Natives who elected to be enrolled therein shall be established and they may establish a regional corporation pursuant to the Act.

§ 43h.11 Metlakatla Community members.

Applications from Native Alaska members of the Metlakatla Indian Community will be conditionally accepted subject to a determination of their eligibility for inclusion on the Alaska Native roll and entitlement to benefits under the Act.

§ 43h.12 Special instructions.

To facilitate the work of the Area Director, the Commissioner may issue special instructions not inconsistent with the regulations in this part.

[FR Doc.72–4141 Filed 3–16–72;8:50 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7172]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Certain Tax-Exempt Membership Organizations

On August 28, 1971, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under sections 501(c) (10) and (18), 801, and 810 of the Internal Revenue Code of 1954 to conform the regulations to changes made by sections 121(b) (5) and (6) of the Tax Reform Act of 1969 (83 Stat. 541) was published in the FEDERAL REGISTER (36 F.R. 17348). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: March 10, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 501(c) (10) and (18), 801, and 810 of the Internal Revenue Code of 1954 to sections 121(b) (5) and (6) of the Tax Reform Act of 1969 (83 Stat. 541), such regulations are amended as follows:

PARAGRAPH 1. Section 1.501(c)(10) is amended to read as follows:

§ 1.501(c)(10) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; certain fraternal beneficiary societies.

Sec. 501. *Exemption from tax on corporations, certain trusts, etc.*

* * * * *

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a):

* * * * *

(10) Domestic fraternal societies, orders, or associations, operating under the lodge system—

(A) The net earnings of which are devoted exclusively to religious, charitable, scientific, literary, educational, and fraternal purposes, and

(B) Which do not provide for the payment of life, sick, accident, or other benefits.

[Sec. 501(c)(10) as amended by section 121, Tax Reform Act, 1969 (83 Stat. 541)]

PAR. 2. There is added immediately after § 1.501(c)(10) the following new section:

§ 1.501(c)(10)–1 Certain fraternal beneficiary societies.

(a) For taxable years beginning after December 31, 1969, an organization will qualify for exemption under section 501(c)(10) if it—

(1) Is a domestic fraternal beneficiary society order, or association, described in section 501(c)(8) and the regulations thereunder except that it does not provide for the payment of life, sick, accident, or other benefits to its members, and

(2) Devotes its net earnings exclusively to religious, charitable, scientific, literary, educational, and fraternal purposes.

Any organization described in section 501(c)(7), such as, for example, a national college fraternity, is not described in section 501(c)(10) and this section.

PAR. 3. There is added immediately after § 1.501(c)(17)–3 the following new sections:

§ 1.501(c)(18) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; certain funded pension trusts.

Sec. 501. *Exemption from tax on corporations, certain trusts, etc.*

* * * * *

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a):

* * * * *

(18) A trust or trusts created before June 25, 1959, forming part of a plan providing for the payment of benefits under a pension plan funded only by contributions of employees, if—

(A) Under the plan, it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees under the plan, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, any purpose other than the providing of benefits under the plan,

(B) Such benefits are payable to employees under a classification which is set forth in the plan and which is found by the Secretary or his delegate not to be discriminatory in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees, and

(C) Such benefits do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees. A plan shall not be considered discriminatory within the meaning of this subparagraph merely because the benefits received under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan.

[Sec. 501(c)(18) as added by section 121, Tax Reform Act, 1969 (83 Stat. 541)]

§ 1.501(c)(18)–1 Certain funded pension trusts.

(a) *In general.* Organizations described in section 501(c)(18) are trusts created before June 25, 1959, forming part of a plan for the payment of benefits under a pension plan funded only by contributions of employees. In order to be exempt, such trusts must also meet the requirements set forth in section 501(c)(18)(A), (B), and (C), and in paragraph (b) of this section.

(b) *Requirements for qualification.* A trust described in section 501(c)(18) must meet the following requirements—

(1) *Local law.* The trust must be a valid, existing trust under local law, and must be evidenced by an executed written document.

(2) *Funding.* The trust must be funded solely from contributions of employees who are members of the plan. For purposes of this section, the term "contributions of employees" shall include earnings on, and gains derived from, the assets of the trust which were contributed by employees.

(3) *Creation before June 25, 1959*—(i) *In general.* The trust must have been created before June 25, 1959. A trust created before June 25, 1959 is described in section 501(c)(18) and this section even though changes in the makeup of the trust have occurred since that time so long as these are not fundamental changes in the character of the trust or in the character of the beneficiaries of the trust. Increases in the beneficiaries of the trust by the addition of employees in the same or related industries, whether such additions are of individuals or of units (such as local units of a union) will generally not be considered a fundamental change in the character of the trust. A merger of a trust created after June 25, 1959 into a trust created before such date is not in itself a fundamental change in the character of the latter trust if the two trusts are for the benefit of employees of the same or related industries.

(ii) *Examples.* The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Assume that trust C, for the benefit of members of participating locals of National Union X, was established in 1950 and adopted by 29 locals before June 25, 1959. The subsequent adoption of trust C by additional locals of National Union X in 1962 will not constitute a fundamental change in the character of trust C, since such subsequent adoption is by employees in a related industry.

Example (2). Assume the facts as stated in example (1), except that in 1965 National Union X merged with National Union Y, whose members are engaged in trades related to those engaged in by X's members. Assume further that trust D, the employee funded pension plan and fund for employees of Y, was subsequently merged into trust C. The merger of trust D into trust C would not in itself constitute a fundamental change in the character of trust C, since both C and D are for the benefit of employees of related industries.

(4) *Payment of benefits.* The trust must provide solely for the payment of pension or retirement benefits to its beneficiaries. For purposes of this section, the term "retirement benefits" is intended to include customary and incidental benefits, such as death benefits within the limits permissible under section 401.

(5) *Diversion.* The trust must be part of a plan which provides that, before the satisfaction of all liabilities to employees covered by the plan, the corpus and income of the trust cannot (within the taxable year and at any time thereafter) be used for, or diverted to, any purpose other than the providing of pension or retirement benefits. Payment of expenses in connection with the administration of a plan providing pension or retirement benefits shall be considered a

payment to provide such benefits and shall not affect the qualification of the trust.

(6) *Discrimination.* The trust must be part of a plan whose eligibility conditions and benefits do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees. See sections 401(a)(3)(B) and 401(a)(4) and §§ 1.401–3 and 1.401–4. However, a plan is not discriminatory within the meaning of section 501(c)(18) merely because the benefits received under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan. Accordingly, the benefits provided for highly paid employees may be greater than the benefits provided for lower paid employees if the benefits are determined by reference to their compensation; but, in such a case, the plan will not qualify if the benefits paid to the higher paid employees are a larger portion of compensation than the benefits paid to lower paid employees.

(7) *Objective standards.* The trust must be part of a plan which requires that benefits be determined according to objective standards. Thus, while a plan may provide similarly situated employees with benefits which differ in kind and amount, these benefits may not be determined solely in the discretion of the trustees.

(c) *Effective date.* The provisions of section 501(c)(18) and this section shall apply with respect to taxable years beginning after December 31, 1969.

PAR. 4. Section 1.801 is amended by amending section 801(b)(2) and by revising the historical note. These amended and revised provisions read as follows:

§ 1.801 Statutory provisions; life insurance companies; definition of life insurance company.

Sec. 801. *Definition of life insurance company.*

* * * * *

(b) *Life insurance reserves defined.*

* * * * *

(2) *Reserves must be required by law.* Except—

(A) In the case of policies covering life, health, and accident insurance combined in one policy issued on the weekly premium payment plan, continuing for life and not subject to cancellation, and

(B) As provided in paragraph (3), in addition to the requirements set forth in paragraph (1), life insurance reserves must be required by law.

[Sec. 801 as amended by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 36); sec. 2, Life Insurance Company Tax Act 1959 (73 Stat. 112); sec. 3, Act of October 23, 1962 (P.L. 87–858, 76 Stat. 1134); sec. 121, Tax Reform Act, 1969 (83 Stat. 541)]

PAR. 5. Paragraph (a)(2) of § 1.801–3 is amended to read as follows:

§ 1.801–3 Definitions.

* * * * *

(a) *Insurance company.* * * *

(2) Insurance companies include both stock and mutual companies, as well as mutual benefit insurance companies. For taxable years beginning before January 1, 1970, a voluntary unincorporated association of employees, including an association fulfilling the requirements of section 801(b)(2)(B) (as in effect for such years), formed for the purpose of relieving sick and aged members and the dependents of deceased members, is an insurance company, whether the fund for such purpose is created wholly by membership dues or partly by contributions from the employer. A corporation which merely sets aside a fund for the insurance of its employees is not an insurance company, and the income from such fund shall be included in the return of the corporation.

* * * * *

PAR. 6. Paragraph (b)(2) of § 1.801–4 is amended to read as follows:

§ 1.801–4 Life insurance reserves.

* * * * *

(b) *Certain reserves which need not be required by law.* * * *

(2) For taxable years beginning before January 1, 1970, in the case of policies issued by an organization which met the requirements of section 501(c)(9) (as it existed prior to amendment by the Tax Reform Act of 1969) other than the requirement of subparagraph (B) thereof.

* * * * *

PAR. 7. Section 1.810 is amended by repealing subsection (e) and by revising the historical note. Such provisions read as follows:

§ 1.810 Statutory provisions; life insurance companies; rules for certain reserves.

Sec. 810. *Rules for certain reserves.*

* * * * *

(e) [repealed]

[Sec. 810 as added by sec. 2, Life Insurance Company Tax Act 1959 (73 Stat. 125); amended by sec. 121, Tax Reform Act 1969 (83 Stat. 541)]

PAR. 8. Paragraph (c)(4) of § 1.810–2 is amended to read as follows:

§ 1.810–2 Rules for certain reserves.

* * * * *

(c) *Special rules.* * * *

(4) *Cross references.* For taxable years beginning before January 1, 1970, see section 810(e) (as in effect for such years) and § 1.810–4 for special rules for determining the net increase or decrease in the sum of the items described in section 810(c) and paragraph (b) of this section in the case of certain voluntary employees' beneficiary associations. For similar special rules in the case of life insurance companies issuing variable annuity contracts, see section 801(g)(4) and the regulations thereunder.

* * * * *

PAR. 9. Section 1.810–4 is amended by adding thereto a new paragraph (e). Such added paragraph reads as follows:

§ 1.810–4 Certain decreases in reserves of voluntary employees' beneficiary associations.

* * * * *

(e) *Effective date; cross reference.* The provisions of section 810(e) (as in effect for such years) and this section apply only with respect to taxable years beginning before January 1, 1970. For provisions relating to certain funded pension trusts applicable to taxable years beginning after December 31, 1969, see section 501(c)(18) and the regulations thereunder.

[FR Doc.72–4135 Filed 3–16–72;8:50 am]

[T.D. 7171]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Sales and Exchanges of Bonds and Other Evidences of Indebtedness by Financial Institutions

On June 29, 1971, notice of proposed rule making to conform the Income Tax Regulations (26 CFR Part 1) under sections 582 and 1243 of the Internal Revenue Code of 1954 to section 433 of the Tax Reform Act of 1969 (Public Law 91–172, 83 Stat. 623), relating respectively to bad debts, losses, and gains with respect to securities held by financial institutions, and loss of small business investment company, was published in the FEDERAL REGISTER (36 F.R. 12229).

Section 1.582–1 of the regulations hereby adopted supersedes those provisions of § 13.0 of this chapter relating to section 433(d)(2) of such Act which were prescribed by T.D. 7032, approved March 9, 1970 (35 F.R. 4330). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the change set forth below:

Paragraph (e) of § 1.582–1, as set forth in paragraph 2 of the notice of proposed rule making, is changed by revising subparagraphs (1) and (3).

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917, 26 U.S.C. 7805; sec. 433(d)(2), Tax Reform Act of 1969, Public Law 91–172, 83 Stat. 624)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: March 10, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 582 and 1243 of the Internal Revenue Code of 1954 to section 433 of the Tax Reform Act of 1969 (Public Law 91–172, 83 Stat. 623), such regulations are amended as set forth hereinafter. Section 1.582–1 of the regulations hereby

adopted supersedes those provisions of § 13.0 of this chapter relating to section 433(d)(2) of such Act which were prescribed by T.D. 7032, approved March 9, 1970 (35 F.R. 4330).

PARAGRAPH 1. Section 1.582 is amended by revising the heading thereof, by revising the heading of section 582, by revising section 582(c), and by revising the historical note. These revised provisions read as follows:

§ 1.582 Statutory provisions; bad debts, losses, and gains with respect to securities held by financial institutions.

SEC. 582. *Bad debts, losses, and gains with respect to securities held by financial institutions* * * *

(c) *Bond, etc., losses and gains of financial institutions*—(1) *General rule.* For purposes of this subtitle, in the case of a financial institution to which section 585, 586, or 593 applies, the sale or exchange of a bond, debenture, note, or certificate or other evidence of indebtedness shall not be considered a sale or exchange of a capital asset.

(2) *Transitional rule for banks.* In the case of a bank, if the net long-term capital gains of the taxable year from sales or exchanges of qualifying securities exceed the net short-term capital losses of the taxable year from such sales or exchanges, such excess shall be considered as gain from the sale of a capital asset held for more than 6 months to the extent it does not exceed the net gain on sales and exchanges described in paragraph (1).

(3) *Special rules.* For purposes of this subsection—

(A) The term "qualifying security" means a bond, debenture, note, or certificate or other evidence of indebtedness held by a bank on July 11, 1969.

(B) The amount treated as capital gain or loss from the sale or exchange of a qualifying security shall be determined by multiplying the amount of capital gain or loss from the sale or exchange of such security (determined without regard to this subsection) by a fraction, the numerator of which is the number of days before July 12, 1969, that such security was held by the bank, and the denominator of which is the number of days the security was held by the bank.

[Sec. 582 as amended by sec. 34, Technical Amendments Act 1958 (72 Stat. 1632); sec. 433 (a) and (c), Tax Reform Act 1969 (83 Stat. 623, 624)]

PAR. 2. Section 1.582–1 is amended by revising the heading thereof, by adding headings to paragraphs (a) and (b), by revising paragraph (c), and by adding new paragraphs (d), (e), and (f). These revised and added provisions read as follows:

§ 1.582–1 Bad debts, losses, and gains with respect to securities held by financial institutions.

(a) *Bad debt deduction for banks.* A bank, as defined in section 581, is allowed a deduction for bad debts to the extent and in the manner provided by subsections (a), (b), and (c) of section 166 with respect to a debt which has become worthless in whole or in part and which is evidenced by a security (a bond, debenture, note, certificate, or other evidence of indebtedness to pay a fixed or determinable sum of money) issued by any corporation (including governments and their political subdivisions), with interest coupons or in registered form.

(b) *Worthless stock in affiliated bank.* For purposes of section 165(g)(1), relating to the deduction for losses involving worthless securities, if the taxpayer is a bank (as defined in section 581) and owns directly at least 80 percent of each class of stock of another bank, stock in such other bank shall not be treated as a capital asset.

(c) *Pre-1970 sales and exchanges of bonds, etc., by banks.* For taxable years beginning before July 12, 1969, with respect to the taxation under subtitle A of the Code of a bank (as defined in section 581), if the losses of the taxable year from sales or exchanges of bonds, debentures, notes, or certificates, or other evidences of indebtedness, issued by any corporation (including one issued by a government or political subdivision thereof), exceed the gains of the taxable year from such sales or exchanges, no such sale or exchange shall be considered a sale or exchange of a capital asset.

(d) *Post-1969 sales and exchanges of securities by financial institutions.* For taxable years beginning after July 11, 1969, the sale or exchange of a security is not considered the sale or exchange of a capital asset if such sale or exchange is made by a financial institution to which any of the following sections applies: Section 585 (relating to banks), 586 (relating to small business investment companies and business development corporations), or 593 (relating to mutual savings banks, domestic building and loan associations, and cooperative banks). This paragraph shall apply to determine the character of gain or loss from the sale or exchange of a security notwithstanding any other provision of subtitle A of the Code, such as section 1233 (relating to short sales). However, this paragraph shall have no effect in the determination of whether a security is a capital asset under section 1221 for purposes of applying any other provision of the Code, such as section 1232 (relating to original issue discount). For purposes of this paragraph, a security is a bond, debenture, note, or certificate or other evidence of indebtedness, issued by any person. See paragraphs (e) and (f) of this section for special transitional rules applicable, respectively, to banks and to small business investment companies and business development corporations.

(e) *Transition rule for qualifying securities held by banks*—(1) *In general.* Notwithstanding the provisions of paragraph (d) of this section, if the net long-term capital gain from sales and exchanges of qualifying securities exceeds the net short-term capital loss from such sales and exchanges in any taxable year beginning after July 11, 1969, such excess shall be treated as long-term capital gain, but in an amount not to exceed the net gain from sales and exchanges of securities in such year. For purposes of computing such net gain, a capital loss carried to the taxable year under section 1212 shall not be taken into account. See section 1222 and the regulations thereunder for definitions of the terms "net long-term capital gain" and "net short-term capital loss". For purposes of this paragraph:

(i) The term "security" means a security within the meaning of paragraph (d) of this section.

(ii) The term "qualifying security" means a security which is held by the bank on July 11, 1969, and continuously thereafter until it is first sold or exchanged by the bank.

See also subparagraph (4) of this paragraph for rules under which the time certain securities are held is deemed to include a period of time determined under section 1223 (1) and (2) with respect to such security.

(2) *Computation of capital gain or loss.* For purposes of this paragraph, the amount of gain or loss from the sale or exchange of a qualifying security treated as capital gain or loss is determined by multiplying the amount of gain or loss recognized from such sale or exchange by a fraction the numerator of which is the number of days before July 12, 1969, that such security was held by the bank and the denominator of which is the sum of the number of days included in the numerator and the number of days the security was held by the bank after July 11, 1969.

(3) *Special rules.* For purposes of subparagraphs (1) and (2) of this paragraph, the following items are not taken into account:

(i) Any amount treated as original issue discount under section 1232, and

(ii) Any amount which, without regard to section 582(c) and this section, would be treated as gain or loss from the sale or exchange of property which is not a capital asset, such as an amount which is realized from the sale or exchange of a dealer in securities.

(4) *Holding period in certain cases.* For purposes of this paragraph—

(i) The time a security received in an exchange is deemed to have been held by a bank includes a period of time determined under section 1223(1) with respect to such security.

(ii) The time a security transferred to a bank from another bank is deemed to have been held by the transferee bank includes a period of time determined under section 1223(2) with respect to such security.

For example, if a bank on December 3, 1972, surrendered an obligation of the United States which it held as a capital asset on July 11, 1969, in a transaction to which section 1037 applied, the time during which the newly received obligation is deemed to have been held includes the time during which the surrendered obligation was deemed to have been held by the bank. Because the surrendered obligation was held on July 11, 1969, the newly acquired obligation is deemed to have been held on that date and is a qualifying security. The period during which the surrendered obligation is deemed to have been held is taken into account in computing the fraction determined under subparagraph (2) of this paragraph with respect to the newly received obligation.

(5) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). Bank A, a calendar year taxpayer, purchased a qualifying security on July 14, 1968, and held it to maturity on August 20, 1970, when it was redeemed. The redemption resulted in a taxable gain of $10,000. The security was held by the bank for 363 days before July 12, 1969, and for a total of 768 days. During the taxable year, the bank had no other gains and no losses from sales or exchanges of qualifying securities, but had a net loss of $4,000 from sales of securities other than qualifying securities. The portion of the gain from the redemption of the qualifying security treated as capital gain under subparagraph (2) of this paragraph is $4,726.56 (363/768 x $10,000). Because the net gain of the taxable year from sales and exchanges of securities, $6,000 ($10,000−$4,000), exceeds the portion of the gain on the sale of the qualifying security treated as capital gain under this paragraph, $4,726.56 is treated as long-term capital gain on the sale of the qualifying security for the taxable year.

Example (2). Assume the same facts as in example (1), except that the bank's net loss of the taxable year from the sale of securities other than qualifying securities was $7,000. The amount considered as long-term capital gain under this paragraph is limited by the amount of gain on the sale of securities to $3,000 ($10,000−$7,000).

(f) *Small business investment companies and business development corporations*—(1) *Election.* In the case of a small business investment company or a business development corporation, described in section 586(a), section 582(c) does not apply for taxable years beginning after July 11, 1969, and before July 11, 1974, unless the taxpayer elects that such section shall apply. In the case of a small business investment company, see paragraph (a)(1) of § 1.1243–1 if such an election is made, but see paragraph (a)(2) of § 1.1243–1 if such an election is not made. Such election applies to all such taxable years and, except as provided in subparagraph (3) of this paragraph, is irrevocable. Such election must be made not later than (i) the time, including extensions thereof, prescribed by law for filing the taxpayer's income tax return for its first taxable year beginning after July 11, 1969, or (ii) June 8, 1970, whichever is later.

(2) *Manner of making election.* An election pursuant to the provisions of this paragraph is made by the taxpayer by a written statement attached to the taxpayer's income tax return (or an amended return) for its first taxable year beginning after July 11, 1969. Such statement shall indicate that the election is made pursuant to section 433(d) of the Tax Reform Act of 1969 (83 Stat. 624). The taxpayer shall attach to its income tax return for each subsequent taxable year to which such election is applicable a statement indicating that the election has been made and the amount to which it applies for such year.

(3) *Revocation of election.* An election made pursuant to subparagraph (2) of this paragraph shall be irrevocable unless—

(i) A written application for consent to revoke the election, setting forth the reasons therefor, is filed with the Commissioner within 90 days after the permanent regulations relating to section 433(d)(2) of the Tax Reform Act of 1969 (83 Stat. 624) are filed with the Office of the Federal Register, and

(ii) The Commissioner consents to the revocation.

The revocation is effective for all taxable years to which the election applied

PAR. 3. Section 1.1243 is amended by revising section 1243(1) and the historical note to read as follows:

§ 1.1243 Statutory provisions; loss of small business investment company.

SEC. 1243. *Loss of small business investment company.* * * *

(1) A loss is on stock received pursuant to the conversion privilege of convertible debentures acquired pursuant to section 304 of the Small Business Investment Act of 1958, and

* * * * *

[Sec. 1243 as added by sec. 57, Technical Amendment Act 1958 (72 Stat. 1645); as amended by sec. 433(b), Tax Reform Act 1969 (83 Stat. 624)]

PAR. 4. Section 1.1243–1 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1.1243–1 Loss of small business investment company.

(a) *In general*—(1) *Taxable years beginning after July 11, 1969.* For taxable years beginning after July 11, 1969, a small business investment company to which section 582(c) applies, and which sustains a loss as a result of the worthlessness, or on the sale or exchange, of the stock of a small business concern (as defined in section 103(5) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 662(5)) and in 13 CFR 107.3), shall treat such loss as a loss from the sale or exchange of property which is not a capital asset if—

(i) The stock was issued pursuant to the conversion privilege of the convertible debentures acquired in accordance with the provisions of section 304 of the Small Business Investment Act of 1958 (15 U.S.C. 684) and the regulations thereunder,

(ii) Such loss would, but for the provisions of section 1243, be a loss from the sale or exchange of a capital asset, and

(iii) At the time of the loss, the company is licensed to operate as a small business investment company pursuant to regulations promulgated by the Small Business Administration (13 CFR Part 107).

If section 582(c) does not apply for the taxable year, see subparagraph (2) of this paragraph.

(2) *Taxable years beginning before July 11, 1974.* For taxable years beginning after September 2, 1958, but before July 11, 1974, a small business investment company to which section 582(c) does not apply, and which sustains a loss as a result of the worthlessness, or on the sale or exchange, of the securities of a small business concern (as defined in section 103(5) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 662(5)) and in 13 CFR 107.3), shall treat such loss as a loss from the sale or exchange of property which is not a capital asset if—

(i) The securities are either the convertible debentures, or the stock issued pursuant to the conversion privilege thereof, acquired in acordance with the provisions of section 304 of the Small Business Investment Act of 1958 (15 U.S.C. 684) and the regulations thereunder,

(ii) Such loss would, but for the provisions of this subparagraph, be a loss from the sale or exchange of a capital asset, and

(iii) At the time of the loss, the company is licensed to operate as a small business investment company pursuant to regulations promulgated by the Small Business Administration (13 CFR Part 107).

If section 582(c) applies for the taxable year, see subparagraph (1) of this paragraph.

(b) *Material to be filed with return.* A small business investment company which claims a deduction for a loss on the convertible debentures (pursuant to paragraph (a)(2) of this section) or stock (pursuant to paragraph (a)(1) or (a)(2) of this section) of a small business concern shall submit with its income tax return a statement that it is a Federal licensee under the Small Business Investment Act of 1958 (15 U.S.C. ch. 14B). The statement shall also set forth: the name and address of the small business concern with respect to whose securities the loss was sustained, the number of shares of stock or the number and denomination of debentures with respect to which the loss is claimed, the basis and selling price thereof, and the respective dates of purchase and sale of the securities, or the reason for their worthlessness and the approximate date thereof. For the rules applicable in determining the worthlessness of securities, see section 165 and the regulations thereunder.

[FR Doc.72–4134 Filed 3–16–72;8:50 am]

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7173]

PART 301—PROCEDURE AND ADMINISTRATION; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Inspection of Microfilm Files of Returns From Exempt Organizations

In order to revise the regulations on Procedure and Administration (26 CFR Part 301) under section 6104 of the Internal Revenue Code of 1954 relating to publicity of information required from certain exempt organizations and certain trusts, such regulations are hereby amended as follows:

Paragraph (c)(1) of § 301.6104–2 is revised to read as follows:

§ 301.6104–2 Publicity of information on certain information returns and annual reports.

* * * * *

(c) *Procedure for public inspection*—(1) *Requests for inspection.* The information furnished on Form 990, Form 990–P, Form 4720, Form 1041–A, and the annual report required by section 6056 shall be available for public inspection under section 6104(b) only upon request. If inspection at the National Office is desired, the request shall be made in writing to the Commissioner of Internal Revenue, Attention: Director, Public Information Division, Washington, D.C. 20224. Requests for inspection in the office of a district director or Director of the Mid-Atlantic Regional Service Center shall be made in writing to the district director or director of the regional service center. All requests for inspection must include the name and address of the organization which filed the return or report, the type of return or report, and the taxable years for which filed, except that requests for inspection of entire sections of the microfilm file need only designate the appropriate section desired.

* * * * *

Because this Treasury decision makes only procedural changes, it is hereby found that it is unnecesary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of 5 U.S.C. 553 or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: March 10, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

[FR Doc.72–4136 Filed 3–16–72;8:50 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Channel Islands National Monument, Calif.; Submerged Features, Wrecks, and Fishing

A proposal was published at page 24819 of the FEDERAL REGISTER of December 23, 1971, to add § 7.84 to Title 36 of the Code of Federal Regulations. The effect of the additional section is to prohibit damage to submerged features, to preserve wrecked vessels, and to protect various species of fish and shellfish and to improve fishing for recreational enjoyment of visitors.

Interested persons were given 30 days for submitting written comments, suggestions, or objections with respect to the proposed addition.

As a result of the comments received, the regulations are adopted with the following changes: The restriction which prohibited the use of round haul, trammel, or gill nets in less than 20 fathoms of water is revised to prohibit the use of round haul nets inside the outer edge of the kelp beds.

These amendments will become effective 30 days after the publication of this notice in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

A new § 7.84 is added to read as follows:

§ 7.84 Channel Islands National Monument.

(a) *Submerged features.* No person shall cut, carve, injure, mutilate, remove, displace, or break off any underwater growth or formation. Nor shall any person dig in the bottom, or in any other way injure or impair the natural beauty of the underwater scene.

(b) *Wrecks.* No person shall destroy, molest, remove, deface, displace, or tamper with wrecked and abandoned water or airborne craft or any cargo pertaining thereto.

(c) *Fishing.* The taking of any fish, crustaceans, mollusk, or other marine life shall be in compliance with State regulations except that:

(1) No invertebrates may be taken in water less than five (5) feet in depth.

(2) The taking of abalone and lobsters for commercial purposes is prohibited in the following areas:

(i) *Anacapa Island.* Northside to exterior boundary of the monument between east end of Arch Rock 119°21′–34°01′ and west end of island, 119°27′–34°01′.

(ii) *Santa Barbara Island.* Eastside to exterior boundary of monument 119°02′–33°28′ and 119°02′–33°29′30″.

(3) (i) The use of all nets is prohibited within the outer edge of the kelp line surrounding Anacapa and Santa Barbara Islands.

(ii) The use of trammel or gill nets is prohibited in less than 20 fathoms of water in all areas surrounding Anacapa and Santa Barbara Islands.

(4) The Superintendent shall require all persons fishing commercially within Channel Islands National Monument, on waters open for this purpose, to obtain an annual permit from him. Such permits shall be issued on request except that:

(i) Lobster permits for Anacapa and Santa Barbara Islands will be issued only to applicants who filed with the California State Department of Fish and Game fish receipts for lobsters caught at Anacapa and Santa Barbara Islands during the period July 1, 1968, to July 1, 1971.

(ii) Abalone permits for Anacapa and Santa Barbara Islands will be issued only to applicants who filed with the California State Department of Fish and Game fish receipts for abalone caught at Anacapa and Santa Barbara Islands during the period July 1, 1968, to July 1, 1971.

(5) No person shall molest, kill, wound, capture, frighten, or attempt to molest, kill, wound, capture, frighten any seal or sea lion within the exterior boundaries of Channel Islands National Monument.

DONALD M. ROBINSON,
Superintendent, Channel Islands National Monument.

[FR Doc.72–4071 Filed 3–16–72;8:46 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5168]

[Montana 18982]

MONTANA

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

BEAVERHEAD NATIONAL FOREST

PRINCIPAL MERIDIAN

Kirby Meadow Campground

T. 11 S., R. 1 E.,
Sec. 10, Lot 7.

Madison River Campground

T. 11 S., R. 1 E.,
Sec. 14, lots 2 and 3, and NE¼SW¼NW¼.

Madison River Streamside Zone

T. 11 S., R. 1 E.,
Sec. 14, lots 6 and 7;
Sec. 23, lots 2 and 3.

The areas described aggregate 239.80 acres in Madison County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MARCH 9, 1972.

[FR Doc.72–4069 Filed 3–16–72;8:46 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of the Export Regs., Amdt. 34]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 368, 370, 371, 373, 374, 385, and 386 are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: February 16, 1972.

RAUER H. MEYER,
Director,
Office of Export Control.

PART 368—U.S. IMPORT CERTIFICATE AND DELIVERY VERIFICATION CERTIFICATE

1. The footnote to § 368.2(a)(9)(i) is amended to read as follows:

[1] The attention of U.S. purchasers is directed to the Transaction Control Regulations of the U.S. Treasury Department (Title 31 of the Code of Federal Regulations, § 505.01 et seq.). These regulations prohibit persons within the United States, and subsidiaries and branches of U.S. firms located abroad, from purchasing or selling, or arranging the purchase or sale, without a Treasury Department license, of certain strategic merchandise located in any foreign country when the transaction involves a shipment of such merchandise from any foreign country to Country Group Q, W, Y, or Z (except Cuba, for which the Cuban Assets Control Regulations mentioned below restrict shipments to Cuba). The merchandise subject to this regulation is identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1) or is of a type prohibited by any of the several regulations referred to in § 370.10. (See Supplement No. 1 to Part 370.) (See Supplement No. 1 to Part 370 for Country Group designations.) A Treasury Department general license (§ 505.31) authorizes transactions otherwise prohibited by the regulations with respect to shipments of such merchandise from COCOM member countries to countries other than Cuba, North Korea, and North Vietnam, provided the shipment has been licensed by the exporting country. The People's Republic of China was included in this general license by amendment dated Feb. 16, 1972.

The attention of purchasers is also directed to the Foreign Assets Control Regulations and the Cuban Assets Control Regulations of the U.S. Treasury Department (Title 31 of the Code of Federal Regulations, §§ 500.101 et seq. and 515.101 et seq.) These regulations prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transactions with North Korea, North Vietnam, Cuba, or nationals thereof, or in any unlicensed transactions involving property in which North Korea, or nationals thereof have or have had any interest, direct or indirect, since Dec. 17, 1950; in which North Vietnam or nationals thereof, have or have had any interest, direct or indirect, since May 5, 1964; or in which Cuba or nationals thereof have or have had any interest, direct or indirect, since July 8, 1963. These regulations also prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transactions with respect to merchandise outside the United States if such merchandise is of North Korean, North Vietnamese, or Cuban origin. Similar restrictions in the Foreign Assets Control Regulations formerly in effect with respect to the People's Republic of China and nationals thereof have been removed except with respect to transactions of U.S.-owned and controlled foreign firms, and U.S. citizens residing abroad, in strategic merchandise. (See above for description of general license.) It should be noted that assets in the United States of the People's Republic of China and its nationals which were blocked as of May 7, 1971, remain blocked, notwithstanding the abovementioned changes in the Treasury's Foreign Assets Control and Transaction Control Regulations.

A general license in the Cuban Assets Control Regulations authorizes certain transactions by U.S.-owned or controlled foreign firms. However, the general license does not authorize U.S. citizens who are officers or directors of such firms to be involved in Cuban transactions.

The Rhodesian Sanctions Regulations of the U.S. Treasury Department (Title 31 of the Code of Federal Regulations, §§ 530.101 et seq.) also contain restrictions of interest to U.S. purchasers. These regulations prohibit, unless licensed, the importation of merchandise of Rhodesian origin, transfers of property which involve merchandise outside the United States that is of Rhodesian origin or which is destined to Southern Rhodesia or to or for the account of business nationals thereof; other transfers of property to or on behalf of or for the benefit of any person in Rhodesia; and the importation of ferrochrome produced in any country from chromium ore or concentrates of Rhodesian origin. U.S.-owned or controlled foreign firms (except Rhodesian firms) are not subject to the regulations. However, this exemption does not extend to U.S. citizens or residents who are officers or directors of foreign firms.

A general license in the Rhodesian Sanctions Regulations authorizes importation of materials listed under the Strategic and Critical Materials Stockpiling Act so long as importation of such materials from any communist country is not prohibited.

Any questions concerning the Transaction Control Regulations, the Foreign Assets Control Regulations, the Cuban Assets Control Regulations, or the Rhodesian Sanctions Regulations, should be submitted to the Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, D.C. 20220.

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

2. In Supplement No. 1 to Part 370, the listing of People's Republic of China is deleted from Country Group Z and added to Country Group Y.

PART 371—GENERAL LICENSES

3. Section 371.3(c) is deleted.

4. Supplement No. 1 to Part 371 is deleted.

PART 373—SPECIAL LICENSING PROCEDURES

5. In Supplement No. 1 to Part 373, entry number 714(4)(5)(6) is amended to read as follows:

714(4)[1](5)[1](6)[1] Electronic computers exceeding a CPU bus rate of 60 million bits per second or a processing data rate of 20 million bits per second.[2]

6. A new Supplement No. 2 to Part 373 is established to read as follows:

Supplement No. 2—Computer—Consignee Countries

Afghanistan.	Jamaica.
Austria.	Japan.
Belgium.	Jordan.
Bolivia.	Kenya.
Botswana.	Lebanon.
Cameroon.	Lesotho.
Central African Republic.	Nepal.
Chad.	Netherlands.
China, Republic of.	New Zealand.
Costa Rica.	Norway.
Cyprus.	Paraguay.
Denmark.	Peru.
Dominican Republic.	Portugal.
Ecuador.	San Marino.
Ethiopia.	Senegal.
Finland.	Somali Democratic Republic.
France.	Swaziland.
Germany, Federal Republic of.	Sweden.
Ghana.	Togo.
Greece.	Tonga.
Guatemala.	Tunisia.
Haiti.	Turkey.
Iceland.	United Kingdom.
Iran.	Upper Volta.
Ireland.	Uruguay.
Italy.	Yugoslavia.
	Zaire, Republic of.

PART 374—REEXPORTS

7. In § 374.3(d)(1), subdivision (ii) is amended to read as follows:

§ 374.3 How to request reexport authorization.

* * * * *

(d) *Special requirements.* * * *

(1) * * *

(ii) *Documentation.* (*a*) Except where the transaction involves a temporary reexport for the purpose of demonstration, testing, exhibition, etc., the consignee/purchaser statement or other documentation from the new ultimate consignee that would be required by Part 375 of this chapter if the reexport were a direct export from the United States to the new country is likewise required. Where this document is a Yugoslav End-Use Certificate or a Swiss Blue Import Certificate, and the same document must be furnished to the export control authorities of the country from which reexport will be made, the Office of Export

[1] Other commodities listed under this Export Control Commodity Number on the Commodity Control List are not excluded from these special licensing procedures.

[2] However, electronic computers which do not exceed either a CPU bus rate of 200 million bits per second or a processing data rate of 45 million bits per second may be exported under the Distribution License Procedure to approved consignees in the countries listed in Supplement No. 2 to this Part 373.

Control will accept a reproduced copy of the document being furnished to the country of reexport. If the required documentation cannot be obtained, waiver may be requested in accordance with the applicable provisions of the Export Control Regulations. (See § 375.3(c) of this chapter for waiver of a Swiss Blue Import Certificate, and § 375.4(c) of this chapter for waiver of a Yugoslav End-Use Certificate.)

(b) Where the transaction involves a temporary reexport to a destination listed in this § 374.3(d)(1), the request for authorization shall include a certification similar to that in § 372.8(c) of this chapter, suitably modified to describe the transaction and indicating the country to which the commodities will be returned. A consignee/purchaser statement or other documentation is not required.

* * * * *

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

8. Section 385.1(b) is deleted and § 385.1(c) is renumbered § 385.1(b).

9. Section 385.2 is revised to read as follows:

§ 385.2 Country Groups Q, W, and Y; U.S.S.R., East European Communist Countries, and People's Republic of China.

The Export Administration Act of 1969 states that it is the policy of the United States "to encourage trade with all countries with which we have diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest." The Act also states that it is the policy of the United States "to restrict the export of goods and technology which would make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States" and that export controls should be used "to the extent necessary to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States." Accordingly, and in compliance with the other sections of the Export Administration Act of 1969, the Department conducts a continuing review of commodities and technology to assure that prior approval is required for the export or reexport of U.S.-origin commodities and technical data to the U.S.S.R., Albania, Bulgaria, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, Poland, People's Republic of China, and Romania only if the commodities or technical data have a potential for being used in a manner that would prove detrimental to the national security of the United States. The general policy of the Department, however, is to approve applications or requests to export or reexport such commodities and technical data to these destinations when the Department determines, on a case-by-case basis, that the commodities or technical data are for a civilian use or would otherwise not make a significant contribution to the military potential of the country of destination that would be detrimental to U.S. national security. The Department's policy is to deny applications and requests to export or reexport commodities and technical data to these destinations if the export or reexport would make a significant contribution to the military potential of the country of destination that would prove detrimental to the national security of the United States. To permit such policy judgments to be made each export application and reexport request is reviewed in the light of prevailing policies with full consideration of all relevant aspects of the proposed transaction, including the kinds and quantities of commodities or technologies to be shipped, their military and civilian uses, the availability abroad of the same or comparable items, the country of destination, the ultimate end-user in the country of destination, and the intended end-use.

PART 386—EXPORT CLEARANCE

10. In § 386.6(d)(2)(i)(b) and (3) is revised to read as follows:

§ 386.6 Destination control statements.

* * * * *

(d) * * *

(2) * * *

(i) *General license shipments.* * * *

(b) The following shall be entered in the last space:

Any destination except Soviet Bloc,[1] the People's Republic of China, North Korea, Macao, Hong Kong, Communist controlled areas of Vietnam, Cuba, or Southern Rhodesia, unless otherwise authorized by the United States.

If the export requires a validated license for Poland or Romania, these countries shall be included in the last space. If the export does not require a validated license for a country in the prohibited list, that country may be deleted.

(3) *Statement 3.*

United States law prohibits disposition of these commodities to the Soviet Bloc,[1] the People's Republic of China, North Korea, Macao, Hong Kong, Communist controlled areas of Vietnam, Cuba, or Southern Rhodesia, unless otherwise authorized by the United States.

Statement 3 permits distribution or resale to any country in the world other than those specifically excepted. If the export does not require a validated license for an excepted country, that country may be deleted. If the export requires a validated license for Poland and Romania, add these countries to the prohibited destinations listed in this statement.

* * * * * *

[FR Doc.72-4007 Filed 3-15-72;8:53 am]

[1] As used in the destination control statement, the term "Soviet Bloc" means all countries in Country Group Y, except the People's Republic of China. Neither Poland, Romania, nor Yugoslavia are Y countries.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

WIND RIVER INDIAN IRRIGATION PROJECT, WYO.

Proposed Operation and Maintenance Charges; Correction

In F.R. Doc. 72-2079, appearing at page 3060 of the issue for Friday, February 11, 1972, in the 10th line of the second paragraph, Basis and Purpose, as preambled to § 221.95 *Charges*, the words "within 30 days of publication of this notice" should read "within 44 days of publication of this notice." This correction made in order to extend the notice period 14 days.

CLYDE W. HOBBS,
Superintendent.

[FR Doc.72-4133 Filed 3-16-72;8:50 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 728]

WHEAT

Notice of Proposed Determinations Relative to 1973 National Domestic Allotment

Notice is hereby given that the Secretary of Agriculture proposes to make determinations and issue regulations relative to the 1973 national domestic allotment for wheat. Section 379c(a) of the Agricultural Adjustment Act of 1938, as amended, requires that the Secretary shall proclaim a national domestic allotment for the 1973 crop of wheat not later than April 15, 1972. The national domestic allotment shall be the number of acres which the Secretary determines on the basis of the estimated national yield will result in marketing certificates being issued to producers participating in the program in an amount equal to the amount of wheat which he estimates will be used for food products for consumption in the United States during the marketing year for the crop (not less than 535 million bushels).

Prior to determining the 1973 national domestic allotment, consideration will be given to any data, views, and recommendations relative to the estimated national yield, the amount of wheat estimated to be used for food products for consumption in the United States, estimates of program participation and other data pertinent to this determination which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Signed at Washington, D.C., on March 8, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-4103 Filed 3-16-72;8:47 am]

[7 CFR Part 814]

MAINLAND CANE SUGAR AREA

Notice of Hearing on Proposed Allotment of 1972 Quota

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information available to me, I do hereby find that the allotment of the 1972 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held in New Orleans, La., Room 300, Whitney Building, April 14 at 10 a.m. local time.

The purpose of this hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the above-mentioned quota for the calendar year 1972 among persons who process and market sugar produced from sugarcane grown in the Mainland Cane Sugar Area. The preliminary finding made above is based upon the best information now available. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or revoke such finding and make or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing include (1) the manner in which consideration should be given to the statutory factors as provided in section 205(a) of the Act, and (2) the manner in which marketings within allotments shall be restricted.

This notice of hearing also constitutes notice that at such hearing it will be appropriate to present evidence on the basis of which the allotment of the quota or proration thereof may be revised or amended by the Secretary for the purposes of (1) allotting any increase, or decrease, in the quota and (2) prorating any deficit in the allotment for any allottee.

Signed at Washington, D.C., on March 13, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-4125 Filed 3-16-72;8:50 am]

Commodity Credit Corporation

[7 CFR Part 1427]

UPLAND AND EXTRA LONG STAPLE COTTON

Proposed Determinations Regarding 1972 Crops

The Commodity Credit Corporation is preparing to make certain determinations with respect to the loan programs for the 1972 crops of upland and extra long staple cotton and issue regulations for upland cotton:

(a) Schedule of premiums and discounts for grade and staple length of upland cotton.

(b) Schedule of micronaire differentials for upland cotton.

(c) Schedule of loan rates for eligible qualities of extra long staple cotton.

(d) Detailed operating provisions to carry out the loan program for upland cotton.

The above determinations are to be made pursuant to the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1421 et seq.).

Section 403 of the act (7 U.S.C. 1423) provides in part that appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, location, and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in this act.

(a) *Schedule of premiums and discounts for grade and staple length of upland cotton.* This schedule would reflect the differences in loan value between Middling 1-inch cotton (the base grade and staple length) and the various other grade and staple length combinations for upland cotton.

(b) *Schedule of micronaire differentials for upland cotton.* Micronaire differentials were determined to be an additional quality factor and made a condition for price support effective with the 1965 upland cotton loan program and all subsequent upland cotton loan programs. This schedule would reflect differences in loan value between micronaire group 3.5 through 4.9 (the base group) and the various other micronaire groups.

(c) *Schedule of loan rates for eligible qualities of extra long staple cotton.* As in prior years, the loan rate for 1972 crop extra long staple cotton was announced at a national average rate. That rate is 38.50 cents per pound. This schedule would reflect separate loan rates for each eligible quality.

(d) *Detailed operating provisions to carry out the program for upland cotton.* Detailed regulations necessary to carry out the loan program on upland cotton are also being reviewed for 1972. The current Cotton Loan Program Regulations are found in 36 F.R. 13981, as amended by 36 F.R. 20577.

Prior to making the foregoing determinations, considerations will be given to any data, views, and recommendations which are submitted in writing to the Director, Cotton Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 4091, South Building, 14th and Independence Avenue SW., Washington, DC.

Signed at Washington, D.C., on March 10, 1972.

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

[FR Doc.72-4124 Filed 3-16-72;8:50 am]

Consumer and Marketing Service

[7 CFR Part 53]

CARCASS BEEF, SLAUGHTER CATTLE

Proposed Standards for Grades

Notice is hereby given, in accordance with the administrative procedure provisions of 5 U.S.C. 553, that pursuant to authority conferred by the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621, et seq.), it is proposed to amend (1) the standards for grades of carcass beef (7 CFR 53.102–53.106), and (2) the standards for grades of slaughter cattle (7 CFR 53.201–53.207).

Statement of considerations. Under the Agricultural Marketing Act of 1946, as amended, the Department of Agriculture is responsible for providing meaningful and useful grade standards to facilitate the marketing of livestock and meat. The Act directs the Secretary of Agriculture to develop and improve standards of quality, condition, quantity, and grade, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices, 7 U.S.C. 1622(c). The Act also directs the Secretary to inspect, certify, and identify the class, quality, and condition of agricultural products so that they may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality product they desire, but no person is required to use the service, 7 U.S.C. 1622(h).

The consumption of beef in this country has more than doubled in the last 20 years—from 56.1 pounds per capita in 1951 to an estimated 114 pounds per capita in 1971. The Department believes that this growth has been due largely to the greatly increased production of high-quality fed beef—from steers and heifers—and to the widespread use of Federal grades to identify quality. During this same time, however, considerable interest also has developed (1) in the use of young bulls for the production of block beef for sale through retail stores and also (2) in having young bull beef graded without sex identification.

Historically, the meat produced from bulls has been considered inferior in palatability to that produced from females and from males castrated when young. As a result, most of the bulls marketed have been mature bulls no longer needed for breeding purposes and the meat from such carcasses has been used almost exclusively for the manufacture of processed meat products. This use is reflected in the current standards for grades of bull carcasses which were designed primarily to identify differences in bull beef for processing purposes.

The increased interest in production of young bulls specifically for slaughter stems from two long-recognized considerations. When fed and managed the same (1) bulls gain more rapidly and efficiently than steers and (2) bulls produce leaner carcasses than steers. Despite these advantages, the production of bulls expressly for use as block beef has not "caught on"—very little of it is being done. Some people have expressed the opinion that the primary reason for the lack of interest in the production of young slaughter bulls is that they are discriminated against on the market because, when federally graded, they also must be labeled as "Bull." It is claimed that this is a major deterrent to consumer acceptance of such beef. However, since a considerable volume of beef also is marketed ungraded under private labels, it would appear that if the meat industry considered beef from young bulls to be equal in palatability to that from steers, it would market this kind of beef under the same brands as used for steer beef. But, there is little evidence that this has been done to any significant degree.

The Department recognizes the advantages from increased efficiency in bull beef production. If all the steers now produced were marketed as bulls, there would be substantial advantages to the beef industry from the standpoint of increased economy of production and carcass yields of lean meat (cutability). However, important as these considerations are, the basic consideration in establishing grade standards for bull beef for retail sale should be its overall palatability.

There has been a considerable amount of production-oriented experimental work comparing young bulls and steers. The palatability results of these studies have been much less conclusvie than the results related to production and carcass cutability. In practically all of these studies, the steer beef was slightly more palatable than the bull beef, but in many of the studies these differences were not statistically significant. However, if there were no real differences in palatability of steer and bull beef, it would be expected that, merely by chance, some of the tests would have favored bull beef—and this was not the case. The interpretation of these results has been further complicated by the fact that, when graded on the same standards, the bull carcasses usually were lower in grade than the steer carcasses. Therefore, this difference in grade—rather than the difference in sex—could have been responsible for some or all of the differences in palatability.

In an attempt to determine, more precisely, if there are palatability differences between bull and steer carcasses due to sex, the Department cooperated in two research studies designed to compare the palatability of beef from bull and steer carcasses having the same development of characteristics used to evaluate quality in the present standards for steer, heifer, and cow beef. While these studies have not been as definitive as hoped, they have indicated that there are slight differences in the average palatability of bull and steer beef due to sex—the bull beef was slightly less desirable. These studies also showed that bull beef was more variable in palatability than beef from steers. Another recent study involving bulls and steers from more breeds than used in most previous studies showed a much greater variability in palatability of bull beef. As a result, it was concluded in this study that bull carcasses with the same physical characteristics as steers could not be merchandised within the same USDA grades with equal confidence regarding their ultimate palatability.

The Department recognizes that, from the production efficiency standpoint, a strong case can be made for changing the standards to permit young bull beef to be graded interchangeably with steer beef and without sex identification. However, because of the greater variability and indications of slightly lower average palatability of beef from young bulls, the Department also recognizes that if such a change were made in the standards, it is conceivable that the present consumer acceptance of and demand for all beef could be markedly reduced. If this reduced demand should occur, serious—if not irreparable—damage might accrue to the beef industry.

Therefore, after full consideration of the factual information regarding beef produced from young bulls for retail usage, it appears that the public interest can best be served by establishing the same physical quality requirements and grades for young intact males as for steers. In order that this class of beef carcasses may sell on its own merits without the designation of bull—which has historically also included mature intact males—a new identification of

"Bullock," which would appear along with the grademark, is proposed. This change should not affect acceptance of the present beef supply, and it would permit consumers and the beef industry to test the acceptability of this kind of beef with a new, separate class designation. If it should be shown that consumers accept this beef from young bulls interchangeably with other beef of the same grade, further consideration could be given to eliminating the class designation.

The Department does not foresee any change in the use of beef produced from bulls more mature than those included in the "Bullock" class under the proposed standards. It appears that such meat will continue to be used almost exclusively in the production of processed meat products—products for which it has superior characteristics. This being the case, value differences among such carcasses are dependent almost entirely on differences in their yields of lean meat. Therefore, since the yield grades[1] are specifically designed to identify differences in yields of lean meat, it is proposed that the yield grades, only, apply to carcasses from these more mature bulls. When such carcasses are officially graded, they would be identified with the word "Bull" in addition to the yield grade designation.

The present standards for grades of beef also provide for grades of stags. The stag class is designed to include carcasses from males castrated after they have begun to develop secondary sexual characteristics of bulls. Carcasses presently classed as "stags" have characteristics associated with uncastrated males that have reached sexual maturity—and which distinguish them from steer carcasses. Such carcasses differ from carcasses of intact males only in the degree to which they exhibit such characteristics. Therefore, the Department is proposing to eliminate the standards for grades of stag beef. Under this proposal, carcasses that have heretofore been classed as stags would be classed either as "Bullocks" or "Bulls," depending on their evidences of maturity.

The Department has had several informal discussions of grade standards for bull carcasses with interested individuals and organizations—including the Grading Committee of the American National Cattlemen's Association. That committee has recommended the approach used in this proposal for the grading of beef from young bulls.

The significant changes involved in this proposed revision of the standards for grades of beef would provide for the following:

1. A section describing the different classes of beef carcasses would be added.

2. Beef produced from bulls would be divided into two groups based solely on evidences of maturity.

3. The evidences of maturity at the juncture of these two groups would be the same as described for the juncture of the two youngest maturity groups referenced in the present standards for grades of steer, heifer, and cow carcasses.

4. Beef from the younger of these groups would be designated as "Bullock" beef and that from the older group as "Bull" beef. When federally graded, these words would be included with the other grade identification.

5. The quality grades for bullock carcasses would be Prime, Choice, Good, Standard, and Utility. The requirements for each of these grades would be the same as those for the youngest maturity group of carcasses in the corresponding grades for steer and heifer carcasses.

6. "Quality" grades (Choice, Good, Commercial, etc.) would not be provided for the more mature group. The only grades for such carcasses would be Yield Grades 1 through 5.

7. The grade standards for stags would be eliminated. Beef formerly included in that class would be included in the "Bullock" or "Bull" class, depending on its evidences of maturity.

8. Also, minor editorial changes would be made throughout the standards to clarify their interpretation and application.

It also is proposed that the standards for grades of slaughter cattle be revised to coordinate them with the proposed revisions in the standards for grades of beef carcasses.

The official U.S. standards for grades of carcass beef and the official U.S. standards for grades of slaughter cattle would be revised as follows:

1. In the heading for § 53.103, the word "cutability" would be changed to "yield" and elsewhere in this section the words "group" and "cutability group" would be changed to "yield grade."

2. Sections 53.105, 53.106, 53.206, and 53.207 of the present standards would be deleted.

3. Section 53.205 of the present standards would be renumbered as § 53.206.

4. New §§ 53.100, 53.101, 53.105, and 53.205 would be promulgated and §§ 53.102, 53.202, and 53.203 would be revised to read as follows:

§ 53.100 Scope.

These standards for grades of beef are written primarily in terms of carcasses. However, they also are applicable to the grading of sides, quarters, and certain other parts of carcasses. To simplify phrasing of the standards, the words "carcass" and "carcasses" are used also to mean all parts of carcasses which are eligible for grading.

§ 53.101 Classes of beef carcasses.

(a) Class determination of beef carcasses is based on evidences of maturity and apparent sex condition at the time of slaughter. The classes of beef carcasses are steers, bullocks, bulls, heifers, and cows. Carcasses from males—steers, bullocks, and bulls—are distinguished from carcasses from females—heifers and cows—as follows:

(1) Steer, bullock, and bull carcasses have a "pizzle muscle" (attachment of the penis) and related "pizzle eye" adjacent to the posterior end of the aitchbone.

(2) Steer, bullock, and bull carcasses have, if present, rather rough, irregular fat in the region of the cod. In heifer and cow carcasses, the fat in this region—if present—is much smoother.

(3) In steer, bullock, and bull carcasses, the area of lean exposed immediately ventral to the aitchbone is much smaller than in heifer and cow carcasses.

(b) Steer, bullock, and bull carcasses are distinguished by the following:

(1) In steer carcasses, the "pizzle muscle" is relatively small, light red in color, and fine in texture and the related "pizzle eye" is relatively small.

(2) In bullock and bull carcasses, the "pizzle muscle" is relatively large, dark red in color, and coarse in texture and the related "pizzle eye" is relatively large.

(3) Bullock and bull carcasses usually have a noticeable crest.

(4) Bullock and bull carcasses also usually have a noticeably developed small round muscle adjacent to the hipbone commonly referred to as the "jump muscle." However, in carcasses with a considerable amount of external fat, the development of this muscle may be obscured.

(5) Bullock and bull carcasses are distinguished solely on the basis of maturity. Carcasses with the maximum maturity permitted in the bullock class have slightly red and slightly soft chine bones and the cartilages on the ends of the thoracic vertebrae have some evidence of ossification, the sacral vertebrae are completely fused, the cartilages on the ends of the lumbar vertebrae are nearly completely ossified, and the rib bones are slightly wide and slightly flat. In addition, the rib eye muscle is fine in texture but it varies in color, by grade, from light red in Prime through moderately light red in Choice and slightly light red in Good to slightly dark red in Standard and Utility. Bull carcasses have evidences of more advanced maturity. In no case may carcasses be classed as bullocks if any of their maturity-indicating characteristics are beyond that described as maximum for bullock carcasses.

(c) Heifer and cow carcasses are distinguished by the following:

(1) Heifer carcasses have a relatively small pelvic cavity and a slightly curved aitchbone. In cow carcasses, the pelvic cavity is relatively large and the aitchbone is nearly straight.

(2) In heifer carcasses, the udder usually will be present. In cow carcasses the

[1] Throughout the present carcass beef standards, the phrase "cutability group" is used in conjunction with those portions of the standards which relate to carcass yields of boneless, closely trimmed, major retail cuts. However, in the standards for grades of slaughter cattle, slaughter lambs and sheep, and lamb and mutton carcasses, the phrase "yield grade" is used to convey that same meaning. In addition, the official stamp used to identify beef and bovine carcasses for their yields of boneless, closely trimmed, major retail cuts contains the phrase "yield grade." Therefore, it is also being proposed that throughout the carcass beef standards, the phrase "cutability group" be changed to "yield grade."

udder usually will have been removed. However, neither of these are requirements.

§ 53.102 Application of standards for grades of carcass beef.

(a) The grade of a steer, heifer, cow, or bullock carcass is based on separate evaluations of two general considerations: (1) The indicated percent of trimmed, boneless, major retail cuts to be derived from the carcass, herein referred to as the "yield grade" and (2) the palatability-indicating characteristics of the lean and conformation, herein referred to as the "quality grade." When graded by a Federal meat grader, the grade of a steer, heifer, cow, or bullock carcass may consist of the quality grade, the yield grade, or a combination of both the quality grade and yield grade. The grade of a bull carcass consists of the yield grade only.

(b) The terms "quality grade" and "quality" are used throughout the standards. The term "quality" is used to refer only to the palatability-indicating characteristics of the lean. As such, it is one of the factors considered in determining the "quality grade." Although the term "quality grade" is used to refer to an overall evaluation of a carcass based on (1) its "quality" and (2) its conformation, this is not intended to imply that variations in conformation are either directly or indirectly related to differences in palatability.

(c) The carcass beef grade standards are written so that the quality and yield grade standards are contained in separate sections. The quality grade section is divided further into two separate sections applicable to carcasses from (1) steers, heifers, and cows and (2) bullocks. Eight quality grade designations—Prime, Choice, Good, Standard, Commercial, Utility, Cutter, and Canner—are applicable to steer and heifer carcasses. Except for Prime, the same designations apply to cow carcasses. The quality grade designations for bullock carcasses are Prime, Choice, Good, Standard, and Utility. There are five yield grades applicable to all classes of beef, denoted by Nos. 1 through 5, with Yield Grade 1 representing the highest degree of cutability.

(d) When officially graded, bullock and bull beef will be further identified for its sex condition; steer, heifer, and cow beef will not be so identified. The designated grades of bullock beef are not necessarily comparable in quality or cutability with a similarly designated grade of beef from steers, heifers, or cows. Neither is the cutability of a designated yield grade of bull beef necessarily comparable with a similiarly designated yield grade of steer, heifer, cow, or bullock beef.

(e) The Department uses photographs and other objective aids in the correct interpretation and application of the standards.

(f) To determine the quality grade or yield grade of a carcass, it must be split down the back into two sides and one side must be partially separated into a hindquarter and forequarter by cutting it, with a saw and knife insofar as practicable, as follows: A saw cut perpendicular to both the long axis and split surface of the vertebral column is made across the 12th thoracic vertebra at a point which leaves not more than one-half of this vertebra on the hindquarter. The knife cut across the ribeye muscle starts — or terminates — opposite the above-described saw cut. From that point it extends across the ribeye muscle perpendicular to the outside skin surface of the carcass at an angle toward the hindquarter which is slightly greater (more nearly horizontal) than the angle made by the 13th rib with the vertebral column of the hindquarter posterior to that point. As a result of this cut, the outer end of the cut surface of the ribeye muscle is closer to the 12th rib than is the end next to the chine bone. Beyond the ribeye, the knife cut shall continue between the 12th and 13th ribs to a point which will adequately expose the distribution of fat and lean in this area. The knife cut may be made prior to or following the saw cut but must be smooth and even, such as would result from a single stroke of a very sharp knife.

(g) Other methods of ribbing may prevent an accurate evaluation of quality grade and yield grade determining characteristics. Therefore, carcasses ribbed by other methods will be eligible for grading only if an accurate grade determination can be made by the official grader under the standards.

(h) Beveling of the fat over the ribeye, applications of pressure, or any other influences which alter the area of the ribeye or the thickness of fat over the ribeye may prevent an accurate yield grade determination. Therefore, carcasses subjected to such influences may not be eligible for a yield grade determination. Also carcasses with more than minor amounts of lean removed from the major sections of the round, loin, rib, or chuck will not be eligible for a yield grade determination.

(i) The quality grade and yield grade descriptions are defined primarily in terms of beef carcasses. However, the quality grade standards also apply to the grading of hindquarters, forequarters, and individual primal cuts—rounds, loins, short loins, loin ends, ribs, and chucks. A portion of a primal cut as well as plates, flanks, shanks, and briskets likewise can be graded if attached by their natural attachments to a primal cut. Grade requirements for individual primal cuts or special cuts eligible for grading shall be based on the requirements specified in these standards and shall be consistent with the normal development of grade characteristics in various parts of a carcass of the quality level involved. Except for bulls, the cutability standards also are applicable to the grading of hindquarters and forequarters, and to ribs, loins, short loins, and combinations of wholesale cuts which include either a rib or a short loin. Since bull carcasses are graded for cutability only, they may be graded only as carcasses, sides, or hindquarters. This is because yield grades for forequarters and forequarter cuts and for trimmed hindquarters and trimmed hindquarter cuts include consideration of standard percentages of kidney, pelvic, and heart fat based on the quality grade. Until such time as cutability standards are developed for rounds and chucks, their grade—when graded as a wholesale cut—will consist of the quality grade only. Other special major cuts or carcasses ribbed other than between the 12th and 13th ribs may be approved for grading by the Consumer and Marketing Service provided such deviations are necessary to meet either the demand of export trade or changing trade practices.

(j) Carcasses qualifying for any particular quality grade or yield grade may vary with respect to their relative development of the various grade factors. There will be carcasses which qualify for a particular grade, some of whose characteristics may be more nearly typical of another grade. For example, in comparison with the descriptions of maturity contained in the standards, a particular carcass might have a greater relative degree of ossification of the cartilages on the ends of its lumbar vertebrae than its other evidences of maturity. In such instances, the maturity of the carcass is not determined solely by the ossification of the lumbar vertebrae but neither is this ignored. All of the maturity-indicating factors are considered. In making any composite evaluation of two or more factors, it must be remembered that they seldom are developed to the same degree. Because it is impractical to describe the nearly limitless number of recognizable combinations of characteristics, the standards for each quality grade and yield grade describe only beef which has a relatively similar degree of development of the various factors affecting its quality and cutability. Also, the quality and cutability standards each describe beef which is representative of the lower limits of each quality grade and yield grade.

(k) The quality grade of a beef carcass is based on separate evaluations of two general considerations: (1) The quality or the palatability-indicating characteristics of the lean and (2) the conformation of the carcass.

(l) Conformation is the manner of formation of the carcass. The conformation descriptions included in each of the grade specifications refer to the thickness of muscling and to an overall degree of thickness and fullness of the carcass. Carcasses which meet the requirements for thickness of muscling specified for a grade will be considered to have conformation adequate for that grade despite the fact that, because of a lack of fatness, they may not have the overall degree of thickness and fullness described. Conformation is evaluated by averaging the conformation of the various parts of the carcass, considering not only the proportion that each part is of the carcass weight but also the general value of each part as compared with the other parts. Thus, although the chuck and round are nearly the same percentage of the carcass weight, the round is considered the

more valuable cut. Therefore, in evaluating the overall conformation of a carcass, the development of the round is given more consideration than the development of the chuck. Similarly, since the loin is both a greater percentage of the carcass weight and also generally a more valuable cut than the rib, its conformation receives much more consideration than the conformation of the rib. Superior conformation implies a high proportion of meat to bone and a high proportion of the weight of the carcass in the more valuable parts. It is reflected in carcasses which are very thickly muscled, very full and thick in relation to their length, and which have a very plump, full, and well-rounded appearance. Inferior conformation implies a low proportion of meat to bone and a low proportion of the weight of the carcass in the more valuable parts. It is reflected in carcasses which are very thinly muscled, very narrow and thin in relation to their length, and which have a very angular, thin, sunken appearance.

(m) Quality of the lean is evaluated by considering its marbling and firmness as observed in a cut surface in relation to the apparent maturity of the animal from which the carcass was produced. The maturity of the carcass is determined by evaluating the size, shape, and ossification of the bones and cartilages—especially the split chine bones—and the color and texture of the lean flesh. In the split chine bones, ossification changes occur at an earlier stage of maturity in the posterior portion of the vertebral column (sacral vertebrae) and at progessively later stages of maturity in the lumbar and thoracic vertebrae. The ossification changes that occur in the cartilages on the ends of the split thoracic vertebrae are especially useful in evaluating maturity and these vertebrae are referred to frequently in the carcass beef standards. Unless otherwise specified in the standards, whenever the ossification of cartilages on the thoracic vertebrae is referred to, this shall be construed to refer to the cartilages attached to the thoracic vertebrae at the posterior end of the forequarter. The size and shape of the rib bones also are important considerations in evaluating differences in maturity. In the very youngest carcasses considered as "beef," the cartilages on the ends of the chine boncs show no ossification, cartilage is evident on all of the vertebrae of the spinal column, and the sacral vertebrae show distinct separation. In addition, the split vertebrae usually are soft and porous and very red in color. In such carcasses, the rib bones have only a slight tendency toward flatness. In progressively more mature carcasses, ossification changes become evident first in the bones and cartilages of the sacral vertebrae, then in the lumbar vertebrae, and still later in the thoracic vertebrae. In beef which is very advanced in maturity, all the split vertebrae will be devoid of red color, very hard and flinty, and the cartilages on the ends of all the vertebrae will be entirely ossified. Likewise, with advancing maturity, the rib bones will become progressively wider and flatter until in beef from very mature animals the ribs will be very wide and flat.

(n) The color and texture of the lean flesh also undergo progressive changes with advancing maturity. In the very youngest carcasses considered as "beef," the lean flesh will be very fine in texture and light grayish red in color. In progressively more mature carcasses, the texture of the lean will become progressively coarser and the color of the lean will become progressively darker red. In very mature beef the lean flesh will be very coarse in texture and very dark red in color. Since color of lean also is affected by variations in quality, references to color of lean in the standards for a given degree of maturity vary slightly with different levels of quality. In determining the maturity of a carcass in which the skeletal evidences of maturity are different from those indicated by the color and texture of the lean, slightly more emphasis is placed on the characteristics of the bones and cartilages than on the characteristics of the lean. In no case can the overall maturity of the carcass be considered more than one full maturity group different from that indicated by its bones and cartilages.

(o) In determining compliance with the maximum maturity limits for the Prime, Choice, Good, and Standard grades for steer, heifer, and cow carcasses, color and texture of the lean are considered only when the maturity-indicating factors other than color and texture of the lean indicate only a slightly more advanced degree of maturity than that specified as maximum for a specific grade, and provided further that the lean is considerably finer in texture and lighter in color than normal for the grade and maturity involved. The same principle, in reverse, is likewise applicable to determining compliance with the minimum maturity limits of the Commercial grade.

(p) These standards are applicable to the grading of beef within the full range of maturity within which cattle are marketed. However, the range of maturity permitted within each of the grades varies considerably. The Prime, Choice, Good, and Standard grades are restricted to beef from young cattle; the Commercial grade is restricted to beef from cattle too mature for Good or Standard; and the Utility, Cutter, and Canner grades include beef from animals of all ages. By definition, bullock carcasses are restricted to those whose evidences of maturity do not exceed those specified for the juncture of the two youngest maturity groups referenced in the standards for steer, heifer, and cow carcasses. Within any specified grade, the requirements for marbling and firmness increase progressively with evidences of advancing maturity. To facilitate the application of this principle, the standards recognize five different maturity groups and nine different degrees of marbling. The five maturity groups are identified in figure 1 as A, B, C, D, and E in order of increasing maturity. The limits of these five maturity groups are specified in the grade descriptions for steer, heifer, and cow carcasses. The A maturity portion of the figure is the only portion applicable to bullock carcasses. The degrees of marbling, in order of descending quantity, are: Abundant, moderately abundant, slightly abundant, moderate, modest, small, slight, traces, and practically devoid. Illustrations of the lower limits of eight of the nine degrees of marbling considered in grading beef are available from the Department of Agriculture.

(q) The relationship between marbling, maturity, and quality (that part of the final grade that represents the palatability of the lean) is shown in figure 1. From this figure it can be seen, for instance, that the minimum marbling requirement for Choice varies from a minimum small amount for the very youngest carcasses classified as beef to a maximum modest amount for carcasses having the maximum maturity permitted in Choice. Likewise, in the Commercial grade the minimum marbling requirement varies from a minimum small amount in beef from animals with the minimum maturity permitted to a maximum moderate amount in beef from very mature animals. No consideration is given to marbling beyond that considered "maximum abundant." The marbling and other lean flesh characteristics specified for the various grades are based on their appearance in the ribeye muscle of properly chilled carcasses that are ribbed between the 12th and 13th ribs.

(r) The final quality grade of a carcass is based on a composite evaluation of its conformation and quality. Since relatively few carcasses have an identical development of conformation and quality, each grade will include various combinations of development of these two characteristics. Examples of how conformation and quality are combined into the final quality grade are included in each of the grade descriptions. The principles governing these compensations are as follows: In each of the grades a superior development of quality is permitted to compensate for a deficient development of conformation, without limit, through the upper limit of quality. The rate of compensation in all grades is on an equal basis—a given degree of superior quality compensates for the same degree of deficient conformation. The reverse type of compensation—a superior development of conformation for an inferior development of quality—is not permitted in the Prime, Choice, and Commercial grades. In all other grades this type of compensation is permitted but only to the extent of one-third of a grade of deficient quality. The rate of compensation is also on an equal basis—a given degree of superior conformation compensates for the same degree of deficient quality.

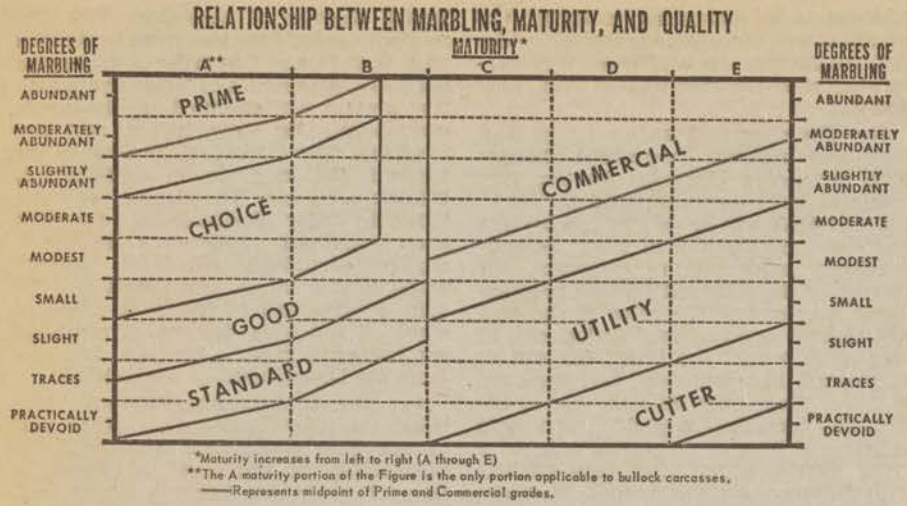

Figure 1

(s) References to color of lean in the carcass beef standards involve only colors associated with changes in maturity. They are not intended to apply to colors of lean associated with so-called "dark cutting beef." Dark cutting beef is believed to be the result of a reduced sugar content of the lean at the time of slaughter. As a result, this condition does not have the same significance in grading as do the darker shades of red associated with advancing maturity. The dark color of the lean associated with "dark cutting beef" is present in varying degress from that which is barely evident to so-called "black cutters" in which the lean is actually nearly black in color and usually has a "gummy" texture. Although there is little or no evidence which indicates that the "dark cutting" condition has any adverse effect on palatability, it is considered in grading because of its effect on acceptability and value. Depending on the degree to which this characteristic is developed, the final grade of carcasses which otherwise would qualify for the Prime, Choice, or Good grades may be reduced as much as one full grade. In beef otherwise eligible for the Standard or Commercial grade, the final grade may be reduced as much as one-half of a grade. In the Utility, Cutter, and Canner grades, this condition is not considered.

(t) The yield grade of a beef carcass is determined by considering four characteristics: (1) The amount of external fat, (2) the amount of kidney, pelvic, and heart fat, (3) the area of the ribeye muscle, and (4) the carcass weight.

(u) The amount of external fat on a carcass is evaluated in terms of the thickness of this fat over the ribeye muscle, measured perpendicular to the outside surface at a point three-fourths of the length of the ribeye from its chine bone end. This measurement may be adjusted, as necessary, to reflect unusual amounts of fat on other parts of the carcass. In determining the amount of this adjustment, if any, particular attention is given to the amount of fat in such areas as the brisket, plate, flank, cod or udder, inside round, rump, and hips in relation to the actual thickness of fat over the ribeye. Thus, in a carcass which is fatter over other areas than is indicated by the fat measurement over the ribeye, the measurement is adjusted upward. Conversely, in a carcass which has less fat over the other areas than is indicated by the fat measurement over the ribeye, the measurement is adjusted downward. In many carcasses no such adjustment is necessary; however, an adjustment in the thickness of fat measurement of one-tenth or two-tenths of an inch is not uncommon. In some carcasses a greater adjustment may be necessary. As the amount of external fat increases, the percent of retail cuts decreases—each one-tenth inch change in adjusted fat thickness over the ribeye changes the yield grade by 25 percent of a yield grade.

(v) The amount of kidney, pelvic, and heart fat considered in determining the yield grade includes the kidney knob (kidney and surrounding fat), the lumbar and pelvic fat in the loin and round, and the heart fat in the chuck and brisket area which are removed in making closely trimmed retail cuts. The amount of these fats is evaluated subjectively and expressed as a percent of the carcass weight. As the amount of kidney, pelvic, and heart fat increases, the percent of retail cuts decreases—a change of 1 percent of the carcass weight in these fats changes the yield grade by 20 percent of a yield grade.

(w) The area of the ribeye is determined where this muscle is exposed by ribbing. This area usually is estimated subjectively; however, it may be measured. Area of ribeye measurements may be made by means of a grid calibrated in tenths of a square inch or by other devices designated by the Consumer and Marketing Service of the U.S. Department of Agriculture.[1] An increase in the area of ribeye increases the percent of retail cuts—a change of 1 square inch in area of ribeye changes the yield grade by approximately 30 percent of a yield grade.

[1] Information concerning such devices may be obtained from the Consumer and Marketing Service, Livestock Division.

(x) Hot carcass weight (or chilled carcass weight×102 percent) is used in determining the yield grade. As carcass weight increases, the percent of retail cuts decreases—a change of 100 pounds in hot carcass weight changes the yield grade by approximately 40 percent of a yield grade.

(y) The standards include a mathematical equation for determining yield grade. This grade is expressed as a whole number; any fractional part of a designation is always dropped. For example, if the computation results in a designation of 3.9, the final yield grade is 3—it is not rounded to 4.

(z) The yield grade standards for each of the first four yield grades list characteristics of two carcasses of two different weights together with descriptions of the usual fat deposition pattern on various areas of the carcass. These descriptions are not specific requirements—they are included only as illustrations of carcasses which are near the borderlines between groups. For example, the characteristics listed for Yield Grade 1 represent carcasses which are near the borderline of Yield Grades 1 and 2. These descriptions facilitate the subjective determination of the yield grade without making detailed measurements and computations. The yield grade for most beef carcasses can be determined accurately on the basis of a visual appraisal.

§ 53.105 Specifications for official U.S. standards for grades of carcass beef (Quality-Bullock).

(a) *Prime.* (1) Carcasses with minimum Prime grade conformation are thickly muscled throughout and tend to be very wide and thick in relation to their length. Loins and ribs tend to be thick and full. Rounds tend to be plump and the plumpness carries well down to the hocks. The chucks tend to be thick and the necks and shanks tend to be short.

(2) For minimum Prime quality, the minimum degree of marbling required increases with advancing maturity from minimum slightly abundant for carcasses with the minimum maturity for beef to maximum slightly abundant for carcasses with the maximum maturity permitted in the Bullock class. The ribeye muscle is moderately firm.

(3) A development of quality superior to that specified as minimum for the Prime grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for the Prime grade at an equal rate as indicated in the following example: A carcass which has mid-point Prime quality may have conformaton equal to the mid-point of the Choice grade and remain eligible for Prime. However, regardless of the extent to which the conformation of a carcass exceeds the minimum of the grade, a carcass must have minimum Prime quality to be eligible for Prime.

(b) *Choice.* (1) Carcasses with minimum Choice grade conformation are moderately thick-muscled throughout and tend to be moderately wide and thick in relation to their length. Loins

and ribs tend to be moderately thick and full. Rounds tend to be moderately plump. The chucks tend to be moderately thick and the necks and shanks tend to be moderately short.

(2) For minimum Choice quality, the minimum degree of marbling required increases with advancing maturity from a minimum small amount for carcasses with the minimum maturity for beef to a maximum small amount for carcasses with the maximum maturity permitted in the bullock class. The ribeye muscle is slightly soft.

(3) A development of quality superior to that specified as minimum for the Choice grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Choice at an equal rate as indicated in the following example: A carcass which has mid-point Choice quality may have conformation equal to the mid-point of the Good grade and remain eligible for Choice. However, regardless of the extent to which the conformation of a carcass exceeds the minimum of the grade, a carcass must have minimum Choice quality to be eligible for Choice.

(c) *Good.* (1) Carcasses with minimum Good grade conformation are slightly thick-muscled throughout and tend to be slightly wide and thick in relation to their length. Loins and ribs tend to be slightly thick and full. Rounds tend to be slightly plump. The chucks tend to be slightly thick and the necks and shanks tend to be slightly long and thin.

(2) For minimum Good quality, the minimum degree of marbling required increases with advancing maturity from typical traces for carcasses with the minimum maturity for beef to a typical slight amount for carcasses with the maximum maturity permitted in the bullock class. The ribeye muscle is moderately soft.

(3) A development of quality superior to that specified as minimum for the Good grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Good at an equal rate as indicated in the following example: A carcass which has mid-point Good grade quality may have conformation equivalent to the mid-point of the Standard grade and remain eligible for Good. Also, a carcass which has at least one-third of a grade superior conformation to that specified as minimum for the grade may qualify for Good with a development of quality equivalent to the lower limit of the upper third of the Standard grade. Compensation of superior conformation for inferior quality is limited to one-third of a quality grade.

(d) *Standard.* (1) Carcasses with minimum Standard grade conformation tend to be thinly muscled throughout and are slightly narrow and thin in relation to their length. Loins and ribs tend to be flat and slightly thin-fleshed. The rounds tend to be thin and slightly concave. Chucks tend to be flat and thin-fleshed.

(2) For minimum Standard quality, the minimum degree of marbling required increases with advancing maturity from minimum practically devoid for carcasses with the minimum maturity for beef to maximum practically devoid for carcasses with the maximum maturity permitted in the bullock class. The ribeye muscle is soft.

(3) A development of quality superior to that specified as minimum for the Standard grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Standard at an equal rate as indicated in the following example: A carcass which has mid-point Standard quality may have conformation equal to the mid-point of the Utility grade and remain eligible for Standard. Also, a carcass which has at least one-third of a grade superior conformation to that specified as minimum for the grade may qualify for Standard with a development of quality equal to the minimum of the upper third of the Utility grade. Compensation of superior conformation for inferior quality is limited to one-third of a quality grade.

(e) *Utility.* The Utility grade includes only those carcasses that do not meet the minimum requirements specified for the Standard grade.

§ 53.202 Classes of slaughter and feeder cattle.

The classes of slaughter and feeder cattle are steers, bullocks, bulls, heifers, and cows. Definitions of the respective classes are as follows:

(a) *Steer.* A steer is a male bovine castrated when young and which has not begun to develop the secondary physical characteristics of a bull.

(b) *Bullock.* A bullock is a young (under approximately 24 months of age) male bovine (castrated or uncastrated) that has developed or begun to develop the secondary physical characteristics of a bull.

(c) *Bull.* A bull is a mature (approximately 24 months of age or older) uncastrated, male bovine. However, for the purpose of these standards, any mature, castrated, male bovine which has developed or begun to develop the secondary physical characteristics of an uncastrated male also will be considered a bull.

(d) *Cow.* A cow is a female bovine that has developed through reproduction or with age, the relatively prominent hips, large middle, and other physical characteristics typical of mature females.

(e) *Heifer.* A heifer is an immature female bovine that has not developed the physical characteristics typical of cows.

§ 53.203 Application of standards for grades of slaughter cattle.

(a) *General.* Grades of slaughter cattle are intended to be directly related to the grades of the carcasses they produce. To accomplish this, these slaughter cattle grade standards are based on factors which are related to the quality grade and the yield grade of beef carcasses. The quality and yield grade standards are contained in separate sections of the standards. The quality grade standards are divided into two sections applicable to (1) steers, heifers, and cows and (2) bullocks. Eight quality designations—Prime, Choice, Good, Standard, Commercial, Utility, Cutter, and Canner—are applicable to steers and heifers. Except for Prime the same designations apply to cows. The quality designations for bullocks are Prime, Choice, Good, Standard, and Utility. There are five yield grades, which are applicable to all classes of slaughter cattle and are designated by Nos. 1 through 5, with Yield Grade 1 representing the highest degree of cutability. Slaughter bulls are eligible for yield grading only.

(b) *Quality grades.* (1) Slaughter cattle quality grades are based on a composite evaluation of (i) conformation and (ii) factors related to the palatability of the lean, herein referred to as "quality." Conformation refers to the general body proportions of the animal and to the ratio of muscle to bone. The conformation descriptions in the standards give consideration to (*a*) overall thickness and fullness of muscling and fatness, combined, in relation to skeletal size, and (*b*) muscular development only, in relation to skeletal size. An animal may meet the conformation requirements for a grade by having either the overall thickness and fullness or the thickness of muscling specified.

(2) Quality in slaughter cattle is evaluated primarily by the amount and distribution of finish, the firmness and fullness of muscling, and the physical characteristics of the animal associated with maturity. Progressive changes in maturity and in the amount and distribution of finish and firmness of muscling have opposite effects on quality. Therefore, for progressively older cattle in each grade, the standards require a progressively greater development of the other quality-indicating factors.

(3) Since carcass indices of quality are not directly evident in slaughter cattle, some other factors in which differences can be noted must be used to evaluate quality in slaughter cattle. Therefore, the amount of external finish is included as a major grade factor herein, even though cattle with a specific degree of fatness may have widely varying degress of quality. Identification of differences in quality among cattle with the same degree of fatness is based on distribution of finish and firmness of muscling. Descriptions of these factors are included in the specifications. For example, cattle which have more fullness of the brisket, flank, twist, and cod or udder and which have firmer muscling than that indicated by any particular degree of fatness are considered to be higher quality than indicated by that degree of fatness.

(4) Approximate maximum age limitations for the specified grades of steers, heifers, and cows are as follows: Prime—42 months; Choice—42 months; Good—48 months; and Standard—48 months. The Commercial grade for steers, heifers, and cows includes only cattle over approximately 48 months. There are no age limitations for the Utility, Cutter,

and Canner grades of steers, heifers, and cows. The maximum age limitation for all grades of bullocks is approximately 24 months.

(5) Since relatively few cattle have an identical development of conformation and quality, it is obvious that each grade will include various combinations of these two characteristics. Examples of how conformation and quality are combined into the final quality grade are included in each of the grade descriptions. The principles governing the compensation of quality for conformation, and vice versa, are as follows: In each of the grades, superior quality is permitted to compensate for deficient conformation, without limit, through the upper limit of quality or lower limit of conformation. The reverse type of compensation—superior conformation for inferior quality—is not permitted in the Prime, Choice, and Commercial grades. To qualify for one of these grades, a slaughter animal must have the minimum requirements specified for quality regardless of how much the conformation may exceed the minimum specified. In all other grades, such compensation is permitted but only to the extent of one-third of a grade of deficient quality. For both types of compensation, the rate of compensation is equal—a given degree of superior quality compensates for the same degree of deficient conformation and vice versa.

(c) *Yield grades.* (1) The yield grades for slaughter cattle are based on the same factors as used in the official yield grade standards for beef carcasses. Those factors and the change is each which is required to make a full yield grade change are as follows:

Factor	Effect of increase on yield grade [1]	Approximate change in each factor required to make a full yield grade change [2]
Thickness of fat over ribeye.	Decreases	1/10 of an inch.
Percent of kidney, pelvic, and heart fat.	do	5 percent.
Carcass weight	do	260 pounds.
Area of ribeye	Increases	3 square inches.

[1] The yield grades are denoted by numbers 1 through 5 with yield grade 1 representing the highest cutability or yield of closely trimmed retail cuts. Thus, an "increase" in cutability means a smaller yield grade number while a "decrease" in cutability means a larger yield grade number.

[2] This assumes no change in the other factors.

(2) When evaluating slaughter cattle for yield grade, each of these factors can be estimated and the yield grade determined therefrom by using the equation contained in the official standards for yield grades of carcass beef. However, a more practical method of appraising slaughter cattle for yield grade is to use only two factors normally considered in evaluating live cattle—muscling and fatness.

(3) In the latter approach to determining yield grade, evaluation of the thickness and fullness of muscling in relation to skeletal size largely accounts for the effects of two of the factors—area of ribeye and carcass weight. By the same token, an appraisal of the degree of external fatness largely accounts for the effects of thickness of fat over the ribeye and the percent of kidney, pelvic, and heart fat.

(4) These fatness and muscling evaluations can best be made simultaneously. This is accomplished by considering the development of the various parts based on an understanding of how each part is affected by variations in muscling and fatness. While muscling of most cattle develops uniformly, fat is normally deposited at a considerably faster rate on some parts than on others. Therefore, muscling can be appraised best by giving primary consideration to the parts least affected by fatness, such as the round and the forearm. Differences in thickness and fullness of these parts—with appropriate adjustments for the effects of variations in fatness—are the best indicators of the overall degree of muscling in live cattle.

(5) On the other hand, the overall fatness of an animal can be determined best by observing those parts on which fat is deposited at a faster-than-average rate. These include the back, loin, rump, flank, cod or udder, twist, and brisket. As cattle increase in fatness, these parts appear progressively fuller, thicker, and more distended in relation to the thickness and fullness of the other parts, particularly the round. In thinly muscled cattle with a low degree of finish, the width of the back usually will be greater than the width through the center of the round. The back on either side of the backbone also will be flat or slightly sunken. Conversely, in thickly muscled cattle with a similar degree of finish, the thickness through the rounds will be greater than through the back and the back will appear full and rounded. At an intermediate degree of fatness, cattle which are thickly muscled will be about the same width through the round and back and the back will appear only slightly rounded. Thinly muscled cattle with an intermediate degree of finish will be considerably wider through the back than through the round and will be nearly flat across the back. Very fat cattle will be wider through the back than through the round, but this difference will be greater in thinly muscled cattle than in those that are thickly muscled. Such cattle with thin muscling also will have a distinct break from the back into the sides, while those with thick muscling will be nearly flat on top but will have a less distinct break into the sides. As cattle increase in fatness, they also become deeper bodied because of large deposits of fat in the flanks and brisket and along the underline. Fullness of the twist and cod or udder and the bulge of the flanks, best observed when an animal walks, are other indications of fatness.

(6) In determining yield grade, variations in fatness are much more important than variations in muscling.

(d) *Other considerations.* (1) Other factors such as heredity and management also may affect the development of the grade-determining characteristics in slaughter cattle. Although these factors do not lend themselves to description in the standards, the use of factual information of this nature is justifiable in determining the grade of slaughter cattle.

(2) Slaughter cattle qualifying for any particular grade may vary with respect to the relative development of the individual grade factors. In fact, some will qualify for a particular grade although they have some characteristics more nearly typical of cattle of another grade. Because it is impractical to describe the nearly infinite number of recognizable combinations of characteristics, the standards describe only cattle which have a relatively similar development of the various quality and yield grade determining factors and which are near the lower limits of their grade. The requirements are given for two maturity groups in the quality grade standards for steers, heifers, and cows—for only one maturity group for bullocks. In the yield grade standards, cattle with two levels of muscling are described and specific examples in terms of carcass characteristics also are included.

§ 53.205 Specifications for official U.S. standards for grades of slaughter bullocks (quality).

(a) *Prime.* (1) Slaughter bullocks possessing the minimum qualifications for the Prime grade are thick-muscled throughout. They are wide over the back, loin, and rump. The twist is deep and full and the rounds are thick and plump. There is a pronounced fullness or bulging over the crops, loin, and rump which contributes to a smooth, uniform width of top. Bullocks eligible for the Prime grade have a moderately thick but smooth covering of fat which extends over the back, ribs, loin, and rump. The brisket and flanks show a marked fullness.

(2) To qualify for the Prime grade, slaughter bullocks must possess the minimum evidences of quality specified regardless of the extent that the conformation may exceed the minimum requirements for Prime. However, quality superior to that specified as the minimum for the Prime grade may compensate, without limit, for conformation inferior to that specified as the minimum for Prime at the rate indicated in the following example: Slaughter bullocks which have quality equivalent to the midpoint of the Prime grade may have conformation equivalent to the midpoint of the Choice grade and remain eligible for Prime.

(3) Bullocks qualifying for the minimum of the Prime grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Bullocks with higher cutability than normal for this grade have thicker muscling and a lower degree of fatness than described as minimum for the Prime grade. Such bullocks have less width of back and loin and are less uniform in width than described as typical for the Prime grade. Conversely, bullocks with lower cutability than normal for this grade have thinner muscling and a higher degree of fatness than described as minimum for the Prime grade.

(b) *Choice.* (1) Slaughter bullocks possessing minimum qualifications for the Choice grade are moderately thick-muscled throughout. They are moderately wide over the back, loin, and rump. The twist is moderately full and the rounds are moderately thick and plump. There is a fullness or bulge distinctly evident over the crops, loin, and rump. Bullocks eligible for the Choice grade carry a slightly thick fat covering over the top. The brisket and flanks appear moderately full.

(2) To qualify for the Choice grade, slaughter bullocks must possess the minimum evidences of quality specified regardless of the extent that the conformation may exceed the minimum requirements for Choice. However, quality which is superior to that specified as the minimum for the Choice grade may compensate, without limit, for conformation which is inferior to that specified as the minimum for Choice at the rate indicated in the following example: Slaughter bullocks which have quality equivalent to the midpoint of the Choice grade may have conformation equivalent to the midpoint of the Good grade and remain eligible for Choice.

(3) Bullocks qualifying for the minimum of the Choice grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Bullocks with higher cutability than normal for this grade have thicker muscling and a lower degree of fatness than described as minimum for the Choice grade. Such bullocks are less uniform in width than described as typical of the grade. Conversely, bullocks with lower cutability than normal for this grade have thinner muscling and a higher degree of fatness than described as minimum for the Choice grade.

(c) *Good.* (1) Bullocks possessing minimum qualifications for the Good grade are slightly thick-muscled throughout. They are slightly wide over the back and loin. The twist is slightly full and the rounds are usually slightly deep but tend to be flat with little evidence of plumpness. There is usually a very slight fullness evident over the crops, loin, and rump. Bullocks eligible for the Good grade have a thin fat covering which is largely restricted to the back and loin. The brisket and flanks are slightly full.

(2) Quality superior to that specified as the minimum for the Good grade may compensate, without limit, for conformation inferior to that specified as the minimum for Good at the rate indicated in the following example: Bullocks with quality equivalent to the midpoint of the Good grade may have conformation equivalent to the midpoint of the Standard grade and remain eligible for Good. Also, bullocks with conformation at least one-third of a grade superior to that specified as minimum for the Good grade may have quality equal to the lower limit of the upper third of the Standard grade and remain eligible for Good.

(3) Bullocks qualifying for the minimum of the Good grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Bullocks with higher cutability than normal for the grade have thicker muscling with a lower degree of fatness than described as minimum for the Good grade. Such bullocks are less uniform in width than described as typical of the grade. Conversely, bullocks with lower cutability than normal for the grade have thinner muscling and a higher degree of fatness than described as minimum for the Good grade.

(d) *Standard.* (1) Slaughter bullocks possessing minimum qualifications for the Standard grade tend to be thinly muscled throughout. They are narrow through the back and loin, somewhat prominent at the hips, and shallow in the twist and rounds. The loin, rump, and rounds appear flat with no evidence of fullness. Bullocks eligible for the Standard grade have only a very thin covering of fat which is largely restricted to the back, loin, and upper rib.

(2) Quality superior to that specified as minimum for the Standard grade may compensate, without limit, for conformation inferior to that specified as minimum for the Standard grade at the rate indicated in the following example: Bullocks with quality equivalent to the midpoint of the Standard grade may have conformation equivalent to the midpoint of the Utility grade and remain eligible for Standard. Also, bullocks with conformation at least one-third of a grade superior to that specified as minimum for the Standard grade may have quality equal to the lower limits of the upper third of the Utility grade and remain eligible for Standard.

(3) Bullocks qualifying for the minimum of this grade vary relatively little in their degree of fatness. Therefore, the range in cutability among bullocks that qualify for this grade is somewhat less than in the higher grades. Most of the cutability differences among bullocks qualifying for this grade are due to a wide range in muscling. Bullocks with higher cutability than normal for this grade may have a slightly lower degree of fatness than described but will have thick, well-rounded backs, wide loins, and prominent, thickly muscled shoulders. The width through the rounds will be greater than over the back. Bullocks with lower cutability than normal for this grade may have slightly more finish than described and will be upstanding and narrow. The loin, rump, and rounds will appear slightly sunken.

(e) *Utility.* The Utility grade includes only those bullocks that do not meet the minimum requirements specified for the Standard grade.

Any person who desires to submit written data, views, or arguments concerning the proposals set forth above may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 90 days after the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 13th day of March 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-4038 Filed 3-16-72;8:45 am]

[7 CFR Part 908]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Size Regulation

Notice is hereby given that the Department is considering a proposed size regulation for Valencia oranges grown in Arizona and designated part of California, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposed regulation was proposed by the Valencia Orange Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The proposed regulation would limit the handling of Valencia oranges grown in District 1 to Valencia oranges measuring 2.32 inches or larger.

The proposed regulation is as follows:

(a) *Order.* From April 14, 1972, through January 15, 1973, no handler shall handle any Valencia oranges, grown in District 1, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.32 inches in diameter.

(b) As used in this section "handle," "handler," and "District 1," each shall have the same meaning as when used in the said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation shall file same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the seventh day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: March 13, 1972.

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

[FR Doc.72-4101 Filed 3-16-72;8:47 am]

[7 CFR Part 1205]

COTTON RESEARCH AND PROMOTION

Change of Fiscal Period

Notice is hereby given that, pursuant to authorization contained in § 1205.305 of the Cotton Research and Promotion Order (7 CFR Part 1205), effective under the Cotton Research and Promotion Act (80 Stat. 279; 7 U.S.C. 2101 et seq.), the Secretary of Agriculture has under consideration a proposal to change the fiscal period defined in the said order. Such proposal would change the fiscal period from the calendar year to a 12-month budgetary period beginning July 1 and ending June 30 of the following year. The initial period under such proposal would begin July 1, 1972, and the current fiscal period would be terminated on June 30, 1972.

The new fiscal period was proposed by the Cotton Board as a more suitable period for budget planning and program operations than the calendar year. Also, a fiscal period beginning July 1 would conform more closely with the cotton marketing year, which begins August 1, during which $1 per bale assessments are collected pursuant to the order.

Any person who wishes to submit written data, views, or arguments, concerning the proposed change of the fiscal period, may do so by filing them, in duplicate, with the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 10 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours in a manner convenient to the public business (7 CFR 1.27(b)).

Dated: March 13, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-4100 Filed 3-16-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 85]

OCCUPATIONAL SAFETY AND HEALTH

Requests for Determinations of Toxic Effects of Substances Found in Places of Employment

Section 20(a)(6) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(6)) directs the Secretary of Health, Education, and Welfare to determine, following a written request by any employer or authorized representative of employees, whether any substance normally found in the place of employment has potentially toxic effects in such concentrations as used or found. The Act further provides that such determinations shall be submitted to the appropriate employer and affected employees.

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, with the approval of the Secretary of Health, Education, and Welfare proposes to amend Title 42, Code of Federal Regulations, as set forth below, by prescribing the conditions and procedures for making determinations.

Inquiries may be addressed and comments concerning the proposal may be submitted in writing to the Director, National Institute for Occupational Safety and Health, Room 10-05, 5600 Fishers Lane, Rockville, MD 20852. All material received within 30 days after publication of this notice will be considered before further action is taken on the proposal. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

A new Subchapter G entitled "Occupational Safety and Health Research and Related Activities" would be established in Chapter I of Title 42 and Part 85 would be added as set forth below.

Dated: February 14, 1972.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: March 10, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

SUBCHAPTER G—OCCUPATIONAL SAFETY AND HEALTH RESEARCH AND RELATED ACTIVITIES

PART 85—REQUESTS FOR DETERMINATIONS OF POTENTIALLY TOXIC EFFECTS OF SUBSTANCES FOUND IN PLACES OF EMPLOYMENT

Sec.

AUTHORITY: The provisions of this Part 85 issued under the authority of sec. 8(g), 84 Stat. 1600; 29 U.S.C. 657(g).

§ 85.1 Applicability.

The provisions of this Part 85 are applicable to requests submitted by any employer or authorized representative of employees pursuant to section 20(a)(6) of the Occupational Safety and Health Act of 1970 for a determination of potentially toxic effects of any substance normally used or found in any place of employment to which the Act is applicable.

§ 85.2 Definitions.

Any term defined in the Occupational Safety and Health Act of 1970 and not defined below shall have the meaning given it in the Act. As used in this part:

(a) "Act" means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(b) "Authorized representative of employees" means (1) any person or organization authorized to represent two or more employees at any place of employment, or (2) in any case where three or less employees work for the same employer or in the same workplace for the same employer, any one of such employees.

(c) "Place of employment" means any factory, plant, establishment, construction site, or other area, workplace, or environment where work is performed by any employee of an employer.

(d) "NIOSH" means the National Institute for Occupational Safety and Health.

(e) "Substance" means any chemical or biological agent which has the potential to produce toxic effects.

(f) "Toxic effects" are those which result in short- or long-term disease, or bodily injury to, affect health adversely, produce acute discomfort in, or endanger the life of man.

§ 85.3 Procedures for requesting determinations.

(a) A request for a determination of potential toxic effects of any substance normally found in a place of employment should be addressed to the National Institute for Occupational Safety and Health Hazard Evaluation Service Branch, Federal Office Building, 550 Main Street, Cincinnati, OH 45202.

(b) A request for such a determination shall:

(1) Be in writing and signed by (i) the employer in whose place of employment the substance is normally found, or (ii) by an authorized representative of employees employed by such an employer;

(2) State the requester's name, address, and telephone number, if any; the address of the place of employment where the substance is normally found; the specific workplace or workplaces involved, and the specific process or type of work which is the source of the substance or in which such substance is used;

(3) Specify with reasonable particularity the nature of the conditions, circumstances, or other grounds on which the request is made;

(4) State, where the requester is other than the employer,

(i) That he is an authorized representative of, or an officer of the organization representing, the employees for purposes of collective bargaining; or

(ii) That he has written authorization, which will be made available to NIOSH on request, from two or more employees

employed at the place of employment where the substance is normally found, to represent them for purposes of the Act, or

(iii) That he is one of three or less employees working for the employer at the place of employment or in the workplace where the substance is normally found.

(5) Indicate whether the requester desires that NIOSH not reveal his name to the employer.

(c) The request shall, if the information is known to the requester:

(1) Identify the toxic substance or substances involved;

(2) State the trade name, chemical name, and the manufacturer of each such substance;

(3) State whether the substance or the container of such substance has a warning label;

(4) Specify the physical form of the substance, number of people exposed, length of exposure (hours/day), and occupations of exposed employees.

NOTE: The National Institute for Occupational Safety and Health has developed a form (see fig. 1)[1] to assist persons in requesting determinations under this part. Forms are available upon request from NIOSH.

§ 85.4 Acting on requests.

(a) When a request meeting the requirements of this part has been submitted in accordance therewith, designated officers and employees of NIOSH will inspect the place of employment, collect samples where appropriate, and perform such tests as necessary, including medical examinations of employees, to determine whether any substance normally found in the place of employment has potentially toxic effects in such concentrations as used or found.

(b) Such inspections shall be conducted in accordance with the requirements of this part.

§ 85.5 Authority for inspection.

(a) Officers and employees of the National Institute for Occupational Safety and Health who have been issued the NIOSH official credentials consisting of HSM Form 599–2 entitled "Identification Record" are authorized by the Director, NIOSH, for the purposes of section 20(a)(6) of the Act, to enter without delay and at reasonable times any place of employment to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein; to question privately any employer, owner, operator, agent, or employee; and to review records required by the Act and regulations, and other records which are directly related to the determination whether any substance normally found in the place of employment has potentially toxic effects in such concentrations as used or found.

(b) Areas containing information which is classified by an agency of the U.S. Government in the interest of national security, will be inspected only by NIOSH employees who have obtained the appropriate security clearance.

§ 85.6 Advance notice of inspections.

(a) Advance notice of inspection may not be given, except in the following situations: (1) In circumstances where the inspection can most effectively be conducted after regular business hours or where special preparations are necessary for an inspection; (2) where additional visits are deemed necessary to complete the determination, e.g., for purposes of environmental sampling or medical examinations of employees; or (3) in other circumstances where the giving of advance notice would enhance the probability of an effective and thorough inspection.

(b) In the situation described in paragraph (a) of this section, advance notice of inspections may be given only if authorized by the Director, NIOSH.

(c) When advance notice of an inspection is given to the employer, the employer shall promptly notify the authorized representative of employees of the inspection if the identity of such representative is known to the employer. Upon the request of the employer, NIOSH will inform the authorized representative of employees of the inspection, provided the employer furnishes NIOSH in writing with the identity of such representative and with such information as is necessary to enable NIOSH promptly to inform such representative of the inspection.

§ 85.7 Conduct of inspections.

(a) Prior to beginning an inspection, NIOSH officers shall present their credentials to the owner, operator, or agent in charge at the place of employment, explain the nature and purpose of the inspection, and indicate generally the scope of the inspection and the records specified in § 85.5 which they wish to review.

(b) At the commencement of an inspection, the employer may identify information which can be obtained in the workplace or workplaces to be inspected as trade secrets. If the NIOSH officer has no clear reason to question such identification, such information shall not be disclosed except in accordance with the provisions of section 20(a)(6) and section 15 of the Act.

(c) NIOSH officers designated pursuant to § 85.5 are authorized to collect environmental samples and samples of substances, to take photographs related to the purpose of the inspection, employ other reasonable investigative techniques, including medical examinations of employees with the consent of such employees, and to question privately any employer, owner, operator, agent, or employee.

(d) NIOSH officers shall comply with all safety and health rules and practices at the place of employment being inspected, and they shall wear and use appropriate protective clothing and equipment.

(e) The conduct of inspections shall be such as to preclude unreasonable disruption of the operations of the employer's establishment.

§ 85.8 Provision of suitable space for employee interviews and examinations; identification of employees.

(a) An employer shall, on request of the NIOSH officer, provide suitable space, if such space is reasonably available, to NIOSH to conduct private interviews with employees.

(b) Upon request of the NIOSH officer, an employer shall provide a list of the names and job titles of employees employed in the place of employment or employed in one or more specific workplaces as designated by such officer.

§ 85.9 Representatives of employers and employees.

(a) NIOSH officers shall be in charge of inspections and questioning of persons. A representative of the employer and a representative authorized by his employees who is an employee of the employer shall be given an opportunity to accompany the NIOSH officer during the physical inspection of any workplace for the purpose of aiding such inspection. The NIOSH officer may permit additional employer representatives and such additional representatives authorized by employees to accompany him where he determines that such additional representatives will further aid the inspection. However, if in the judgment of the NIOSH officer, good cause has been shown why accompaniment by a third party who is not an employee of the employer is reasonably necessary to the conduct of an effective and thorough inspection of the workplace, such third party may accompany the NIOSH officer during the inspection, provided however that access by such persons to areas described in paragraph (d) of this section shall be in accordance with the requirements of such provision, and access to areas described in paragraph (e) of this section shall be with the consent of the employer. A different employer and employee representative may accompany the officer during each different phase of an inspection if this will not interfere with the conduct of the inspection.

(b) NIOSH officers are authorized to resolve all disputes as to who is the representative authorized by the employer and employees for the purpose of this section. If there is no authorized representative of employees, or if the NIOSH officer is unable to determine with reasonable certainty who is such representative, he shall consult with a reasonable number of employees concerning matters directly related to the determination whether any substances normally found in the place of employment has potentially toxic effects in such concentrations as used or found.

(c) NIOSH officers are authorized to deny the right of accompaniment under

[1] Form HSM–598 "Request for Health Hazard Evaluation," filed as part of the original document.

this section to any person whose conduct interferes with a fair and orderly inspection.

(d) With regard to information classified by an agency of the U.S. Government in the interest of national security, only persons authorized to have access to such information may accompany an officer in areas containing such information.

(e) Upon request of an employer, any representative authorized under this § 85.9 by employees in any area containing trade secrets, shall be an employee in that area or an employee authorized by the employer to enter that area.

§ 85.10 Serious hazards; violations of standards.

(a) Whenever during the course of or as a result of an inspection under this part the NIOSH officer believes that a serious hazard to the life or health of any employee exists, NIOSH will immediately advise the employer and employees of such danger and inform appropriate representatives of the Department of Labor and of the State agency, if any, charged with the enforcement of occupational safety and health standards.

(b) Where as a result of an inspection under this part it is determined that the concentration of a substance found in the place of employment exceeds the standard for such a substance adopted under section 6 of the Act, NIOSH will report its determination to appropriate representatives of the Department of Labor.

§ 85.11 Notice of determination to employers and affected employees.

(a) A determination made pursuant to section 20(a)(6) of the Act will, as a minimum, (1) identify and set forth, where appropriate, the concentrations of the substance(s) found in the place of employment, and (2) state whether such substance(s) have potentially toxic effects in such concentrations as well as the basis for such judgments.

(b) Copies of the determination will be mailed to the employer of the affected employees.

(c) The employer shall make a copy of such determination available to any affected employee and shall also either (1) promptly post a copy of the determination for a period of 30 days in a prominent place at or near the place or places where affected employees work, or (2) provide a copy of the determination to each affected employer. The employer shall take steps to insure that the posted determinations are not altered, defaced, or covered by other material during such period.

(d) Where the requester is an authorized representative of employees, a copy of the determination will be mailed to such requester.

(e) For purposes of this section, the term "affected employees" means those employees determined by NIOSH to be exposed to the substance(s) which are the subject of the determination.

§ 85.12 Subsequent requests for determinations.

Where a request is received for a determination in a place of employment in which a determination under this part previously has been made, the Secretary may make a subsequent inspection if, as as result of the passage of time or additional information, he deems such a subsequent inspection consistent with the purpose of the Act.

[FR Doc.72-4112 Filed 3-16-72;8:50 am]

Social Security Administration

[20 CFR Part 401]

[Reg. 1]

DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION TO DEPARTMENT OF THE ARMY

Administration of Civilian Health and Medical Program of the Uniformed Services

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the amendment to the regulation set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment to the regulation provides that the Social Security Administration may disclose to the Department of the Army certain Medicare information for use in administering its Civilian Health and Medical Program of the Uniformed Services.

Prior to the final adoption of the proposed amendment to the regulation, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

The proposed amendment is to be issued under the authority contained in sections 1102, 1106, and 1871, 49 Stat. 647, as amended, 53 Stat. 1398, as amended, 79 Stat. 331; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 1302, 1306, and 1395 hh.

Dated: February 18, 1972.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: March 10, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Regulation No. 1 of the Social Security Administration (20 CFR 401.1 et seq.) is further amended as set forth below:

Section 401.3 is amended by revising paragraph (u) to read as follows:

§ 401.3 Information which may be disclosed and to whom.

Disclosure of any such file, record, report, or other paper, or information, is hereby authorized in the following cases and for the following purposes:

* * * * *

(u) To any officer or employee of an agency of the Federal or a State government lawfully charged with the administration of a program receiving grants-in-aid under titles V and XIX of the Social Security Act for the purpose of administration of such titles, or to any officer or employee of the Department of the Army solely for the administration of its Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), the following information, except that the release of such information shall not be authorized by a fiscal intermediary or carrier:

(1) Information, including the identification number, concerning charges made by physicians, other practitioners, or suppliers, and amounts paid under title XVIII of the Act for services furnished to beneficiaries by such physicians, other practitioners, or suppliers, to enable the agency to determine the proper amount of benefits payable for medical services performed in accordance with such programs; or

(2) Information as to physicians or other practitioners that has been disclosed under paragraph (i)(1) or (q) of this section; or

(3) Information relating to the qualifications and certification status of hospitals and other health care facilities obtained in the process of determining whether, and certifying as to whether, institutions or agencies meet or continue to meet the conditions of participation of providers of services or whether other entities meet or continue to meet the conditions for coverage of services they furnish; or

(4) Information concerning costs of operation and other pertinent information from the financial reports and other records of providers furnishing services pursuant to title XVIII of the Act.

[FR Doc.72-4115 Filed 3-16-72;8:50 am]

[20 CFR Part 405]

[Regs. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Supplementary Medical Insurance Benefits Coverage Period Under State Buy-In Agreement

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments would provide in effect that an individual's "buy-in" coverage under section 1843 of

the Act (and concomitant State liability for payment of his premiums) will end on the last day of the month in which the State determines that the individual is no longer eligible for inclusion in the State's coverage group, provided that the State notifies the Administration of such ineligibility within a reasonable time. Such notice will be considered to have been sent within a reasonable time if the Administration receives such notice by the 25th day of the second month after the calendar month in which the State's determination is made. If the Administration first receives such notice of ineligibility after such reasonable time, the individual's coverage attributable to the buy-in agreement will end on the last day of the second month before the month in which the Administration receives such notification, and for this purpose notice received in a calendar month but after the 25th day of that month will be considered to have been received in the next following month.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

The proposed regulations are to be issued under the authority contained in sections 1102, 1815, and 1871, 49 Stat. 647, as amended, 79 Stat. 296, 322, and 331, as amended; 42 U.S.C. 1302, 1395 et seq.

Dated: February 15, 1972.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: March 10, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration (20 CFR 405) are further amended as follows:

Paragraph (c) of § 405.223 is revised to read as follows:

§ 405.223 Individual enrollments; State enrollments; manner and time of termination of enrollment and coverage period.

Subject to the provision that an individual's coverage period attributable to a State agreement may be terminated only as provided in paragraph (c) of this section and is not subject to termination by the individual, an enrollment and the coverage period may be terminated only as described in this section:

* * * * *

(c) *Enrollees pursuant to State agreements.* In the case of an individual enrolled pursuant to a Federal-State agreement (see § 405.217), the coverage period attributable to the agreement terminates (subject to the provisions of paragraph (d) of this section) on:

(1) The last day of the month in which the State determines that the individual is no longer eligible for inclusion in the coverage group, provided that the State sends notice to the Administration of such ineligibility within a reasonable time. Such notice shall be given in such form and in accordance with such instructions, as are prescribed by the Administration. The notice is considered to have been sent within a reasonable time if the Administration receives such notice by the 25th day of the second month after the calendar month in which the State's determination is made. If, however, the Administration first receives such notice of ineligibility after such reasonable period of time, the individual's coverage attributable to the buy-in agreement will, instead, end on the last day of the second month before the month in which the Administration receives such notice, and for such purposes, notice received in a calendar month but after the 25th day of that month shall be deemed to have been received in the next following month.

(2) If earlier than subparagraph (1) of this paragraph whichever of the following first occurs:

(i) The last day of the month preceding the first month in which the individual became entitled to monthly benefits under title II of the Act (see Subpart D of Part 404 of this chapter) or to an annuity or pension under the Railroad Retirement Act of 1937 without regard to the retroactivity of such entitlement unless the State agreement provides for the inclusion of such individuals entitled to such benefits in the coverage group; or

(ii) The last day of the month in which the State agreement is terminated; or

(iii) The last day of the month in which the individual dies.

* * * * *

[FR Doc.72-4114 Filed 3-16-72;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Equal Opportunity

[24 CFR Part 106]

[Docket No. R-72-173]

FAIR HOUSING

Proposed Procedures for Administrative Meetings

The Department of Housing and Urban Development is considering amending Title 24 of the Code of Federal Regulations to include a new Part 106 entitled "Fair Housing: Administrative Meetings under Title VIII of the Civil Rights Act of 1968." The proposed amendment is issued pursuant to title VIII of the Civil Rights Act of 1968, particularly sections 808 and 809, section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d), and the delegation of authority by the Secretary of Housing and Urban Development to the Assistant Secretary for Equal Opportunity published in 35 F.R. 6877 (April 30, 1970). The proposed amendment would establish procedures for public meetings that may be used to assist the Assistant Secretary in achieving the aims of title VIII for the promotion and assurance of equal opportunity in housing without regard to race, color, religion, or national origin.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or statements with regard to the proposed regulations. Communications should be filed in triplicate, using the above docket number and title, with the Rules Docket Clerk, Office of General Counsel, Room 10256 Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All relevant material received on or before April 21, 1972, will be considered by the Secretary before taking action on the proposal. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

It is therefore proposed to amend Chapter I of 24 CFR by adding a new Part 106 to read as follows:

PART 106—FAIR HOUSING: ADMINISTRATIVE MEETINGS UNDER TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968

Sec.

§ 106.1 Purpose.

The purpose of this part is to establish procedures for public meetings or conferences that may be used to assist the Assistant Secretary in achieving the aims of title VIII for the promotion and assurance of equal opportunity in housing without regard to race, color, religion, or national origin, and, specifically, to carry out those responsibilities delegated to him by the Secretary of Housing and Urban Development under sections 808(e) (1), (2), and (3), and 809 of title VIII.

§ 106.2 Definitions.

As used in this part:

(a) "Assistant Secretary" means the Assistant Secretary for Equal Opportunity in the Department of Housing and Urban Development.

(b) "Meeting" means a public meeting or conference held under the authority of title VIII and this part.

(c) "Title VIII" means title VIII of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3601-3619.

§ 106.3 Initiation of meeting; notice.

(a) Proceedings pursuant to this part shall be initiated by a notice issued by the Assistant Secretary. At least 30 days prior to the commencement of a meeting under this part, the Assistant Secretary shall cause such notice to be published in the FEDERAL REGISTER, specifying the date on which such meeting is to commence, the place at which it is to be held, and the subject of the meeting.

(b) Copies of such notice shall be furnished to all persons who are expected to testify or submit statements or other evidence.

(c) Persons and organizations desiring to submit information concerning the subject of the meeting, or to testify at such meeting, should address such information to: Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, or such local address as may be specified in the notice.

§ 106.4 Conduct of meetings.

(a) The Assistant Secretary or his designee shall announce in an opening statement the subject of the meeting.

(b) The Assistant Secretary or his designee shall determine the order of presentation of evidence and appearance of witnesses, and announce the rules governing the meeting.

(c) Meetings shall be conducted with reasonable dispatch and due regard shall be had for the convenience of witnesses.

(d) The questioning of witnesses shall be conducted only by the Assistant Secretary or his designee, or by counsel for any person, organization, or witness on direct or cross-examination, as the Assistant Secretary or his designee may determine.

§ 106.5 Counsel and accompanying witnesses.

Any person agreeing to appear in person before the Assistant Secretary or his designee at a meeting will be accorded the right to be accompanied by persons he may designate, including counsel.

§ 106.6 Intimidation of witnesses.

Witnesses at meetings are protected from threats and intimidation by the provisions of 18 U.S.C. 1505 and 42 U.S.C. 3631 which provide for criminal penalties.

§ 106.7 Transcript of meetings.

(a) An accurate transcript shall be made of the testimony of all witnesses at meetings. Transcripts shall be recorded by any person designated by the Assistant Secretary.

(b) Transcript copies of testimony given at meetings may be obtained by the public upon the payment of the cost thereof.

(c) Any person who has testified at a meeting may, within 2 weeks after the transcript is available, ask to correct errors in the transcript of his testimony or examination. Such requests shall be granted only to make the transcript conform to the testimony presented at the meeting.

§ 106.8 Attendance of news media at meetings.

Reasonable access, as determined by the Assistant Secretary or his designee, shall be provided for coverage of meetings to the various means of communication, including newspapers, magazines, radio, newsreels, and television. However, no witness shall be televised, filmed, or photographed during the meetings without his consent, nor shall his testimony be broadcast or recorded for broadcasting if he objects.

§ 106.9 Meeting report.

Evidence and information obtained during a meeting will serve as the basis of a report on the meeting by the Assistant Secretary. The report will contain such material and recommendations as the Assistant Secretary may determine to publish.

SAMUEL J. SIMMONS,
Assistant Secretary for Equal Opportunity.

[FR Doc.72-4105 Filed 3-16-72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 25, 121, 123]

[Docket No. 10460; Notice 72-7]

LARGE TURBOJET POWERED PASSENGER-CARRYING AIRPLANES

Proposed Pilot Compartment Security

The Federal Aviation Administration is considering amending Parts 25 and 121 of the Federal Aviation Regulations to prescribe requirements to improve the security of the pilot compartment on all large turbojet powered passenger-carrying airplanes operated under Part 121.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before June 15, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

By advanced notice of proposed rule making 70-28 (published in the FEDERAL REGISTER on July 28, 1970, 35 F.R. 12074), the FAA stated that it was considering the necessity and feasibility of the following proposals:

(1) Amendments to FAR 25 to provide additional security for the flight crew compartment of passenger-carrying transport category airplanes that have a lockable door installed between the pilot compartment and the passenger compartment in compliance with § 121.313(f), including—

(a) A means to permit the flight crew members to observe the adjoining passenger compartment from the flight deck;

(b) Hinges and locking means on the door between the pilot compartment and passenger compartment of sufficient security and reliability to prevent entry through the doorway by unauthorized persons; and

(c) Requiring the bulkhead, door, and viewing window to consist of material capable of withstanding any reasonable forced entry or penetration.

(2) Amendments to FAR 121 that would require each large passenger-carrying airplane operated under that Part to be retrofitted as provided in paragraph (1).

In light of those proposals, the agency requested comments addressed specifically to the following questions:

(1) What means are available to attain the objectives sought by the proposals contained herein?

(2) What design parameters must be considered in attaining those objectives?

(3) What is the earliest date by which manufacturers and air carriers will be able to engineer the design changes and accomplish the necessary modifications to the airplanes involved in this proposal?

The FAA has received a large amount of correspondence concerning the aircraft hijacking problem since the issuance of Notice 70-28. However, the majority of it, although recommending a solution to the problem, was not addressed specificaly to the three questions cited above. The recommendations received from the general public predominantly favored, with variations in method and design, the total separation of the passenger cabin and the pilot compartment without voice or visual communciation. Generally speaking, the scheme proposed by these commentators involved the following: The passenger cabin would be sealed off from the pilot compartment by a bulletproof partition; there would only be one-way voice communication from the pilot compartment to the passenger cabin; the crewmembers would be inaccessible to the passenger cabin; the flight attendants, through an electronic signaling system, would notify the pilot in command of any emergency situation (whether a hijacking or other emergency involving a passenger), and the aircraft would then be landed at the nearest suitable airport.

This proposal has been considered, but the FAA believes that its adoption would not yield sufficient security benefits to

offset the adverse affect it would have on flight safety. Pilots and flight engineers must have ready access to the passenger cabin for a variety of reasons, among them the following: Visual inspection of engines, control surfaces, and tail assembly flight control mechanisms not visible from the cockpit; underfloor access to emergency landing gear controls and baggage compartments; detection of malfunctioning electrical equipment, cooking ovens, or fire in the cabin; and, access to emergency exits and slides, and the performance of emergency evacuation duties of flight crewmembers associated with emergency landing or ditching. The FAA also considers it necessary in the interest of safety that there be two-way communication between the pilot compartment and the passenger cabin. Unforeseen emergencies such as serious passenger illness, in-flight turbulence, emergency landings and evacuations are reasons why communication and coordination between crewmembers are essential.

The Air Line Pilots Association (ALPA) contends that it is vital to safety for the pilot in command to have the opportunity to decide whether or not to comply with the demands of a hijacker with regard to diversion of the aircraft and his admittance to the pilot compartment. In this regard, the ALPA urges that: The cockpit bulkhead be bulletproofed; the door between the pilot compartment and the passenger compartment be bulletproofed and have an 8" by 10" bulletproof window equipped with a shutter or curtain remotely controlled by a pilot; the door have a locking mechanism that is electronically operated and armed for automatic activation from a pilot station; the door have quick release hinge pins allowing removal of the door in the event of damage to the aircraft; there be a camouflaged sliding panel in the door to permit defensive action from inside the cockpit; and that there be a means provided for two-way communication between the pilot and passenger compartments.

Arguing that there is no necessity for isolation of the cockpit, inasmuch as there has never been a case where a pilot has refused a hijacker admittance to the cockpit in the face of threats to crewmembers or passengers, the Air Transport Association (ATA) contends that the only effective deterrent to aircraft hijacking is to prevent the potential hijacker from boarding the airplane. The ATA argues that the general proposals of Advanced Notice 70–28 would only lead to increased danger for crewmembers and passengers, either through more violent personal actions by the hijacker or through the use of hidden explosive devices.

Finally, the ATA comment states that due to the lack of specific proposals in Advanced Notice 70–28, it cannot comment on the technical and logistic aspects thereof. However, the ATA comment expressed the opinion that time required to engineer, construct, and install modified armored cockpit bulkheads on all affected aircraft would range upward from 3½ years.

During March and April 1971, the FAA conducted a project to determine the feasibility of bulletproofing the pilot compartment bulkhead and door. The project involved the design, production, and installation of such a protective system on a DC–9 jet transport. The actual installation of necessary parts took four days, and resulted in structures which would protect flight crewmembers from most pistols, sub-machine guns, and shot guns which could realistically be carried aboard an aircraft, and which would prevent unauthorized entry to the flight deck. The installation was accomplished in 20 hours at a cost of $3,500.

The following is a description of significant aspects of this installation. The bi-fold door of the DC–9 airplane was replaced by an armored door which adequately provides for rapid decompression while maintaining full ballistic integrity. The door was designed with a bulletproof window 4" by 8" installed so as to permit an unrestricted view of the cabin from the pilot compartment. A removable curtain covering the window was installed to insure pilot compartment privacy. The locking bolts installed on the door and the installation of stronger hinges were sufficient to prevent unauthorized entry. The existing honeycomb panels of the bulkhead were replaced with armor panels attached with fasteners adequate for the increased weight. A shroud molded of flightweight was installed and secured with approriate hardware. In this connection, maximum design flexibility was achieved in the design of galley armor. For the purpose of this notice, it is proposed to require that the door and bulkhead or partition be camouflaged to have the same appearance as the adjoining cabin interior in order to conceal the fact that they are armor reinforced.

The installation involved a total area of 70 square feet and resulted in a net weight increase of 194.5 pounds. Based on the favorable results of the evaluation of the DC–9, a review of similar installations was made using a DC–8, DC–10, B–707, B–727, CV–880, and BAC–111 airplane. As a result, the FAA believes that the installation of the protective system outlined above is feasible. Accordingly, the FAA makes the following proposals for the installation thereof.

Based on an evaluation of weapons used in previous hijackings and those which could realistically be concealed by a hijacker, the agency has determined that the various protected surfaces (bulkhead or partition, door, door window, hinges, and locking mechanism if exposed on the passenger cabin side of the door) must be able to prevent the entrance into the pilot compartment of the most powerful ammunition which could be used in a .357 magnum pistol. That ammunition is a 158 grain metal solid nose or metal hollow point projectile, which has a muzzle velocity of 1,700 feet per second.

In order to protect against the threat to passengers and cabin attendants created by ricocheting or fragmentation of the projectile, or fragmentation of the protected surfaces, it is proposed to require that all protected surfaces be able to absorb the energy of the projectile after impact at any angle up to 30° from the perpendicular to the surface.

It is also proposed to require that the protected surfaces be able to withstand forces generated by an individual ramming them bodily or with such items as fire extinguishers.

Finally, it is proposed to require that the side of the door facing the passenger cabin be marked to state that unauthorized entry to the pilot compartment is prohibited and that interference with the flight crew is a Federal crime.

With regard to communication capability, the FAA believes, as previously noted, that two-way communication between the pilot and passenger compartments is necessary with regard to both passenger emergencies and the need for the pilot in command to adequately evaluate a hijacking situation. Two-way communication, coupled with the inaccessibility of the cockpit, will enable the pilot in command to make the difficult decisions involved in a hijacking situation in an environment free of physical threats which, if carried out against him, could result in the catastrophic loss of the aircraft and all of its passengers.

In consideration of the foregoing, it is proposed to amend the type certification rules of Part 25 of the Federal Aviation Regulations, and the rules of Part 121 governing operations conducted by domestic, flag, and supplemental air carriers, and commercial operators using large aircraft.

With regard to Part 121, it is proposed to amend § 121.313(f) to require the installations proposed herein on all large turbojet powered airplanes (with the exception of those large turbojet powered airplanes operated by air taxi operators under the applicable requirements of Part 121 pursuant to § 135.2, and those operated under Part 123). Because the operating experience upon which these proposals are based does not indicate a need to apply them to airplanes operated under Parts 123 and 135, specific exceptions for those airplanes have been included in this notice. The proposed amendment to § 121.313(f) would be made effective 18 months after adoption to provide adequate time for retrofitting during the air carrier's or operator's regular maintenance operations.

In consideration of the foregoing, it is proposed to amend Parts 25, 121, and 123 of the Federal Aviation Regulations as follows:

1. By adding a new § 25.774 immediately following § 25.773 to read as follows:

§ 25.774 Pilot compartment security.

(a) If a lockable door is installed between the pilot compartment and the passenger compartment to comply with § 121.313 of this chapter, the door and the bulkhead or partition to which it is attached must meet the requirements of paragraphs (b) through (e) of this section and must have the same appearance as the adjoining cabin interior.

(b) The door must have hinges, a locking mechanism, and a window at

least 4 inches by 8 inches permitting two-way visibility, that are capable of withstanding the forces prescribed in paragraph (c) (1) through (3) of this section.

(c) The bulkhead or partition, door, door window, locking mechanism, and door hinges, must—

(1) Be capable of preventing a metal solid nose projectile weighing at least 158 grains, and a metal hollow point projectile of the same weight, from entering the pilot compartment after impacting the surface perpendicular to the plane of the surface at a velocity of at least 1,700 feet per second;

(2) Be capable of absorbing the energy of a metal solid nose projectile weighing at least 158 grains, and a metal hollow point projectile of the same weight after impact at any angle up to 30° from the perpendicular to the plane of the surface without causing fragmentation of the surface or richocheting or fragmentation of the projectile; and

(3) Be capable of withstanding the impact energy equal to that applied to the surface by a 200-pound man at an impact velocity of 25 feet per second.

(d) The locking mechanism required by paragraph (b) of this section must—

(1) Be electrically operated;

(2) Be controlled from the pilot's station;

(3) Latch automatically; and

(4) Be spring loaded to open in case of an electrical failure.

(e) In addition to the requirements prescribed in paragraphs (b) and (c) of this section, two-way oral communication must be possible through the door or bulkhead or partition either directly or through electronic communications equipment. The passenger side of the door must be marked with the words "Restricted Area—Unauthorized Entry Prohibited. Interference With Flight Crew is a Federal Crime." Such words must be recognizable from a distance equal to the width of the cabin, and must be visible to occupants approaching along the main passenger aisle.

(f) Compliance with the requirements of paragraphs (b), (c), (d), and (e) of this section must be shown by test or by analysis and test.

2. By adding a sentence to paragraph (f) of § 121.313 to read as follows:

§ 121.313 Miscellaneous equipment.

* * * * *

(f) * * * [18 months after the effective date of this section], on all large turbojet airplanes carrying passengers, except those operated under § 135.2 of this chapter, a door between the passenger and pilot compartments and the bulkhead or partition to which it is attached that comply with the requirements of § 25.774 of this chapter.

* * * * *

3. By amending § 123.27(g) to read as follows:

§ 123.27 Applicable regulations of Part 121.

* * * * *

(g) Subpart K, except §§ 121.310(a), 121.310(i), 121.310(j), 121.313(f), 121.343, 121.357, and 121.359.

These amendments are proposed under the authority of sections 313(a), 601, 603, 604, and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 1424, and 1425); and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 10, 1972.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc.72-4059 Filed 3-16-72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-NW-03]

TRANSITION AREA

Proposed Alteration

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

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

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

The departure procedures at the Burley Municipal Airport have been revised to provide more flexibility between the Twin Falls, Idaho, and the Burley, Idaho, terminal areas. A review of the airspace requirements reveals that additional 700-foot transition area airspace would be required to accommodate the revised procedures.

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

In § 71.181 (37 F.R. 2143) the description of the Burley, Idaho, transition area is amended as follows:

At the beginning of the text delete all before "* * * and that airspace extending upward from 1200 feet * * *" and substitute therefor:

That airspace extending upward from 700 feet above the surface within 5.5 miles each side of the Burley VORTAC 121° radial, extending from the VORTAC to 27 miles southeast of the VORTAC; within 5.5 miles each side of the Burley VORTAC 292° radial extending from the VORTAC to 17 miles west of the VORTAC; within 4.5 miles each side of the Burley VORTAC 323° radial extending from the VORTAC 11 miles northwest of the VORTAC; * * *

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

Issued in Seattle, Wash., on March 9, 1972.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.72-4061 Filed 3-16-72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-11]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Prairie Du Chien, Wis.

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

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Room 18, 3158 Des Plaines Avenue, Des Plaines, IL 60018.

A new public use VOR/DME instrument approach procedure has been developed for the Prairie du Chien, Wis., Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a

transition area at Prairie du Chien, Wis. The new procedure will become effective concurrently with the designation of the transition area.

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

In § 71.181 (37 F.R. 2143), the following transition area is added:

PRAIRIE DU CHIEN, WIS.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Prairie Du Chien Municipal Airport (latitude 43°01'17" N., longitude 91°07'24" W.); and within 4.5 miles each side of the 130° radial of the Waukon VOR TAC, extending from the 9.5-mile radius to 18.5 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 55-mile radius to the Waukon VORTAC between the 089° and 145° radials excluding the portion which overlies the Dubuque and Lone Rock, Wis., transition areas.

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

Issued in Des Plaines, Ill., on February 25, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-4060 Filed 3-16-72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-175]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at Venice, Fla.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

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

The airspace action proposed in this docket would designate a transition area extending upward from 700 feet above the surface within a 6.5-mile radius of Venice Municipal Airport (lat. 27°04'30" N., long. 82°26'00" W.).

The proposed transition area is needed to provide controlled airspace for a proposed VOR/DME instrument approach procedure and IFR departure operations at the Venice Municipal Airport.

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[FR Doc.72-4062 Filed 3-16-72;8:46 am]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-98; Notice 72-2]

RADIOACTIVE MATERIALS

Preparation of Packages for Shipment

The Hazardous Materials Regulations Board is considering amending §§ 173.389 and 173.393 of the Department's Hazardous Materials Regulations to specify requirements to be fulfilled before each shipment of radioactive materials packages.

As a result of past experience arising from the very few incidents involving leakage from radioactive materials packages in transportation, it has become increasingly evident that more attention and emphasis should be placed by the shippers on the proper preparation of their packages for shipment. Although the regulatory standards are considered quite adequate in terms of the containment, radiation, and contamination limitations, the Board believes the regulatory language in the general packaging requirements, which effectively relates to quality control, is not sufficient. The reasons behind improper quality control or failure to properly prepare packages for shipment usually involve a breakdown in administrative controls, rather than a faulty design or inadequate packaging standards, per se.

The U.S. Atomic Energy Commission has recommended to the Board that certain wording be added to the general packaging requirements for radioactive materials. The Board agrees that such wording would be helpful, not only in clarifying the quality control and package preparation requirements, but also would improve the enforceability of the regulations which may be necessitated due to faulty package preparation. Further, such regulatory language is generally consistent with the present standards, as well as those proposed by the International Atomic Energy Agency (IAEA).

In consideration of the foregoing, the Board proposes to amend Part 173 as follows:

(A) In § 173.389, paragraphs (m) and (n) would be added to read as follows:

§ 173.389 Radioactive materials; definitions.

* * * * *

(m) Containment system—containment system of a radioactive materials package shall mean those components of the packaging, including special form encapsulation where used, which have been specified by the package designer as intended to retain the radioactive contents during transport, whether or not individual vessels in the packaging retain their integrity of containment.

(n) Maximum normal operating pressure—maximum normal operating pressure shall mean the maximum pressure above atmospheric pressure at mean sea

level that would develop in the containment system in a period of 1 year, under the conditions of temperature and solar radiation corresponding to environmental conditions of transport in the absence of venting, external cooling by an ancillary system or operational controls during transport.

(B) In § 173.393, paragraphs (m) and (n) would be added to read as follows:

§ 173.393 General packaging requirements.

* * * * *

(m) Prior to the first shipment of any package, the shipper shall insure that:

(1) The packaging meets the specified quality of design and construction;

(2) The effectiveness of the shielding and containment, and, where necessary, the heat transfer characteristics of the package are within the limits applicable to or specified for the package design.

(n) Prior to each shipment of any package, the shipper shall insure by examintaion or appropriate tests that:

(1) The packaging is proper for the contents to be shipped;

(2) The packaging is in unimpaired physical condition;

(3) The closure devices of the packaging, including any required gaskets are properly installed and secured and free of defects;

(4) For fissile materials, any moderators and neutron absorbers, if required, are present in proper condition;

(5) Any special instructions for filling, closing, and preparation of the package for shipment have been followed;

(6) All closures, valves, and other openings of the containment system through which the radioactive contents might escape are properly closed and sealed;

(7) The internal pressure of the containment system will not exceed, during the anticipated period of transport, the maximum normal operating pressure;

(8) External radiation and contamination levels are within the allowable limits.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before May 23, 1972, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., March 14, 1972.

W. J. BURNS,
Chairman, Hazardous Materials Regulations Board.

[FR Doc.72-4108 Filed 3-16-72;8:49 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, as amended (Act) 15 U.S.C. 687, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter 1, of Title 13 of the Code of Federal Regulations, revised as of January 1, 1971, and amended in 36 F.R. 18858 and 37 F.R. 3950, by amending § 107.3 and § 107.202. Prior to final adoption of such amendments consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Office of the Associate Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of thirty (30) days of the date of publication of this notice in the FEDERAL REGISTER.

Information. The proposed amendment to § 107.3 would redefine and broaden the definition of "Venture Capital" by eliminating the maximum interest rate now specified, but retaining characteristics of financing which are so substantially similar to equity financing as to be included in the category of venture capital. The interest limitation of § 107.301 (b) will apply also to venture capital.

Section 107.202(b) would be amended to redefine "total funds available for investment" to mean "90 percent of the sum of total short-term assets and total loans and investments." Experience has indicated that approximately 10 percent of such amount is necessary for working capital and contingency purposes and is not available for investment. This subsection is further amended to clarify the understanding that loans and investments which qualified as venture capital would retain such classification when the Licensee obtains assets in liquidation of such loans or investments and when the Licensee obtains a note or other asset upon sale of such asset.

Section 107.202(c) would be amended to require the maintenance of the ratio required by section 302(b)(2) of the Act, as of the end of each fiscal year. This amendment is in accordance with Amendment 8, Revision 4, of the regulations which, in relevant part, eliminated the requirement that SBICs file a 6-month unaudited financial report.

SBA has determined that the revised definition of venture capital would retain the requisite characteristics of substantial similarity to equity financing. The proposed amendments are designed to increase SBA assistance to SBIC's for venture capital purposes, and thereby to benefit the client small concerns, and thus carrying out the purpose of the Act.

It is proposed that Part 107 be amended as follows:

1. By amending the definition of "Venture Capital" appearing in § 107.3 to read as follows:

§ 107.3 Definition of terms.

* * * * *

Venture capital. For the purposes of this part, the following means of financing will be considered venture capital:

(a) Common and preferred stock with no repurchase requirement for 5 years, except as may be specifically approved by SBA under § 107.901 for purposes of relinquishing control of a small business concern.

(b) Any right to purchase such stock.

(c) Debentures or loans (whether or not convertible or having stock purchase rights) which are subordinated (together with security interests against the assets of the small concern) by their terms to all borrowings of the small concern from other institutional lenders, and have no part amortized during the first 3 years.

2. By amending paragraphs (b) and (c) of § 107.202 as follows:

§ 107.202 SBA funds available under section 303(b)(2) of the Act based on venture capital financing.

* * * * *

(b) The term "total funds available for investment" shall mean 90 percent of the sum of total short-term assets and total loans and investments of a licensee required (in accordance with the Instructions for Preparation of the Financial Report, SBA Form 468) to be set forth as Items 8 and 15, respectively, on page 1 of the Financial Report, SBA Form 468, submitted by such licensee. Venture capital investments, as defined in § 107.3, shall be valued on the same basis as licensee's assets comprising its "total funds available for investment." Any financing carried as "Assets Acquired in Liquidation of Loans and Debt Securities" (Item 13) or "Amounts Due from Debtors on Sale of Assets Acquired in Liquidation of Loans and Debt Securities" (Item 14) which originally qualified as venture capital shall retain the venture capital qualification.

(c) Maintenance of venture capital ratio: A licensee indebted pursuant to section 303(b)(2) of the Act shall maintain at least the ratio required by (B) thereof as of the end of each of its fiscal years: *Provided, however,* That subject to SBA approval a licensee may temporarily maintain a lesser ratio. Approval may be granted to the extent necessary in appropriate cases, including prepayments of venture capital investments,

raising of additional private capital, and loan funds recently provided to the licensee.

Dated: March 15, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-4180 Filed 3-16-72;8:51 am]

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958 (Act), 15 U.S.C. 687, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter 1, of Title 13 of the Code of Federal Regulations, revised as of January 1, 1971, and amended in 36 F.R. 18858 and 37 F.R. 3950, by amending § 107.201. Prior to final adoption of such amendment consideration will be given to any comments pertaining thereto which are submitted in writing, in triplicate, to the Office of the Associate Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of thirty (30) days of the date of publication fo this notice in the FEDERAL REGISTER.

Information. The proposed amendment to § 107.201 would implement the guaranty authority granted SBA through Public Law 92-213 which amended section 303(b) of the Act and became effective December 22, 1971.

Section 107.201 would be amended to provide a paragraph (a) which will inform licensees how to apply to SBA for the purchase of guaranty of their debentures. Section 107.201 would also contain a new paragraph (b) to inform potential lenders to licensees how they may notify SBA of their interest, and authorize SBA to arrange for public or private financings. A new paragraph (c) will prohibit SBA guaranty to a lender who has a beneficial interest of 10 or more percent of the actual or potential voting rights in a licensee, if such licensee has received or is about to receive pursuant to any arrangement direct or indirect financing from that or another like lender with SBA's guaranty.

It is proposed to amend Part 107 by amending § 107.201 to read as follows:

FUNDINGS TO LICENSEE

§ 107.201 Funds to licensee.

(a) A licensee with borrowing eligibility pursuant to section 303(b) of the Act may apply to SBA for the purchase or guaranty of debentures pursuant to, and within the limits of, that section on SBA Form 416 in accordance with accompanying instructions. SBA may, in its discretion, agree that its obligations under such guaranty shall be unconditional, irrespective of the validity, regularity or enforceability of the debentures or any other circumstances which might constitute a legal or equitable discharge or defense of a guarantor.

(b) Persons interested in providing funds to unspecified licensees under this guaranty may notify SBA by letter. Such letter shall include a statement whether such lender has a direct or indirect beneficial interest of 10 or more percent of the actual or potential voting rights in any licensee, or in any person directly or indirectly controlling, controlled by, or under common control with, any licensee. SBA will endeavor to match such offers with applications pursuant to paragraph (a) of this section but there can be no assurance that such offers will be accepted. SBA in its discretion may also arrange for public or private financings under its guaranty authority.

(c) No SBA guaranty shall be extended to a lender with respect to a licensee, where such lender has a direct or indirect beneficial interest of 10 or more percent of the actual or potential voting rights in such licensee, or in any person directly or indirectly controlling, controlled by, or under common control with, such licensee. Nor shall such guaranty be extended to a lender if such lender has such interest involving any licensee and such licensee has received or is about to receive pursuant to any understanding, agreement, cross-dealing, reciprocal or circular arrangement any direct or indirect financing or a commitment for financing from another like lender with SBA's guaranty. A guaranty obtained in violation of this subsection shall be voidable by SBA. This prohibition shall not apply to lenders whose borrowers are selected by SBA or its agents.

Dated: March 14, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-4181 Filed 3-16-72;8:51 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Cost of Living Council Ruling 1972–23]

SCRAP METAL FROM USED AUTOS

Cost of Living Council Ruling

Facts. A scrap dealer purchases discarded automobiles, crushes them and sells the resulting scrap material to be smelted into new metal products.

Issue. Is the sale of the resulting scrap material exempt as a sale of a "used product" within the meaning of the Economic Stabilization Regulations 6 CFR 101.34(e), 37 F.R. 1237 (January 27, 1972)?

Ruling. Damaged and used products, other than rebuilt products, are exempt under the Economic Stabilization Regulations 6 CFR 101.34(e), 37 F.R. 1237 (January 27, 1972). When a person carries on the trade or business of making, fabricating or assembling a product by manual labor or machinery for sale to other persons, however, he is a "manufacturer" within the definition provided by 6 CFR 300.5, 36 F.R. 23974, December 16, 1971, and his prices are governed by 6 CFR 300.12. To the extent that the scrap dealer has taken one product (i.e., used cars) and by manual labor or machinery has altered that product so as to make a distinctly separate product (i.e., blocks of usable scrap metal), he fits the definition of a manufacturer, and all such transactions are regulated by 6 CFR 300.12. The separate product is not a "used product" within the meaning of 6 CFR 101.34(e). On the other hand, if the scrap dealer sold the used cars as used cars to other persons, or sold parts from the used cars, without rebuilding, to other persons, those sales would be exempt under 6 CFR 101.34(e).

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: March 9, 1972.

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

Approved: March 9, 1972.

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

[FR Doc.72–4078 Filed 3–16–72;8:48 am]

[Cost of Living Council Ruling 1972–26]

DEFINITION: UNIMPROVED VS. IMPROVED REAL ESTATE

Cost of Living Council Ruling

Facts. A, an owner of a parcel of unimproved real estate, X, constructs roads and a sewage system on his property. B, also owns a parcel of unimproved real estate, Y. In addition to roads and a sewage system, B constructs dwelling houses on Y.

Issue. Whether the additions to X and Y change the classification of the real estate from "unimproved" to "improved" for the purposes of the Economic Stabilization Regulations.

Ruling. Section 101.2 defines real estate with improvements as follows:

> "Real estate with improvements" means land upon which there is a structure, dwelling, or other building. It does not mean land on which roads, water, sewer, or drainage facilities have been constructed. 6 CFR 101.2, 37 F.R. 3913 (February 24, 1972).

The express exclusion of "roads, water, sewer, or drainage facilities" applies to the roads and sewage system added to X. Thus, X remains classified as unimproved real estate. On the other hand, the addition of the dwelling houses to Y results in a change of its classification from unimproved to improved.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: March 9, 1972.

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

Approved: March 9, 1972.

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

[FR Doc.72–4079 Filed 3–16–72;8:48 am]

[Cost of Living Council Ruling 1972–28]

RENTAL UNITS, EXEMPTION

Cost of Living Council Ruling

Facts. Tenant T rented an apartment from landlord L on September 1, 1971 for $200 per month on a month to month lease. The construction of these apartments was completed after August 15, 1971. These apartments were offered for rent after August 15, 1971. L now has notified T that he intends to raise T's rent to $300 per month.

Issue. Is the increase in rent to be charged by L, a violation of the Economic Stabilization Regulations, 6 CFR 301.1 et seq., 36 F.R. 25387 (December 29, 1971)?

Ruling. No, the increase in rent charged by L is not a violation of the Economic Stabilization Regulations. Economic Stabilization Regulation, 6 CFR 101.33(a)(2)(ii), 37 F.R. 1240 (January 27, 1972) provides that rental units on which construction is completed, and which are offered for rent for the first time after August 15, 1971 are to be considered exempt. The new rent charged does not put there apartments under rent control. These apartments are exempt from control for all time subsequent to the first rental agreement. To reinforce this position, the Economic Stabilization Regulation 6 CFR 301.1(b) 36 F.R. 25387 (December 29, 1971) further provides that such rental units are not covered by this part.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: March 13, 1972.

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

Approved: March 13, 1972.

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

[FR Doc.72–4080 Filed 3–16–72;8:48 am]

[Cost of Living Council Ruling 1972–30]

OWNER—OCCUPIED DWELLINGS

Cost of Living Council Ruling

Facts. Landlord owns a multifamily dwelling consisting of five units. He lived in one unit and leased the other four units for terms of longer than month-to-month on January 19, 1972.

Issue. Are the four rental units exempt from control?

Ruling. Yes. Economic Stabilization Regulation, 6 CFR 101.33(a)(2)(iv), 37 F.R. 2678 (February 4, 1972) exempts rental units in owner-occupied multifamily dwellings and single family dwelling units which were rented for a term longer than month-to-month on January 19, 1972, provided that the owner of such units does not own more than an aggregate of four such units. The regulation contemplates an exemption for a maximum of four units which the owner leases to others. Accordingly the four rental units are exempt.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: March 13, 1972.

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

Approved: March 13, 1972.

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

[FR Doc.72–4081 Filed 3–16–72;8:48 am]

[Pay Board Ruling 1972–13]

AVERAGING OF WAGE AND SALARY INCREASE OVER 12-MONTH PERIOD

Pay Board Ruling

Facts. Where no collective bargaining agreement exists, Employer A has not

given his employees an increase since November 13, 1971. He wishes to grant a 10 percent general wage increase to his employees on June 1, 1972. Employer A contends that since the 10 percent increase will only be effective for 6 months of the 12-month year commencing November 14, 1971, it will only constitute a 5 percent increase over the entire 12-month year, well within the general wage and salary standard.

Issue. May an increase in wages and salaries which only applies to a portion of a 12-month year be averaged over the entire year, so as to reduce the effective percentage increase?

Ruling. No. The general wage and salary standard of 5.5 percent applies to the "annual aggregate wage and salary increase." For Employer A that means the standard applies to the total percentage increase within the 12-month period commencing November 14, 1971. No averaging of the percentage increases is anticipated or permitted by Economic Stabilization Regulations, 6 CFR 201.10, 36 F.R. 25427 (December 31, 1971).

The only exception to this rule is provided for cost-of-living increases by Economic Stabilization Regulations, 6 CFR 201.11(a)(4), 36 F.R. 25427 (December 31, 1971), which specifically permits cost-of-living increases to be averaged over the 12-month period the adjustment is in effect, pursuant to a specific formula. However, no other wage and salary increase may be so averaged over the 12-month annual period.

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

Dated: March 9, 1972.

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

Approved: March 9, 1972.

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

[FR Doc.72-4082 Filed 3-16-72;8:48 am]

[Pay Board Ruling 1972-14; Cost of Living Council Ruling 1972-25]

APPLICATION OF ECONOMIC STABILIZATION ACT TO FOREIGN CORPORATIONS DOING BUSINESS IN UNITED STATES

Pay Board and Cost of Living Council Ruling

Facts. X, a foreign airline not incorporated in the United States, offers flights out of major U.S. cities to European countries. Its personnel within the United States include executives, sales persons, reservation agents, and secretaries. Approximately 75 percent of its employees working in the United States are American citizens. Other employees working in the United States are citizens of various European countries.

Issue. Whether the Economic Stabilization Act as amended applies to the wage and salary adjustments of employees working in the United States for foreign corporations not incorporated in the United States, which are doing business in the United States.

Ruling. Yes, such wage and salary adjustments are subject to the Economic Stabilization Act, as amended.

6 CFR 201.3, 36 F.R. 21790 (November 13, 1971), of Economic Stabilization Regulations states that a "person" to whom the regulations apply "does not include a foreign corporation in a foreign country, a foreign government, an instrumentality of a foreign government, or an organization that includes within its membership foreign governments or instrumentalities thereof." Since this definition does not provide for the exclusion from control of foreign corporations or their subsidiaries doing business in the United States, to the extent such businesses operate in the United States they and their employees working and residing in the United States are subject to the Economic Stabilization Act, as amended.

This ruling has been approved by the General Counsels of the Pay Board and the Cost of Living Council.

Dated: March 10, 1972.

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

Approved: March 10, 1972.

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

[FR Doc.72-4083 Filed 3-16-72;8:48 am]

[Pay Board Ruling 1972-15]

APPROPRIATE EMPLOYEE UNITS

Pay Board Ruling

Facts. Since 1948, Company X has had a formal salary plan and policy regulating and controlling salary practices. The plan has always pertained to all company salaried employees as a total unit regardless of the division or department to which they may be assigned. All increases granted are based on merited performance within a particular position assignment, or granted to recognize a bona fide promotion to a higher level position. General across-the-board increases are not granted to salaried personnel. In addition, Company X has traditionally managed and administered its hourly employee wage practices for both its union and nonunion plants on a plant-by-plant basis taking into account local area practices and a particular plant's ability to pay.

Issue. For purposes of the Economic Stabilization Regulations, may Company X continue to treat its 17,743 salaried employees as an appropriate employee unit and may it also continue to treat the hourly employees in each of its individual plants as an appropriate employee unit?

Ruling. Economic Stabilization Regulations, 6 CFR 201.3, 36 F.R. 25427 (December 31, 1971) provide that "an appropriate employee unit" includes a group composed of all employees in a bargaining unit or in a recognized employee category. It further states "such bargaining unit or employee category may exist in a plant or other establishment or in a department thereof, or in a company, or in an industry and shall be determined so as to preserve, as nearly as possible, contractual or historical wage and salary relationships." In the instant case, since 1948, Company X has had a formal salary plan and policy regulating and controlling its salary practices. Such plan has always pertained to all salaried employees as a unit regardless of the division or department to which they are assigned. Additionally, Company X has historically and contractually bargained with its organized hourly employees on a plant-by-plant basis. It has also treated its unorganized hourly employees on a plant-by-plant unit basis. Therefore, for purposes of the Economic Stabilization Regulations, all of the salaried employees of Company X constitute an appropriate employee unit and all hourly employees within each particular plant constitute an appropriate employee unit within that plant.

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

Dated: March 9, 1972.

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

Approved: March 9, 1972.

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

[FR Doc.72-4084 Filed 3-16-72;8:48 am]

[Price Commission Ruling 1972-102; Cost of Living Council Ruling 1972-24]

RESTAURANTS AS SERVICE ORGANIZATIONS

Price Commission and Cost of Living Council Ruling

Facts. Price Commission Ruling 1972-7, 37 F.R. 765 (January 7, 1972) held that restaurants were service organizations, governed by Economic Stabilization Regulations, 6 CFR 300.14, 36 F.R. 23974 (December 16, 1971). In a recent Economic Stabilization Regulation, 6 CFR 101.34(j), 37 F.R. 2678 (February 4, 1972), promulgated by the Cost of Living Council, exemptions were granted for certain price adjustments of "retail firms including restaurants with annual sales or revenues of less than $100,000."

Issue. Are restaurants still considered to be service organizations by the Price Commission?

Ruling. Yes. Restaurants for the purposes of the Price Commission regulations are service organizations as distinguished from retail establishments. They are governed by 6 CFR 300.14 and are thus exempt from the price posting requirements of Economic Stabilization Regulations, 6 CFR 300.13(b), 36 F.R. 23974 (December 16, 1971). The Cost of Living Council regulation treats restaurants as retail firms for the purpose of the exemption of price adjustments for

retailers with annual sales or revenues of less than $100,000. This affirms Price Commission Ruling 1972–7.

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: March 9, 1972.

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

Approved: March 9, 1972.

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

[FR Doc.72–4085 Filed 3–16–72;8:48 am]

[Price Commission Ruling 1972–103]

BASE PRICE DETERMINATION—NEW PROPERTY—MANUFACTURER

Price Commission Ruling

Facts. A manufacturer, M, produced and sold during the base period products X and Y, which had a unit cost of $10 each, and were sold at a price of $15 each. M has begun production of products Z and N, which each qualify as new products under the Economic Stabilization Regulations, 6 CFR 300.409(b), 36 F.R. 21795 (November 13, 1971).

A. The cost per unit of Z is $14, including $12 per unit allocated to direct cost. Z is similar to X but not to Y.

B. The cost per unit of N is $14, including $8 per unit allocated to direct cost. N is similar to Y but not to X.

Issue. How does M determine the base price of the new products, Z and N?

Ruling. A manufacturer may determine the base price of a new product by either of the methods contained in § 300.409(c) of the Economic Stabilization Regulations, 6 CFR 300.409(c), 36 F.R. 23979 (December 16, 1971). The first of the two methods contained in that section provides that the base price of a new product is determined by "applying the customary initial percentage markup" received by the manufacturer during the freeze base period on the most nearly similar property he offered during that period, to "the direct unit cost" of the new product. In order to determine the base price of his new products, M would apply the customary initial percentage markup (the markup on the old product expressed in terms of a percentage) which he received on the most nearly similar product to the direct unit cost of the new product.

A. The base price of Z should be determined in relation to X. Since X had a cost of $10 per unit and sold for $15, the percentage markup on X is 50 percent. The base price of Z is calculated by multiplying its direct unit cost by the percentage markup on X and adding the direct unit cost to the result of the multiplication (i.e. $12×50 percent, plus $12=$18). Thus, the base price of Z is $18.

B. The base price of N should be determined in relation to Y. Since Y had a cost of $10 per unit and sold for $15, the percentage markup on Y is 50 percent. Thus, the price of N is $12 ($8 multiplied by 50 percent, plus $8).

It should be noted that the customary initial percentage markup is applied only to the direct unit cost of the new product, and that indirect costs are excluded. In addition, the manufacturer has the option of determining the base price of the new product under the second method contained in § 300.409(c). Section 300.409(c)(2) provides that the base price of new property may be determined by a computation based on the average prices received in a substantial number of current transactions by persons selling comparable property in the same marketing area.

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

Dated: March 9, 1972.

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

Approved: March 9, 1972.

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

[FR Doc.72–4086 Filed 3–16–72;8:48 am]

[Price Commission Ruling 1972–104]

PRE-DECEMBER 28TH LEASE WITH VARIABLE RENT

Price Commission Ruling

Facts. Landlord L and lessee X executed a yearly lease for a residence on December 1, 1971. The lease called for a monthly rent of between $400 and $425 and provided that at the time the monthly payment was to be made the rent to be charged would be the highest rent between these two amounts which could lawfully be charged under Federal rent regulations then in existence. L determined that under the regulations published on November 13, 1971, he could charge $415 per month.

Issue. What monthly rent may be charged for this residence during the remainder of the lease term after December 28, 1971?

Ruling. The rent which may be charged during the remainder of the lease term is $415 per month as determined under Economic Stabilization Regulations, 6 CFR 300.407(b), 36 F.R. 23974 (December 16, 1971).

Section 300.407(b) of the regulations states a rule for establishing the base price for a lease of an interest in real property. This section restates the same rule found in Economic Stabilization Regulations, 6 CFR 300.507(b), 36 F.R. 21788 (November 13, 1971). This rule is explained in Price Commission Rulings 1972–71, 37 F.R. 3997 (February 25, 1972), 1972–77, 37 F.R. 4368, 1972–78, 37 F.R. 4369, and 1972–79, 37 F.R. 4369 (March 2, 1972). This base price may not be exceeded with respect to any lease of property after November 13, 1971. Economic Stabilization Regulations, 6 CFR 300.11, 36 F.R. 23974 (December 16, 1971). Section 300.407(b) of the regulations thus established the maximum rental terms for the remainder of the time period after November 13, 1971, of any lease which was executed between November 13, 1971 and December 28, 1971. In the absence of changes required by any subsequent regulations, § 300.407(b) of the regulations substituted the base rent computed under that section for the rental terms previously agreed upon by the parties if those terms were in excess of the base rent.

In this case the maximum rent agreed upon by the parties, $425 per month, was in excess of the base rent allowable under § 300.407(b) of the regulations. Therefore, the rent which may be charged is $415 per month as determined under § 300.407(b).

Economic Stabilization Regulations, 6 CFR 301.1 et seq., 36 F.R. 25387 (December 30, 1971), does not affect the rent which can be charged under this lease. These regulations are not "in existence" as far as this lease is concerned. For a regulation to be "in existence" with regard to a particular lease the lease must be amenable to the effects of that regulation at some time. Part 301 of the regulation only affects the rents which can be charged in transactions involving residences or other real property which occur after December 28, 1971. A transaction occurs only when a lease is executed or created by implication. Economic Stabilization Regulations, 6 CFR 301.2, 36 F.R. 25387 (December 30, 1971). Merely paying the monthly rent required for a continuing right of occupancy during the full term of a yearly lease does not constitute a transaction. Price Commission Ruling 1972–52, 37 F.R. 3452 (February 16, 1972).

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

Dated: March 13, 1972.

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

Approved: March 13, 1972.

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

[FR Doc.72–4087 Filed 3–16–72;8:48 am]

[Price Commission Ruling 1972–105; Cost of Living Council Ruling 1972–27]

COMMONLY OWNED SEPARATELY INCORPORATED FIRMS AS ONE RETAILER

Price Commission and Cost of Living Council Ruling

Facts. An Individual owns a controlling interest in several separately incorporated retail stores. None of the stores controls or is controlled in any way by another. All stores are exactly the same except for location and size. Some stores are under $100,000 in gross sales; some are over $100,000 but under $200,000; some are over $200,000.

Issue. Is the Individual the "retailer" or is each separately incorporated store a "retailer" for the purposes of Economic Stabilization Regulations 6 CFR 300.13, 36 F.R. 23974 (December 16, 1971)?

Ruling. The individual is considered one retailer.

A retailer is defined by Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971), as "a person who carries on the trade or business of selling property to ultimate consumers * * *."

"Person" in the same section "includes any * * * corporation." A strict interpretation of these sections would permit the individual to treat each store as a separate retailer. This interpretation would exempt the stores with sales of less than $100,000 from price control entirely. (Economic Stabilization Regulation, 6 CFR 101.34(j), 37 F.R. 2678 (February 4, 1972).) The stores with sales of less than $200,000 would be exempt from the posting requirements. (Economic Stabilization Regulation, 6 CFR 300.13(e), 37 F.R. 1237 (January 27, 1972).) Only the stores with sales of more than $200,000 would be fully controlled. The intent of the Cost of Living Council and Price Commission was not to exempt an individual who operates many retail outlets, but incorporates them separately and operates them individually.

The Price Commission has provided for this situation in general terms. The definition of "retailer" goes on to say "and whenever the Price Commission considers it appropriate, includes any retailing subsidiary, division, affiliate, or similar entity that is part of, or is directly or indirectly controlled by another person."

This situation is an appropriate one to classify an individual who controls several separately incorporated stores as one retailer.

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: March 13, 1972.

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

Approved: March 13, 1972.

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

[FR Doc.72-4088 Filed 3-16-72;8:49 am]

[Price Commission Ruling 1972-106]

LEASE WITH UNLAWFUL RENT EXECUTED OCTOBER 1, 1971

Price Commission Ruling

Facts. Landlord L and X entered into a lease on a residence which became vacant during the freeze. The lease was for a 1-year term and called for a monthly rent of $150. The previous tenant had been paying only $140 per month for the same residence, and L made no capital improvements which would justify the increased rent. Therefore, the $150 per month rent was illegal. Economic Stabilization Circular No. 101, Section 602 (13), 36 F.R. 18746 (September 21, 1971). The lease was executed on October 1, 1971. All leases executed on August 1, 1971, by L, involving units substantially identical with that rented by X were for $145 per month.

Issue. What monthly rent may be charged for this residence during the remainder of the lease term after December 28, 1971?

Ruling. The monthly rent that can be charged in this case after December 28, 1971, is $145. Economic Stabilization Regulations, 6 CFR 300.11, 36 F.R. 23976 (December 16, 1971), states: "Except as otherwise provided in this subpart, no person may charge a price with respect to any sale or lease of property (or) services after November 13, 1971, which exceeds the base price of that property or service."

Section 300.11 of the regulations amended § 300.011, Economic Stabilization Regulations, 6 CFR 300.011, 36 F.R. 21792 (November 13, 1971), which set forth the general rule for the coverage of the regulations. Before § 300.11 of the regulations was adopted, the rule was stated to be: "* * * No person may charge a price or rent with respect to any transaction involving sales or leases of property or services occurring after November 13, 1971, which exceeds the base price * * *"

Therefore, the amendment, § 300.11, made on December 16, 1971, eliminated the requirement that in order for the regulations to be applicable you needed a transaction occurring after November 13, 1971. Thus, it is clear that § 300.11 was meant to establish the maximum rent which could be charged under leases entered into during the period of time between August 15, 1971 and November 13, 1971, the freeze period.

The base price referred to in § 300.11 with regard to leases of real property is defined in § 300.407(b) of the regulations to be "* * * the highest price charged by the person with respect to the same or substantially identical rental units in a substantial number of transactions during the freeze base period.

Thus, § 300.407(b) of the regulations substituted the base rent computed under that section for the rental terms previously agreed upon by the parties or subsequently established by section 2(c) of OEP Regulation No. 1, 36 F.R. 16515 (August 21, 1971), if those terms were in excess of that base rent.

Because the present regulations, Economic Stabilization Regulations, 6 CFR 301.1 et seq., 36 F.R. 25386 (December 30, 1971), affect the rent which can be charged for a residence only when a transaction occurs after December 28, 1971, these regulations do not determine the rent which can be charged under the lease in this situation. Merely paying the monthly rent required for a continuing right of occupancy during the full term of a lease with greater than month-to-month terms does not constitute a transaction. Price Commission Ruling 1972-52, 37 F.R. 3452 (February 16, 1972). Therefore, the monthly rent which may be charged during the full remainder of the lease term after November 13, 1971, is determined under §§ 300.11 and 300.407(b) of the regulations of December 16, 1971, which is $145 in this case.

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

Dated: March 13, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel.

Approved: March 13, 1972.

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

[FR Doc.72-4089 Filed 3-16-72;8:49 am]

[Price Commission Ruling 1972-107]

FURNISHING OF DRUGS BY A HOSPITAL AS A SERVICE AND A RETAIL SALE

Price Commission Ruling

Facts. Hospital A, a profitmaking institutional provider of health services, has a pharmaceutical department that dispenses drugs and medical supplies for use in treatment of patients in the hospital and also fills prescriptions for other persons who are not patients. Hospital A customarily applies a percentage markup to its cost of these supplies and drugs. Each patient is billed separately for the drugs and supplies furnished to him in his treatment.

Issue. Is the furnishing of the drugs and supplies a service or a retail activity?

Ruling. The furnishing of drugs and medical supplies in conjunction with medical treatment administered at the hospital is a service. Accordingly, Hospital A can increase a price for such drugs over the base price only to reflect increases in allocable costs in furnishing that drug that it incurred since the last price increase in the furnishing of that drug, or that it incurred after January 1, 1971, whichever was later, and that it is continuing to incur, reduced to reflect productivity gains, and only to the extent that the increased price does not result in an increase in its profit margin over that which prevailed during the base period. Economic Stabilization Regulations, 6 CFR 300.18(b), 37 F.R. 775 (January 19, 1972). In addition, the notification and exception requirements of Economic Stabilization Regulations, 6 CFR 300.18 (c), 36 F.R. 25384 (December 30, 1971) must be met if the price increase exceeds the appropriate percentage limitations in that section.

The cost of these drugs is a current expense. Therefore, Hospital A is subject to the further limitation that (except in any case in which the Price Commission determines otherwise) aggregate nonwage and nonsalary current expenses, such as goods and services purchased, in excess of 2.5 percent a year are not allowable costs. Economic Stabilization Regulations, 6 CFR 300.18(d), 36 F.R. 25384 (December 30, 1971). Hospital A must also maintain a schedule

(available for public inspection) showing the base price for the principal drugs that it dispenses and each change in such price. A sign (minimum 22" by 28") must be posted in a prominent place stating the availability and location of the schedule. Economic Stabilization Regulations, 6 CFR 300.18(g), 36 F.R. 25384 (December 30, 1971).

With regard to the sale of prescription drugs and medical supplies to persons who are not patients in Hospital A, Hospital A is a retailer. These sales are covered by Economic Stabilization Regulations, 6 CFR 300.13, 36 F.R. 23974 (December 16, 1971).

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

Dated: March 13, 1972.

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

Approved: March 13, 1972.

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

[FR Doc.72-4090 Filed 3-16-72;8:49 am]

[Price Commission Ruling 1972-108]

ESTIMATED COSTS

Price Commission Ruling

Facts. Company A, a prenotifying manufacturer, has a collective-bargaining contract with its employees which provides for a wage increase to take effect on May 1, 1972. Company A also has a long-term contract with one of its suppliers which provides for a price increase to take effect on May 1, 1972. Both the wage and price increases will have an effect upon Company A's costs which can be accurately foreseen.

Issue. May Company A request a price increase to be effective May 1, 1972, to take these increased costs into account, before they are actually incurred?

Ruling. Yes. Increased costs which a price category I firm, Economic Stabilization Regulations, 6 CFR 101.11, 36 F.R. 21788 (November 13, 1971), as amended 37 F.R. 1237 (January 27, 1972), expects to incur in the future may form the basis of a request to the Price Commission for a price increase if (1) the increased costs will actually be incurred within 30 days of the request, (2) both the amount of the cost increases and their direct effect on the production costs of each specific product are accurately foreseeable, and (3) after the effective date, the requested price increase will only be reflected, if necessary, in an insignificant quantity of the product, the production of which was not subject to the increased costs. Condition (3) is exemplified as follows: If Company A, in completing an order, ships from its stock an insignificant quantity of a product which was produced before the increased costs were incurred, along with a larger quantity of the product the production of which was subject to the increased costs, the sellers may charge the increased price on the entire shipment. If, however, more than an insignificant amount of the products not subject to the increased costs is to be shipped and sold, then only the quantity of the product the production of which was subject to the increased costs may be sold at the increased price requested. Further, the increased costs paid by A for labor and materials must comply with Price Commission Ruling 1972-2, 37 F.R. 247 (January 7, 1972); 1972-12, 37 F.R. 764 (January 18, 1972). The effective date of the price increase will, of course, be after the increased costs are actually incurred.

For all other cases, the general rule remains that a company may not prenotify the Price Commission except as to cost increases which are being incurred at the time of prenotification.

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

Dated: March 13, 1972.

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

Approved: March 13, 1972.

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

[FR Doc.72-4091 Filed 3-16-72;8:49 am]

[Price Commission Ruling 1972-109]

INCREASES IN ALLOWABLE COSTS—RENTS

Price Commission Ruling

Facts. City A negotiates a contract with Company X providing that X collect the garbage. City A authorizes and regulates the rates to be charged by X depending on the number of pickups for and location of the customers. Company X bills the customer directly, but cannot charge a rate in excess of or less than that authorized. City A grants Company X an increase in its rates effective January 1, 1972.

Issue. Is this increase an allowable cost on which an increase in rent may be made?

Ruling. Section 301.102, Economic Stabilization Regulations, 6 CFR 301.102, 36 F.R. 25389 (December 30, 1971), provides in part that the rent charged may exceed the determined base rent by the amount of any increase in allowable costs occurring after December 28, 1971, allocable to the residence or other real property. Paragraph (b)(ii) of that section defines as an allowable cost "state and local fees * * * for all municipal service * * *"

The city, on the above facts, merely regulates the fees that the private company may charge individuals for the collection of garbage, and this is not considered to be a fee for a municipal service and as such is not an allowable cost for the purposes of the above regulations. The private company has a profit motive in performing this service even though collection of trash is a municipal service. A fee imposed directly on the landlord or his property by the municipality would be considered an allowable cost under Economic Stabilization Regulations, 6 CFR 301.102(b), 36 F.R. 25386 (December 30, 1971), however on the above facts it is imposed by the private company. The increase in trash removal fees imposed by a private company are to be considered an increase in operating costs for which the 2½ percent annual rent increase of § 301.102(a)(1) is provided. This ruling is issued in conjunction with Price Commission Ruling 1972-37.

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

Dated: March 13, 1972.

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

Approved: March 13, 1972.

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

[FR Doc.72-4092 Filed 3-16-72;8:49 am]

[Price Commission Ruling 1972-110]

PRICE INCREASES BY INSTITUTIONAL PROVIDERS OF HEALTH SERVICES TO REFLECT ALLOWABLE COSTS

Price Commission Ruling

Facts. Hospital A, a profitmaking institutional provider of health services, currently charges $200 to perform a particular service, based on costs of $180. Hospital A's allowable costs (reduced to reflect productivity gains) in furnishing this service have increased 5 percent, to $189. Hospital A wishes to increase its price for this service to $210. Charging $210 will not increase Hospital A's profit margin over that prevailing during its base period, nor will it, together with any other price changes, increase aggregate annual revenues more than 2 percent.

Issue. May Hospital A increase its price to $210?

Ruling. Yes. Subject to certain requirements based on percentage increases in revenues (which Hospital A has met), Hospital A, an institutional provider of health services, may charge a price in excess of the base price with respect to the furnishing of a service only to reflect increases in allowable costs that it incurred since the last price increase in the furnishing of that service, or that it incurred after January 1, 1971, whichever was later, and that it is continuing to incur, reduced to reflect productivity gains, and only to the extent that the increased price does not result in an increase in its profit margin over that which prevailed during the base period. Economic Stabilization Regulations, 6 CFR 300.18(b), 37 F.R. 775 (January 19, 1972). Limitations on the extent to which certain cost increases may be considered allowable are contained in § 300.18(d) of the Economic Stabilization Regulations.

Because Hospital A's allowable costs have increased 5 percent, Hospital A can

increase its price by an equivalent 5 percent, or $10 for each performance of this particular service. Compare Price Commission Ruling 1972–13, 37 F.R. 765 (January 18, 1972) which states a consistent position with respect to manufacturers.

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

Dated: March 13, 1972.

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

Approved: March 13, 1972.

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

[FR Doc.72–4093 Filed 3–16–72;8:49 am]

[Price Commission Ruling 1972–111; Cost of Living Council Ruling 1972–29]

DEFINITION, PRICE INCREASE

Price Commission and Cost of Living Council Ruling

Facts. X corporation purchased advertising space with Y ecology magazine. The rate for such service was $1 per 1,000 circulation in 1968. Due to the interest in ecology, the circulation of the magazine surged to 2,000. X must now pay $2 for the same amount of advertising.

Issue. Is this a price increase in violation of the Economic Stabilization Regulations?

Ruling. No, the regulations of the Cost of Living Council, 6 CFR 101.1b, 37 F.R. 1238 (January 27, 1972) provide, "this part applies to all price adjustments." By definition a price adjustment is, "an increase in the unit price of property or services." Economic Stabilization Regulation, 6 CFR 101.2, 37 F.R. 1237 (January 27, 1972). Furthermore, Economic Stabilization Regulation, 6 CFR 300.5, 36 F.R. 23976 (December 16, 1971) defines a price increase as an increase in the unit price of property or services. The price per unit which Y charged has remained constant and is not considered to be a price increase.

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: March 13, 1972.

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

Approved: March 13, 1972.

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

[FR Doc.72–4094 Filed 3–16–72;8:49 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Power Site Cancellation 312]

NORTH FORK SOUTH PLATTE RIVER, COLO.

Power Site Cancellation

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 56 of June 30, 1923, is hereby canceled to the extent that it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 7 S., R. 73 W.,
Sec. 17, NE¼SW¼.
T. 7 S., R. 74 W.,
Sec. 13, NW¼NE¼.

The area described aggregates 80 acres.

W. A. RADLINSKI,
Acting Director.

MARCH 9, 1972.

[FR Doc.72–4070 Filed 3–16–72;8:46 am]

Office of the Secretary

[DES 72–41]

DRAFT MASTER PLAN FOR CITY OF REFUGE NATIONAL HISTORICAL PARK

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for a Draft Master Plan for City of Refuge National Historical Park, Hawaii, and invites written comment within thirty (30) days of this notice. Written comment should be addressed to the Director, Western Region or the Superintendent, City of Refuge National Historical Park at the addresses given below.

The draft environmental statement considers the management and public use of City of Refuge National Historical Park which is located on the Island of Hawaii, Hawaii County, Hawaii.

Copies are available for inspection at the following locations: Office of the Director, Western Region, National Park Service, 450 Golden Gate Avenue, Post Office Box 36063, San Francisco, CA 94102; Office of the General Superintendent, Hawaii Group, National Park Service, Pacific International Building, 677 Ala Moana Boulevard, Suite 512, Honolulu, HI 96813; Office of the Superintendent, City of Refuge National Historical Park, Honaunau, Kona, Hawaii 96726; and Office of the Superintendent, Hawaii Volcanoes National Park, Hawaii 96718.

Copies may be obtained by writing the Office of the General Superintendent, Hawaii Group or Office of the Superintendent, City of Refuge National Historical Park.

Dated: March 15, 1972.

WILLIAM W. LYONS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.72–4234 Filed 3–16–72;9:07 am]

JOHN MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 15, 1971.

Dated: December 21, 1971.

JOHN MADGETT.

[FR Doc.72–4106 Filed 3–16–72;8:49 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

EXOTIC NEWCASTLE DISEASE

Declaration of Emergency Because of Existence in the United States

Whereas, the avian disease known as exotic Newcastle disease has not heretofore been established in the United States, and

Whereas, the disease has appeared in the United States in southern California, and

Whereas, the potential dissemination to other States constitutes a real danger to producers, shippers, slaughterers, and others concerned with the poultry industry and to the national economy, and

Now, therefore, in accordance with the provisions of the appropriation item for the Agricultural Research Service in title I of the Agriculture-Environmental and Consumer Protection Appropriation Act, 1972 (Public Law 92–73; 85 Stat. 185), under the heading "Plant and Animal Disease and Pest Control," and section 11, of the Act of May 29, 1884 (23 Stat. 32), as amended (21 U.S.C. 114a). I find an emergency arising out of the existence and spread of exotic Newcastle disease, which constitutes a threat to the poultry industry of the country, and I hereby authorize the transfer from other appropriations or funds available to the

agencies and corporations of the Department such sums as may be necessary for all proper purposes in a program conducted independently or in cooperation with States and political subdivisions thereof, farmers' associations, and similar organizations and individuals, to control and eradicate the disease wherever found.

EARL L. BUTZ,
Secretary of Agriculture.

MARCH 14, 1972.

[FR Doc.72-4123 Filed 3-16-72;8:50 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

UNIVERSITY OF PITTSBURGH SCHOOL OF MEDICINE

Notice of Applications for Duty-Free Entry of Scientific Articles

Correction

In F.R. Doc. 72-3589, appearing at page 5069, in the issue of Thursday, March 9, 1972, in column 3 on page 5070, the docket number now reading "72-00313-12-90500" should read "Docket No. 72-00312-00-46040". Also, in the same column, the docket number now reading "72-00313-12-20500" should read "Docket No. 72-00313-12-90500".

Office of the Secretary

[Dept. Organization Order 10-2]

ASSISTANT SECRETARY FOR ECONOMIC AFFAIRS

Authority, Duties and Responsibilities

SUBJECT: The following order was issued by the Secretary of Commerce effective February 7, 1972. This material supersedes the material appearing at 37 F.R. 3459 of February 16, 1972.

SECTION 1. *Purpose.* This order prescribes the scope of authority and functions of the Assistant Secretary for Economic Affairs.

SEC. 2. *Administrative designation.* The position of Assistant Secretary of Commerce heretofore designated as the Assistant Secretary for Economic Affairs shall continue to be so designated. The Assistant Secretary is appointed by the President, by and with the advice and consent of the Senate.

SEC. 3. *Authority and functions.* .01 The Assistant Secretary for Economic Affairs shall serve as the principal economic adviser to the Secretary and as the Chief Economist of the Department. He shall serve as adviser to other Commerce officials with respect to economic matters, review economic policy positions and recommendations, and serve as the Department's liaison with the Council of Economic Advisers and with other high-level economic officials of the Government.

.02 The Assistant Secretary for Economic Affairs shall also serve as the Administrator, Social and Economic Statistics Administration, with the authorities and functions specified in Department Organization Order 35-4A.

SEC. 4. *Deputy Assistant Secretaries for Economic Affairs.* In carrying out the functions in paragraph 3.01 above, the Assistant Secretary shall be assisted by Deputy Assistant Secretaries as follows:

a. The Deputy Assistant Secretary for Economic Affairs shall be the principal assistant to the Assistant Secretary and shall assume the latter's full duties during his absence.

b. The Deputy Assistant Secretary for Industry Economics shall serve as Executive Director, National Industrial Pollution Control Council and shall perform such other duties as are assigned.

Effective date: February 7, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-4095 Filed 3-16-72;8:47 am]

[Dept. Organization Order 25-4A]

OFFICE OF MINORITY BUSINESS ENTERPRISE

Organization and Functions

The following order was issued by the Secretary of Commerce effective February 15, 1972. This material supersedes the material appearing at 34 F.R. 6707 of April 19, 1969.

SECTION 1. Purpose. This order assigns functions to the Office of Minority Business Enterprise. This revision implements the provisions of Executive Order 11625, dated October 13, 1971, and entitled "Prescribing Additional Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise."

SEC. 2. *Status and line of authority.* The Office of Minority Business Enterprise (OMBE), established by the Secretary on March 20, 1969, is hereby continued, and shall have the status of a primary operating unit of the Department of Commerce. OMBE shall be headed by a Director who shall report and be responsible to the Secretary.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary by law and subject to such policy and directives as he may prescribe, the Director is hereby delegated the following authorities insofar as they apply to performing the functions assigned in this order:

a. The authority under Executive Order 11625.

b. The authority under title III of the Public Works and Economic Development Act, as amended (42 U.S.C. 3151), which title authorizes the providing of technical assistance, research and information.

c. Other authorities of the Secretary pertinent to such functions.

.02 The Director may delegate his authority to any employee of OMBE subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *Functions.* The Office of Minority Business Enterprise shall assist the Secretary in carrying out his functions under Executive Order 11625 by performing the following functions:

a. Facilitate the coordination, as consistent with law, of the plans, programs, and operations of the Federal Government which affect or may contribute to the establishment, preservation, and strengthening of minority business enterprise. For this purpose, it shall:

(1) With the participation of other departments and agencies as appropriate, develop comprehensive plans and specific program goals for the minority enterprise program; establish regular performance monitoring and reporting systems to assure that goals are being achieved; and evaluate the impact of Federal support in achieving the objectives established by Executive Order 11625.

(2) Propose to the Secretary the convening, for purposes of coordination, of meetings of the heads of such departments and agencies or their designees, whose programs or activities may affect or contribute to the purposes of Executive Order 11625.

(3) Assist the Secretary in securing necessary action by such departments and agencies to discharge their responsibilities under section 3 of Executive Order 11625.

(4) Establish arrangements for reviewing, on a coordinated basis with the departments and agencies involved, all proposed Federal training and technical assistance activities in direct support of the minority enterprise program, to assure consistency with program goals and to avoid duplication.

b. Promote the mobilization of activities and resources of State and local governments, businesses and trade associations, universities, foundations, professional organizations, and volunteer and other groups towards the growth of minority business enterprises, and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies. As deemed necessary and appropriate to carry out these responsibilities, it shall:

(1) Convene business leaders, educators, and other representatives of the private sector who are engaged in assisting the development of minority business enterprise or who could contribute to its development, for the purpose of proposing, evaluating and coordinating governmental and private activities in furtherance of the objectives of Executive Order 11625.

(2) Confer with and advise officials of State and local governments.

c. Operate a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the Nation in undertaking or promoting the establishment and successful operation of minority business enterprise.

d. Within constraints of law and appropriations therefor, provide financial assistance to public and private organizations so that they may render technical and management assistance to minority business enterprises, and defray

all or part of the costs of pilot or demonstration projects conducted by public or private agencies or organizations which are designed to overcome the special problems of minority business enterprises or otherwise to further the purposes of the minority business enterprise program.

e. Assist the Secretary in utilizing the Advisory Council for Minority Enterprise, and provide administrative support to the Council.

f. Establish policies, standards, definitions, criteria, and procedures appropriate and incident to the functions herein assigned to OMBE, and propose for the Secretary's consideration such additional measures as determined to be necessary for the implementation, interpretation, and application of Executive Order 11625 or for otherwise achieving the purposes and carrying out the provisions of that order.

g. After the close of each fiscal year, prepare (for the Secretary to transmit to the President) a full report of the Department's activities under Executive Order 11625 during that year, and, from time to time, submit to the Secretary OMBE's recommendations for legislation or other actions deemed desirable to promote the purposes of that order.

SEC. 5. *Support services.* The Office of the Assistant Secretary for Administration shall perform personnel, procurement, accounting, and payroll services for OMBE.

Effective date: February 15, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-4096 Filed 3-16-72;8:47 am]

[Dept. Organization Order 25-4B]

OFFICE OF MINORITY BUSINESS ENTERPRISE

Organization and Functions

The following order was issued by the Secretary of Commerce effective February 15, 1972. This material supersedes the material appearing at 35 F.R. 4659 of March 17, 1970.

SECTION 1. Purpose. This order prescribes the organization and assignment of functions within the Office of Minority Business Enterprise ("OMBE").

SEC. 2. *Organization structure.* The principal organization structure and line of authority of OMBE shall be as depicted in the attached organization chart. A copy of the organization chart is on file with the Office of the Federal Register.

SEC. 3. *Office of the Director.* .01 The "Director" shall formulate policies and programs for, and direct and manage all activities of, OMBE.

.02 The "Deputy Director" shall be the principal assistant to the Director and perform the functions of the Director in the latter's absence.

SEC. 4. *Staff offices.* .01 The "Administrative management matters and shall fice" shall be responsible for all administrative management matters and shall constitute the principal staff arm of the Director in the planning, development and evaluation of the national minority enterprise effort. In this capacity it shall:

a. Develop comprehensive plans and specific program goals for OMBE's programs and, as appropriate, for other Government or Government-assisted programs contributing to the minority business enterprise effort.

b. Establish performance evaluation systems, and participate in the development of monitoring and reporting systems, to assure that plans and goals are being achieved, and, as appropriate, evaluate the impact of program operations on the minority business enterprise effort.

c. Develop, for the Director's approval, and monitor pilot or demonstration projects conducted by other public or by private agencies or organizations which are designed to overcome the special problems of minority business enterprise or otherwise further the purposes of the minority business enterprise program.

d. Review all pilot and demonstration projects proposed by other elements of OMBE.

e. Facilitate the provision of personnel, procurement, accounting, payroll, and administrative support services by Departmental Offices under the Assistant Secretary for Administration.

f. Develop and maintain OMBE's internal administrative management system, and provide budget, management analysis, and local administrative services for OMBE.

.02 The "Office of the Chief Counsel" shall provide legal services for all components of OMBE, and coordinate OMBE's legislative program, subject to the overall authority of the Office of the General Counsel as provided in Department Organization Order 10-6.

.03 The "Information Center" shall serve as a central facility for the development, collection, summarization and dissemination of information that will be helpful to persons and organizations throughout the Nation in undertaking or promoting the establishment and successful operation of minority business enterprise. Specifically it shall:

a. Operate and maintain a library relating to minority business enterprise.

b. Collect, analyze, summarize and regularly disseminate information including information on specific communities.

c. Maintain data on goals, objectives, and results achieved by OMBE and other programs related to minority business enterprise.

d. Prepare, for the Director, a full report of the Secretary of Commerce's activities under Executive Order 11625.

.04 The "Public Affairs Office" shall be the focal point of public affairs activities involving OMBE programs. It shall also provide assistance to other parts of OMBE in technical matters involving publications, speeches, displays or other presentations for public audiences, including minority audiences. Its activities shall be in collaboration with the Departmental Office of Public Affairs.

SEC. 5. *Government Programs Division.* The Government Programs Division shall specifically facilitate the coordination of the plans, programs and operations of other Federal departments and agencies, which affect or may contribute to the establishment, preservation and strengthening of minority business enterprise. It shall also promote the mobilization of activities and resources of State and local governments towards the growth of minority business enterprises, and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies. Specifically the Division shall:

.01 Identfy, and develop working relationships with other Federal departments and agencies and, as appropriate, convene, or recommend that the Director or the Secretary of Commerce convene meetings of the responsible officials of such departments and agencies, both in Washington and the field.

.02 Participate with the Administrative and Program Development Office, and with other Federal departments and agencies as appropriate, in developing comprehensive plans and specific program goals for the minority enterprise program; establishing regular performance monitoring and reporting systems to assure that goals are being achieved; and evaluating the impact of Federal support in achieving the objectives of the minority business enterprise program.

.03 Consistent with OMBE policies on education, training and technical assistance, establish and maintain arrangements for reviewing all proposed education, training, and technical assistance activities of other Federal departments and agencies in direct support of the minority business enterprise program.

.04 Identify other Federal or other Government programs and capabilities that may be of assistance to minority business enterprise and assist in the development and maintenance of appropriate mechanisms through which present or potential minority entrepreneurs are advised of such programs and capabilities.

.05 Confer with, advise and develop working relationships with officials of State and local governments.

.06 Where such organizations do not exist, encourage the formation of "State OMBE's" and other non-Federal governmental organizations that will assist in furthering the minority business enterprise program.

.07 Develop a program of financial assistance to selected State and local governments so that they may render technical and management assistance to minority business enterprises, and, as appropriate, develop specific projects thereunder, in accordance with OMBE policy and for the Director's approval.

.08 Develop, for the Director's approval, and monitor pilot and demonstration projects conducted by other public agencies or organizations which are designed to overcome the special problems of minority business enterprise or otherwise further the purposes of the minority business enterprise program.

SEC. 6. *Private Programs Division.* The Private Programs Division shall promote

the mobilization of activities and resources of private organizations, except those sponsored by the minority community, towards the growth of minority business enterprises. Such organizations shall include business and trade associations, universities, foundations, professional organizations, and volunteer and other groups. Specifically the Division shall:

.01 Identify and develop working relationships with major private organizations which are national in scope and which affect or may contribute to the establishment, preservation, and strengthening of minority business enterprise.

.02 Convene, or recommend that the Director convene, business leaders, educators, and other representatives of the private sector who are engaged in assisting the development of minority business enterprise or who could contribute to its development, for the purpose of proposing, evaluating, and coordinating selected governmental and private activities in furtherance of the objectives of the minority business enterprise program.

.03 Develop and recommend OMBE wide policies on education, training and technical assistance, including policies for Federal training and technical assistance activities, in direct support of the minority business enterprise program.

.04 Develop a program of financial assistance to selected private organizations so that they may render technical and management assistance to minority business enterprises, and, as appropriate, develop specific projects thereunder in accordance with OMBE policy and for the Director's approval.

.05 Develop, for the Director's approval, and monitor pilot or demonstration projects conducted by private agencies or organizations which are designed to overcome the special problems of minority business enterprise or otherwise further the purposes of the minority business enterprise program.

SEC. 7. *Community Programs Division.* The Community Programs Division shall promote the mobilization of activities and resources of organizations sponsored by the minority community towards the growth of minority business enterprises. Specifically it shall:

.01 Be the primary point of contact for minority organizations designed to promote minority business enterprise.

.02 Encourage the formation of local organizations in selected urban and nonurban areas to assist present or potential minority entrepreneurs to establish, improve or expand their operations.

.03 Assist the Director in discharging his responsibilities involving the Advisory Council for Minority Enterprise, including the provision of administrative support to the Council.

.04 Develop a program of financial assistance to selected community organizations so that they may render technical and management assistance to minority business enterprises, and, as appropriate, develop specific projects thereunder in accordance with OMBE policy and for the Director's approval.

.05 Develop, for the Director's approval, and monitor pilot or demonstration projects conducted by community agencies or organizations which are designed to overcome the special problems of minority business enterprise or otherwise further the purposes of the minority business enterprise program.

SEC. 8. *Field Operations Division.* The Field Operations Division shall be the primary link between OMBE, OMBE supported projects in the field (except pilot and demonstration projects), and the public generally. Specifically it shall:

.01 Direct and maintain a system of field offices to represent OMBE in local communities and, in communities without such offices, arrange for appropriate OMBE representation through Business Services Field Offices of the Bureau of Domestic Commerce.

.02 Review all financial assistance proposals and comment to other OMBE offices and divisions, or to the Director as appropriate, on the local effect of such proposals.

.03 Maintain a system for processing financial assistance proposals within OMBE and make a final check of such proposals prior to their approval by the Director.

SEC. 9. *Field offices.* The principal field structure of OMBE shall consist of field offices (OMBE Field Offices) in centers of minority population where OMBE has, or plans to have, a local program. These offices shall serve as OMBE's principal representative and point of contact in the local area. Each shall be headed by a Senior OMBE Field Representative who shall report and be responsible to the head of the Field Operations Division. Specifically, each office shall:

.01 Assess and report on community potential for promoting minority business enterprise, with particular reference to the need for OMBE and other Federal assistance to help realize that potential.

.02 Encourage and facilitate local non-Federal efforts to mobilize resources and otherwise promote minority business enterprise, and, as appropriate, seek to coordinate those efforts with Federal or federally assisted efforts.

.03 Encourage and facilitate the development and maintenance of community arrangements designed to advise present and potential minority entrepreneurs of government, private, and community programs and capabilities which may assist such entrepreneurs.

.04 Monitor all OMBE projects (except pilot and demonstration projects) in its local area, report regularly on the status of such projects and initiate or recommend, as appropriate, such action as may be required for those projects to achieve their objectives.

.05 Recommend necessary or desirable changes in other Federal and federally assisted programs affecting minority business enterprise in its area.

.06 Encourage and facilitate the exchange of program information between local Federal officials, and otherwise facilitate the coordination of Federal or federally assisted programs affecting minority business enterprise in its area.

Effective date: February 15, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-4097 Filed 3-16-72;8:47 am]

TARIFF COMMISSION

[337-L-47]

CERTAIN WRITING INSTRUMENTS AND NIBS THEREFOR

Notice of Amendment to Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on February 9, 1972, of an amendment to the complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Venus Esterbrook Corp. of New York, N.Y., alleging unfair methods of competition and unfair acts in the importation and sale of writing instruments which are embraced within claims of U.S. Patent No. 3,338,216 and nibs for such writing instruments which contribute to the practice of the claims of said patent. The complaint names the following as importers of the articles: Accuray Products, Inc., 168 Main Avenue, Wallington, NJ; Major Line, Inc., 16019 Valley View Avenue, Santa Fe Springs, CA; Ultra, Inc., 23771 Blackstone, Warren, MI, and Micropoint Engineering Co., Sunnyvale, Calif.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission, on January 14, 1972, initiated a preliminary inquiry into the allegations of the original complaint for the purposes of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the Tariff Act.

Copies of the complaint as amended are available for public inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York office of the Tariff Commission located in room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than April 17, 1972. Such information should be sent to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: March 14, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-4107 Filed 3-16-72;8:49 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

New Area Wage Determination Decisions, Modifications and Supersedeas Decisions

There are set forth below general Area Wage Determination Decisions Nos. AM–8588, AM–8589, and 8590 of the Secretary of Labor. These decisions specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein. The decisions are applicable to Federal and federally assisted construction in described localities situated within the States of Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, Missouri, Tennessee, and Texas.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 12–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal or federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 533, and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

These wage determinations are effective for a period of 120 days from the date of publication in the FEDERAL REGISTER and are to be used in accordance with the provisions of 29 CFR Part 5. Accordingly, the applicable determination together with any modification issued subsequent to this date during this 120-day period, shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

The area wage determination decisions for localities within the above States are set forth below:

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO AREA WAGE DETERMINATION DECISIONS

Modification and/or Supersedeas Decisions to Area Wage Determination Decisions for Specified Localities in Alabama, Colorado, Florida, Illinois, Indiana, Kansas, Michigan, Mississippi, New Jersey, Ohio, Rhode Island, Virginia, Wisconsin, and Washington, D.C.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM–1605	Aug. 6, 1971
AM–1706, AM–1708, AM–1709, AM–1710, AM–1713, AM–1718, AM–1720	Aug. 11, 1971
AM–330, AM–331, AM–334, AM–336, AM–337, AM–342, AM–343, AM–344, AM–351, AM–354, AM–355, AM–356, AM–357, AM–358, AM–359, AM–360, AM–361, AM–362, AM–364, AM–365, AM–366, AM–367, AM–369, AM–370	Aug. 13, 1971
AM–373, AM–374, AM–375, AM–376, AM–377, AM–378, AM–379, AM–380, AM–381, AM–382, AM–383, AM–384, AM–385, AM–386, AM–387, AM–388, AM–389, AM–390, AM–391, AM–392, AM–393, AM–394, AM–404, AM–405, AM–407, AM–409, AM–410, AM–413, AM–423, AM–424, AM–425, AM–426, AM–428, AM–429, AM–431, AM–436 (8591), AM–4371(8592), AM–438(8593), AM–439 (8594), AM–440(8595), AM–441(8596)	Aug. 18, 1971
AM–442, AM–459, AM–490, AM–497(8597), AM–1872	Aug. 20, 1971
AM–3618(11,403), AM–3619 (11,404) AM–3620(11,405)	Aug. 25, 1971
AM–3630, AM–3631	Aug. 27, 1971
AM–8581, AM–8582	Feb. 11, 1972
AM–8585, AM–8587	Feb. 18, 1972
AM–9682	Mar. 3, 1972

Are hereby modified and/or superseded as set forth below. Supersedeas decision numbers are in parentheses following the number of the decision being superseded.

These modification and/or supersedeas decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications and/or supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 9756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the Predetermination of Wage Rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modifications are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified were issued and are to be used in accordance with the provisions of 29 CFR Part 5. The modifications to the area wage determination decisions listed above are set forth below.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. Section 553 is set forth in the document being modified.

Signed at Washington, D.C., this 10th day of March 1972.

HORACE E. MENASCO,
Administrator, Employment Standards Administration.

MODIFICATIONS

States: Alabama, Arkansas, Florida (west of the Chattahoochee River), Kentucky, Louisiana, Mississippi, Missouri, Texas, and Tennessee.
Decision No. AM-8589; Date of decision: Mar. 17, 1972.
Description of work: Dredging along the gulf coast area including the Mississippi River and its tributaries from its mouth to the mouth of the Ohio River.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Electricians	$2.80					
Carpenters	2.96					
Dozer operators	2.80					
Derrick operators	2.50					
Hydraulic dredging:						
Chief cook	2.40					
2d cook	2.12					
Cook helper	2.00					
Janitor (cabin boy)	2.00					
Dredges under 16 inches:						
Leverman	2.95					
1st assistant engineer	2.70					
2d assistant engineer	2.00					
3d assistant engineer	2.00					
Welder	2.10					
Dredge tender operator	1.94					
Deckhand	1.70					
Handyman	1.90					
Laborer	1.70					
Oiler	1.80					
Dredges 16 inches and over:						
Leverman	3.06					
1st assistant engineer	3.00					
2d assistant engineer	2.80					
Dredge tender operator 250 hp. and over	2.60					
Dredge tender operator under 250 hp	2.34					
Oiler	2.10					
Fireman	2.26					
Machinist	2.86					
Welder	2.80					
Welders helper	2.10					
Deckhands	1.80					
Laborers	1.70					
Handyman	2.26					
Truckdrivers	2.10					
Bucket dredging:						
Cooks	2.00					
Operators	2.50					
Deckhands	1.60					
Oilers	1.60					

States: Arkansas, Louisiana, Mississippi, and Tennessee.
Decision No. AM-8588; Date of decision: Mar. 17, 1972.
Description of work: For construction of all flood control projects on the Mississippi River and its tributaries.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Laborers:						
Unskilled	$1.60					
Asphalt workers, rakers, tampers, shovelers, ironers, etc	1.60					
Revetment hookers, weavers	1.60					
Revetment laborers and twisters	1.60					
Deckhand revetment	1.70					
Head deckhand, revetment	1.80					
Chain saw operator or filer	2.00					
Air tool operator	2.25					
Powderman	2.75					
Power equipment operators:						
Pile driver operator, mechanic (heavy equipment), cranes, derricks, draglines, welder, power shovels, and backhoes, mixer (concrete, 21 cu. ft. and over), asphalt plant operator, trenching machine (over 18")	4.00				$0.03	
Bulldozer (finisher, push cat, and on barges), Motor Patrol finisher, scrapers and like equipment, front end loader, backhoe (tractor mounted), asphalt finisher, or spreading machine, well point system operator, self-propelled loader (conveyor type)	3.65				.03	
Firemen (heavy construction), piledriver leadsman, winchman	3.15				.03	
Asphalt plant dryer operator, asphalt distributor, asphalt roller, bulldozer (rough, including disc, plow or roller), Motor Patrol (haul roads), trenching machine (18" and under), self-propelled roller (except asphalt) end dump equipment (off highway), mixer (concrete up to 21 cu. ft.), bottom dump Euclids (and like equipment)	2.90				.03	
Oiler, pump, mechanic helper, greaser, welder helper, tractor (farm type including disc, plow or roller)	2.30				.03	
Truckdrivers:						
1½ tons or less	1.75					
Over 1½ tons	1.85					

MODIFICATIONS—Continued

State: Florida; Area: Atlantic Coast and Gulf Coast west to the Chattahoochee River and all tributary waterways;
Decision No. AM-8590; Date of decision: Mar. 17, 1972.
Description of work: Dredging.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Dredges 20" and over:						
Leverman	$5.13	$0.25	$0.15		a	
Engineer	5.13	.25	.15		a	
Spill barge and spider barge	4.77	.25	.15		a	
Mate	4.51	.25	.15		a	
Welder	4.69	.25	.15		a	
Derrick operator	4.90	.25	.15		a	
Tug mate	4.29	.25	.15		a	
Carpenter	4.87	.25	.15		a	
Electricians	5.00	.25	.15		a	
Machinists	4.82	.25	.15		a	
Oiler	3.61	.25	.15		a	
Fireman	3.61	.25	.15		a	
Deckhand	3.29	.25	.15		a	
Tug deckhand	3.29	.25	.15		a	
Shoreman	3.21	.25	.15		a	
Second cook	3.29	.25	.15		a	
Messman	3.21	.25	.15		a	
Dredges 16" up to but not including 20":						
Leverman	4.65	.25	.15		a	
1st engineer	4.37	.25	.15		a	
2d engineer	4.25	.25	.15		a	
3d engineer	4.12	.25	.15		a	
Welder	4.46	.25	.15		a	
Mate	3.84	.25	.15		a	
Oiler	3.55	.25	.15		a	
Fireman	3.55	.25	.15		a	
Deckhand	3.29	.25	.15		a	
Launchman	3.61	.25	.15		a	
Shoreman	3.21	.25	.15		a	
Spill barge and spider barge	3.97	.25	.15		a	
Cook	3.55	.25	.15		a	
Mess cook	3.27	.25	.15		a	
Messman and janitor	3.18	.25	.15		a	
Dredges under 16":						
Leverman	2.25					
1st assistant engineer	1.85					
2d assistant engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					
Dipper and clamshell dredges:						
Operator	5.00	.25	.15		a	
Craneman	4.87	.25	.15		a	
1st engineer	4.20	.25	.15		a	
2d engineer	4.09	.25	.15		a	
3d engineer	3.84	.25	.15		a	
Welder	4.46	.25	.15		a	
Mate	4.15	.25	.15		a	
Fireman	3.60	.25	.15		a	
Deckhand	3.29	.25	.15		a	
Launchman	3.61	.25	.15		a	
Scowman	3.37	.25	.15		a	
Cook	3.55	.25	.15		a	
Mess cook	3.27	.25	.15		a	
Messman and janitor	3.18	.25	.15		a	

a. 5% of straight time rate, and 6 paid holidays. A to F.
Paid holidays: (Where applicable) A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-442—36 F.R. 16349, Jefferson County, Ala., Modification No. 5						
CHANGE:						
Sheet metal workers	$7.25	$0.20	$0.25		$0.02	
WD No. AM-3,630—36 F.R. 17067, Adams, Arapahoe, southeastern portion of Boulder (including city of Boulder), Denver, northern portion of Douglas and Elbert, Jefferson and the southwestern portion of Weld Counties, Colo., Modification No. 5						
CHANGE:						
Building construction:						
Carpenters	6.565	.35	.35	$0.25	.015	
Cementmasons:						
Cementmasons	6.35	.25	.20	.60	.03	
Cementmasons working with composition material	6.60	.25	.20	.60	.03	
Cementmasons working on scaffold, swing stage or temporary platform over 25 ft. high	6.60	.25	.20	.60	.03	
Power troweling machine and floor grinding machines	6.60	.25	.20	.60	.03	
OMIT:						
Carpenters (utility work)	5.515	.30	.35	.20	0.15	
WD No. AM-3,631—36 F.R. 17074, El Paso County, Colo., Modification No. 6						
CHANGE:						
Building construction:						
Carpenters	6.02	.35	.35	.20	0.15	
Cementmasons:						
Cementmasons	6.10	.25	.20	.60	.03	
Working with composition materials and color	6.35	.25	.20	.60	.03	
Working on scaffold, swinging stage or temporary platform over 25 ft. high or 25 ft. above permanent floor, roof or solidly planked opening	6.35	.25	.20	.60	.03	
Operators of all power troweling machines, power float machines and power floor grinding machines	6.35	.25	.20	.60	.03	
OMIT:						
Carpenters (utility work)	6.02	.30	.35	.20	.015	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-459—36 F.R. 16394, Orange County, Fla., Modification No. 3						
CHANGE:						
Building construction:						
Carpenters	5.42	.50			a2.00	
Soft floor layers	5.42	.50			a2.00	
Ironworkers: All categories	6.30	.35	.25	.43	.01	
Glaziers	5.20	.20			.005	
Painters:						
Brush, roller	5.20	.30	.20			
Spray	5.45	.30	.20			
Paperhangers	5.70	.30	.20			
Sand blasters	5.70	.30	.20			
Structural steel	5.45	.30	.20			
WD No. AM-330—36 F.R. 15155, Cook County, Ill., Modification No. 9						
CHANGE:						
Power equipment operators (heavy, sewer, and highway):						
Class I	8.50	.30	.30	.10	.02	
Class II	8.00	.30	.30	.10	.02	
Class III	7.30	.30	.30	.10	.02	
Class IV	6.60	.30	.30	.10	.02	
Class V	5.80	.30	.30	.10	.02	
WD No. AM-331—36 F.R. 15161, Du Page County, Ill., Modification No. 9						
CHANGE:						
Power equipment operators (heavy, sewer, and highway):						
Class I	8.50	.30	.30	.10	.02	
Class II	8.00	.30	.30	.10	.02	
Class III	7.30	.30	.30	.10	.02	
Class IV	6.60	.30	.30	.10	.02	
Class V	5.80	.30	.30	.10	.02	
WD No. AM-334—36 F.R. 15175, Madison County, Ill., Modification No. 5						
CHANGE:						
Bricklayers and stonemasons: Alton, Wood River, and vicinity	9.00	.30	.50			
Electricians: Alton, East Alton, Hartford, and Wood River	7.96	.20	1%		.2%	
Line construction:						
Alton and vicinity—linemen	7.96	.20	1%		.2%	
Groundman and groundman truckdriver	6.96	.20	1%		.2%	
Groundman truckdriver w/winch	7.16	.20	1%		.2%	
WD No. AM-336—36 F.R. 15188, Rock Island County, Ill., Modification No. 5						
CHANGE:						
Carpenters (heavy and highway)	6.76	.30	$0.25			
WD No. AM-337—36 F.R. 15194, St. Clair County, Ill., Modification No. 5						
CHANGE:						
Laborers (building and heavy construction):						
New Athens and vicinity—building construction:						
Laborers	6.50		.20		$0.035	
Asphalt rakers	6.65		.20		.035	
Plumber's helpers, workmen while cutting and burning with a torch and men working on the bottom of sewer trenches on the final grading, laying, or caulking or preformed sectional sewer pipe	6.75		.20		.035	
Mason and plaster tenders	6.90		.20		.035	
Dynamite men	8.05		.20		.035	
Plumbers and steamfitters: Belleville and vicinity and Scott AFB	8.15		.30			
WD No. AM-342—36 F.R. 15218, Winnebago County, Ill., Modification No. 9						
CHANGE:						
Carpenters: Heavy and highway	6.91	.20	.20	.20		
WD No. 343—36 F.R. 15223, Boone, De Kalb, Du Page, Kane, Kendall, Lake, McHenry, and Will Counties, Ill., Modification No. 5						
CHANGE:						
Carpenters and piledrivermen: Boone and De Kalb Counties	6.76	.25	.30			
WD No. AM-344—36 F.R. 15224, Bureau, Carroll, Henry, Jo Daviess, Lee, Ogle, Rock Island, Stephenson, Whiteside, and Winnebago Counties, Ill., Modification No. 4						
CHANGE:						
Carpenters and piledrivermen:						
Bureau County	5.50	.25	.25		.015	
Lee and Whiteside Counties	7.06	.25				
Carroll and Stephenson Counties	7.11	.20				
Jo Daviess County	7.11	.20				
Rock Island and Henry Counties; Ogle County (Oregon and south thereof)	6.76	.30	.25			
Winnebago and Ogle County (north of Oregon)	6.91	.20	.20	.20		
WD No. AM-351—36 F.R. 15277, Allen County, Ind., Modification No. 7						
CHANGE:						
Building construction:						
Asbestos workers	9.00	.25	.15			
Carpenters	7.15	f			.04	
Millwrights	7.50	f			.04	
Piledrivermen	7.50	f			.04	
Soft floor layers	7.15	f			.04	
WD No. AM-354—36 F.R. 15293, Dearborn County, Ind., Modification No. 4						
CHANGE:						
Building construction:						
Carpenters (heavy and highway)	7.58	.25	.25		.02	
Ironworkers, structural and ornamental	8.545	.40	.55		.015	
Ironworkers, reinforcing	8.285	.40	.65		.02	
Plasterers (remainder of county)	6.45	.30	.25		.01	
WD No. AM-355—36 F.R. 15297, Delaware County, Ind., Modification No. 6						
CHANGE:						
Building construction:						
Carpenters—heavy and highway	7.78	.30	.30		.02	
Glaziers	7.99					
Sheet metal workers	7.53	.40	.40		.02	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-356—36 F.R. 15303, Grant County, Ind., Modification No. 5						
CHANGE:						
Building construction:						
Asbestos workers	9.60	.25	.15			
Glaziers	7.99					
Painters:						
Brush and high work 0–30 ft	5.90	.22	.25		.05	
High work, 31–60 ft	6.30	.22	.25		.05	
High work, 61–100 ft	6.70	.22	.25		.05	
High work, over 100 ft	6.90	.22	.25		.05	
Spray and sandblasting	6.90	.22	.25		.05	
Roller	5.90	.22	.25		.05	
Terrazzo workers	7.14	.35	.35		.02	
Tile setters	7.14	.35	.35		.02	
WD No. AM-357—36 F.R. 15310, Lake County, Ind., Modification No. 6						
CHANGE:						
Building construction:						
Hammond area:						
Carpenters	8.66	.40	.40		.02	
Millwrights	8.66	.40	.40		.02	
Piledrivermen	8.66	.40	.40		.02	
Plumbers	8.10	.30	.30			
Roofers	8.61	.30	.30			
Sheet metal workers	8.57	.38	.34		.08	
Soft floor layers						
Remainder of county:						
Carpenters and soft floor layers	8.66	.40	.40		.02	
Millwrights	8.66	.40	.40		.02	
Painters:	8.66	.40	.40		.02	
Brush—commercial	6.95	.32	.25		.02	
Brush—industrial	7.80	.32	.25		.02	
Sandblasting and spray—commercial	7.70	.32	.25		.02	
Piledrivermen	8.66	.40	.40		.02	
Plumbers	8.19	.35	.35			
Roofers	8.61	.30	.30			
Sheet metal workers	8.57	.38	.34		.08	
WD No. AM-358—36 F.R. 15319, La Porte County, Ind., Modification No. 5						
CHANGE:						
Building construction:						
La Porte County, excluding Michigan City:						
Carpenters	8.66	.40	.40		.02	
Millwrights	8.66	.40	.40		.02	
Piledrivermen	8.66	.40	.40		.02	
Sheet metal workers	8.57	.38	.34		.08	
Soft floor layers	8.66	.40	.40		.02	
Michigan City, La Porte County:						
Carpenters	8.66	.40	.40		.02	
Millwrights	8.66	.40	.40		.02	
Piledrivermen	8.66	.40	.40		.02	
Sheet metal workers	8.57	.38	.34		.08	
Soft floor layers	8.66	.40	.40		.02	
WD No. AM-359—36 F.R. 15327, Marion County, Ind., Modification No. 5						
CHANGE:						
Building construction:						
Carpenters:						
Building	8.15	.40	.27		.05	
Heavy and highway	7.78	.30	.30		.02	
Glaziers	7.99					
Laborers, wrecking:						
Wrecking laborers, salamander and mason tenders	5.20	.18	.25		.07	
Jackhammer, drill and compactor operators, chain saw operator, mechanical wheelbarrows and buggies; gas powered floor sweeper; laborers working over 3 stories or 35' in height	5.40	.18	.25		.07	
Cutting torch or burner	5.60	.18	.25		.07	
Millwrights	8.15	.40	.27		.05	
Plasterers	7.95	.25			.01	
Piledrivermen	8.15	.40	.27		.05	
Sheet metal workers	7.53	.40	.40		.02	
Terrazzo workers	7.65	.25	.20			
ADD:						
Building construction: Soft floor layers	6.15	.25			.04	
WD No. AM-360—36 F.R. 15333, Monroe County, Ind., Modification No. 5						
CHANGE:						
Building construction:						
Glaziers	7.99					
Sheet metal workers	7.53	.40	.40		.02	
WD No. AM-361—36 F.R. 15340, Porter County, Ind., Modification No. 4						
CHANGE:						
Building construction:						
Carpenters	8.66	.40	.40		.02	
Millwrights	8.66	.40	.40		.02	
Piledrivermen	8.66	.40	.40		.02	
Roofers	8.61	.30	.30			
Sheet metal workers	8.57	.38	.34		.08	
Soft floor layers	8.66	.40	.40		.02	
WD No. AM-362—36 F.R. 15348, St. Joseph County, Ind., Modification No. 5						
CHANGE:						
Building construction:						
Carpenters	7.55	.30	.45		.03	
Millwrights and piledrivermen	7.55	.30	.45		.03	
Cementmasons	7.72	.25	.30		.01	
Cementmasons, swing scaffold	7.97	.25	.30		.01	
Cementmasons, color and composition materials	7.97	.25	.30		.01	
Ironworkers, structural and ornamental	8.10	.40	.65		.01	
Ironworkers, reinforcing	8.10	.40	.65		.01	
Lathers	7.82	.23	.25		.01	
Plasterers	7.98	.25	.30		.01	
Soft floor layers	7.55	.30	.45		.03	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-364—36 F.R. 15358, Vigo County, Ind., Modification No. 5						
CHANGE:						
Modification No. 3 published in 36 F.R. 22709 on Nov. 27, 1971, to Modification No. 4.						
Building construction:						
Asbestos workers	8.10	.20	.20		.02	
Electricians	7.85	.10	1%+.15		.1%	
Glaziers	7.99					
WD No. AM-365—36 F.R. 15365, Highway Zone 1, Ind., Modification No. 3						
CHANGE:						
Carpenters:						
Starke County	8.66	.40	$0.40		$0.02	
Remaining counties	7.78	.30	.30		.02	
Cementmasons:						
Marshall County	7.72	.25	.30		.01	
Elkhart, Kosciusko, and La Grange Counties	7.88				.02	
WD No. AM-366—36 F.R. 15370, Highway Zone 2, Ind., Modification No. 4						
CHANGE:						
Carpenters:						
Jasper and Newton Counties	8.66	.40	.40		.02	
Remainder of counties	7.78	.30	.30		.02	
Cementmasons:						
Cass, Fulton, Miami, and the northeast section of Carroll County	5.95	.15			.01	
WD No. AM-367—36 F.R. 15374, Highway Zone 3, Ind., Modification No. 3						
CHANGE:						
Carpenters:						
Rush and Shelby Counties and city of Edinburg in Johnson County	7.58	.25	.25		.02	
Remainder of counties	7.78	.30	.30		.02	
WD No. AM-369—36 F.R. 15382, Highway Zone 6, Ind., Modification No. 3						
CHANGE: Carpenters, all counties	7.58	.25	.25		.02	
WD No. AM-370—36 F.R. 15386, Highway Zone 5, Ind., Modification No. 3						
CHANGE:						
Carpenters:						
Bartholomew (Camp Atterbury)	7.78	.30	.30		.02	
Bartholomew (except Camp Atterbury) and remaining counties	7.58	.25	.25		.02	
Ironworkers:						
Dearborn, Franklin, Ohio, Ripley, and Switzerland Counties and the eastern ½ of Decatur County:						
Structural and ornamental	8.545	.40	.55		.015	
Reinforcing	8.285	.40	.65		.02	
WD No. AM-8581—37 F.R. 3148, Benton and Tippecanoe Counties, Ind., Modification No. 1						
CHANGE:						
Building construction:						
Glaziers (except Benton County)	7.99					
Roofers:						
Composition	7.85	.15	.20			
Slate and tile	8.10	.15	.20			
WD No. AM-8582—37 F.R. 3146, Bartholomew County, Ind.						
CHANGE:						
Building construction:						
Carpenters (Camp Atterbury): Heavy and highway carpenters	7.78	.30	.30		.02	
Carpenters (remainder of county):						
Carpenters and soft floor layers	6.45	.25	.25		.02	
Millwrights	6.70	.25	.25		.02	
Piledrivermen	6.70	.25	.25		.02	
Heavy and highway carpenters	7.58	.25	.25		.02	
Glaziers	7.99					
Sheet metal workers	7.53	.40	.40		.02	
WD No. AM-373—36 F.R. 15777, Allegan County, Mich., Modification No. 8						
CHANGE:						
Boilermakers	7.98	.50	1.00	1.00	.01	
Lead burners	6.90	.30		a	.01	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-374—36 F.R. 15782, Alpena County, Mich., Modification No. 5						
CHANGE:						
Boilermakers	7.98	.50	1.00	1.00	.01	
Lead burners	6.90	.30		a	.01	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-375—36 F.R. 15787, Berrien County, Mich., Modification No. 7						
CHANGE:						
Builder and heavy construction:						
Boilermakers	7.98	.50	1.00	1.00	.01	
Lead burners	6.90	.30		a	.01	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-376—36 F.R. 15791, Calhoun County, Mich., Modification No. 8						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.98	.50	1.00	1.00	.01	
Electricians	8.00	.30	4%		.01	
Lead burners	6.90	.30		a	.01	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-377—36 F.R. 15795, Charlevoix County, Mich., Modification No. 7						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.98	.50	$1.00	1.00	.01	
Lead burners	6.90	.30		a	.01	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-378—36 F.R. 15800, Chippewa and Mackinac Counties, Mich., Modification No. 6						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.98	.50	1.00	1.00	.01	
Electricians	7.09	.30	1%			
Cable splicers	8.15	.30	1%			
Lead burners	6.90	.30		a	.01	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-379—36 F.R. 15804, Emmet County, Mich., Modification No. 6						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.98	.50	$1.00	1.00	.01	
Lead burners	6.90	.30		a	.01	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-380—36 F.R. 15809, Genesee County, Mich., Modification No. 6						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.98	.50	1.00	1.00	.01	
Lead burners	6.90	.30		a	.01	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-381—36 F.R. 15813, Gogebic County, Mich., Modification No. 7						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.98	.50	1.00	1.00	.01	
Lead burners	6.90	.30		a	.01	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-382—36 F.R. 15817, Grand Traverse and Leelanau Counties, Mich., Modification No. 6						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.98	.50	1.00	1.00	.01	
Lead burners	6.90	.30		a	.01	
Footnote: 9 a. paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-383—36 F.R. 15822, Huron County, Mich., Modification No. 7						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.98	.50	1.00	1.00	.01	
Lead burners	6.90	.30		a	.01	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-384—36 F.R. 15828, Ingham County, Mich., Modification No. 7						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.98	.50	1.00	1.00	.01	
Lead burners	6.90	.30		a	.01	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-385—36 F.R. 15823, Kalamazoo County, Mich., Modification No. 8						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.98	.50	1.00	1.00	.01	
Electricians: Townships of Ross and Charleston	8.00	.30	4%		.01	
Lead burners	6.90	.30		a	.01	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-386—36 F.R. 15837, Kent County, Mich., Modification No. 7						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.98	.50	$1.00	1.00	.01	
Lead burners	6.90	.30		a	.01	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-387—36 F.R. 15842, Keweenaw, Houghton, Ontonagon, and Baraga Counties, Mich., Modification No. 7						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.98	.50	1.00	1.00	.01	
Electricians:						
Contracts $5,000 or more	7.10	.30	1%		1%	
Contracts $5,000 or less	6.10	.30	1%		1%	
Lead burners	6.90	.30		a	$0.01	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-391—36 F.R. 15861, Saginaw County, Mich., Modification No. 7						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.98	.50	$1.00	1.00	.01	
Lead burners	6.90	.30		a	.01	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-392—36 F.R. 15867, St. Clair County, Mich., Modification No. 8						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.98	.50	1.00	1.00	.01	
Lead burners	6.90	.30		a	.01	
Sheet metal workers	8.44	.38	6%	.10%	.02	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-393—36 F.R. 15872, Washtenaw County, Mich., Modification No. 7						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.98	.50	$1.00	$1.00	.01	
Electricians	7.45	.36	.30	10%	¼ of 1%	
Lead burners	6.90	.30		a	$0.01	
Sheet metal workers	8.44	.38	6%	.10%	.02	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-394—36 F.R. 15877, Oakland, Wayne, and Macomb Counties, Mich., Modification No. 7						
CHANGE:						
Building and heavy construction:						
Boiler makers	7.98	.50	$1.00	$1.00	.01	
Lead burners	6.90	.30		a	.01	
Sheet metal workers	8.44	.38	6%	.10%	.02	
WD No. AM-490—36 F.R. 16464, Hinds County, Miss., Modification No. 5						
CHANGE:						
Bricklayers	5.90					
Stonemasons	5.90					
Sheet metal workers	5.85	.25				
Roofers	5.15					
Roofers' helpers	3.85					
WD No. AM-1,706—36 F.R. 14799, Atlantic and Cape May Counties, N.J., Modification No. 8						
CHANGE:						
Building construction:						
Bricklayers	7.95	.30	$0.15			
Cementmasons	7.70	.30	.15			
Glaziers	5.95	.20				
Leadburners	6.90	.30		c	.01	
Marble setters	7.95	.30	.15			
Plasterers	7.95	.30	.15			
Roofers:						
Composition, rollermen, kettlemen	8.15	.30	.30			
Slate, tile and dampproofers	8.40	.30	.30			
Stonemasons	7.95	.30	.15			
Terrazzo workers	7.70	.30	.15			
Tile setters	7.70	.30	.15			
Footnote: c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
N.J. 4-Lab-5-J:						
Laborers, asphalt:						
Street:						
Head raker	5.45	.26	.44	a		
Rakers and screed board man	5.30	.26	.44	a		
Tampers, smoothers, kettlemen, painters, top shovelers, and roller boys	5.05	.26	.44	a		
Plant:						
Scale mixers and burner men	5.30	.26	.44	a		
Feeders and dust men	5.05	.26	.44	a		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote: a. Holidays: A through F; Washington's Birthday, Armistice Day, and Presidential Election Day providing employee works on 3 days for the same employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day on which the holiday falls or is observed as such.						
WD No. AM-1,708—36 F.R. 14812, Burlington County, N.J., Modification No. 3						
CHANGE:						
Building construction:						
Asbestos workers: Townships of Bordentown, Burlington, Chesterfield, East Hampton, Florence, Mansfield, Mount Holly, New Hanover, Pembertown, Roebling, Springfield, Wrightstown, Woodlawn, and North Hanover	8.50	.25	.20			
Electricians and linemen:						
Electricians	9.85	.20+d	1%+.30		.08	
Linemen and pipe-type cable:						
Linemen, cable splicers, hole digging equipment	7.95	.20+d	1%+.30		.08	
Groundman	6.60	.20+d	1%+.30		.08	
Leadburners	6.90	.30		c	.01	
Soft floor layers	8.40	4½%	3½%	4%		
Footnote: c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employed worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
N.J.-1-LAB-2-3 Z:						
Heavy and highway construction:						
Laborers:						
Blasters	6.30	$0.36	$0.49		a	
Finishers, rammer, paver and Gunite nozzle man and stonecutter	6.00	.36	.49		a	
Timberman	5.95	.36	.49		a	
Form setters	6.00	.36	.49		a	
Grademan	6.00	.36	.49		a	
Sewer pipe, laser men, conduit and duct line layers	5.70	.36	.49		a	
Wagon drill operator, and Drillmasters	5.80	.36	.49		a	
Wagon drill operator helper and Drillmaster helper, powder carrier, magazine tender	5.45	.36	.49		a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter operator, and such other power tools used to perform work usually done manually by laborers	5.80	.36	.49		a	
Signalman	5.50	.36	.49		a	
Wrapping and coating of all pipe	5.40	.36	.49		a	
Common laborers, landscape laborers, railroad track man, flagman, salamander tenders, pitmen and dumpmen	5.30	.36	.49		a	
Rock shafts and tunnel work:						
Blasters	7.97	.36	.49		a	
Miners, drill runners, jacking pipe and other skilled workers	7.57	.36	.49		a	
Miners' helpers, chuck tenders, nipper powder carriers and all other semiskilled men	7.41	.36	.49		a	
Form erectors and form movers	7.41	.36	.49		a	
Bell man or signalman in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.36	.49		a	
Top laborers	6.9025	.36	.49		a	

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnote: a. Holidays: A through F; Washington's Birthday, Armistice Day, Presidential Election Day, (providing employee works 3 days for same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

WD No. AM-1,709—36 F.R. 14820, Camden and Gloucester Counties, N.J., Modification No. 4

CHANGE:						
Building construction:						
Bricklayers	7.80	.65	.50			
Leadburners	6.90	.30		c	.01	

Footnote: c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holidays and the regular schedule work days immediately preceding and following the holiday.

N.J. 4-LAB-5-J:						
Laborers, asphalt:						
Street:						
Head raker	5.45	.26	.44		a	
Rakers and screed board man	5.30	.26	.44		a	
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	5.05	.26	.44		a	
Plant:						
Scale mixers and burner men	5.30	.26	.44		a	
Feeders and dust men	5.05	.26	.44		a	

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnote: a. Holidays: A through F; Washington's Birthday; Armistice Day, and Presidential Election Day providing employee works on 3 days for the same employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day on which the holiday falls or is observed as such.

WD No. AM-1,710—36 F.R. 14827, Cumberland County, N.J., Modification No. 3

CHANGE:						
Building construction:						
Leadburners	6.90	.30		c	.01	
Roofers, composition	8.15	.30	.30			
Roofers, slate, tile and dampproofing	8.40	.30	.30			
Sheet metal workers	8.20	.30	.30			

Footnote: c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

N.J. 4-LAB-5-J:						
Laborers, asphalt:						
Street:						
Head raker	5.45	.26	.44		a	
Rakers and screed board man	5.30	.26	.44		a	
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	5.05	.26	.44		a	
Plant:						
Scale mixers and burner men	5.30	.26	.44		a	
Feeders and dust men	5.05	.26	.44		a	

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnote: a. Holidays: A through F; Washington's Birthday, Armistice Day, and Presidential Election Day providing employee works on 3 days for the same employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day of which the holiday falls or is observed as such.

WD No. AM-1,713—36 F.R. 14848, Mercer County, N.J., Modification No. 4

CHANGE:						
Building construction:						
Lead burners	6.90	.30		c	.01	
Linemen and pipe-type cable:						
Linemen	7.95	.20+d	1%+.30		.08	
Cable splicer	7.95	.20+d	1%+.30		.08	
Hole digging equipment and truck	7.95	.20+d	1%+.30		.08	
Groundman	6.60	.20+d	1%+.30		.08	
Soft floor layers	8.40	4½%	3½%	4%		

Footnote: c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
N.J.-1-Lab-2-3 Z:						
Heavy and highway construction:						
Laborers:						
Blasters	6.30	$0.36	$0.49	a		
Finishers, rammer, paver and Gunite nozzle man and stonecutter	6.00	.36	.49	a		
Timberman	5.95	.36	.49	a		
Form setters	6.00	.36	.49	a		
Grademan	6.00	.36	.49	a		
Sewer pipe, laser men, conduit and duct line layers	5.70	.36	.49	a		
Wagon drill operator, and Drillmasters	5.80	.36	.49	a		
Wagon drill operator helper and Drillmaster helper, powder carrier, magazine tender	5.45	.36	.49	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter operator, and such other power tools used to perform work usually done manually by laborers	5.80	.36	.49	a		
Signalman	5.50	.36	.49	a		
Wrapping and coating of all pipe	5.40	.36	.49	a		
Common laborers, landscape laborers, railroad track man, flagman, salamander tenders, pitmen and dumpmen	5.30	.36	.49	a		
Rock shafts and tunnel work:						
Blasters	7.97	.36	.49	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.36	.49	a		
Miners' helpers, chuck tenders, nipper powder carriers and all other semiskilled men	7.41	.36	.49	a		
Form erectors and form movers	7.41	.36	.49	a		
Bell man or signalman in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.36	.49	a		
Top laborers	6.9025	.36	.49	a		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote: a. Holidays: A through F; Washington's Birthday, Armistice Day, Presidential Election Day (providing employee works 3 days for same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).						
Laborers, asphalt:						
Street:						
Head raker	5.45	.26	.44	a		
Rakers and screed board man	5.30	.26	.44	a		
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	5.05	.26	.44	a		
Plant:						
Scale mixers and burner men	5.30	.26	.44	a		
Feeders and dust men	5.05	.26	.44	a		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote: a. Holidays: A through F, Washington's Birthday, Armistice Day, and Presidential Election Day providing employee works on 3 days for the same employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day on which the holiday falls or is observed as such.						
WD No. AM-1,718—36 F.R. 14885, Passaic County, N. J., Modification No. 3						
CHANGE:						
Building construction:						
Leadburners	6.90	.30		e	.01	
Painters:						
Commercial and industrial	7.25		f+.30	$0.25		
Steel	7.75	f	f+.30	.25		
High hazardous work and bridge	7.75	f	f+.30	.25		
Footnotes:						
e. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
f. Employer contributes 16% combined to pension, health and welfare.						
WD No. AM-1,720—36 F.R. 14900, Union County, N.J., Modification No. 4						
CHANGE:						
Building construction:						
Leadburners	6.90	.30		e	.01	
Soft floor layers	8.40	4½%	3½%	4%		
Tile setters	7.01	$0.45	.355+.75	$0.15		
Footnote: e. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-404—36 F.R. 15879, Butler County, Ohio, Modification No. 6						
CHANGE:						
Plumbers and steamfitters: South ½ of county	8.87	.40	$0.65		.01	
WD No. AM-405—36 F.R. 15902, Clark County, Ohio, Modification No. 7						
OMIT:						
Ironworkers: Structural, ornamental, and reinforcing	8.45	.40	.65		.02	
ADD:						
Ironworkers:						
Structural, ornamental and Reinforcing—west ¾ of county	8.45	.40	.65		.02	
Structural, ornamental and Reinforcing—east ¼ of county	8.55	.40	.65		.01	
WD No. AM-407—36 F.R. 15911, Franklin and Pickaway Counties, Ohio, Modification No. 8						
CHANGE:						
Ironworkers (Franklin County)	8.55	.40	.65		.01	
Ironworkers (Pickaway County)	8.70	.40	.65		.01	
WD No. AM-409—36 F.R. 15920, Hamilton County, Ohio, Modification No. 7						
CHANGE:						
Sheet metal workers	8.205	.25	.65		.02	
Painters, brush:						
Commercial	8.03	.15	.15			
Industrial	8.18	.15	.15			
Painters, spray:						
Commercial	8.28	.15	.15			
Industrial	8.43	.15	.15			
Painters (heavy and highway):						
Brush	8.18	.15	.15			
Spray	8.43	.15	.15			
Bridges (highest point of clearance 60' or more)	9.18	.15	.15			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-410—36 F.R. 15925, Licking County, Ohio, Modification No. 10						
CHANGE:						
Ironworkers: Structural, ornamental and reinforcing	8.70	.40	.65		.01	
Linemen	8.20	.15	1%		¼ of 1%	
WD No. AM-413—36 F.R. 15938, Muskingum County, Ohio, Modification No. 9						
CHANGE:						
Ironworkers: Structural, ornamental and reinforcing	8.80	.40	$0.65		$0.01	
WD No. AM-1,605—36 F.R. 14610, Washington County, R.I., Modification No. 2						
CHANGE:						
Building construction:						
Carpenters and soft floor layers; Remainder of County:						
Carpenters, soft floor layers and piledrivermen	7.975	.25	.25			
Millwrights	8.225	.25	.25			
Glaziers	6.96	.35	.25		.01	
Leadburners	6.90	.30		b	.01	
Footnote: b. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-1,872—36 F.R. Accomack, Greensville, Isle of Wight, James City, Nansemond, Northampton, Southampton, Surry, Sussex, York Counties; and independent cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, and Virginia Beach, Va., Modification No. 2.						
ADD:						
To the geographic area of wage determination the idependent city of Princess Anne.						
WD No. AM-9,682 (AM-1,843)—37 F.R. 4472, Washington, D.C., Modification No. 1						
CHANGE:						
5-D.C.-3-L:						
Highway construction:						
Asphalt shoveler	4.15	.22	.15			
Asphalt raker	4.35	.22	.15			
Asphalt tamper	4.25	.22	.15			
Bricklayers	8.60	.37	.18			
Carpenters	7.44	.20	.24		.07	
Cement masons	4.60	.22	.15			
Concrete saw operator	4.35	.22	.15			
Concrete shoveler	4.25	.22	.15			
Form setter	4.60	.22	.15			
Laborers:						
Laborers	4.10	.22	.15			
Jackhammer	4.30	.22	.15			
Hand burner operator	4.25	.22	.15			
Power equipment operators:						
Concrete spreader operator, finishing machine, roller (rough), compressor, rubber-tired loader (1½ cu. yd., or less), asphalt plant mixer	4.35	.22	.15			
Loader operator tracks (2½ cu. yd. or less), burner planer, bulldozer, mechanical welder, rubber-tired loader (over 1½ cu. yd.)	4.55	.22	.15			
Asphalt spreader, hydraulic backhoe (½ cu. yd., or less), asphalt plant engineer, asphalt roller operator, concrete breaker (machine)	4.60	.22	.15			
Crane operator, concrete paving operator	4.75	.22	.15			
Shovel operator	4.85	.22	.15			
Gradall operator (1½ cu. yd., or less), motor grader, loader operator tracks (over 2½ cu. yd.)	5.50	.22	.15			
G-1000 Gradall operator (over 1½ cu. yd.)	5.75	.22	.15			
Power broom, oiler	4.25	.22	.15			
Sand setter	4.60	.22	.15			
Truckdrivers:						
Truckdrivers (standard)	4.10	.22	.15			
Tandem	4.22	.22	.15			
Tractor trailer (capable of moving heavy equipment)	4.60	.22	.15			
WD No. AM-423—36 F.R. 15966, Brown County, Wis., Modification No. 6						
CHANGE:						
Building construction:						
Carpenters	6.73	.25	.25		.02	
Millwrights	6.98	.25	.25		.02	
Piledrivermen	6.98	.25	.25		.02	
Soft floor layers	6.73	.25	.25		.02	
WD No. AM-424—36 F.R. 15970, Dane County, Wis., Modification No. 5						
CHANGE:						
Building construction:						
Electricians:						
Electricians	7.89	.25	1%	5%	.25%	
Cable splicers	8.54	.25	1%	5%	.25%	
WD No. AM-425—36 F.R. 15973, Eau Claire County, Wis., Modification No. 7						
CHANGE:						
Building construction:						
Asbestos workers	8.25	.22	$0.35		$0.02	
Carpenters	7.17	.25	.25		.03	
Cementmasons	7.35			$0.40		
Electricians	7.80	3%	1%		.25%	
Ironworkers	7.55	$0.40	$0.45		$0.02	
Millwrights	7.57	.25	.25		.03	
Piledrivermen	7.57	.25	.25		.03	
WD No. AM-426—36 F.R. 15976, Juneau County, Wis., Modification No. 6						
CHANGE:						
Building construction:						
Carpenters: northeast section of county, above Camp Douglas:						
Carpenters	6.33	.25	.40	.18		
Millwrights	6.93	.25	.40	.18		
Piledrivermen	6.83	.25	.40	.18		
Electricians	7.97	.23	1%			
Painters (southwestern part of county):						
Brush	5.47		$0.20			
Structural steel	5.72		.20			
Swing stage, bos'n chair	5.77		.20			
Spray	6.12		.20			
Soft floor layers (northeast section of county, above Camp Douglas)	5.75	.15	.10			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-428—36 F.R. 15984, La Crosse County, Wis., Modification No. 6						
CHANGE:						
Building construction:						
Electricians	7.97	.23	1%			
Painters:						
Brush	5.47		$0.20			
Structural steel	5.72		.20			
Swing stage	5.77		.20			
Spray	6.12		.20			
Sandblasting	6.22		.20			
WD No. AM-429—36 F.R. 15988, Marathon County, Wis., Modification No. 6						
CHANGE:						
Building construction:						
Carpenters	6.33	.25	.40	.18		
Millwrights	6.93	.25	.40	.18		
Piledrivermen	6.83	.25	.40	.18		
Soft floor layers—resilient floor layers	5.75	.15	.10			
WD No. AM-431—36 F.R. 15997, Polk County, Wis., Modification No. 5						
CHANGE:						
Building construction:						
Asbestos workers	8.25	.22	.35		.02	
Carpenters	7.17	.25	.25		.03	
Millwrights	7.57	.25	.25		.03	
Piledrivermen	7.57	.25	.25		.03	
Electricians	7.80	3%	1%		.25%	
Laborers:						
Laborers, common	5.40	$0.25	$0.15			
Mason tenders	5.40	.25	.15			
Mortar mixer and plasterer laborer, air, gas and electric equipment, vibrator operator, kettlemen, dumpmen and pitmen, burner on wrecking, scaffold builder and washing walls on swinging scaffold	5.55	.25	.15			
Gunnite man and nozzle man, puddlers (when concrete pumps and when working behind paving machine), cement dumper	5.55	.25	.15			
Jackhammer	5.65	.25	.15			
Lathers: Western ½ of county	7.60	.20			$0.01	
Roofers:						
Composition	7.84	.24	.15			
Kettlemen	7.49	.24	.15			
WD No. AM-8585—37 F.R. 3699, Rock County, Wis., Modification No. 1						
CHANGE:						
Building construction: Lathers: Eastern ½	7.55		.35		.01	
WD No. AM-8587—37 F.R. 3704, Winnebago County, Wis., Modification No. 1						
CHANGE:						
Building construction:						
Carpenters	6.73	.25	.25		.02	
Electricians	8.00	.30	1%			
Millwrights	6.98	.25	.25		.02	
Piledrivermen	6.98	.25	.25		.02	
Soft floor layers	6.73	.25	.25		.02	

SUPERSEDEAS DECISIONS

State: Kansas; Counties: Allen, Anderson, Atchison, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabaunsee, Washington, Wilson, and Woodson.
Decision No. AM-11,403; Date of Decision: Mar. 17, 1972.
Supersedes Decision No. AM-3,618, dated Aug. 25, 1971; in 36 F.R. 16836.
Description of work: Highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
A-frame truck	$2.95					
Air tool man	2.62					
Asphalt paving machine	3.17					
Asphalt spreader screed operator	2.75					
Asphalt plant heater attendant	2.90					
Asphalt plant operator	3.62					
Asphalt raker	2.42					
Back filler operator	2.50					
Back hoe	3.61					
Batching plant scaleman	2.675					
Blowing mechanism on straw blower	2.50					
Bulldozer operator	3.49					
Carpenters	3.64					
Carpenter tender	2.72					
Cement tender, bulk	3.00					
Cementmason	3.52					
Churn drill operator	3.05					
Compressor operator	2.70					
Concrete central plant operator	3.75					
Concrete finisher (paving)	3.50					
Concrete paver	3.92					
Concrete paving longitudinal float	3.28					
Concrete paving spreader	4.00					
Concrete saw	3.35					
Conveyor operator	3.25					
Crane, or any machine power swing	3.50					
Crusher, feeder	3.50					
Crusher and screening plant operator	3.50					
Distributor driver	2.69					
Distributor operator	3.00					
Euclid loader operator	3.20					
Finishing machine operator	3.50					
Form liner and setter	3.07					

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Front end loader, over 1 cu. yd	3.39					
Front end loader, 1 cu. yd. and less	3.06					
Harrow, disc, seeder	2.60					
Laborers (construction and general)	2.43					
Mechanic	4.20					
Mechanic helper	2.95					
Motor grader operator (finish)	3.55					
Motor grader operator (rough)	3.43					
Oilers—greasers	3.39					
Serviceman	2.75					
Painter (structural steel and bridge)	2.60					
Landscape worker	2.25					
Piledriverman	3.14					
Pipelayer (concrete and clay)	3.39					
Post driver operator	3.50					
Plumber (roadside improvement)	3.39					
Powderman	2.75					
Pump operator	3.00					
Reinforcing steel setter	2.66					
Roller, pneumatic (self-propelled)	2.85					
Roller, steel (self-propelled)	3.00					
Roller, self-propelled (not asphalt)	2.975					
Roller, steel wheel (plant-mix)	3.10					
Rotary broom operator	2.50					
Rotary drill operator	3.875					
Scaleman	2.50					
Scoop operator (single engine)	3.51					
Spreader box operator (self-propelled)	3.19					
Steel worker (structural)	3.27					
Subgrading machine operator	3.705					
Tractor operators:						
50 hp. or less	2.50					
Over 50 hp	2.97					
(Fencing) 50 hp. or less	3.29					
Push cat operator	3.70					
Traveling plant stabilization	2.70					
Trenching machine	3.20					
Trucks:						
Light	2.25					
Single axle	2.58					
Tandem axle	2.83					
Lowboy, semi, transit mix	3.21					
Euclid, over 17 cu. yd	3.70					
Insley type	2.75					
Winch	2.85					
Vibrating machine operator	2.00					
Wagon drill operator	2.75					
Welder	3.35					
Electricians	4.31					

State: Kansas; County: Sedgwick.
Decision No. AM-11,404, Date of decision: Mar. 17, 1972.
Supersedes Decision No. AM-3,619, dated Aug. 25, 1971, in 36 F.R. 16837.
Description of work: Highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
A-frame truck	$2.75					
Air tool man	2.41					
Asphalt paving machine	3.50					
Asphalt plant heater attendant	2.75					
Asphalt plant operator	3.00					
Asphalt raker	2.60					
Asphalt spreader screed operator	3.40					
Batching plant scaleman	2.25					
Bulldozer operator	3.37					
Carpenter	3.525					
Cementmason	3.50					
Concrete central plant operator	3.50					
Concrete finisher (paving)	3.30					
Concrete paving longitudinal float	2.45					
Concrete paving spreader	3.25					
Concrete saw	2.65					
Crane, or any machine power swing	4.27					
Distributor operator	2.90					
Finishing machine operator	3.40					
Form liner and setter	3.10					
Front end loader, 1 cu. yd. and less	3.20					
Front end loader, over 1 cu. yd	3.45					
Laborers (construction and general)	2.25					
Mechanic	3.51					
Mechanic helper	2.75					
Motor grader operator (finish)	3.50					
Motor grader operator (rough)	3.00					
Oilers—greasers	2.57					
Post driver operator	3.00					
Reinforcing steel setter	2.59					
Roller, pneumatic (self-propelled)	3.16					
Roller, self-propelled (not asphalt)	3.00					
Roller, steel (self-propelled)	2.75					
Roller, steel wheel (plant-mix)	3.00					
Rotary broom operator	2.325					
Scaleman	2.75					
Scoop operator (single engine)	3.25					
Subgrading machine operator	3.10					
Tractor operator (50 hp. or less)	2.525					
Tractor operator, over 50 hp	2.90					
Trucks:						
Single axle	2.25					
Tandem axle	2.50					
Low boy, semi, transit mix	2.65					

SUPERSEDEAS DECISIONS—Continued

State: Kansas; Counties: Barber, Barton, Cheyenne, Clark, Comanche, Decatur, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Jewell, Kearny, Kiowa, Lane, Lincoln, Logan, Meade, Mitchell, Morton, Ness, Norton, Osborne, Pawnee, Phillips, Pratt, Rawlins, Rice, Rooks, Rush, Russell, Scott, Seward, Sheridan, Smith, Stafford, Stanton, Stevens, Thomas, Trego, Sherman, Wallace, and Wichita.
Decision No. AM-11,405; Date of decision: Mar. 17. 1972.
Supersedes Decision No. AM-3,620; dated Aug. 25. 1971; in 36 F.R. 16838.
Description of work: Highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	2.50					
Asphalt paving machine	2.95					
Asphalt plant heater attendant	2.77					
Asphalt plant operator	3.025					
Asphalt raker	2.25					
Asphalt spreader screed operator	2.73					
Auger operator	3.56					
Back filler operator	2.62					
Back hoe	3.75					
Batching plant scaleman	2.85					
Blowing mechanism on straw blower	2.675					
Bulldozer operator	3.14					
Carpenter	3.14					
Carpenter tender	2.50					
Cementmason	2.75					
Compressor operator	2.50					
Concrete finisher (paving)	3.50					
Concrete paving spreader	3.00					
Concrete saw	3.00					
Conveyor operator	2.76					
Crane, or any machine power swing	3.50					
Crusher feeder	3.00					
Crusher and screening plant operator	2.50					
Distributor driver	2.70					
Distributor operator	3.00					
Form liner and setter	2.65					
Front end loader, over 1 cu. yd	3.09					
Front end loader, 1 cu. yd. and less	2.88					
Harrow, disc, seeder	2.50					
Laborers (construction and general)	2.36					
Mechanic	3.14					
Mechanic helper	2.41					
Mixer (skip)	3.00					
Motor grader operator (finish)	3.13					
Motor grader operator (rough)	3.13					
Oilers—greasers	3.00					
Painters (roadside improvement)	3.125					
Piledrivermen	3.50					
Pipelayer (concrete and clay)	2.75					
Post driver operator	3.75					
*nmp operator (1)	2.20					
Reinforcing steel setter	2.59					
Roller, pneumatic (self-propelled)	2.755					
Roller, steel (self-propelled)	2.70					
Roller, self-propelled (not asphalt)	2.50					
Roller steel wheel (plant mix)	3.00					
Rotary broom operator	2.59					
Scaleman	2.30					
Scoop operator	3.21					
Scraper	3.00					
Spreader box operator (self-propelled)	2.95					
Tamper operator	2.50					
Tractor operator, 50 hp. and less	2.55					
Tractor operator, over 50 hp	3.00					
Tractor operator (fencing), 50 hp. and less	2.50					
Push cat operator	3.35					
Traveling plant stabilization	3.53					
Trenching machine	2.80					
Trucks:						
Light	2.41					
Single axle	2.49					
Tandem axle	2.29					
Low boy, semi, transit mix	2.67					
Winch	3.00					
Vibrating machine operator	2.50					
Wagon drill operator	2.50					
Welder	2.75					

STATE: Mississippi. Counties: Harrison, Pearl River, Stone, George, Jackson, and Hancock.
Decision No. AM-8597; Date of decision: Mar. 18, 1972.
Supersedes Decision No. AM-497, dated Aug. 20, 1971, in 36 F.R. 16472.
Description of work: Residential construction consisting of single-family homes and garden-type apartments up to and including 4 stories.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
24R—Mississippi-1 B:						
Air-conditioning mechanic	$3.75					
Air-conditioning mechanic helpers	1.90					
Bricklayers	6.30					
Carpenters	4.15					
Carpenters' helpers	3.00					
Carpet layers	4.10					
Carpet layers' helpers	2.50					
Cementmasons	4.50					
Cementmasons helpers	2.25					
Electricians	4.00					
Electricians' helpers	3.00					
Insulation mechanic	4.15					
Ironworkers	6.83					

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
24R—Mississippi–1 B—Continued						
Laborers:						
Unskilled	2.60					
Semiskilled	3.50					
Mason tenders	3.00					
Mortar mixers	3.50					
Power nail operator	3.00					
Power tool operator	3.00					
Painters	4.88					
Plumbers	4.70					
Plumbers' helpers	2.60					
Roofers	3.50					
Roofers' helpers	2.70					
Soft floor layers—resilient	4.10					
Sheet metal workers	4.63					
Sheet metal workers' helpers	2.70					
Sheetrock (hanging and finishing)	3.50					
Tile setters	4.00					
Tile setters' helpers	2.00					
Truckdrivers	2.60					
Power equipment operators: bulldozers	4.55					

State: Wisconsin; Counties: Ashland, Bayfield, Burnett, Douglas, Forest, Iron, Lincoln, Oneida, Price, Rusk, Sawyer, Taylor, Vilas, and Washburn.
Decision No. AM-8591; Date of decision: Mar. 17, 1972.
Supersedes Decision No. AM-436, dated Aug. 18, 1971, in 36 F.R. 16017.
Description of work: Highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Wisc.Hwy. Zone 1:						
Carpenters:						
Douglas County and Bayfield (western ½ of county)	$7.20	$0.25	$0.15	$0.30		
Ashland, Iron, and Bayfield (eastern ½ of county)	5.45	.15	.25	.15		
Rusk, Sawyer, Washburn, and Burnett Counties and Taylor County (western ½ of county)	7.17	.25	.25		$0.30	
Forest, Lincoln, Oneida, Price, Vilas and Taylor (east of Highway 73 and south of Highway 64 to Highway 13 to Price County line)	6.33	.25	.40	.18		
Cementmasons:						
Ashland, Iron, and Bayfield Counties	7.65	.15				
Rusk County	7.35			.40		
Burnett (north ½ of county), Douglas, Sawyer, and Washburn Counties	7.65	.15				
Forest, Lincoln, Oneida, Price, Taylor, and Vilas Counties	5.87	.15				
Burnett County (south ½ of county)	6.05					
Ironworkers:						
Douglas, Bayfield, Ashland, Iron, Vilas, Forest (north ½ of county), Oneida, Lincoln (except southeast corner of county), Price, Taylor (north ½ of county), Rusk (north ½ of county), Sawyer, Washburn, Burnett (north ½ of county)	8.15	.15		.10		
Burnett (south ½ of county), Taylor (south ½ of county), Rusk (south ½ of county)	7.55	.40	.45		.02	
Lincoln (southeast corner of county), Forest (southern ½ of county)	7.42	.25	.25		.03	
Piledrivermen:						
Ashland, Iron, and Bayfield (eastern ½ of county)	5.65	.15	.25	.15		
Rusk, Sawyer, Washburn, Burnett, Taylor (western ½ of county)	7.57	.25	.25		.03	
Douglas County, Bayfield (western ½ of county)	7.20	.25	.15	.30		
Forest, Lincoln, Oneida, Price, Vilas, and Taylor (east of Highway 73 and south of Highway 64 to Highway 13 to Price County line)	6.83	.25	.40	.18		
Wisc 5-Lab-2-3 H:						
Laborers:						
Group A: Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man	5.75	.25	.15		.02	
Group B: Formsetter (curb, walk, and pavement); tree trimmer	5.80	.25	.15		.02	
Group C: Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated)	5.85	.25	.15		.02	
Group D: Demolition burning torch laborer; bituminous worker: Raker, lutemen; chain saw operators	5.90	.25	.15		.02	
Group E: Powderman, blaster	5.95	.25	.15		.02	
Group F: Pipelayer crew (sewer, water):						
Pipelayer	6.20	.25	.15		.02	
Bottom man	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	
Wisc. 5-TD K:						
Truckdrivers:						
2-axle trucks	5.65	a	b	.35+c		
3 or more axles	5.80	a	b	.35+c		
Euclids or dumpter type hauling units	5.80	a	b	.35+c		
Mechanic, truck	5.80	a	b	.35+c		
Mechanic's helpers, truck	5.65	a	b	.35+c		
Footnotes:						
a. $54.17 per month for employee who has been on payroll 30 days or longer.						
b. $10 per week.						
c. Includes $0.10 employer contribution to holiday fund.						
Wisc.-4-PEO-3-K:						
Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or Motor Patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy duty, equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.05	
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.05	

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Wisc.-4-PEO-3-K—Continued						
Power equipment operators—Continued						
Belting machine; burlap machine; concrete breaker and tamper, (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired; light)	7.19	.25	.25		.05	
Fireman	7.11	.25	.25		.05	
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment lead-man; mudjacks; stump chipper; tank car heater operator	7.07	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller farm tractor towed; pug mill operator	6.98	.25	.25		.05	
Oiler; pump (over 3 in.); surge bin operator	6.86	.25	.25		.05	

State: Wisconsin; Counties: Barron, Buffalo, Chippewa, Clark, Dunn, Pepin, Pierce, St. Croix, and Trempealeau.
Decision No.: AM-8592; date of decision: Mar. 17, 1972. Supersedes decision No. AM-437, dated Aug. 18, 1971, in 36 F.R. 16020.
Description of work: Highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Wisc. Hwy. Zone 2:						
Carpenters:						
Buffalo (except southern ½ of county), Trempealeau (northern ½ of county), Clark (remainder of county), Barron, St. Croix, Chippewa, Pepin, Dunn, and Pierce	$7.17	$0.25	$0.25		$0.03	
Clark County (east of Highway 73)	6.33	.25	.40	$0.18		
Buffalo (southern ½ of county), Trempealeau (southern ½ of county)	5.65	.15				
Cementmasons:						
Clark County	5.87	.15				
Trempealeau (southern ½ of county)	5.33					
Barron (eastern ½ of county), Trempealeau (northern ½ of county), Buffalo, Chippewa and Pepin Counties	7.35			.40		
St. Croix, Barron (western ½ of county)	6.05					
Dunn and Pierce Counties	4.17	.15				
Ironworkers:						
Barron, Chippewa, Dunn, St. Croix, Pierce, Pepin, Buffalo, Trempealeau, Clark (except southeastern ½ of county)	7.55	.40	.45		.02	
Clark (southeastern ½ of county)	7.42	.25	.25		.03	
Piledrivermen:						
Buffalo (except southern ½ of county), Trempealeau (northern ½ of county), Clark (remainder of county), Barron, St. Croix, Chippewa, Pepin, Dunn, and Pierce Counties	7.57	.25	.25		.03	
Clark County (east of Highway 73)	6.83	.25	.40	.18		
Buffalo (southern ½ of county), Trempealeau (southern ½ of county)	6.00	.15				
Wisc. 5-Lab-2-3 H:						
Laborers:						
Group A: Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strikeoff man; demolition and wrecking laborer; bituminous worker; dumper, ironer, smoother, tamper, shoveler, loader, utility man	5.75	.25	.15		.02	
Group B: Formsetter (curb, walk and pavement); tree trimmer	5.80	.25	.15		.02	
Group C: Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated)	5.85	.25	.15		.02	
Group D: Demolition burning torch laborer; bituminous worker; raker, lutemen; chain saw operators	5.90	.25	.15		.02	
Group E: Powderman, blaster	5.95	.25	.15		.02	
Group F: Pipelayer crew (sewer, water):						
Pipelayer	6.20	.25	.15		.02	
Bottomman	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	
Wisc.-4-PEO-3-K:						
Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydro. back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy duty epuipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.05	
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.05	
Belting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mucker; roller (pneumatic tired self-propelled); texturing machine; tractor (mounted or towed compactors and light epuipment); tractor, end loader (rubber-tired, light)	7.19	.25	.25		.05	
Fireman	7.11	.25	.25		.05	
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy epuipment, leadman; mudjacks; stump chipper; tank car heater operator	7.07	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic tired roller farm tractor towed; pug mill operator	6.98	.25	.25		.05	
Oiler; pump (over 3 inches); surge bin operator	6.86	.25	.25		.05	
Wisc. 5-TD K:						
Truckdrivers:						
2-axle trucks	5.65	a	b	.35 + c		
3 or more axles	5.80	a	b	.35 + c		
Euclids or dumpster type hauling units	5.80	a	b	.35 + c		
Mechanic, truck	5.80	a	b	.35 + c		
Mechanic's helpers, truck	5.65	a	b	.35 + c		

Footnotes:
a. $54.17 per month for employee who has been on payroll 30 days or longer.
b. $10 per week.
c. Includes $0.10 employer contribution to holiday fund.

SUPERSEDEAS DECISIONS—Continued

State: Wisconsin; Counties: Adams, Green Lake, Langlade, Marquette, Menominee, Portage, Shawano, Waupaca, Waushara, and Wood.
Decision No.: AM-8593; date: Mar. 17, 1972. Supersedes decision No. AM-438, dated Aug. 18, 1971, in 36 F.R. 16022.
Description of work: Highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Wisc. Hwy. Zone 3 K:						
Carpenters:						
Langlade, Portage, Wood and Adams (north of Highway 21)	$6.33	$0.25	$0.40	$0.18		
Adams County (south of Highway 21)	6.95	.25	.15			
Green Lake, Marquette, Menominee, Shawano, Waupaca and Waushara Counties	6.73	.25	.25		$0.02	
Cementmasons:						
Waushara, Green Lake, Marquette, Waupaca, and Shawano (except northwestern corner of county)	5.50	.15	.15	.15		
Shawano (northwestern corner of county), Adams, Langlade, Portage, Wood, and Menominee Counties	5.87	.15				
Ironworkers:						
Langlade, Menominee, Marquette, Shawano (western ⅔ of county), Wood, Portage, Waupaca, Adams, Waushara and Green Lake Counties	7.42	.25	.25		.03	
Shawano (eastern ⅓ of county)	7.71	.40	.50	.50		
Piledrivermen:						
Adams County (south of Highway 21)	7.10	.25	.15			
Langlade, Portage, Wood and Adams Counties (north of Highway 21)	6.83	.25	.40	.18		
Green Lake, Marquette, Menominee, Shawano, Waupaca and Waushara Counties	6.98	.25	.25		.02	
Wisc. 5-Lab-2-3 H:						
Laborers:						
Group A: Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strikeoff-man; demolition and wrecking laborer; bituminous worker; dumper, ironer, smoother, tamp-er, shoveler, loader, utility man	5.75	.25	.15		.02	
Group B: Formsetter (curb, walk and pavement); tree trimmer	5.80	.25	.15		.02	
Group C: Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated)	5.85	.25	.15		.02	
Group D: Demolition burning torch laborer; bituminous worker: raker, lutemen; chain saw operators	5.90	.25	.15		.02	
Group E: Powderman, blaster	5.95	.25	.15		.02	
Group F: Pipelayer cre (sewer, water):						
Pipelayer	6.20	.25	.15		.02	
Bottomman	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	
Wisc.-4-PEO-3-K:						
Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer auto subgrader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavment spreader, heavy duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydro. back hoe; loading machine (conveyor); material hoist; me-chanic or welder, heavy duty equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.05	
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.05	
Belting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic tired self-propelled); textur-ing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.19	.25	.25		.05	
Fireman	7.11	.25	.25		.05	
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chipper; tank car heater operator	7.07	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic tired roller farm tractor towed; pug mill operator	6.98	.25	.25		.05	
Oiler; pump (over 3 inches); surge bin operator	6.86	.25	.25		.05	
Wisc. 5-TD K:						
Truck drivers:						
2-axle trucks	5.65	a	b	.35+c		
3 or more axles	5.80	a	b	.35+c		
Euclids or dumpster type hauling units	5.80	a	b	.35+c		
Mechanic, truck	5.80	a	b	.35+c		
Mechanic's helpers, truck	5.65	a	b	.35+c		

Footnotes:
a. $54.17 per month for employee who has been on payroll 30 days or longer.
b. $10 per week.
c. Includes $0.10 employer contribution to holiday fund.

SUPERSEDEAS DECISIONS—Continued

State: Wisconsin; COUNTIES: Crawford, Columbia, Dodge, Grant, Green, Iowa, Jackson, Jefferson, Lafayette, Monroe, Richland, Sauk, and Vernon.
Decision No. AM-8594; Date Mar. 17, 1972. Supersedes decision No. AM-439 dated Aug. 18, 1971, in 36 F.R. 16024.
Description of work: Highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Wisc. Hwy. Zone 4—I:						
Carpenters:						
Green County and Jefferson (southern ½ of county)	$7.15	$0.20	$0.15		$0.02	
Crawford, Monroe, Vernon and Jackson (southern ½ of county), Grant (northwestern corner of county)	5.65	.15				
Jackson County (northern ½ of county)	7.17	.25	.25		.03	
Columbia, Dodge, Grant (except northwestern corner of county), Iowa, Jefferson (northern ½ of county), Lafayette, Richland and Sauk Counties	6.95	.25	.15			
Cement masons:						
Grant County	6.55					
Columbia County	5.75					
Sauk County	5.60	.15	.15			
Dodge and Jefferson Counties	6.60	.15	.15	$0.30		
Iowa, Lafayette and Green Counties	6.60	.15	.20			
Crawford, Jackson (southern ½ of county), Monroe, Richland and Vernon Counties	5.33					
Jackson (northern ½ of county)	7.35			.40		
Ironworkers:						
Green (southeastern corner of county)	8.00	.175	.125			
Jackson (northern ½ of county)	7.55	.40	.45		.02	
Jefferson (extreme eastern section of county), Dodge (eastern ½ of county)	7.71	.40	.50	.50		
Jefferson (remaining part of county), Dodge (remaining part of county), Green (except southeastern corner of county), Iowa, Sauk, Lafayette, Crawford, Monroe, Richland, Vernon, Columbia, Jackson (southern ½ of county), Grant	7.42	.25	.25		.03	
Piledrivermen:						
Crawford, Monroe, Vernon, Jackson (southern ½ of county), Grant (northwestern corner of county)	6.00	.15				
Columbia, Dodge, Grant (except northwestern corner of county), Iowa, Jefferson (northern ½ of county), Lafayette, Richland and Sauk Counties	7.10	.25	.15			
Jackson County (northern ½ of county)	7.57	.25	.25		.03	
Green and Jefferson (southern ½ of county)	7.30	.20	.15		.02	
Wisc. 5-Lab-2-3-H:						
Laborers:						
Group A: Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guard rail builder; puddler (concrete paving); strikeoff man; demolition and wrecking laborer; bituminous worker: dumper, ironer, smoother, tamper, shoveler, loader, utility man	5.75	.25	.15		.02	
Group B: Formsetter (curb, walk and pavement); tree trimmer	5.80	.25	.15		.02	
Group C: Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated)	5.85	.25	.15		.02	
Group D: Demolition burning torch laborer; bituminous worker: raker, lutemen; chain saw operators	5.90	.25	.15		.02	
Group E: Powderman, blaster	5.95	.25	.15		.02	
Group F: Pipelayer crew (sewer, water):						
Pipelayer	6.20	.25	.15		.02	
Bottomman	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	
Wisc.-4-PEO-3-K:						
Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydro. back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy duty equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.05	
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.05	
Belting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.19	.25	.25		.05	
Fireman	7.11	.25	.25		.05	
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chipper; tank car heater operator	7.07	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic tired roller farm tractor towed; pug mill operator	6.98	.25	.25		.05	
Oiler; pump (over 3 inches); surge bin operator	6.86	.25	.25		.05	
Wisc. 5-TD-K:						
Truckdrivers:						
2-axle trucks	5.65	a	b	.35+c		
3 or more axles	5.80	a	b	.35+c		
Euclids or dumpster type hauling units	5.80	a	b	.35+c		
Mechanic, truck	5.80	a	b	.35+c		
Mechanic's helpers, truck	5.65	a	b	.35+c		

Footnotes:
a. $54.17 per month for employee who has been on payroll 30 days or longer.
b. $10 per week.
c. Includes $0.10 employer contribution to holiday fund.

SUPERSEDEAS DECISIONS—Continued

State: Wisconsin; Counties: Calumet, Door, Florence, Kewaunee, Manitowoc, Marinette, Oconto and Outagamie.
Decision No.: AM-8595; date of decision: Mar. 17, 1972. Supersedes decision No. AM-440, dated Aug. 18, 1971, in 36 F.R. 16026.
Description of work: Highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Wisc. Hwy.-Zone 5-J:						
Carpenters: Florence, Marinette, Oconto, Door, Kewaunee, Manitowoc, Outagamie and Calumet Counties	$6.73	$0.25	$0.25		$0.02	
Cementmasons:						
Manitowoc and Calumet (eastern ½ of county)	5.65	.15		$0.15		
Florence and Marinette Counties	6.02					
Calumet (western ½ of county), Door, Kewaunee, Oconto and Outagamie Counties	5.50	.15	.15	.15		
Ironworkers:						
Florence (eastern ⅔ of county), Marinette, Oconto, Door, Kewaunee, Manitowoc, Calumet, Outagamie (eastern ⅔ of county)	7.71	.40	.50	.50		
Florence (western ⅓ of county)	7.65	.25	.45	.10		
Outagamie (western ⅓ of county)	7.42	.25	.25		.03	
Piledrivermen: Florence, Marinette, Oconto, Door, Kewaunee, Manitowoc, Outagamie and Calumet Counties	6.98	.25	.25		.02	
Wisc. 5-LAB-2-3-H:						
Laborers:						
Group A: Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strikeoff man; demolition and wrecking laborer; bituminous worker; dumper, ironer, smoother, tamper, shoveler, loader, utility man	5.75	.25	.15		.02	
Group B: Formsetter (curb, walk and pavement); tree trimmer	5.80	.25	.15		.02	
Group C: Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated)	5.85	.25	.15		.02	
Group D: Demolition burning torch laborer; bituminous worker; raker, lutemen; chain saw operators	5.90	.25	.15		.02	
Group E: Powderman, blaster	5.95	.25	.15		.02	
Group F: Pipelayer crew (sewer, water):						
Pipelayer	6.20	.25	.15		.02	
Bottomman	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	
Wisc.-4-PEO-3-K:						
Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydro. back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy duty, equipment; mixer or paver (21 cu. ft. or over), pile driver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.05	
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.05	
Belting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.19	.25	.25		.05	
Fireman	7.11	.25	.25		.05	
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chipper; tank car heater operator	7.07	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic tired roller farm tractor towed; pug mill operator	6.98	.25	.25		.05	
Oiler; pump (over 3 inches); surge bin operator	6.86	.25	.25		.05	
Wisc. 5-TD-K:						
Truckdrivers:						
2-axle trucks	5.65	a	b	.35+c		
3 or more axles	5.80	a	b	.35+c		
Euclids or dumpster type hauling units	5.80	a	b	.35+c		
Mechanic, truck	5.80	a	b	.35+c		
Mechanic's helpers, truck	5.65	a	b	.35+c		

Footnotes:
a. $54.17 per month for employee who has been on payroll 30 days or longer.
b. $10 per week.
c. Includes $0.10 employer contribution to holiday fund.

State: Wisconsin; Counties: Fond du Lac, Ozaukee, Sheboygan, Walworth, and Washington.
Decision No.: AM-8596; date of decision: Mar. 17, 1972. Supersedes decision No. AM-441, dated Aug. 18, 1971, in 36 F.R. 16029.
description of work: Highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Wis. Hwy. Zone 6-K:						
Carpenters:						
Fond du Lac (except city of Waupun)	$6.73	$0.25	$0.25		$0.02	
Fond du Lac (city of Waupun)	6.95	.25	.15			
Sheyboygan County	6.80	.20	.15			
Walworth County	6.67	.25	.20	$0.40	.03	
Ozaukee and Washington Counties	7.11	.40	.50	.50		
Cementmasons:						
Fond du Lac County	5.88	.15	.15			
Sheboygan County	5.85	.15	.15			
Walworth County	5.60	.15				
Ozaukee and Washington Counties	6.85	.40	.50	50		

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Wisc. Hwy. Zone 6–K—Continued						
Ironworkers:						
Fond du Lac (western ½ of county), Walworth (northwestern corner of county, including Whitewater)	7.42	.25	.25		.03	
Walworth (southwestern ½ of county)	8.00	.175	.125			
Walworth (remainder of county), Fond du Lac (esatern ½ of county), Sheyboygan, Ozaukee and Washington Counties	7.71	.40	.50	.50		
Piledrivermen:						
Fond du Lac (except city of Waupun)	6.98	.25	.25		.02	
Fond du Lac (city of Waupun)	7.10	.25	.15			
Sheboygan County	7.49	.20	.15			
Walworth County	7.02	.25	.20	.40	.03	
Ozaukee and Washington Counties	7.34	.40	.50	.50		
Wisc. 1–LAB–2–3–L:						
Laborers: Izaukee and Washington Counties:						
Group A: Laborer, miscellaneous, unskilled; tree trimmer; stone handler; reinforcing steel setter (pavement); guardrail builder; demolition and wrecking laborer; bituminous worker; shoveler, loader, utility man	6.23	.35	.25	.25	.02	
Group B: Puddler (concrete paving); batch truck dumper or cement handler; bituminous worker: dumper, ironer, smoother, tamper	6.33	.35	.25	.25	.02	
Group C: Vibrator or tamper operator, mechanical (hand operated); joint sawer or filler (pavement); demolition burning torch laborer; chain saw operator	6.38	.35	.25	.25	.02	
Group D: Air tool operator (hand operated)	6.43	.35	.25	.25	.02	
Group E: Strikeoff man; formsetter (curb, walk and pavement)	6.48	.35	.25	.25	.02	
Group F: Bituminous worker; raker, luteman	6.53	.35	.25	.25	.02	
Group G: Powderman, blaster	6.88	.35	.25	.25	.02	
Wisc. 5—LAB–2–3–H:						
Laborers: Fond du Lac, Sheboygan, and Walworth Counties:						
Group A: Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strikeoff man; demolition and wrecking laborer; bituminous worker; dumper, ironer, smoother, tamper, shoveler, loader, utility man	5.75	.25	.15		.02	
Group B: Formsetter (curb, walk and pavement); tree trimmer	5.80	.25	.15		.02	
Group C: Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated)	5.85	.25	.15		.02	
Group D: Demolition burning torch laborer; bituminous worker; raker, lutemen; chain saw operators	5.90	.25	.15		.02	
Group E: Powderman, blaster	5.95	.25	.15		.02	
Group F: Pipelayer crew (sewer, water):						
Pipelayer	6.20	.25	.15		.02	
Bottomman	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	
Wisc.–4–PEO–3–K:						
Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydro, back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy duty equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.05	
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.05	
Belting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.19	.25	.25		.05	
Fireman	7.11	.25	.25		.05	
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chipper; tank car heater operators	7.07	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic tired roller farm tractor towed; pug mill operator	6.98	.25	.25		.05	
Oiler; pump (over 3 inches); surge bin operator	6.86	.25	.25		.05	
Wisconsin–1–TD–O:						
Truckdrivers: Ozaukee and Washington Counties:						
2-axle truck	5.73	a	b	.35 + c		
3 or more axle truck	5.88	a	b	.35 + c		
Euclids or dumpster type hauling units	5.88	a	b	.35 + c		
Truck mechanic	5.88	a	b	.35 + c		
Truck mechanics' helpers	5.73	a	b	.35 + c		
Footnotes:						
a. $12.50 per week for employee who has been on payroll 30 days or longer.						
b. $10 per week.						
c. Includes $0.10 contribution to holiday fund.						
Wisc. 5–TD–K:						
Truckdrivers: Fond du Lac, Sheboygan, and Walworth Counties:						
2-axle trucks	5.65	a	b	.35 + c		
3 or more axles	5.80	a	b	.35 + c		
Euclids or dumpster type hauling units	5.80	a	b	.35 + c		
Mechanic, truck	5.80	a	b	.35 + c		
Mechanic's helpers, truck	5.65	a	b	.35 + c		
Footnotes:						
a. $54.17 per month for employee who has been on payroll 30 days or longer.						
b. $10 per week.						
c. Includes $0.10 employer contribution to holiday fund.						

[FR Doc.72–3881 Filed 3–16–72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

OFFICE OF THE ASSISTANT SECRETARY (LEGISLATION)

Statement of Organization, Functions, and Delegations of Authority

Part I of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Office of the Secretary, is amended to add a new Chapter 1Q, Office of the Assistant Secretary (Legislation). The new chapter reads as follows:

SECTION 1Q.00 *Mission.* The Assistant Secretary (Legislation) serves as principal advisor to the Secretary for the enactment of the Department's legislative program.

SEC. 1Q.10 *Organization.* A. The Assistant Secretary (Legislation) reports to the Secretary.

B. The Office of the Assistant Secretary (Legislation) includes:

1. Deputy Assistant Secretary (Legislation—Health).
2. Deputy Assistant Secretary (Legislation—Education).
3. Deputy Assistant Secretary (Legislation—Welfare).
4. Deputy Assistant Secretary (Legislation—Congressional Liaison).

SEC. 1Q.20 *Functions.* A. The Assistant Secretary (Legislation):

1. Serves as principal advisor to the Secretary in the development of the Department's legislative program and coordinates implementation of that program.
2. Provides and coordinates liaison and information to Members of Congress, Congressional committees, and committee staffs about the Department's legislative program.
3. Provides and coordinates liaison and information to Members of Congress, Congressional committees, and Congressional staffs about the policies and programs of the Department and its operating agencies.
4. Provides and coordinates liaison with the White House and, in conjunction with the Office of the General Counsel, liaison with the Office of Management and Budget and other executive departments in developing and explaining the Department's legislative program.
5. Works with other Assistant Secretaries and Departmental officials, in accordance with guidelines established by the Secretary, in developing and implementing the Department's legislative program. For example, works with the General Counsel, who has responsibility for statutory drafting and providing technical drafting assistance and with the Assistant Secretary, Comptroller, who has responsibility for appropriations matters.

B. The Deputy Assistant Secretaries (Legislation) report to the Assistant Secretary (Legislation) and assist him in carrying out the functions described above.

1. In the area of health and consumer protection, the Deputy Assistant Secretary (Legislation—Health) participates in coordinating legislative planning, helps to implement the Department's legislative program, and provides specialized liaison to Congressional committee and Members.

2. In the area of education, the Deputy Assistant Secretary (Legislation—Education), participates in coordinating legislative planning, helps to implement the Department's legislative program, and provides specialized liaison to Congressional committees and Members.

3. In the area of social services and income maintenance, the Deputy Assistant Secretary (Legislation—Welfare) participates in coordinating legislative planning, helps to implement the Department's legislative program, and provides specialized liaison to Congressional committees and Members.

4. The Deputy Assistant Secretary (Legislation—Congressional Liaison) maintains general liaison with the Members of Congress, their staffs, and, in conjunction with the other Deputy Assistant Secretaries (Legislation) as appropriate, the staffs of committees and coordinates correspondence and information requests from Congressional Members and staffs.

Dated: March 10, 1972.

STEVEN D. KOHLERT,
Acting Deputy Assistant Secretary for Management.

[FR Doc.72-4111 Filed 3-16-72;8:50 am]

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organiaztion, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15933, October 30, 1968), as amended, is hereby amended with regard to section 3-20, *Organization and functions,* as follows:

The entire chapter alphabetically coded "(3W00)"—Bureau of Community Environmental Management (3W00)—is hereby replaced by the following:

BUREAU OF COMMUNITY ENVIRONMENTAL MANAGEMENT (3W00)

Through a system of Regional Offices, field stations, and centralized specialists, and working with States and local governments and community groups: (1) Conducts research, investigations, demonstrations, and programs to control physical and socially related environmental health hazards; (2) conducts a program to control injuries caused by human behavior and by community environments; (3) assists States and local governments in the development of manpower and training programs to meet the needs for community environmental management; (4) collects epidemiological information and analyzes statistical data on environmental hazards to health; (5) conducts studies and demonstrations to obtain data for formulating criteria and standards; and (6) establishes criteria and standards for sustaining man's health and well-being in the community environment.

Office of the Director (3W01). By specific delegation from the Administrator: (1) Establishes operating policies for, and directs the operations of, the Bureau; (2) maintains liaison with, and provides advice and assistance to, the U.S. Department of Housing and Urban Development, the U.S. Department of the Interior, other Federal agencies, State and local governments, international health organizations, and outside groups; (3) develops the research and development policies, and coordinates the research and development programs of the Bureau, including scientific activities overseas performed under Public Law 83-480; and (4) provides policy guidance to the Regional Offices regarding community environmental management activities.

Office of Information (3W17). As part of HSMHA's total program of public information and under general HSMHA policy guidelines: (1) Assists and advises the Bureau Director and the Divisions on public information policies and activities; (2) povides information materials for response to the public inquiries received in the Bureau; (3) coordinates printing, publication, and related clearance procedures for the Bureau; and (4) assists in development of displays, exhibits, and illustrations.

Office of Administrative Management (3W19). (1) Provides management information, advice, and guidance to the Bureau; (2) coordinates all management activities in the conduct of administrative management functions such as finance, personnel, and procurement; and (3) develops necessary policies, procedures, and operations, and provides such special reports and studies as may be required in the management area.

Office of Program Planning and Evaluation (3W31) (1) Coordinates development of Bureau strategy, including long- and short-range objectives and philosophy of operations; (2) conducts and coordinates planning and program development activities; (3) evaluates overall Bureau program effectiveness and recommends necessary planning strategy to overcome deficiencies; (4) coordinates legislative planning; and (5) conducts and participates in special studies and program analyses.

Division of Environmental Improvement (3W41). (1) Provides general technical assistance to public, nonprofit, and other public service organizations and agencies in the initiation of programs and the application of established techniques for the prevention and control of injuries and other health priorities for which Bureau programs have been developed; (2) assists the Division of Community Injury Control, the Division of Area Ecology Centers, and the Division of

Community Management Systems to identify the need for and coordinate the provision of all specialized technical assistance and training by other Bureau Divisions through the Regional Offices; (3) reviews applications for, and administers the Bureau's Regional involvement in, the implementation of projects funded under (a) the Partnership for Health Amendments, Public Law 89–749, including the Federal Rat Control Program, (b) the Lead-Based Paint Poisoning Prevention Act, Public Law 91–695, including the prevention projects, and (c) other control and demonstration programs, epidemiology studies, and surveys in community environmental management for injury control and health protection; (4) maintains contact and serves as liaison with HSMHA Regional Health Directors and, through the Regional Offices, with State and local agencies and organizations concerned with community environmental management; and (5) guides and evaluates the efficiency and effectiveness of Regional Office operations of the Bureau.

Division of Community Injury Control (3W51). (1) Provides specialized technical assistance to public, nonprofit, and other public service organizations and agencies on community injury control, including specialized technical advice and assistance to communities in carrying out the provisions of the Lead-Based Paint Poisoning Prevention Act, Public Law 91–695; (2) conducts and supports research and investigations, directs demonstrations, and develops programs to reduce injuries caused by human behavior and community environments; (3) conducts epidemiological studies and surveys on accidental injuries to establish data for developing countermeasures, including formulating criteria and recommending standards for the safety aspects of codes, ordinances, and community environmental planning; (4) identifies the need for and assists in the development of informational material, demonstration tools, visual aids, training courses, field training, and demonstrations in injury control; and (5) maintains liaison with national agencies and organizations and industry concerning the control of injuries.

Division of Community Management Systems (3W55). (1) Provides specialized technical assistance to public, nonprofit, and other public service organizations and agencies on community environmental management (including but not limited to housing hygiene and environmental planning, community sanitation, recreation sanitation, and disease vector control); (2) conducts and supports research and investigations, and directs demonstrations to control environmental hazards to health caused by human behavior and community environments; (3) conducts and participates in studies and demonstrations to obtain data for developing countermeasures, including formulating health-related criteria and recommending standards for codes, ordinances, and community environmental planning; (4) develops, studies, tests, and evaluates community environmental management techniques, such as those related to planning and decisionmaking systems, public administration, legal innovations, community organization procedures, health and environmental education, and communication; (5) identifies the need for and assists in the development of informational material, demonstration tools, visual aids, training courses, field training, and demonstrations in environmental management techniques; (6) maintains liaison with national agencies and organizations and industry concerning management of the community environment; and (7) serves as a program resource to the other divisions of the Bureau for the development and systems analysis of new and ongoing activities.

Division of Area Human Ecology Centers (3W61). (1) Plans, develops, and operates a series of ecologic centers committed to providing research, development, and specialized technical assistance on the health aspects of the ecosystem of the human settlements of the area served by the individual centers; (2) conducts and supports research, investigations, and demonstrations and develops programs to control hazards to health caused by human behavior and environmental conditions specific to the area served by the individual centers; (3) conducts and participates in studies and demonstrations to establish data for formulating criteria and standards specific to the area served by the individual centers; and (4) identifies the need for and assists in the development and/or adaptation of informational material, demonstration tools, visual aids, training courses, field training, and demonstrations in community environmental management to meet the specific needs of the area served by the individual centers.

STEVEN D. KOHLERT,
Acting Deputy Assistant Secretary for Management.

MARCH 13, 1972.

[FR Doc.72–4113 Filed 3–16–72;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–268]

GENERAL ELECTRIC CO.

Notice of Availability of Applicant's Environmental Report and AEC Draft Detailed Statement on Environmental Considerations for Midwest Fuel Recovery Plant

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Applicant's Environmental Report" dated July 1, 1971, "Response to AEC Staff Questions Regarding Applicant's Environmental Report" dated October 19, 1971, and "Applicant's Environmental Report, Supplement No. 1" dated November 4, 1971 (collectively "the report"), submitted by General Electric Co. are available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Morris Public Library, 604 Liberty Street, Morris, IL 60451. The report is also available to the public at the Illinois State Clearinghouse, Office of the Governor, 205 State House, Springfield, Ill. 62706.

This report discusses environmental considerations related to the proposed issuance of an operating license for the Midwest Fuel Recovery Plant located in Goose Lake Township, Grundy County, Ill.

The report has been analyzed by the Commission's Division of Radiological and Environmental Protection and a draft detailed statement on the environmental considerations related to the proposed issuance of an operating license for the Midwest Fuel Recovery Plant, dated March 17, 1972, has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's March 17, 1972 draft detailed statement on the environmental considerations may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Pursuant to Appendix D to 10 CFR Part 50, interested persons may, within thirty (30) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the proposed action, the report and the detailed statement for the Commission's consideration. Federal and State agencies are being provided with copies of the report and the draft detailed statement (local agencies may obtain these documents on request), and when comments thereon of the Federal, State and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the draft detailed statement on environmental considerations from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Dated at Bethesda, Md., this 13th day of March 1972.

For the Atomic Energy Commission.

C. T. EDWARDS,
Assistant to the Director, Division of Materials Licensing.

[FR Doc.72–4022 Filed 3–16–72;8:45 am]

[Docket No. 50–386]

HALL OF SCIENCE OF THE CITY OF NEW YORK, INC.

Withdrawal of Application for Construction and Operation Licenses

By letter dated February 24, 1972, the Hall of Science of the City of New York, Inc. requested that their application dated March 24, 1971, for licenses to construct and operate a TRIGA Mark II reactor be withdrawn. The notice of receipt

of application was published in the FEDERAL REGISTER (36 F.R. 7076) on April 14, 1971.

Date of issuance: March 7, 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-4063 Filed 3-16-72;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24243]

COMPANIA DE AVIACION "FAUCETT", S.A.

Notice of Prehearing Conference and Hearing Regarding Renewal of Foreign Air Carrier Permit Serving Miami, Fla.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 17, 1972, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner E. Robert Seaver.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before April 12, 1972.

Dated at Washington, D.C., March 13, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-4117 Filed 3-16-72;8:50 am]

[Docket No. 24250]

SUPERIOR AIRWAYS, LTD.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit

Foreign air carrier permit for casual, occasional, and infrequent operations with aircraft having a maximum gross takeoff weight of 12,500 pounds.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 18, 1972, at 10 a.m. local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Joseph L. Fitzmaurice.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before April 12, 1972.

Dated at Washington, D.C., March 13, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-4119 Filed 3-16-72;8:50 am]

[Docket No. 23991]

VOYAGER 1000 ET AL.

Notice of Reassignment of Hearing Regarding Enforcement Proceeding

Voyager 1000, Adam Rueckert, individually, Robert J. Fink, individually, A. Lee Clifford, individually.

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding heretofore assigned to be held on March 28, 1972 (37 F.R., 4300; March 1, 1972) is reassigned to be held on April 11, 1972, at 10 a.m. local time, in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

Dated at Washington, D.C., March 14, 1972.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[FR Doc.72-4118 Filed 3-16-72;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. G-9579 etc.]

ASHLAND OIL, INC.

Notice of Petition To Amend

MARCH 8, 1972.

Take notice that on February 17, 1972, Ashland Oil, Inc. (petitioner), 1409 Winchester Avenue, Ashland, KY 41101, filed in Docket No. G-9579 et al., a petition to amend the orders issuing certificates of public convenience and necessity in said dockets pursuant to section 7(c) of the Natural Gas Act by authorizing petitioner to continue sales of natural gas authorized to be made in said dockets by Midhurst Oil Corp. (Midhurst), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it has acquired the producing properties of Midhurst and that it proposes to continue without change the sales of natural gas made by Midhurst. Midhurst was a small producer certificate holder in Docket No. CS66-132. The dockets indicated herein are those in which Midhurst was initially authorized to sell gas.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 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). 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.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-9579 E 2-17-72	Ashland Oil, Inc. (successor to Midhurst Oil Corp.), Post Office Box 1503, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Nelsonville Field, Austin County, Tex.	19.0	14.65
G-10824 E 2-17-72	Ashland Oil, Inc. (Operator) et al. (successor to Midhurst Oil Corp.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Witte Field, Victoria County, Tex.	18.0675	14.65
G-10981 E 2-17-72	Ashland Oil, Inc. (successor to Midhurst Oil Corp.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Southwest Hutchins Field, Wharton County, Tex.	19.0	14.65
G-10982 E 2-17-72	do	El Paso Natural Gas Co. and Pecos Co., Jack Herbert Field, Upton County, Tex.	16.276	14.65
G-10983 E 2-17-72	Ashland Oil, Inc. (Operator) et al. (successor to Midhurst Oil Corp.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Magnet Withers Field, Wharton County, Tex.	19.0	14.65
G-13874 E 2-17-72	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Southeast Tomball Field, Harris County, Tex.	19.4001	14.65
G-15159 E 2-17-72	Ashland Oil, Inc. (successor to Midhurst Oil Corp.).	Texas Eastern Transmission Corp., Mud Flats Field, Aransas County, Tex.	15.0	14.65
G-15397 E 2-17-72	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Witte Field, Jackson County, Tex.	16.6	14.65
G-16362 E 2-17-72	Ashland Oil, Inc. (Operator) et al. (successor to Midhurst Oil Corp.).	Natural Gas Pipeline Co. of America, Witte Field, Victoria County, Tex.	15.05625	14.65
G-18150 E 2-17-72	Ashland Oil, Inc. (successor to Midhurst Oil Corp.).	Texas Eastern Transmission Corp., Minoak Field, Bee County, Tex.	14.9384	14.65
G-20600 E 2-17-72	do	El Paso Natural Gas Co. and Pecos Co., Amacker Tippett Field, Upton County, Tex.	16.276	14.65
G-20601 E 2-17-72	do	do	16.276	14.65

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

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI60-120 E 2-17-72	Ashland Oil, Inc. (Operator) et al. (successor to Midhurst Oil Corp.).	United Gas Pipe Line Co., Hornbuckle Field, Jackson County, Tex.	18.2455	14.65
CI60-206 E 2-17-72	do	South Texas Natural Gas Gathering Co., Schuster Field, Hidalgo County, Tex.	17.06375	14.65
CI62-885 E 2-17-72	do	Trunkline Gas Co., Southeast Alice, Jim Wells County, Tex.	15.4503	14.65
CI62-1097 E 2-17-72	do	El Paso Natural Gas Co., Pecos Valley South Field, Pecos County, Tex.	17.80188	14.65
CI64-557 E 2-17-72	Ashland Oil, Inc. (successor to Midhurst Oil Corp.).	Cities Service Gas Co., South Waynoka Field, Woods and Woodward Counties, Okla.	15.0	14.65
CI67-594 E 2-17-72	do	United Gas Pipe Line Co., Burnell-North Pettus Field, Bee and Karnes Counties, Tex.	19.0	14.65
CI67-717 E 2-17-72	Ashland Oil, Inc., et al. (successor to Midhurst Oil Corp.).	Northern Natural Gas Co., Gate Lake (North) Field, Harper County, Okla.	[1] 18.902	14.65
CI71-760 E 2-17-72	Ashland Oil, Inc. (successor to Midhurst Oil Corp.).	Valley Gas Transmission, Inc., South Monte Christo Field, Hidalgo County, Tex.	14.0	14.65

[1] Plus 1.887 cents per Mcf upward B.t.u. adjustment.

[FR Doc.72-3965 Filed 3-16-72;8:45 am]

[Docket No. G-232]

UNITED GAS PIPE LINE CO.

Notice of Petition To Amend

MARCH 15, 1972.

Take notice that on March 7, 1972, United Gas Pipe Line Co. (petitioner), Post Office Box 1407, Shreveport, LA 71158, filed in Docket No. G-232 a petition to amend the order issuing a certificate of public convenience and necessity in said docket by authorizing petitioner to sell natural gas in interstate commerce to the city of Monroe, La., in lieu of Pennzoil United, Inc., successor to United Gas Corp., for resale and distribution in Monroe, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued November 10, 1942, in Docket No. G-232 (3 FPC 863) petitioner was authorized, inter alia, to continue the sale of natural gas to United Gas Corp. for resale and distribution in Monroe. Petitioner is presently selling gas to Pennzoil United, Inc., successor in interest to United Gas Corp. Petitioner states that effective April 28, 1972, the city of Monroe will acquire the natural gas distribution properties of Pennzoil United, Inc., used to serve Monroe.

Petitioner proposes to sell and deliver up to 51,000 Mcf of gas per day to the city of Monroe and states that it will accept certificate authorization limited to this volume notwithstanding that the present authorization does not have a volumetric limitation. Petitioner states further that the highest actual daily delivery heretofore made to Pennzoil United, Inc., for resale in Monroe was 51,359 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 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). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4153 Filed 3-16-72;8:50 am]

FEDERAL TRADE COMMISSION

HIDE RUGS SUBJECT TO CARPET AND RUG FLAMMABILITY STANDARDS

Alternative Washing Procedure

Correction

In F.R. Doc. 72-1911 appearing on page 3010 of the issue of Thursday, February 10, 1972, the ninth line of the third paragraph, now reading "DOC FF 1-70. DOC FF 2-70 was pub-", should read, "(DOC FF 2-70) may be permanently".

SMALL BUSINESS ADMINISTRATION

GOODWIN SMALL BUSINESS INVESTMENT CO.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.701 of the SBA rules and regulations (13 CFR 107.701 (1971)) for approval of the transfer of control of Goodwin Small Business Investment Co. (SBIC), 1200 First National Bank Building, Fifth and B Streets, San Diego, CA 92101, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), License No. 09/14-0012.

SBIC was licensed on September 20, 1960. Its present paid-in capital and paid-in surplus is $152,000.

Investcal Realty Corp. (Investcal), 1400 Fifth Avenue, Suite 305, San Diego, CA 92101, has received firm offers to sell more than 50 percent of the stock of the above SBIC. Investcal will change the name of the SBIC to Investcal Small Business Investment Co.

Investcal was incorporated in California on October 2, 1959, and its major business is the commercial development of real property.

The beneficial owners of Investcal number some 105 shareholders, only three of which own 10 or more percent of its stock. These three shareholders who will be the SBIC's president, vice president, and secretary-treasurer, respectively, are Peter H. Peckham, 2914 McCall Street, San Diego, CA 92106; William C. Dolan, 4314 Altamirano Way, San Diego, CA 92106; and Edward H. Sibbett, 1055 Muirlands Vista Way, La Jolla, CA 92037. The above individuals hold the same positions in Investcal.

In order for the SBIC to continue to operate as a licensed small business investment company, SBA must approve the transfer of control.

Matters involved in SBA's consideration of the application include the general business reputation and character of Investcal and the probability of successful operation of the SBIC under its control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is hereby given that any interested person may, not later than fifteen (15) days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the transfer of control. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published by the transferee in a newspaper of general circulation in San Diego, Calif.

Dated: March 13, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-4077 Filed 3-16-72;8:47 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

MARCH 14, 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 74761 Sub 17, Tamiami Trail Tours, Inc., assigned for hearing March 20, 1972, at the Ramada Inn, 3810 Blichton Road, Oscala, FL.

MC 96098 Sub 56, Milton Transportation, Inc., assigned for hearing June 13, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 111812 Sub 455, Midwest Coast Transport, Inc., assigned for hearing June 13, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 111812 Sub 458, Midwest Coast Transport, Inc., assigned for hearing June 14, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 111812 Sub 460, Midwest Coast Transport, Inc., assigned for hearing June 20, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 111812 Sub 461, Midwest Coast Transport, Inc., assigned for hearing June 21, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114569 Sub 96, Shaffer Trucking, Inc., assigned for hearing June 13, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117574 Sub 210, Daily Express, Inc., assigned for hearing June 13, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11361, Anderson Motor Lines—Purchase (Portion)—Glosson Motor Lines, now being assigned hearing May 18, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 51146 Sub 244, Schneider Transport & Storage, now being assigned hearing May 25, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 111812 Sub 442, Midwest Coast Transport, now being assigned hearing May 11, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 111812 (Sub-No. 454), Midwest Coast Transport, now being assigned hearing May 12, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 119619 Sub 59, Distributors, Services, now being assigned hearing May 31, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 119777 Sub 208, Ligon Specialized Hauler, now being assigned hearing June 6, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 110585 Sub 15, Republic Van & Storage Co., Inc., now assigned March 21, 1972, at Washington, D.C., postponed to April 24, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-4132 Filed 3-16-72;8:51 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 14, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG- AND SHORT-HAUL

FSA No. 42374—*Phosphates Between Points in Southwestern Illinois Freight Association and WTL Territories.* Filed by Southwestern Freight Bureau, Agent (No. B-303), for interested rail carriers. Rates on diammonium phosphate, monoammonium phosphate, and superphosphate, in carloads, as described in the application, between points in southwestern territory, on the one hand, and on the other, points in Illinois and western trunk-line territories located on specified carriers.

Grounds for relief—Market and carrier competition.

Tariff—Supplement 51 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4941. Rates are published to become effective on April 10, 1972.

FSA No. 42375—*Lumber from Points in Southwestern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-304), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, from points in southwestern territory to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, on the BN and UP, also from points in Kansas on the UP, to points in southwestern territory.

Grounds for relief—Market competition, rate relationship and short-line distance formula and grouping.

Tariff—Supplement 123 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4883. Rates are published to become effective on April 10, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-4131 Filed 3-16-72;8:51 am]

[Notice 29]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 14, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73558. By application filed March 9, 1972, SAL'S EXPRESS COMPANY, INC., 533 Central Avenue, Bridgeport, CT 06602, seeks temporary authority to lease the operating rights of JACK'S DELIVERY SERVICE, INC., 55 Station Drive, Cos Cob, CT 06830, under section 210a(b). The transfer to SAL'S EXPRESS COMPANY, INC., of the operating rights of JACK'S DELIVERY SERVICE, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-4130 Filed 3-16-72;8:51 am]

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