

# **federal register**

FRIDAY, FEBRUARY 16, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 32

Pages 4563-4641



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**federal register**

Phone 962-8626

Area Code 202



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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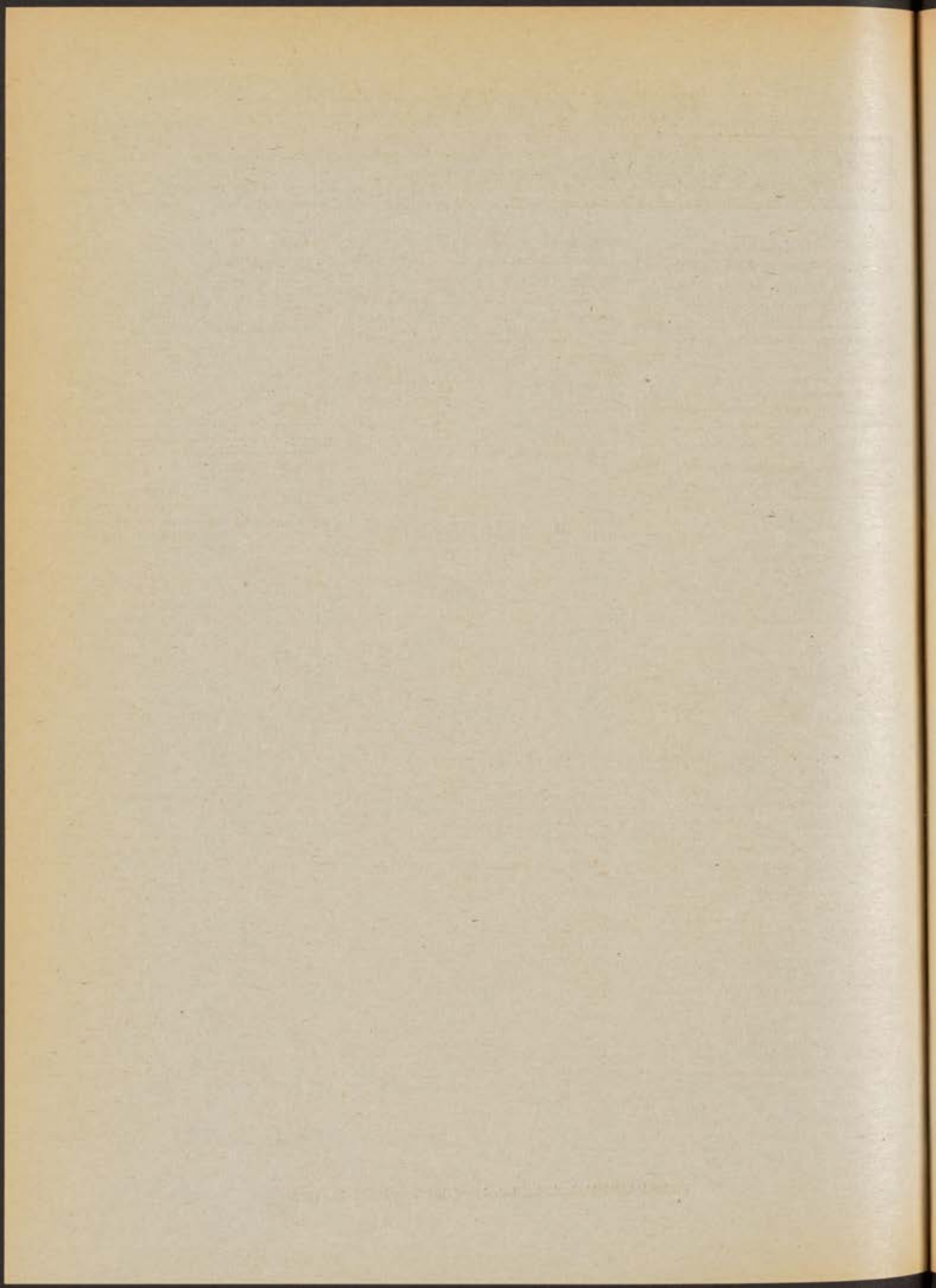
# List of CFR Parts Affected

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# Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 5—Administrative Personnel

### CHAPTER I—CIVIL SERVICE COMMISSION

#### PART 213—EXCEPTED SERVICE

##### Department of the Treasury

Section 213.3305 is amended to reflect the following title change: from Special Assistant to the Secretary (Congressional Relations) to Assistant to the Secretary for Legislative Affairs.

Effective on February 16, 1973, § 213.3305(a) (23) is amended as set out below.

#### § 213.3305 Treasury Department.

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

(23) Assistant to the Secretary for Legislative Affairs.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,

Executive Assistant to the Commissioners.

[FR Doc. 73-3152 Filed 2-15-73; 8:45 am]

## Title 7—Agriculture

### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange Reg. 71, Amdt. 6]

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

##### Limitation of Shipments

This regulation begins seasonal grade and size requirements on the handling of Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area in Florida. Current requirements applicable to other varieties of oranges are continued in effect. A determination as to the need for regulation of shipments of Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type and continued regulation of other varieties of oranges was based upon all available information on market prices for oranges, level of supplies on hand at the principal markets, maturity, condition and available supply of regulated varieties in the production area, and the relationship of season average returns to the parity price for Florida oranges.

**Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905),

regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The proposed regulation is based upon an appraisal of the Florida orange crop and the current and prospective market conditions during the period February 19, 1973, through March 25, 1973. The Florida orange crop is estimated at 168 million boxes, 23 percent above last season. Hence, more than ample supplies of fruit of the better grades and more desirable sizes are available to fill the needs of consumers. Equivalent fresh on-tree returns for Florida oranges averaged \$1.94 per box for the season through January 1973 or 52 percent of the equivalent parity price. The regulation herein specified is designed to permit shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions by preventing the demoralizing effect on the market and on grower returns caused by shipment of lower quality and smaller size fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumer's needs. The regulation therefore is consistent with the objective of the act of promoting orderly marketing, maintaining grower returns, and protecting the interest of consumers.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective dur-

ing the period herein specified. Domestic shipments of Florida oranges, including Temple oranges and Murcott Honey oranges (but not including Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type) are currently regulated pursuant to Orange Regulation 71, as amended, and determinations as to the need for, and extent of, regulation of domestic shipments of Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of such orange shipments during the period February 19, 1973, through March 25, 1973, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on January 30, 1973, held to consider recommendations for regulation; the provisions of this regulation are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of such oranges; it is necessary to make this amendment effective, as hereinafter set forth, to preclude the shipment of Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type which are immature or of an inferior quality and to otherwise effectuate the declared policy of the act; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

**Order.** In § 905.545 (Orange Regulation 71; FR 21799, 24432, 25036, 27619, 28606; 38 FR 3396) the provisions of paragraph (a) and subparagraphs (1) and (2) thereof are amended to read as follows:

#### § 905.545 Orange Regulation 71.

(a) During the period February 19, 1973, through March 25, 1973, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which are of a size smaller than 2 $\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which



tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida oranges and tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than  $2\frac{1}{16}$  inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size  $2\frac{1}{16}$  inches in diameter or smaller;

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

Dated February 14, 1973, to become effective February 19, 1973.

PAUL A. NICHOLSON,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-3161 Filed 2-15-73; 8:45 am]

[Valencia Orange Regulation 417]

#### PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period February 16-22, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

#### § 908.717 Valencia Orange Regulation 417.

(a) *Findings.* (1) Pursuant to 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, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The Committee has submitted its recommendation with respect to the quantities of Valencia oranges that

should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is increasing for the limited volume available. Prices at auction have averaged \$3.47 per carton for the season to date.

(ii) Having considered the recommendation and information submitted by the committee, and other information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges: it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 13, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period February 16, through February 22, 1973, are hereby fixed as follows:

- (i) District 1: Unlimited;
- (ii) District 2: Unlimited;
- (iii) District 3: 103,809 cartons.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as

when used in said amended marketing agreement and order.

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

Dated: February 15, 1973.

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

[FR Doc.73-3259 Filed 2-15-73; 1:22 pm]

[Lemon Regulation 573]

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period February 18-24, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

#### § 910.873 Lemon Regulation 573.

(a) *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons exceeds available supplies of sizes 140 and larger, is "good" on size 165 and is easing on size 235.

Average f.o.b. price was \$5.24 per carton the week ended February 10, 1973,



compared to \$5.28 per carton the previous week.

Track and rolling supplies at 110 cars were down eight cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the *FEDERAL REGISTER* (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 13, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 18 through February 24, 1973, is hereby fixed at 210,000 cartons.

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

(Secs. 1-10, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 15, 1973.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[FR Doc. 73-3232 Filed 2-15-73; 11:22 am]

Title 12—Banks and Banking  
CHAPTER II—FEDERAL RESERVE SYSTEM  
SUBCHAPTER A—BOARD OF GOVERNORS OF  
THE FEDERAL RESERVE SYSTEM

[Reg. K]

PART 211—CORPORATIONS ENGAGED IN  
FOREIGN BANKING AND FINANCING  
UNDER THE FEDERAL RESERVE ACT

Special Purpose Leasing Corporations

Correction

In FR Doc. 73-2441, appearing at page 3585 in the issue of Thursday, February 8, 1973, in the fifth and sixth lines of § 211.108(a), delete "either alone or in participation with" and insert "that is directly or indirectly en-".

[Reg. K]

PART 211—CORPORATIONS ENGAGED IN  
FOREIGN BANKING AND FINANCING  
UNDER THE FEDERAL RESERVE ACT

Special Purpose Leasing Corporations;

Correction

In FR Doc. 73-2441 appearing at page 3585 of the issue for Thursday, February 8, 1973, the last paragraph should read as set forth below:

By order of the Board of Governors,  
January 26, 1973.

Board of Governors of the Federal Re-  
serve System, February 9, 1973.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary of the Board.

[FR Doc. 73-3095 Filed 2-15-73; 8:45 am]

CHAPTER III—FEDERAL DEPOSIT  
INSURANCE CORPORATION  
SUBCHAPTER A—PROCEDURE AND RULES OF  
PRACTICE

PART 303—APPLICATIONS, REQUESTS,  
AND SUBMITTALS

Delegation of Authority To Approve Branch  
Applications

1. Section 303.11 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 303.11) provides for the delegation of authority from the Corporation's Board of Directors to the Director of the Corporation's Division of Bank Supervision and, where confirmed in writing by the Director of the Division of Bank Supervision, to the Corporation's Regional Directors, to act on certain applications and requests from insured State nonmember banks. Section 303.12 of the rules and regulations of the Federal Deposit Insurance Corporation places certain limitations on such delegated authority by precluding delegation where (1) a condition other than one agreed to in writing by the bank, or other than a time limitation, is to be prescribed in approving an application, or (2) all necessary approvals have not been made by the State authority (12 CFR 303.12(a)).

The Board of Directors has decided to amend §§ 303.11 and 303.12 so as to pro-

vide for additional delegated authority in the case of applications by insured State nonmember banks to establish branches pursuant to 12 U.S.C. 1828(d). Under the amendments, the Director of the Division of Bank Supervision will be delegated the authority to approve (but not to deny) all such branch applications, including applications to convert limited banking facilities to full-service branches. However, this delegated authority will be subject to certain limitations. It is the understanding of the Board of Directors that branch approval authority will be delegated to the Corporation's Regional Directors by written confirmation on the part of the Director of the Division of Bank Supervision so that branch applications may be handled, wherever possible, at the regional office level.

In all cases, certain requisites must be met before the Director of the Division of Bank Supervision or—where the delegation has been confirmed in writing—any of the Regional Directors can approve a branch application. Where these requisites have not been satisfied, the Board of Directors has decided that it should retain authority to pass upon the application. The Board of Directors is fully cognizant of the need for expeditious action on branch applications at the regional office level. However, the Board feels that it would not be proper to delegate the authority even to approve branch applications in certain instances because the application may raise questions of significance for present and future Corporation policy. Since the amended regulation merely sets forth procedures to be followed in acting on branch applications, establishment of the following requisites makes no substantive change in the standards or criteria used by the Board of Directors in determining whether a branch application will be approved or denied. That is, the fact that the Board of Directors reserves the power to pass upon applications which fall in certain categories is not to be construed as evidence of any intent to deny such applications since approval or denial in any given case rests upon a multitude of factors, many of which may be unique to that case and cannot be set forth as standards of general applicability. In addition, the following requisites are not to be considered in any way as standards or guidelines for the safe and sound operation of insured nonmember banks.

Before the Director of the Division of Bank Supervision or any of the Corporation's Regional Directors can approve a branch application, each of the six factors enumerated in section 6 of the Federal Deposit Insurance Act must have been considered and favorably resolved. In addition, the following requisites must be satisfied (certain of these requisites are set forth in greater detail in the amendment which follows this introduction): (1) The applicant must have obtained all necessary final approvals from



the appropriate State authority. (2) The applicant must be in substantial compliance with the rules and regulations of the Corporation. (3) The applicant must have adequate fidelity insurance coverage. (4) Legal fees and other expenses incurred in connection with the proposed branch must be consistent with the policy announced by the Board of Directors on August 25, 1972. (5) Establishment of the proposed branch must not have a significantly adverse effect on competition in any relevant area or lead to destructive competition. (6) The applicant's adjusted capital and reserves must constitute at least 7.5 percent of its adjusted gross assets in the case of a commercial bank, or 6 percent of its adjusted gross assets in the case of a mutual or guaranty savings bank. (7) The applicant's aggregate fixed asset investment (including its investment in the proposed branch) must not exceed 50 percent of its adjusted capital and reserves. (8) The estimated income of the proposed branch must equal or exceed its expenses during the third year of its operation, or, alternatively, the applicant's earnings must be adequate to support limited operating losses incurred by the branch during its formative years. (9) The applicant's management must have been rated fair or better at its most recent examination. (10) Any financial arrangements which have been made in connection with the proposed branch and involve the applicant's directors, officers, major shareholders, or their interests, must be fair and reasonable in comparison to similar arrangements that could have been made with independent third parties.

2. Section 303.11 is amended by adding to paragraph (a) a new subparagraph (7) to read as follows:

**§ 303.11 Delegation of authority to act on certain applications.**

(a) *General.* Except as provided in § 303.12, and subject to the provisions of paragraphs (b) and (c) of this section, the Board of Directors of the Federal Deposit Insurance Corp. has delegated to the Director of the Division of Bank Supervision, or, where confirmed in writing by the Director of the Division of Bank Supervision, to the Regional Director of the Region in which the applicant bank is located, the authority on behalf of the Board of Directors to act on the following applications and requests from any insured State nonmember bank:

(7) Applications for the prior written consent of the Corporation to establish and operate any new branch: *Provided, however,* That this authority shall extend to the approval but not to the denial of such applications.

3. Section 303.12 is amended by revising paragraph (a) and adding a new paragraph (c). As amended, § 303.12 reads as follows:

**§ 303.12 Applications where authority to act is not delegated.**

(a) *Circumstances precluding delegation.* Authority to act on applications listed in § 303.11 is not delegated by the Board of Directors in the following circumstances:

(2) Where all necessary final approvals have not been obtained from the appropriate State authority.<sup>1</sup>

(c) *Conditions precedent to delegation to approve branch applications.* (Important: The requirements set forth in this paragraph (c) are procedural in nature only and should not be construed as standards or criteria which will be used in determining whether a specific application will be approved or denied.) Authority to approve branch applications pursuant to § 303.11(a)(7) is delegated only where each of the six factors set forth in section 6 of the Federal Deposit Insurance Act has been considered and favorably resolved<sup>2</sup> and, in addition, all of the following requisites have been satisfied:

(1) The applicant is in substantial compliance with the rules and regulations of the Corporation.

(2) The applicant has adequate fidelity coverage.<sup>3</sup>

(3) Legal fees and other expenses incurred in connection with the proposed branch are consistent with the policy announced by the Board of Directors on August 25, 1972.<sup>4</sup>

(4) Establishment of the proposed branch will not have a significantly adverse effect on competition in any relevant area or lead to destructive competition.

(5) The applicant's adjusted<sup>5</sup> capital and reserves, including written commitments for additional capital funds, constituted at least 7.5 percent of its adjusted<sup>6</sup> gross assets if the applicant is a commercial bank, or 6 percent of its adjusted<sup>7</sup> gross assets if the applicant is a mutual or guaranty savings bank.

<sup>1</sup> Where the State authority has given its approval subject only to the approval of the Federal Deposit Insurance Corporation, such approval is to be considered as final.

<sup>2</sup> The six factors are: (1) The financial history and condition of the applicant, (2) the adequacy of its capital structure, (3) its future earnings prospects, (4) the general character of its management, (5) the convenience and needs of the community to be served by the applicant, and (6) whether or not its corporate powers are consistent with the purposes of the Federal Deposit Insurance Act (12 U.S.C. 1816).

<sup>3</sup> Including a \$1 million excess bond if primary blanket bond coverage is less than \$1 million.

<sup>4</sup> Statement of Policy re: "Legal Fees and Other Expenses Incident to Applications for Insurance and Consent to Establish Branches" (Aug. 25, 1972).

<sup>5</sup> Based on classifications made at the last examination of the applicant.

(6) The applicant's aggregate fixed asset investment, including its investment in the proposed branch,<sup>8</sup> is not in excess of 50 percent of its adjusted<sup>9</sup> capital and reserves (including written commitments for additional capital funds).

(7) The estimated income of the proposed branch is equal to or in excess of its expenses during the third year of its operation, or, alternatively, the applicant's earnings are adequate to support limited operating losses incurred by the branch during its formative years.

(8) The applicant's management has been rated fair or better at its most recent examination.

(9) Any financial arrangements which have been made in connection with the proposed branch<sup>10</sup> and involve the applicant's directors, officers, major shareholders,<sup>11</sup> or their interests, are fair and reasonable in comparison to similar arrangements that could have been made with independent third parties.

(Secs. 9, 18(d), 64 Stat. 881-82, 891; 12 U.S.C. 1819, 1828(d))

4. The rule making procedures set forth in the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)) and the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 302.1, 302.2, and 302.5) with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments because they constitute rules of Corporation procedure and are not substantive in nature.

5. *Effective date.* These amendments shall become effective on March 1, 1973.

By order of the Board of Directors,  
February 12, 1973.

FEDERAL DEPOSIT INSURANCE  
CORPORATION,

[SEAL] E. F. DOWNEY,  
Secretary.

[FR Doc. 73-3134 Filed 2-15-73; 8:45 am]

**PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS**

**Application Procedures for Deposit Insurance, Branches, and Office Relocations**

1. The Board of Director of the Federal Deposit Insurance Corp. is amending Part 303 of the Corporation's rules and regulations (12 CFR Part 303) by adding thereto a new § 303.14. The amendment will (a) establish procedures for the processing of certain applications, (b) require each applicant to publish a notice

<sup>8</sup> On a consolidated basis.

<sup>9</sup> See note 7, *supra*.

<sup>10</sup> Including arrangements relating to fees, the acquisition of property, rentals, and construction contracts.

<sup>11</sup> The term "major shareholder" means any shareholder who directly or indirectly controls 5 percent or more of any class of the applicant's outstanding voting stock.



of the filing of an application, (c) establish a public file for each such application, and (d) establish procedures whereby interested persons may make their views on the application known.

2. The amendment reads as follows:  
§ 303.14 Application procedures.

(a) *Scope of section.* This section applies to: (1) Applications for deposit insurance by proposed new banks; (2) applications by insured State nonmember banks to establish branches; (3) applications by insured State nonmember banks to relocate their main offices or branch offices; and (4) any other applications, requests or submittals which the Board of Directors in its sole discretion deems appropriate. In the case of applications, requests, or submittals which come within this fourth category, the applicant will be notified at the time its application is accepted for filing that the procedures set forth in this section shall be followed in connection therewith.

(b) *Notice of filing of application—*  
(1) *Notice by publication.* The applicant shall, within 15 days after the Regional Director has notified the applicant in writing that an application has been accepted for filing, publish one time in a newspaper of general circulation in the community in which the applicant's head office is located and in a newspaper of general circulation in the community in which the applicant proposes to engage in business a notice containing the name of the applicant or applicants, the subject matter of the application, the location at which the applicant proposes to engage in business, and the date upon which the application was accepted for filing. Immediately after publication, the applicant shall furnish the Regional Director with a certification from the publisher and a tear sheet or clipping evidencing such publication.

(2) *Comments and protests.* Anyone who wishes to comment on the application may do so by filing his comments in writing with the Regional Director. Anyone who wishes to protest the granting of the application has a right to do so if he files a written notice of his intent with the Regional Director within 15 days of the date of publication of the notice described in paragraph (b) (1) of this section. In order to fully apprise the public of its rights under this paragraph (b) (2), the notice described in paragraph (b) (1) of this section shall include the following statement:

Any person wishing to comment on this application may file his comments in writing with the Regional Director of the Federal Deposit Insurance Corp. at its Regional Office (address of the Regional Office). If any person desires to protest the granting of this application he has a right to do so if he files a written notice of his intent with the Regional Director within 15 days of the date of this publication. The nonconfidential portion of the application are on file in the Regional Office as part of the public file maintained by the Corporation. This file is available for public inspection during regular business hours.

(3) *Solicitation of comments by Regional Director.* Whenever he deems it

appropriate, the Regional Director may solicit comments from any person or institution which, in his opinion, might have an interest in or be affected by the pending application.

(c) *Public file.—*(1) *Contents.* Subject to the provisions of paragraph (c) (2) of this section, the public file in each case shall consist of:

(i) The application with supporting data and supplementary information.

(ii) Data and information submitted by interested persons in favor of or in opposition to such application.

(iii) Those portions of the investigation report prepared by the Corporation's field examiner in connection with the application which cover future earnings prospects and the convenience and needs of the community to be served by the applicant.<sup>22</sup>

(iv) Where a hearing has been held pursuant to paragraph (e) of this section, any evidence submitted pursuant to paragraph (f) (3) of this section and the hearing transcript described in paragraph (f) (5) of this section.

(2) *Withholding of confidential information.* No material described in paragraph (c) (1) of this section shall be included in the public file if it is determined to be confidential by the Corporation under the provisions of 5 U.S.C. 552. In making such determination, the Corporation will generally consider the following information as confidential:

(i) Personal information, the release of which would constitute a clearly unwarranted invasion of privacy.

(ii) Trade secrets and commercial or financial information obtained from a person and deemed by the Corporation to be privileged or confidential.

(iii) Information whose disclosure could seriously affect the financial condition of any financial institution.

(3) *Inspection of public file.* Any person may inspect the public file. The public file shall be available for inspection in the office of the Regional Director during regular business hours. No documents in the public file may be removed from the Regional Director's office by persons other than employees of the Corporation. Photocopies will be made available, on request, to all persons. The charge for such copies shall be made in accordance with a written schedule approved by the Board of Directors and maintained by the Regional Director.

(d) *Proceedings.—*(1) *Requests for hearing or other proceeding.* Once the Corporation's field examiner has completed his investigation of an application subject to the provisions of this section, anyone who, within the 15-day period prescribed in paragraph (b) (2) of this section, filed a written notice of his intent to protest the granting of the application, shall be entitled to file a formal protest and request an opportunity to be heard so long as he does so within 15 days

<sup>22</sup> Where no field investigation has been conducted, the public file will include comparable information from the Regional Office report.

after receipt of the notice set forth in paragraph (d) (2) of this section.<sup>23</sup> He may also request that a hearing be held on the application pursuant to paragraph (e) of this section.

(2) *Notice.* Upon completion of the investigation by the field examiner or the Regional Office, the Regional Director shall give notice to all persons who filed a written notice of intent to protest the granting of the application within the 15-day period prescribed in paragraph (b) (2) of this section. This notice will be sent by registered or certified mail and shall take substantially the following form:

You are advised that the Federal Deposit Insurance Corporation's field examiner (or Regional Office) has completed the investigation of the application filed by (name of applicant) on (date accepted for filing) in connection with (subject matter of application). Portions of the report of investigation (or Regional Office report) have been made a part of the public file on this application. The public file is available for inspection in the Corporation's Regional Office (address) during the hours of —a.m. to —p.m. Photocopies of information in the public file will be made available on request. A schedule of the charges for such copies can be obtained from the Regional Office.

You have 15 days from the date of receipt of this notice within which to file a formal protest to the granting of the subject application and to request an opportunity to be heard. You may also ask that a hearing be held on the application pursuant to § 303.14(e) of the Corporation's rules and regulations. Should you desire to present your views orally before a representative of the Corporation designated for that purpose, or at a hearing held pursuant to § 303.14(e), you must accompany your request with a brief statement of your interest in the application and the matters which you wish to discuss.

If the Corporation determines that a hearing or other form of oral presentation should be allowed, you will be advised of its date, time, and location.

A copy of this notice has been sent to the applicant.

Where notice has been sent pursuant to this paragraph, the Regional Director shall send a copy to the applicant.

(3) *Form of proceeding.* The Corporation may, at its direction, decide to hold a hearing on the application in accordance with paragraph (e) of this section; it may decide to hold an informal proceeding in accordance with paragraph (d) (4) of this section; or it may decide not to hold a hearing or an informal proceeding in which case, where there has been a request for an opportunity to be heard pursuant to paragraph (d) (2) of this section, it will so advise the applicant and all persons who requested an opportunity to be heard. A decision as to the form of proceeding to be held will be made not more than 30 days after notice has been given pursuant to paragraph (d) (2) of this section.

(4) *Informal proceedings.* If the Corporation decides to hold an informal proceeding, the Regional Director shall, not

<sup>23</sup> Where no field investigation has been conducted, the notice in paragraph (d) (2) of this section will be given upon completion of the Regional Office report.



less than 10 days prior thereto, notify the applicant and each person who filed a formal protest in accordance with paragraph (d) (2) of this section, of the date, time, and place of the proceeding. The Regional Director may, if he deems it advisable, notify other persons who have expressed an interest in the application and invite them to attend. The proceeding may assume any form, including a meeting with Corporation representatives at which the participants will be asked to present their views orally.

The Regional Director shall also have the discretion to hold separate meetings with each of the participants where he deems it desirable.

(e) *Hearings.* Hearings of the kind provided for in this paragraph will not generally be afforded the participants if they have had the opportunity to participate in prior hearings before the appropriate State authority which covered essentially the same issues or if the Regional Director determines that less formal proceedings will be adequate.

(1) *Notice of hearing.*—(i) *Contents.* If the Corporation determines that a hearing on the application is warranted, the Regional Director shall, not less than 10 days prior thereto, give notice of the scheduling of the hearing, and shall set forth in the notice the subject matter of the application, the significant issues to be presented, and the date, time, and place at which the hearing shall be held.

(ii) *To whom sent.* The above notice shall be sent by registered or certified mail to the applicant and to each person who filed a formal protest in accordance with paragraph (d) (2) of this section. The Regional Director may also notify other persons who have expressed an interest in the application and invite them to participate in the hearing.

(2) *Attendance at hearing.* Each interested person who wishes to attend the hearing shall notify the Regional Director accordingly within 5 days after the date upon which he receives the above notice. Unless he has already done so, he shall submit a brief written summary of the matters which he wishes to cover at the hearing together with the number and names of witnesses he wishes to present. The applicant and other interested persons attending the hearing may be represented by counsel.

(3) *Presiding officer.* The presiding officer at the hearing shall be the Regional Director, his designee, or such other person as may be named by the Board of Directors or the Director of the Division of Bank Supervision. The presiding officer shall have the authority to appoint a panel to assist him.

(f) *Hearing rules.*—(1) *Order of presentation.* The following schedule is intended to serve as a general guide to the conduct of the hearing. It is not fixed and may be varied at the discretion of the presiding officer. The presiding officer shall determine the order of opening statements and presentations to be followed by all participants other than the applicant who in each instance shall have the opportunity to speak first.

(i) *Opening statements.* The applicant and each other participant may make opening statements which should concisely state what the participant intends to show.

(ii) *Applicant's presentation.* Following the opening statements, the applicant shall present its data and materials, oral or documentary.

(iii) *Protestant's presentation.* Following the applicant's presentation, each person protesting the application shall present his data and materials, oral or documentary. The protestants may agree, with the approval of the presiding officer, to have one of their number make their presentation.

(iv) *Other interested persons.* Following the evidence of the applicant and the protestants, the presiding officer will recognize other interested persons who may present their views with respect to the application under consideration.

(v) *Summary statement.* After all the above presentations have been concluded, the applicant may make a short and concise rebuttal.

(2) *Witnesses.* Each participant is responsible for providing his own witnesses, including the payment of all expenses associated with their appearance at the hearing. All witnesses will be present on their own volition, but any person appearing as a witness may be subject to questioning by any participant, by the presiding officer, or by any member of the panel. The refusal of a witness to answer questions may be considered by the Corporation in determining the weight to be accorded the testimony of that witness. Witnesses shall not be sworn.

(3) *Evidence.* The presiding officer shall have the authority to exclude data or materials which he deems to be improper, irrelevant, or repetitive. Formal rules of evidence shall not be applicable to these hearings. Documentary material submitted as evidence must be of a size consistent with ease of handling, transportation, and filing. Three copies of all such documentary material shall be furnished to the Regional Director, and any participant who specifically requests the same shall be furnished a copy at his own expense. While large exhibits may be used during the hearing, copies of such exhibits must be provided by the person in reduced size for submission as evidence.

(4) *Procedural questions.* The presiding officer, or any designated member of the panel, shall determine all procedural questions not governed by this section. The presiding officer shall have the authority to limit the number of witnesses to be used by any person and to impose reasonable time limitations.

(5) *Transcript.* A transcript of each hearing will be arranged for by the Corporation. The person or persons who requested the hearing will be expected to pay all the expenses of such service, including the furnishing of one copy of the transcript to the Regional Director. *Provided, however,* That the Corporation may, for good cause, waive this requirement in individual cases. Where a hear-

ing is held at the Corporation's initiative, the Corporation shall bear the expenses of such service. Copies of the transcript will be furnished to any interested person requesting the same at that person's expense.

(6) *The hearing record.*—(i) *Contents.* The public file described in paragraph (c) of this section shall automatically be deemed a part of the hearing record.

(ii) *Closing the hearing record—additional statements.* Any person who participates in the hearing may request that the hearing record remain open for 10 days following receipt of the transcript by the Regional Director during which time the person may submit corrected copies of the transcript, or additional written statements or materials which he agreed to furnish at the hearing, to the Regional Director. Such person shall simultaneously mail or have delivered copies of the corrected transcript or additional statements or materials to all other persons who participated in the hearing.

(g) *Disposition and notice thereof.* (1) The final disposition of any application or other matter under this section need not be determined exclusively by, or be limited to, the information contained in the public file established by paragraph (c) of this section.

(2) The applicant, and any other person who so requests in writing, shall be notified by the Board of Directors of the final disposition of the application or other matter. The Board of Directors shall also provide a statement of the reasons for the final disposition made.<sup>14</sup>

(h) *Closing the public file.* The public file described in paragraph (c) of this section shall be closed 30 days after final disposition of the application or other matter.

(i) *Notice to applicant in the case of a tentative denial.* Generally, in the case of an application subject to the provisions of this section, where the Board of Directors, based upon the information available at that time, plans to deny the application and no hearing has been held thereon pursuant to paragraph (e) of this section, the Director of the Division of Bank Supervision or his designee will send the applicant a written statement by registered or certified mail which shall specify the reasons for such tentative denial. The applicant shall have 15 days following the receipt of this statement within which to file a written request to amend its application or for an opportunity to submit information in rebuttal, either in writing or in the form of an oral presentation before one or more representatives of the Corporation designated for that purpose. Upon the filing of such request the applicant

<sup>14</sup> Where final authority to dispose of an application or other matter has been delegated to the Director of the Division of Bank Supervision or the Regional Directors pursuant to § 303.11, the Director of the Division of Bank Supervision or the appropriate Regional Director will provide the notice and statement described in this paragraph (g) (2).



shall be given 30 days in which to amend its application or prepare its presentation to the Corporation. If the applicant requests and is granted an opportunity to make an oral presentation, it shall be advised of the date, time, place, and person or persons before whom such presentation shall be made.

(j) *Computation of time.* Section 308.18 shall govern the computation of any period of time prescribed or allowed by this section.

(k) *Retained authority.* In acting upon any particular application, the Board of Directors may by resolution adopt procedures which differ from this section when it deems it necessary and in the public interest to do so. Such resolution shall be made available for public inspection and copying in the Office of the Secretary of the Corporation in accordance with the requirements of 5 U.S.C. 552(a) (2).

(Sec. 9, 64 Stat. 881-82; 12 U.S.C. 1819)

3. The rule making procedures set forth in the Administrative Procedure Act (5 U.S.C. 553(b)) and the rules and regulations of the Federal Deposit Insurance Corp. (12 CFR 302.1 and 302.2) with respect to notice and public participation were not followed in connection with this amendment because it relates to the Corporation's rules of practice and procedure.

4. *Effective date.* This amendment shall become effective on April 1, 1973.

By order of the Board of Directors,  
February 12, 1973.

FEDERAL DEPOSIT INSURANCE  
CORPORATION,

[SEAL] E. F. DOWNEY,  
Secretary.

[FR Doc. 73-3133 Filed 2-15-73; 8:45 am]

# CHAPTER V—FEDERAL HOME LOAN BANK BOARD

## SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 73-163]

### PART 523—MEMBERS OF BANKS

#### Cancellation of Notice To Withdraw From Bank Membership

FEBRUARY 1, 1973.

Section 6(i) of the Federal Home Loan Bank Act (12 U.S.C. 1426(i)) provides in part that "[a]ny member other than a Federal savings and loan association may withdraw from membership in a Federal home loan bank 6 months after filing with the Board written notice of intention so to do \* \* \*"

Section 523.31 of the regulations for the Federal Home Loan Bank System (12 CFR 523.31) permits a member of a Federal home loan bank to cancel its notice of intention to withdraw from bank membership by notifying the Board at "any time prior to the effective date of withdrawal, as fixed by the Board".

It is clear from the history of the regulation itself that the words "as fixed by the Board" were intended only to permit members, with Board approval, to with-

draw before the end of the 6-month period. However, it has been pointed out to the Board that a reader of such provision might incorrectly assume that the words "as fixed by the Board" assert a power to fix an effective date contrary to the wishes of a withdrawing member. It is clear that such power is not justified under section 6(i) of the Federal Home Loan Bank Act.

To avoid misinterpretation, the Board considered it advisable to delete the clause "as fixed by the Board". Accordingly, the Board, on February 1, 1973, amended said § 523.31 by revising it to read as set forth below.

Since the amendment clarifies the existing regulation and does not impose additional requirements regarding withdrawal from membership in a Federal home loan bank, the Board found that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would, in the opinion of the Board, not be required for the reason that said amendment is not a substantive amendment, the Board provided that said amendment will become effective on February 16, 1973.

#### § 523.31 Cancellation of withdrawal notice.

A member, having filed notice of intention to withdraw from membership, may cancel such notice by notifying the Board at any time prior to the effective date of withdrawal.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank  
Board.

[SEAL] JACK CARTER,  
Secretary.

[FR Doc. 73-3126 Filed 2-15-73; 8:45 am]

## Title 14—Aeronautics and Space CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

#### Delegations and Designations

1. Section 1204.506 is revised in its entirety as follows:

§ 1204.506 *Power and authority—to take various actions related to patent and copyright matters and to accept licenses and assignments of inventions.*

#### § 1204.506-1 General Counsel.

(a) *Delegations.* The General Counsel is delegated authority to take the following specific actions related to intellectual property, including patent and copyright matters:

(1) *Powers of attorney.* To appoint principal attorneys and to execute necessary powers of attorney for the purpose of filing and prosecuting patent appli-

cations in which the United States, as represented by the Administrator, has an interest by way either of title or license;

(2) *Application papers and statements.* To receive patent applications, documents and statements transmitted to the Administrator pursuant to section 305(c) of the National Aeronautics and Space Act of 1958;

(3) *Authority under sections 305 (d) and (e).* To represent the Administrator and to appoint attorneys to represent the Administrator in the conduct of business under sections 305 (d) and (e) of the National Aeronautics and Space Act of 1958, including execution of requests pursuant to said sections of the Act that patents be issued to the Administrator on behalf of the United States or that title be transferred to the Administrator;

(4) *Certifications.* To exercise the authority of the Administrator with respect to certifications in support of requests for extensions of time under section 267, title 35, United States Code;

(5) *Secrecy orders.* To exercise all powers of the Administrator with respect to secrecy orders in patent cases and foreign filing under chapter 17, title 35, United States Code;

(6) *Foreign patent program.* To exercise the authority of the Administrator in taking all necessary action to obtain and maintain patents in foreign countries, including the execution of instruments necessary for the filing, prosecution, and maintenance of foreign applications and patents;

(7) *Determination of rights.* To execute notifications of the Administrator's determinations made pursuant to section 305(a) of the National Aeronautics and Space Act of 1958;

(8) *Granting of licenses.* To make the determinations and to take any and all actions with respect to the licensing of NASA inventions vested in the Administrator by the NASA Domestic Patent Licensing Regulations, NMI 5109.3A (§ 1245.2 of this chapter), and the NASA Foreign Patent Licensing Regulations, NMI 5109.5 (§ 1245.4 of this chapter), to sign all FEDERAL REGISTER notice material required by the Patent Licensing Regulations, and to otherwise grant licenses on any invention in which the Administrator has reserved the right to grant licenses;

(9) *Acceptance of licenses and assignments.* To accept on behalf of the United States, licenses and assignments of inventions, patents, and applications for patent;

(10) *Acquisition authority.* To exercise the power conferred on the Administrator by section 203(b) (3) of the National Aeronautics and Space Act of 1958, to acquire an interest in patents and patent applications, including the purchase of such interests in settlement of claims for the unauthorized use of patented inventions;

(11) *Executive Order 10096.* To make determinations of the respective rights of the Government and of the inventor



in, and to, inventions made by employees of the National Aeronautics and Space Administration within the purview of Executive Order 10096 of January 23, 1950, as amended, and to appoint a liaison officer to deal with the Commissioner of Patents in such matters pursuant to 37 CFR 300.10, "Regulations Concerning Inventions Made by Government Employees"; and

(12) *Authority to settle copyright claims.* To exercise all powers conferred on the Administrator by section 1498(b) of title 28, United States Code, including the settlement of claims for copyright infringement.

(b) *Redelegation.* (1) None authorized with respect to paragraphs (a) (3), (6), (8), (10), and (12) of this section.

(2) The authority included in paragraphs (a) (1), (2), (4), (5), (7), (9), and (11) of this section may be redelegated to the Assistant General Counsel for Patent Matters.

(3) The authority included in paragraph (a) (9) of this section to accept licenses and assignments of inventions may also be redelegated to the Patent Counsel of the Field Installation having cognizance of the invention.

(c) *Reporting.* The General Counsel, to whom authority is delegated in this § 1204.506-1, shall insure that feedback is provided to the Administrator through official channels to keep him fully and currently informed of significant actions, problems, or other matters of substance related to the exercise of the authority delegated hereunder.

(42 U.S.C. 2473, 2457)

#### § 1204.506-2 Assistant General Counsel for Patent Matters.

(a) *Redelegation.* The Assistant General Counsel for Patent Matters is redelegated authority:

(1) *Powers of attorney.* To appoint principal attorneys and to execute necessary powers of attorney for the purpose of filing and prosecuting patent applications in which the United States, as represented by the Administrator, has an interest by way either of title or license;

(2) *Application papers and statements.* To receive patent applications, documents, and statements transmitted to the Administrator pursuant to section 305 (c) of the National Aeronautics and Space Act of 1958;

(3) *Secrecy orders.* To exercise all powers of the Administrator with respect to secrecy orders in patent cases and foreign filing under chapter 17, title 35, United States Code.

(4) *Determination of rights.* To execute notifications of the Administrator's determinations made pursuant to section 305(a) of the National Aeronautics and Space Act of 1958;

(5) *Executive Order 10096.* To make determinations of the respective rights of the Government and of the inventor in, and to, inventions made by employees of the National Aeronautics and Space Administration within the purview of Executive Order 10096 of January 23, 1950, as amended.

(b) *Further redelegation.* None authorized except by virtue of succession.

(c) *Reporting.* The Assistant General Counsel for Patent Matters, to whom authority is redelegated in this § 1204.506-2, shall insure that feedback is provided to the General Counsel through official channels to keep him fully and currently informed of significant actions, problems, or other matters of substance related to the exercise of the authority redelegated hereunder.

#### § 1204.506-3 Patent Counsels of Field Installations.

(a) *Redelegation.* As authorized by § 1204.506-1, the Patent Counsel of the Field Installation having cognizance of the invention and, for NASA Headquarters, the Assistant General Counsel for Patent Matters are redelegated authority to accept on behalf of the United States, licenses and assignments of inventions, patents, and applications for patent.

(b) *Further redelegation.* None authorized except by virtue of succession.

(c) *Reporting.* The officials to whom authority is redelegated in this § 1204.506-3 shall insure that feedback is provided to the General Counsel through official channels to keep him fully and currently informed of significant actions, problems, or other matters of substance related to the exercise of the authority redelegated hereunder.

*Effective date.* The provisions of this § 1204.506-1 are effective on February 16, 1973.

JAMES C. FLETCHER,  
Administrator.

*Effective date.* The provisions of these §§ 1204.506-2 and 1204.506-3 are effective on February 16, 1973.

SPENCER M. BERESFORD,  
General Counsel.

[FR Doc.73-3101 Filed 2-15-73;8:45 am]

### Title 21—Food and Drugs

#### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### SUBCHAPTER C—DRUGS

##### PART 130—NEW DRUGS

Approved New Drugs Requiring Continuation of Long-Term Studies, Records, and Reports; Listing of Methadone with Special Requirements for Use; Correction

In FR Doc. 72-21306, appearing at page 26790 in the issue of Friday, December 15, 1972, in paragraph 35, on page 26794, item No. 2 reading "Methadone HCl Tablet, Injectable; by Hoffmann-LaRoche Inc., Nutley, N.J. 07110. (NDA 6305)" is corrected to read "Methadone HCl Tablet, Injectable; by Merck Sharp & Dohme, West Point, PA 19486. (NDA 6305)."

Dated: February 9, 1973.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc.73-3074 Filed 2-15-73;8:45 am]

### Title 22—Foreign Relations

#### CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.684]

#### PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

##### Miscellaneous Amendments

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to make minor technical amendments in §§ 41.7(e), 41.91(a)(19)(i), 41.126(b), and 41.128(a). Section 41.113(a) is amended to delete the requirement that certain applicants for exchange-visitor and student visas be medically examined prior to visa issuance.

1. Paragraph (e) of § 41.7 is amended to read:

§ 41.7 Waiver of visa and/or passport requirements by joint action of consular and immigration officers.

(e) *Visa and passport waiver; members of armed forces of foreign countries making friendly visits to the United States.* An alien who is on active duty as a member of the armed forces of a foreign country and who is a member of a group of such force which is making a friendly call in the United States, whether courtesy or operational and whether in behalf of his own government or in behalf of the United Nations, under advance arrangements made with the military, naval, or air force authorities of the United States, other than an alien who is a citizen or resident of Albania, Bulgaria, Cuba, Czechoslovakia, Estonia, German Democratic Republic, Hungary, Latvia, Lithuania, Mongolian People's Republic, North Korea (Democratic Peoples' Republic of Korea), North Vietnam (Democratic Republic of Vietnam), People's Republic of China, Poland, Romania, or the Union of Soviet Socialist Republics.

2. Subdivision (i) of § 41.91(a)(19) is amended to read as follows:

§ 41.91(a) Aliens ineligible under the provisions of section 212(a) of the Act.

(a) \* \* \*

(19) *Fraud and misrepresentation.* (i) An alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation for entry into the United States by fraud or by willfully misrepresenting a material fact, regardless of whether such fraud or misrepresentation occurred before or after December 24, 1952, shall be ineligible to receive a visa under the provisions of section 212(a)(19) of the Act: *Provided*, That the provisions of this subdivision shall not be applicable if the fraud or misrepresentation was committed by an alien at the time he sought entry into a country other than the United States or obtained travel documents as a bona fide refugee and the refugee was in fear of being repatriated to his former homeland if he had disclosed the facts in his case



in connection with his application for a visa to enter the United States: *Provided further*, That the fraud or misrepresentation was not committed by such refugee for the purpose of evading the quota or numerical restrictions of the U.S. immigration laws, or investigation of the alien's record at the place of his former residence or elsewhere in connection with an application for a visa.

3. Paragraph (a) of § 41.113 is amended to read as follows:

§ 41.113 Medical examination.

(a) An alien shall be required to be medically examined if (1) he is an applicant for a nonimmigrant visa as a fiancée or fiancé of a U.S. citizen, or as the child of such applicant, or (2) the consular officer has reason to believe that a medical examination is advisable or that it would disclose that the alien is medically ineligible to receive a visa.

4. Paragraph (b) of § 41.126 is amended to read as follows:

§ 41.126 Transfer of visas.

(b) *Procedure for transfer.* Application for the transfer of a nonimmigrant visa from one passport to another shall be made on an appropriate form. The consular officer may, in his discretion, waive the personal appearance of the alien. The issuance of a transferred visa shall be evidenced by placing the visa stamp with all of the original data in the alien's passport. The validity of the transferred visa shall be the same as that of the original visa. The transferred visa shall be valid for the number of applications for admission remaining as of the date of the transfer. The word "Transferred" shall be inserted on the upper margin of the visa stamp.

5. Paragraph (a) of § 41.128 is amended to read as follows:

§ 41.128 Nonresident alien Mexican border crossing cards.

(a) *Aliens eligible to apply.* Under the conditions prescribed by this section, a consular officer in Mexico, other than one assigned to a consular office located in an area adjacent to the border between the United States and Mexico, may issue a border crossing card, as that term is defined in section 101(a)(6) of the Act, to a nonimmigrant alien who satisfactorily establishes that he (1) is a citizen and resident of Mexico; and (2) is a bona fide temporary visitor and, if applying for a temporary visitor visa for business or pleasure, he would be eligible to receive such visa.

*Effective date.* The amendments to the regulations contained in this order shall become effective on February 16, 1973.

The provisions of section 4 of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this

order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

For the Secretary of State.

[SEAL] WILLIAM N. DALE,  
Acting Administrator, Bureau  
of Security and Consular  
Affairs, Department of State.

FEBRUARY 7, 1973.

[FR Doc.73-3125 Filed 2-15-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7256]

PART 53—FOUNDATION EXCISE TAXES

Subpart C—Taxes on Failure To Distribute Income

FAILURE TO DISTRIBUTE INCOME;  
CORRECTION

On Monday, February 5, 1973, Treasury Decision 7256 was published in the FEDERAL REGISTER (38 FR 3314). The following corrections are made to the Foundation Excise Tax Regulations (26 CFR Part 53), as prescribed by T.D. 7256:

1. In lines 10 and 11 of § 53.4942(a)-2 (c) (4) (iii), the words "shall be" should be deleted, and the penultimate line of such provision should be revised to read as follows: "its taxable year will ordinarily consti-".

2. In the 12th line of § 53.4942(a)-2 (e) (2), the words "(without regard to section 4947(a) (2) (C))" should be inserted before the comma and immediately following "4947(a) (2)".

JAMES F. DRING,  
Director, Legislation and  
Regulations Division.

[FR Doc.73-3139 Filed 2-15-73;8:45 am]

Title 29—Labor

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

PART 1977—DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE WILLIAMS-STEIGER OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Procedures; Correction

In FR Doc. 73-1653, published at page 2681 of the issue dated Monday, January 29, 1973, is corrected by adding the word "not" in the first sentence of paragraph (b) (2) of § 1977.12. As corrected, § 1977.12(b) (2) should read as follows:

§ 1977.12 Exercise of any right afforded by the Act.

(b) . . . .

(2) However, occasions might arise when an employee is confronted with a choice between not performing assigned tasks or subjecting himself to serious

injury or death arising from a hazardous condition at the workplace. If the employee, with no reasonable alternative, refuses in good faith to expose himself to the dangerous condition, he would be protected against subsequent discrimination. The condition causing the employee's apprehension of death or injury must be of such a nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a real danger of death or serious injury and that there is insufficient time, due to the urgency of the situation, to eliminate the danger through resort to regular statutory enforcement channels. In addition, in such circumstances, the employee, where possible, must also have sought from his employer, and been unable to obtain, a correction of the dangerous condition.

Signed at Washington, D.C., this 12th day of February 1973.

ALFRED G. ALBERT,  
Acting Solicitor of Labor.  
[FR Doc.73-3127 Filed 2-15-73;8:45 am]

Title 32—National Defense

CHAPTER XIV—THE RENEGOTIATION BOARD

SUBCHAPTER B—THE RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1472—CONDUCT OF RENEGOTIATION

Points for Presentation

Section 1472.5 *Notice of points for presentation* is amended by deleting the first sentence of paragraph (a) in its entirety and inserting in lieu thereof the following:

The Board will send the contractor a notice of points for presentation in every Class A case reassigned to the Board pursuant to § 1473.2(a) or § 1474.3(b) of this chapter in which the Board, after considering the clearance or agreement recommended by the regional board, is not satisfied that it should issue the clearance or execute the agreement, as the case may be, and in any other reassigned case in which the Board in its discretion considers the sending of such a notice desirable.

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

Dated: February 13, 1973.

RICHARD T. BURRESS,  
Chairman.

[FR Doc.73-3129 Filed 2-15-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-140]

PART 0—COMMISSION ORGANIZATION

PART 97—AMATEUR RADIO SERVICE

Radio Operator Examination Points

*Order.* In the matter of amendment of § 0.485 and Appendix 1, Part 97 of the Commission's rules regarding radio operator examination points.



1. The Commission has before it the desirability of amending § 0.485 showing the location of the Field Engineering Bureau's examination points for amateur and commercial radio operator licenses.

2. Authority for the amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, section 552 of the Administrative Procedure Act and § 0.261(a) of the Commission's rules. Because the amendment is procedural in nature, the prior notice and effective date provisions of section 553 of the Administrative Procedure Act do not apply.

3. It is ordered, That effective February 21, 1973, Parts 0 and 97 of the rules and regulations are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: February 7, 1973.

Released: February 12, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,  
BEN F. WAPLE,  
Secretary.

#### § 0.485 [Amended]

The semiannual examination points listed in § 0.485(c) are amended by adding in the appropriate alphabetical order, the city of Helena, Mont., and the annual examination points are amended by deleting Great Falls, Mont., and Helena, Mont.

#### APPENDIX 1

##### EXAMINATION POINTS [AMENDED]

The semiannual examination points listed in appendix 1 are amended by adding in the appropriate alphabetical order the city of Helena, Mont. The annual examination points listed are amended by deleting the cities of Great Falls, Mont., and Helena, Mont.

[FR Doc. 73-3106 Filed 2-15-73; 8:45 am]

[Docket No. 19401; FCC 73-158]

#### PART 73—RADIO BROADCAST SERVICES

##### FM Broadcast Stations; Table of Assignments for Certain Cities

*Second report and order.* In the matter of amendment of § 73.202(b), *Table of Assignments*, FM broadcast stations. (Hampton, Pella, Cedar Rapids, and Charles City, Iowa; Keyser, W. Va.; Crystal River and Gainesville, Fla.) Dockets Nos. 19401, RM-1750, RM-1756, RM-1757, RM-1777, RM-1790, RM-1829.

1. The Commission has under further consideration the notice of proposed rule making (37 F.R. 1067), and the further notice of proposed rule making (37 F.R. 3548), concerning the amendment of § 73.202(b) of the Commission's rules, the Table of FM Assignments. The Report and Order (35 FCC 2d 535 (1972)) gave consideration only to the proposal for substitution of a channel at Keyser, W. Va. (RM-1756).

<sup>1</sup> Commissioner H. Rex Lee absent.

2. This Second Report and Order deals with the remaining five proposals for assignment of FM channels in the States of Florida and Iowa, plus a conflicting proposal submitted as a result of the notice. Briefly, the proposals to assign or to exchange channels at the following communities are adopted: Charles City, Hampton, and Pella, Iowa; Crystal City and Gainesville, Fla. The detailed consideration of the proposals are set forth below.

3. *Hampton, Pella, Cedar Rapids, and Charles City, Iowa (RM-1750 and RM-1829).* The rule making here was instituted as a result of the petitions filed by Obed S. Borgen (RM-1750), and Dwaine F. Meyer (RM-1829). Because of short spacings Borgen's request for assignment of Channel 276A to Hampton, Iowa, required either a substitution of Channel 276A for Channel 275 at Cedar Rapids, Iowa, or a limitation to the use of Channel 275 to a site 8 to 10 miles south or east of the community. However, substitution of Channel 276A at Cedar Rapids conflicted with the proposal for assignment of Channel 277 at Pella, Iowa, filed by Meyer, because of short spacing. The notice gave consideration to the various solutions of conflicting requests and invited comments to explore the possibility of making the assignments as follows:

City	Channel No.	
	Present	Proposed
Charles City, Iowa.....	285A	240A
Hampton, Iowa.....		285A
Pella, Iowa.....		277 or 292A

Comments in support of the proposals were submitted by the two petitioners, and comments in opposition were filed by Radio, Inc., licensee of Station KCHA-FM, Charles City, Iowa.

4. To circumvent the necessity of changing the assignment or placing a restriction on the use of the channel at Cedar Rapids, the proposed assignment above would require a substitution of Channel 240A for Channel 285A at Charles City, Iowa, which is licensed to Station KCHA-FM, and Channel 285A would be assigned to Hampton, Iowa. This would also allow for assignment of Channel 277 to Pella, Iowa. As to Pella, there was a question, due to insufficient population data, whether a class C channel should be assigned to a community the size of Pella; hence alternative channel assignments were proposed. Mr. Meyer's new showing in response to the notice of proposed rule making indicates that a class C station at Pella would provide a first FM service to 76 square miles with 1,276 population, whereas a class A station would not provide such service, and a second FM service to 483 square miles with a population of 22,936, while a class A station would provide a second service to 57 square miles with 1,114 population.

5. Radio Inc., licensee of Station KCHA-FM, contends that the proposed change in the channel assignment at Charles City is confiscatory by reason of great expense required to make the

change of channels and objects to the proposed amendment of § 73.202(b) of the rules. The grounds for the objection are that it has expended time and money promoting the frequency; expenditure of more money for advertising and promoting the new frequency; and that there would be loss of listenership and revenue and would require the expenditure of more money for advertising and promoting the new frequency; and that Channel 240A might be expected to present a second harmonic interference problem on Channel 9 television and within the listenership of KCHA-FM. Radio, Inc., states that should the Commission rule that the proposed amendment is in the public convenience, interest or necessity, the burden of expense upon KCHA-FM would be confiscatory, and lists 11 items of expenses which it believes would be necessitated by the change of frequency: legal, filing, and consulting engineering fees; costs of labor, new antenna system, new transmitter or changes in existing transmitter, new monitoring equipment or changes in present monitoring equipment, replacement of office materials, postage, telephone expense; loss of revenue during silent time and damages for loss of listenership on established frequency. In addition, it asserts that inconvenience and the nuisance to the licensee would be considerable and creates a damage for which the licensee should be compensated, and contends that the total cost to KCHA-FM, in the event the change is ordered, would exceed \$12,500.

6. We have carefully considered the proposals and the opposition filed thereto and conclude that it would be in the public interest to assign Channel 285A to Hampton, Iowa, and Channel 277 to Pella, Iowa. Channel 285A at Charles City, Iowa, would be changed to Channel 240A. The assignment to Hampton would provide for a first local broadcast facility to the community and Franklin County in which it is located. A class C station at Pella would also provide for a first local broadcast facility with a coverage providing for a first and second FM service to substantial portions of the outlying area. The two petitioners have stated that they are willing to reimburse Station KCHA-FM the pro rata share of the reasonable cost that would be incurred in the change of assignment, and that they will make applications for the use of the channels and construct the stations, if authorized.

7. One of the objections raised by Radio, Inc., is the possibility of second harmonic interference to the television reception in the Charles City area. The TV Factbook indicates that Floyd County, wherein Charles City is located, is in the reception area of Station KCRG-TV, Channel 9, Cedar Rapids, Iowa. Since the second harmonic of Channel 240A (191.8 MHz) falls slightly above the aural carrier of Station KCRG-TV, the second harmonic interference to the television reception could occur. However, this matter has been presented in a number of cases in the past, and the Commission has indicated its view that it is a matter



which can be corrected, and is not a consideration warranting a limitation on making FM assignments. See Information Bulletin FCC 65-130 (February 19, 1965) and public notices "Policy to Govern the Change of FM Channels to Avoid Interference to Television Reception" and "FM Interference to TV Reception", FCC 66-106 (2 FCC 2d 462) and FCC 67-1012, February 2, 1966, and September 1, 1967, respectively. Where we have changed FM assignments on this basis, it has usually been in areas where FM channels are plentiful, which is not the case here. In this regard, Radio, Inc., has suggested that Channel 240A could be assigned to Hampton instead. However it overlooks the assignment of Channel 240A at Webster City, Iowa, some 38 miles from Hampton; the required separation is 65 miles.

8. Since the action taken here will require a change in the operating frequency of Station KCHA-FM, the station should be reimbursed by the benefiting parties (the permittees for Hampton Channel 285A and for Peila Channel 277) for the reasonable costs of the channel change. Mr. Borgen asserts that the cost of modification is estimated to be approximately \$1,090. However, Radio, Inc., believes that it should be compensated in the excess of \$12,500, but it did not substantiate the estimate. We leave the matter of determining the appropriate costs to the interested parties, subject to Commission approval in case of dispute. We have on previous occasions delineated the guidelines setting forth the items which may be the subject of reimbursement. See Second Report and Order, Docket No. 16662 (Circleville, Ohio), 8 FCC 2d 159 (1967). We expect that parties eventually involved will attempt in good faith to reach agreement on what constitutes a reasonable settlement.

9. Since the change is in the public interest, the licensee of Station KCHA-FM shall file its February 1, 1974, renewal application specifying operation on Channel 240A rather than 285A. Transcontinent Television Corp. v. FCC, 113 U.S. App. D.C. 384, 308 F. 2d 339, 23 Pike & Fischer, R.R. 2064, (1962); Second Report and Order, Docket No. 18051 (Rockford, Ill.), 17 FCC 2d 947 (1969). The station may continue to operate on Channel 285A until February 1, 1974, or until such earlier time as upon its request, the Commission authorizes interim operation under special operating authority on Channel 240A, following which it shall submit (within 30 days) the measurement data normally required of an applicant for an FM broadcast station license. On and after the date of which such interim operation is authorized to commence, the Commission will view the request of Station KCHA-FM as a relinquishment of Channel 285A and waiver of any rights it may possess with regard to that channel. Channel 285A will be assigned to Hampton on February 1, 1974, or such earlier date as the Commission authorizes interim operation on Channel 240A to Station KCHA-FM as mentioned above.

10. *Crystal River and Gainesville, Fla. (RM-1757, RM-1777, and RM-1790).* This rule making was instituted on the basis of the conflicting petitions filed by George N. Manthos for assignment of Channel 253 to Crystal River, Fla., and that for assignment of the same channel to Gainesville filed by Capitol City Broadcasting, Inc. (which later withdrew from further participation in this proceeding). There was also a petition for assignment of Channel 265A to Gainesville filed by James M. Hansford and Frank J. Terrell.<sup>1</sup> To examine the problem further, the notice and further notice herein tentatively proposed assignment of Channel 253 to either Crystal River or Gainesville, Fla., and an assignment of a class A channel to each community as an alternative channel, Channels 237A and 265A respectively. The notice requested submission of additional information to aid us in making a final determination (see paragraph 12, *infra*). Comments and reply comments were filed by George N. Manthos (Manthos), H. Bent Kelly (Kelly), Good News Broadcasting Co. (Good News), James M. Hansford and Frank J. Terrell (Hansford), Jacksonville Broadcasting Co. (JBC), Fort Pierce Broadcasting Co. (FPBC), and Tri-County Broadcasters, Inc. (Tri-County).

11. The comments by Good News, Kelly, and Hansford support the assignment of Channel 253 to Gainesville, and those of Manthos, the assignment of Channel 253 to Crystal River. Hansford also states that, if a class A channel were to be assigned to Gainesville, it will file an application for the use of the channel. Tri-County urges the assignment of Channel 253 to Dunnellon in exchange for its present Channel 272A,<sup>2</sup> returning the channel to Ocala where it is nominally assigned, and the assignment of class A channels to Gainesville and Crystal River. JBC urges denial of the requests for the assignment of Channel 253 to Gainesville and Crystal River because of its intention to file a petition for assignment of Channel 254 to Tampa, Fla., and asserts that class A channels would provide adequate service to both communities.<sup>3</sup> FPBC opposes the JBC comments.

12. In view of the complexity of the problem, the notice stated that additional information was needed concerning the areas and populations that are presently unserved and underserved within the 1 mv./m. contours of proponents' class C FM stations, if author-

ized, compared to a class A station's operating with a maximum facility. Manthos, Good News, and Tri-County made their showings for class C stations operating with 75 kw. and 500-foot facilities. Kelly's showing was based on a 100 kw. and 1,000-foot facility. Although the information submitted does not lend itself to an exact comparison, it appears that, on the basis of equal facilities (75 kw./500 ft.), a class C station at Gainesville would provide a new service to a population twice that which would receive a new FM service from a station at either Crystal River or Dunnellon (approximately 200,000 to 100,000). However, as to providing a first FM service, a station at either Crystal River or Dunnellon would provide a first service to a larger number of people than would a Gainesville station (17,700 or 15,000 compared to 85 persons). Because of insufficient information, no comparison can be made as to second service. In comparing the above Crystal River and Dunnellon stations to a Gainesville station operating with a 100 kw. and 1,000-foot facility, a Gainesville station would provide a new FM service to a population 2½ to 3 times that which would receive such a service from a station located either at Crystal River or Dunnellon (272,000 to 95,000 or 110,000), but it would only provide a first FM service to one-half as many (7,750 compared to 17,750 or 15,000). However, as to a second service, it would provide such service to four times as many persons as a Dunnellon station (22,000 to 5,000). (No data were submitted on Crystal River.) As to class A stations, a Gainesville station would provide a new FM service to some 90,000 population, while a Crystal River station would provide such service to about 15,000 persons. Although a Gainesville station would not provide a first service, a Crystal River station would provide such service to approximately 4,300 persons. (Since the Dunnellon class C station would be a replacement for its present class A station, no information is furnished as to class A operation.)

13. We have given careful consideration to the various contentions presented by the proponents urging the assignment of Channel 253 to their respective communities. Although there may be merit in them, we are guided by our FM allocation principles which set forth the priorities by which the FM channels are assigned to communities. The priorities are (a) to provide for first FM service to as much of the population of the United States as possible; (b) to provide each community with at least one FM broadcast station; (c) to provide a choice of at least two FM services to as much of the population of the United States; etc. It thus appears that the public interest would best be served if Channel 253 were assigned to Crystal River. A class C station at Crystal River, operating with a facility of at least 75 kw. and antenna height of 500 feet above average terrain, would provide a first FM service to the largest

<sup>1</sup> At the time the petition was filed Mr. Hansford and Mr. Terrell were a partnership. Later, together with a third party, they incorporated under the name of Far More Media, Inc.

<sup>2</sup> Tri-County is the licensee of Stations WTRS and WTRS-FM (operating on Channel 272A) at Dunnellon.

<sup>3</sup> Since the JBC petition for Tampa (RM-1962) was filed Apr. 19, 1972, 12 days after the date for filing comments, no consideration will be given to the petition in the proceeding herein in accordance with the "cut-off" procedure.



number of people as well as provide for a first local broadcast station to the community. Although a class C station with a similar facility at Dunnellon would provide a first FM service to population nearly as great as that of a station at Crystal River, the proponent is seeking to improve its present class A facility with a class C facility, i.e., it would not provide for a first local FM station. Dunnellon also has a local standard broadcast station whereas Crystal River has none. The assignment of Channel 265A to Gainesville would provide for a third FM station to the community. The fact that there is already intermixture in the community lessens our concern on this score. We will therefore make these channel assignments.

14. The authority for the actions taken herein is contained in sections 4(i), 303

(g) and (r), and 307(b) of the Communications Act of 1934, as amended.

15. Accordingly, it is ordered, That effective March 21, 1973, the Table of FM Assignments (§ 73.202(b) of the rules) is amended with respect to the cities listed below to read as follows:

City	Channel No.
Crystal River, Fla.....	* 253
Gainesville, Fla.....	265A, 279, 288A
Charles City, Iowa.....	* 240A
Hampton, Iowa.....	* 285A
Pella, Iowa.....	277

(a) Any application for this channel must specify an effective radiated power of 75 kw. and antenna height of 500 feet above average terrain or equivalent.

(b) Effective 3 a.m., central standard time, February 1, 1974 (concurrently with expiration of the outstanding license for

Station KCHA-FM on Channel 285A at Charles City, Iowa), or such earlier date as Station KCHA-FM may, upon its request, cease operation on Channel 285A at Charles City, Iowa.

16. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: February 7, 1975.

Released: February 12, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>4</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[PR Doc.73-3107 Filed 2-15-73;8:45 am]

<sup>4</sup> Commissioner Johnson concurring in the result; Commissioner H. Rex Lee absent.



# Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Rural Electrification Administration

[ 7 CFR Part 1701 ]

#### RURAL ELECTRIC AND TELEPHONE LOANS

##### REA Insurance Requirements

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a revision of REA Bulletin 114-2: 414-1, Minimum Insurance and Fidelity Coverage for Electric and Telephone Borrowers. The purpose of the revised bulletin is to update REA insurance policy and requirements applicable to loans for rural electric and telephone facilities. On issuance of the revised bulletin, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revision of REA's insurance requirements, may submit written data, views, or comments to the Director, Office of Program Development and Analysis, Rural Electrification Administration, Room 4312, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than March 19, 1973. All written submissions made pursuant to this notice will be made available for public inspection by the Director, Office of Program Development and Analysis.

A copy of the proposed revision of REA Bulletin 114-2: 414-1 may be secured in person or by written request from the Director, Office of Program Development and Analysis.

A summary of the proposed changes in REA insurance policy and procedures is as follows:

#### REVISION OF REA BULLETIN 114-2:414-1

The substantive changes proposed in this REA Bulletin are as follows:

1. *Provision for the establishment of a reserve account for losses not covered by deductible provisions in insurance policies.* In the event of a loss not covered because of a deductible provision in an insurance policy, the borrower should treat the loss as an expense in the year in which it occurs if provision has not been made for such losses in an insurance reserve account. If an insurance reserve account has been established, the amount of such a loss should be charged directly against that account. Ordinarily, losses not covered because of a deductible provision can be absorbed as current operating costs. A reserve account should be established for such losses and the following guidelines for maintaining such a reserve are recommended:

a. The reserve balance at any one time should not exceed the total of the deductible limits in the borrower's insurance policies.

b. The annual credit to the reserve should not exceed one-tenth of the maximum reserve balance, as set forth above, or such lesser amount needed to maintain the reserve at the maximum level.

c. The above guidelines for reserves are not applicable to losses to outside plant or for any other coverages not required by REA.

d. Accounts used for such reserves will be as specified in the applicable Uniform Systems of Accounts.

2. *Modification of boiler and machinery requirements.* REA will give consideration to not requiring boiler and machinery insurance on generating facilities where the facilities at a given location have a value of less than \$100,000, or limited planned annual use. Borrowers should submit complete information in support of any request to modify this insurance requirement.

3. *Requirements for disposition of recoveries under fidelity bonds.* Amounts recovered under any fidelity bond by the borrower for a loss of funds advanced under loan notes shall, unless otherwise directed by the mortgagees, be applied to the prepayment of indebtedness pro rata on the notes secured by the mortgage or to construct or acquire facilities, approved by the mortgagees, which will become part of the mortgaged property.

4. *Requirements for the use of insurance recoveries.* In the event of damage to, or the destruction of, the mortgaged property, covered by insurance, the borrower shall use the proceeds from such insurance to repair or replace such property, unless the mortgagees otherwise direct.

Dated: February 12, 1973.

E. C. WEITZELL,  
Acting Administrator.

[FR Doc. 73-3075 Filed 2-15-73; 8:45 am]

## DEPARTMENT OF COMMERCE

### Patent Office

[ 37 CFR Parts 1, 2 ]

#### LEGAL JOURNALS

##### Withdrawal of Proposed Rule Making Regarding Placing of Announcements

Under date of May 11, 1972, 37 FR 9488 (FR Doc. 72-7160), notice of proposed rule making was given concerning a proposed revision of §§ 1.345(b) and

2.14(b) of Title 37 of the Code of Federal Regulations. The purpose of the proposed revision was to permit persons practicing before the Patent Office to place in legal journals announcements of their availability to act as consultants to or as associates of other lawyers in patent or trademark practice. After careful consideration of all of the comments received on the proposed revision, it has been determined that the proposed revision will not be made at this time and, accordingly, the notice of proposed rule making is canceled and withdrawn.

Dated: January 29, 1973.

ROBERT GOTTSCHALK,  
Commissioner of Patents.

Approved: January 29, 1973.

RICHARD O. SIMPSON,  
Acting Assistant Secretary for  
Science and Technology.

[FR Doc. 73-3097 Filed 2-15-73; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 25 ]

[Docket No. 16495]

### ESTABLISHMENT OF DOMESTIC COMMUNICATIONS SATELLITE FACILITIES BY NONGOVERNMENTAL ENTITIES

#### Order Granting Extension of Time

In the matter of establishment of domestic communications-satellite facilities by nongovernmental entities, Docket No. 16495.

1. On February 5, 1973, CML Satellite Corp. (formerly MCL Lockheed Satellite Corp.), requested an extension of 30 days from the current due date of February 5, 1973, within which to respond to the petition for reconsideration of the December 22, 1972 Decision (FCC 72-1198) in the above-entitled matter, submitted by the Public Broadcasting Service (PBS).

2. It appears that good cause exists in support of the request for extension of time and that counsel for PBS has no objection to a grant thereof.

<sup>1</sup> Memorandum Opinion and Order in this matter was published at 37 FR 5866, March 22, 1972; Order Regarding Oral Argument was published at 37 FR 7531, April 15, 1972; Second Report and Order was published at 37 FR 12312, June 22, 1972; and Extension of Time for Filing Comments and Reply Comments was published at 37 FR 23115, October 28, 1972.



3. Accordingly, pursuant to § 0.303(e) of the Commission's rules on delegations of authority, CML Satellite Corp. is hereby granted an extension of time from February 5, 1973, to March 7, 1973, within which to file a response to the PBS petition for reconsideration.

Adopted: February 7, 1973.

Released: February 9, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION.

[SEAL] BERNARD STRASSBURG,  
Chief, Common Carrier Bureau.

[FR Doc.73-3105 Filed 2-15-73;8:45 am]

[ 47 CFR Part 73 ]

[Docket No. 19663]

**FM BROADCAST STATIONS, CERTAIN  
CITIES IN COLORADO AND WYOMING**

**Table of Assignments; Order Extending  
Time for Filing Reply Comments**

In the matter of amendment of § 73.202 (b), *Table of Assignments*, FM Broadcast Stations. (Craig, Greeley, Vail, and Windsor, Colo., and Laramie and Torrington, Wyo.) Dockets Nos. 19663, RM-1895, RM-1896.

1. The notice of proposed rule making in the above-entitled proceeding was adopted on December 20, 1972, and pub-

lished in the FEDERAL REGISTER on January 4, 1973 (38 FR 805). The date for filing comments has expired and the date for filing reply comments is presently February 12, 1973.

2. On February 8, 1973, Harry P. Brewer, by his attorney, filed a petition for extension of time in which to submit reply comments to and including February 19, 1973. Counsel states that due to the press of other business and prior travel commitments, additional time will be required in order to file reply comments. Counsel further states that all other parties to this proceeding have no objection to the requested extension of time.

3. It appears that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing reply comments in Docket No. 19663 is extended to and including February 19, 1973.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: February 8, 1973.

Released: February 12, 1973.

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc.73-3102 Filed 2-15-73;8:45 am]



# Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF STATE

### Office of the Secretary

[Public Notice 380]

### CULTURALLY SIGNIFICANT OBJECTS OF ART

#### Temporary Exhibition Within United States

Notice is hereby given of the following determination:

Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985), Executive Order 11312 of October 14, 1966 (31 FR 13415, October 18, 1966) and Delegation of Authority No. 113 of December 23, 1966 (32 FR 58, January 5, 1967), I hereby determine that (1) the paintings described, in the list attached below, to be imported, pursuant to a loan agreement between Mr. Armand Hammer for the Knoedler Gallery and the National Gallery of Art and Miss Ekaterina Furtseva, Soviet Minister of Culture of the U.S.S.R., for temporary exhibition without profit within the United States are of cultural significance and that (2) the temporary exhibition or display of such paintings within the United States, at the National Gallery of Art, March 31 to April 29, and at the Knoedler Gallery in New York City, May 3 to May 26, 1973, is in the national interest.

Public notice of this determination is ordered to be published in the FEDERAL REGISTER.

[SEAL] JOHN RICHARDSON, Jr.,  
Assistant Secretary for Educational and Cultural Affairs.

FEBRUARY 12, 1973.

CHECKLIST OF PAINTINGS FROM THE HERMITAGE AND PUSHKIN MUSEUMS ON LOAN TO THE NATIONAL GALLERY OF ART, MARCH 31-APRIL 29, AND THE KNOEDLER GALLERY, NEW YORK CITY, MAY 3-MAY 26, 1973.

Georges Braque (1882-1963), "The Castle" (1909) (36 1/4 by 28 3/4 inches) Pushkin.  
Paul Cézanne (1839-1906), "Study of Bathers" (1890-1894) (10 1/4 by 15 1/4 inches) Pushkin. "The Smoker" (1898) (35 1/2 by 28 1/4 inches) Hermitage. "The Aqueduct" (1897-1900) (35 1/2 by 28 3/4 inches) Pushkin. "Mont Sainte-Victoire" (1900) (30 3/4 by 38 3/4 inches) Hermitage. "Blue Landscape" (c. 1904-1906) (40 3/4 by 32 1/4 inches) Hermitage.  
André Derain (1880-1954), "The Port of Le Havre" (c. 1905-1906) (23 1/4 by 28 3/4 inches) Hermitage. "The Road in the Mountains" (1907) (31 1/2 by 39 inches) Hermitage.  
Paul Gauguin (1848-1903), "Cafe at Arles" (1888) (28 1/2 by 36 1/4 inches) Pushkin. "Still Life with Fruit, A Mon Ami, Laval" (1888) (18 1/2 by 22 1/2 inches) Pushkin. "What, Are You Jealous? (Aha Oe Feli?)"

(c. 1891) (26 by 35 inches) Pushkin. "Maternity, Women by the Sea" (1899) (37 by 28 1/2 inches) Hermitage. "Women Carrying Flowers (Te Avae No Maria)" (1899) (36 3/4 by 28 3/4 inches) Hermitage. "Sunflowers" (1901) (28 1/2 by 35 3/4 inches) Hermitage. "Young Man" (26 by 29 1/2 inches) Hermitage.  
Vincent van Gogh (1853-1890), "Arena at Arles" (October-November 1888) (28 3/4 by 36 1/2 inches) Hermitage. "Portrait of Doctor Gey" (1889) (25 1/2 by 20 1/2 inches) Pushkin. "The Cottages, Auvers" (May 1890) (23 1/4 by 28 1/2 inches) Hermitage. Fernand Leger (1881-1955), "Composition" (1918) (57 1/2 by 44 1/2 inches) Pushkin.  
Henri Matisse (1869-1954), "Still Life with Terrine" (1900) (38 1/2 by 32 1/4 inches) Hermitage. "Dishes on a Table, and Fruit" (1901) (20 1/2 by 24 1/4 inches) Hermitage. "The Game of Bowls" (1908) (44 1/2 by 57 1/2 inches) Hermitage. "Nymph and Satyr" (1909) (35 1/2 by 46 1/2 inches) Hermitage. "The Blue Cloth" (1909) 35 1/2 by 45 1/2 inches) Hermitage. "Nasturtiums with 'The Dance'" (1912) (75 1/2 by 44 1/2 inches) Pushkin. "Portrait of the Artist's Wife" (1912-1913) (57 1/2 by 38 3/4 inches) Hermitage.  
Claude Monet (1840-1926), "Woman in a Garden" (1866/1867) (31 1/2 by 39 inches) Hermitage. "Vétheuil" (1901) (35 1/2 by 36 1/4 inches) Pushkin.  
Pablo Picasso (1881- ), "The Couple (The Embrace)" (1909) 20 1/2 by 22 1/2 inches) Pushkin. "L'Apéritif" (1901) (28 3/4 by 21 1/4 inches) Pushkin. "Portrait of Soler" (Barcelona (Summer 1903) (39 3/4 by 27 1/2 inches) Hermitage. "Young Woman" (1909) 35 1/2 by 28 3/4 inches) Hermitage. "Lady with a Fan" (1909) (39 3/4 by 21 1/4 inches) Hermitage. "Violin and Guitar" (1913) (25 1/2 by 21 1/4 inches) Hermitage. Camille Pissarro (1830-1903), "Boulevard Montmartre" (1897) (28 3/4 by 36 inches) Hermitage.  
Pierre Auguste Renoir (1841-1919), "In the Garden" (31 1/2 by 25 1/2 inches) Pushkin. "Child with a Whip" (1885) (41 1/2 by 29 1/2 inches) Hermitage.  
Henri Rousseau (1844-1910), "Zeppelins" (1908) (31 1/2 by 40 1/2 inches) Pushkin. "Horse Attacked by a Jaguar" (1910) (35 1/2 by 45 1/2 inches) Pushkin.  
Alfred Sisley (1839-1899), "Village on the Banks of the Seine, Villeneuve-la-Garenne" (1872) (23 1/2 by 31 1/2 inches) Hermitage. Maurice de Vlaminck (1876-1958), "View of the Seine" (1905-1906) (21 1/4 by 25 1/4 inches) Hermitage.

[FR Doc.73-3096 Filed 2-15-73;8:45 am]

### LAW OF THE SEA ADVISORY COMMITTEE

#### Notice of Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (Public Law 92-463) and § 6.10 of 22 CFR (37 FR 18617), notice is given that the Law of the Sea Advisory Committee shall hold a meeting on Monday and Tuesday, February 26 and 27. As it has been

determined that the meeting will involve discussion of law-of-the-sea matters exempt from public disclosure under 5 U.S.C. 552(b) and that the public interest requires that such discussions be withheld from disclosure, the meeting shall be a closed one not open to the general public. The reason for this determination is that the matters under discussion include subjects specifically required by Executive order to be kept secret in the interests of the national defense and of foreign policy.

Dated: February 8, 1973.

MYRON H. NORDQUIST,  
Executive Secretary.

[FR Doc.73-3080 Filed 2-15-73;8:45 am]

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco, and Firearms

#### NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Ales, Donald C., 12241 Inkster Road, Livonia, MI, convicted on February 7, 1968, in the Circuit Court for the county of Iosco, Mich., and June 3, 1969, in Michigan District Court No. 46, county of Oakland, Mich.  
Banks, Herbert, 137-24 133 Avenue, South Ozone Park, NY, convicted on November 7, 1941, in the Supreme Court, New York County, N.Y.  
Brandon, Samuel, 8226 Badger Street, Detroit, MI, convicted on February 4, 1969, in the Records Court for the city of Detroit, Mich.  
Cardaci, Phillip A., 196 Spring Street, New York, NY, convicted on January 8, 1962, in the U.S. District Court, Southern District of New York.  
Cessna, Norman E., Route 3, Box 382, Poulsville, WA, convicted on February 4, 1948, in the Superior Court of the State of California for Los Angeles County, and on November 13, 1950, in the Superior Court of the State of Washington for Kitsap County, and on August 7, 1961, in the District Court, Seventh Judicial District for Fremont County, Wyo.



Cunningham, Frederick R., 19 Pine Street, Orono, ME, convicted on September 16, 1969, in Penobscot County Superior Court, Maine.

Drouin, Arthur Joseph, 18 Kendall Street, Augusta, ME, convicted on October 12, 1970, in Superior Court, Kennebec County, Augusta, Maine.

England, Rex, 303 East Maine Street, Glasgow, KY, convicted on September 14, 1944, in Barren County Circuit Court, Ky., and on January 8, 1945, in the U.S. District Court, Western District of Kentucky.

Francisco, Curtis E., Jr., 5214 Beddington Road, Richmond, VA, convicted on May 20, 1964, in Circuit Court, Lexington, Rockbridge County, Va.

Gallo, Carl A., 45 Commerce Street, Spring Valley, NY, convicted on June 20, 1945, in the County Court, Rockland County, N.Y.

Greif, Ronald E., 1630 Main Street, Adel, IA, convicted on March 26, 1963, in the District Court of Iowa in and for Guthrie County in Guthrie Center, Iowa, and on January 26, 1967, in the District Court of the State of Iowa in and for Dallas County, in Adel, Iowa.

Harden, Henry R., 1814 Park Row No. 205, Dallas, Tex., convicted on September 29, 1961, and November 3, 1967, in the Criminal District Court No. 2 of Dallas County, Tex.

Hurd, William S., Jr., 519 Summit Avenue, Hagerstown, MD, convicted on July 7, 1953, in the U.S. District Court, Northern District of West Virginia.

Johnson, William R., Box 392, Sparrowbush, NY, convicted on June 13, 1952, in Sussex County Court, Criminal Division, New Jersey, and on March 14, 1955, in County Court, Orange County, N.Y., and on June 3, 1955, in County Court, Chenango County, N.Y.

LaPoutre, Gene T., 110 Belinda Street, Bay City, MI, convicted on January 28, 1944, and February 2, 1944, in the Circuit Court of Bay County, Bay City, Mich.

LaRosa, Bernard R., 130-56 120th Street, South Ozone Park, NY, convicted on April 2, 1959, in the Supreme Court, King County, N.Y.

Martin, Arthur R., 2921 North 82d Street, Milwaukee, WI, convicted on January 12, 1935 in Municipal Court for Milwaukee County, Wis.

Maynard, James R., 7389 Railroad Street, Fort Hunter, NY, convicted on January 11, 1960, and June 8, 1961, in the Supreme Court of Chemung County, N.Y.

Milligan, Harley LeRoy, 2250 Stewart Avenue, St. Paul, MN, convicted on April 22, 1970, by the Fifth Judicial Circuit Court, Aberdeen, S. Dak.

Philpot, Louie, Jenson, Ky., convicted on January 17, 1950, in the Bell County Circuit Court, Pineville, Ky.

Snead, John L., Route 1, Box 37, Schuyler, VA, convicted on April 18, 1958, in the Circuit Court of Albemarle County, Va., and on May 30, 1958, in the Circuit Court of Nelson County, Va.

Stoll, John C., Route 1, Box 128-D, Saginaw, MN, convicted on January 29, 1958, in Clark County Municipal Court, Dayton, Ohio.

Strange, Steven A., Rural Route 4, Box 72A, Osceola, IA, convicted on September 3, 1968, in the District Court of the State of Iowa, in and for Ringgold County.

Turner, Jerry L., 414 South 14th Avenue, Yakima, WA, convicted on September 30, 1969, in the Superior Court of the State of Washington in and for Yakima County.

Vinnedge, Marvin L., 19569 East Greenacre, South Bend, IN, convicted on March 7, 1930, in St. Joseph County Circuit Court, South Bend, Ind.

Warwick, Walter R., Route No. 3, River Falls, Wis., convicted on April 2, 1971, in the County Court for Chippewa County, Wis.

Williams, Henry Lee, 2402 Bethurum Avenue, Dallas, TX, convicted on November 20, 1963, in the Criminal District Court of Collin County, Tex., and on February 14, 1964, and May 3, 1968, in the Criminal District Court of Dallas County, Tex.

Wohlstrom, Richard L., 3805 Grand Avenue, Duluth, MN, convicted on June 27, 1957, in St. Louis County District Court, Duluth, Minn.

Zastrow, Charles H., Box 492, Route No. 3, Chippewa Falls, WI, convicted on June 25, 1959, in the Washington County District Court, Third Judicial District, Stillwater, Minn., and on August 14, 1963, in the Washburn County Court, Shell Lake, Wis.

Signed at Washington, D.C., this 9th day of February 1973.

[SEAL] REX D. DAVIS,  
Director, Bureau of Alcohol,  
Tobacco, and Firearms.  
[FR Doc.73-3128 Filed 2-15-73;8:45 am]

## DEPARTMENT OF JUSTICE

### Bureau of Prisons

#### NATIONAL ADVISORY PANEL (FACILITIES)

##### Notice of Meeting

Pursuant to Executive Order 11671 notice is hereby given of the following committee and the executive secretary from whom summaries of meetings may be obtained.

Committee, Date, Time, Place, and Contact Person:

National Advisory Panel (Facilities): February 15-16, 1973; Quality Motel, 2015 North Industrial Boulevard, Dallas, TX; Gary R. Mote, Assistant Director, Planning and Development, U.S. Bureau of Prisons, 100 Indiana Avenue NW., Washington, DC 20537, Telephone (202) 739-3493.

##### Agenda:

February 15: 8:30 a.m. Tour Federal Correctional Institution, Seagoville, Tex.; 1 p.m. Panel discussion, review of correctional programs, discussion of policies.

February 16: 9:30 a.m. Tour Federal Correctional Institution, Fort Worth, Tex.; 2 p.m. Panel discussion of budget, population and new facilities.

A list of committee members and summary minutes of the meeting may be obtained from the contact person for the committee.

Dated: February 1, 1973.

NORMAN A. CARLSON,  
Director,  
Federal Bureau of Prisons.

[FR Doc.73-3146 Filed 2-14-73;11:40 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### BILLINGS, MONT., DISTRICT ADVISORY BOARD

##### Notice of Public Meeting

Notice is hereby given that the Billings District Advisory Board (M-4) will hold its meeting March 27, 1973, at the District Office, 3021 Sixth Avenue North, Billings, MT. The agenda for the meet-

ing will include consideration and recommendations on the Land Use Planning that is being conducted in both the Pryor Mountains and the Buffalo Creek-Bull Mountain areas.

The meeting will be open to the public. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is Bill Wegner, Bull Mountain Route, Worden, Mont. 59088. Written statements should be submitted to Bill Wegner, c/o District Manager, Bureau of Land Management, Post Office Box 2020, Billings, MT 59103.

JOHN F. BOWERS,  
Acting District Manager.

[FR Doc.73-3056 Filed 2-15-73;8:45 am]

### National Park Service

#### GOLDEN SPIKE NATIONAL HISTORIC SITE

##### Intention To Issue Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on March 19, 1973, the Department of the Interior, through the Superintendent, Golden Spike National Historic Site, proposes to issue a concession permit to State Board of Education Business Program Enterprises, Services Visually Handicapped authorizing them to provide concession facilities and services for the public at Golden Spike National Historic Site for a period of 3 years from January 1, 1973, through December 31, 1975.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 19, 1973.

Interested parties should contact the Superintendent, Golden Spike National Historic Site, Post Office Box 639, Brigham City, UT 84302, for information as to the requirements of the proposed permit.

Dated: November 13, 1972.

WILLIAM T. KRUEGER,  
Superintendent, Golden Spike  
National Historic Site.

[FR Doc.73-3086 Filed 2-15-73;8:45 am]

#### NORTHEAST REGIONAL ADVISORY COMMITTEE

##### Notice of Public Meeting

Notice is hereby given in accordance with the Federal Advisory Committee



Act that a meeting of the Northeast Regional Advisory Committee will be held at 9:30 a.m., e.s.t., on March 1 and 2, 1973, at the Stephen T. Mather Training Center, Harpers Ferry, W. Va.

The purpose of the Northeast Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Northeast Region of the National Park Service.

The members of the Advisory Committee are as follows:

Mr. Norman G. Duke (chairman), Northfield, Ohio.  
Mr. Hyman J. Cohen, Arlington, Va.  
Mr. Charles H. W. Foster, Needham, Mass.  
Mr. Fred D. Hartley, Kenosha, Wis.  
Mr. Lewis W. Jones, Bloomington, Ill.  
Mr. William L. Lieber, Indianapolis, Ind.  
Mr. Frederick R. Michs, Ontario, N.Y.  
Dr. M. Graham Netting, Pittsburgh, Pa.

The matters to be discussed at this meeting include:

1. Committee administration and by-laws.
2. Conservation Foundation Report, with emphasis on section 5, Ways and Means. Specific problems (1) Cuyahoga, Ohio, (2) Master Plans, Acadia, (3) Site Development, Indiana Dunes.
3. Control and regulation of commercial participation in National Park Service activities, particularly in relation to the bicentennial.
4. Staffing at new areas.
5. Future Planning Policies and Procedures with reference to future meetings.

The meetings will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 25 persons will be able to attend the sessions. Any member of the public may file with the committee a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact George A. Palmer, Associate Director, Northeast Regional Office, at 215-597-7014. Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the office of the Northeast Region, 143 South Third Street, Philadelphia, PA.

Dated: February 8, 1973.

STANLEY W. HULETT,  
Associate Director,  
National Park Service.

[FR Doc.73-3085 Filed 2-15-73;8:45 am]

#### Office of the Secretary

[INT DES 73-5]

#### PROPOSED INCLUSION OF LITTLE MIAMI RIVER INTO NATIONAL WILD AND SCENIC RIVERS SYSTEM

##### Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the

Bureau of Outdoor Recreation has prepared a draft environmental statement concerning the proposed finding that a 66-mile stretch of the Little Miami River in Ohio qualifies for inclusion in the national wild and scenic river system to be administered by the State of Ohio. The environmental statement considers the probable impact of such inclusion.

Comments are invited and should be submitted to the Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240, on or before May 17, 1973. Copies are available for inspection at the following locations:

Office of Communications, Room 7200, Department of the Interior, Washington, D.C. 20240, Telephone: 202-343-4662;

Division of Information, Bureau of Outdoor Recreation, Room 4129, Department of the Interior, Washington, D.C. 20240, Telephone: 202-343-5728;

Office of Regional Director, Bureau of Outdoor Recreation, 3853 Research Park Drive, Ann Arbor, MI 48104, Telephone: 313-769-7481;

Ohio Environmental Protection Agency, Environmental Assessment Section, Post Office Box 1049, Columbus, OH 43216.

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: February 8, 1973.

WILLIAM W. LYONS,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc.73-3057 Filed 2-15-73;8:45 am]

#### DEPARTMENT OF AGRICULTURE

##### Agricultural Marketing Service

##### RAISIN ADVISORY BOARD

##### Notice of Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463; 86 Stat. 770), notice is hereby given of a meeting of the Raisin Advisory Board at 1:30 p.m., p.s.t., March 1, 1973, in the Runway Room of the Airport Marina Hotel, Fresno, Calif.

The purpose of the meeting is to discuss: Proposals to amend the administrative rules and regulations issued pursuant to the Federal marketing agreement and order program; the international and domestic raisin outlook; the need for industry representatives to meet with USDA officials in Washington; and surveillance procedure on raisins for importation. The meeting will be open to the public.

The Raisin Advisory Board is established under the provisions of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR 989; 37 FR 19621, 20022), regulating the handling of raisins produced from grapes grown in California. Said marketing agreement and order are effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended.

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

The names of board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Clyde E. Nef, manager, Raisin Administrative Committee, 732 North Van Ness, Fresno, CA, 93720; telephone 209-268-5666.

Dated: February 12, 1973.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.73-3138 Filed 2-15-73;8:45 am]

#### Forest Service

##### NATIONAL RURAL FIRE DEFENSE COMMITTEE

##### Notice of Meeting

The National Rural Fire Defense Committee will meet at 9 a.m. at 1621 North Kent Street, Room 701, Arlington, VA, March 8, 1973.

The purpose of this meeting is the annual National Rural Fire Defense Committee meeting. The role of the committee will be discussed.

The meeting will be open to the public. Persons who wish to attend should notify Henry W. DeBruin, Director, Division of Fire Management, Forest Service, USDA, Washington, D.C. 20250, telephone number 557-1837. Written statements may be filed with the committee before or after the meeting.

The committee has no specific rules established for public participation.

RUSSELL P. McROREY,  
Acting Deputy Chief,  
National Forest System.

FEBRUARY 9, 1973.

[FR Doc.73-3087 Filed 2-15-73;8:45 am]

#### Office of the Secretary

##### MARK TWAIN NATIONAL FOREST

##### Transfer of Certain Lands

In compliance with section 2 of the Act of August 27, 1964, 76 Stat. 608, notice is hereby given that pursuant to the authority vested in the Secretary of Agriculture, the following lands are hereby transferred from the administrative jurisdiction of the Forest Service, U.S. Department of Agriculture, to the administrative jurisdiction of the National Park Service, U.S. Department of the Interior.

Those certain lands now administered as part of the Mark Twain National Forest, situated, lying, and being in Township 25 North, Range 1 East, of the Fifth Principal Meridian, Carter County, Mo., and being more particularly described as follows:

##### TRACT 1302

T. 25 N., R. 1 E.,

Sec. 2, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and that portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$  lying east of LB Current River (descending);

Sec. 11, that portion NE $\frac{1}{4}$  LBR.

The areas described contain 249.14 acres.



## TRACT 1303

T. 25 N., R. 1 E.,  
Sec. 2, the north 38.09 acres of the SW  
fractional  $\frac{1}{4}$  PBR (descending), the  
NW  $\frac{1}{4}$  RBR.

The area described contains 40.53  
acres.

## TRACT 1318

T. 25 N., R. 1 E.,  
Sec. 10, that portion of S  $\frac{1}{2}$  SE  $\frac{1}{4}$  LBR (de-  
scending);  
Sec. 15, E  $\frac{1}{2}$ , that portion of E  $\frac{1}{2}$  NW  $\frac{1}{4}$  LBR,  
that portion of E  $\frac{1}{2}$  SW  $\frac{1}{4}$  LBR, that por-  
tion of SW  $\frac{1}{4}$  RBR.

The areas described contain 554.16  
acres.

The area of the three tracts aggregate  
843.83 acres.

Effective date. This notice shall be-  
come effective on February 16, 1973.

FEBRUARY 13, 1973.

T. K. COWDEN,  
Assistant Secretary of Agriculture.

[FR Doc.73-3137 Filed 2-15-73;8:45 am]

## DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric  
Administration

## SEA-ARAMA MARINEWORLD

## Application for Economic Hardship Exemption Under Marine Mammal Protection Act

Notice is hereby given that the Sea-Arama Marineworld, Seawall Boulevard, at 91st Street, Post Office Box 3068, Galveston, TX 77550, has filed an application for an economic hardship exemption pursuant to section 101(c) of the Marine Mammal Protection Act of 1972, and § 216.13 of Federal Regulations (37 FR 28177) to take or import and transport one killer whale, nine Atlantic bottle-nosed porpoises and one northern elephant seal for public display.

Documents submitted in connection with this application are available for inspection in the Office of the Director, National Marine Fisheries Service. Confidential financial documents and trade secrets will not be available.

Dated: February 8, 1973.

ROBERT M. WHITE,  
Administrator.

[FR Doc.73-3055 Filed 2-15-73;8:45 am]

## Office of Import Programs

## INSTITUTE OF PAPER CHEMISTRY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

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

Docket No.: 72-00058-01-46070. Applicant: The Institute of Paper Chemistry, 1043 East South River Street, Appleton, WI 54911. Article: Scanning electron microscope, Model JSM-U3 and accessories. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used to determine internal and/or external structure of materials involved in the processing of pulp and paper; including size and shape; natural variation and any alterations in natural morphology as a result of chemical and/or physical treatments directly related to the paper-making process. The article will also be used in teaching a course, Wood Anatomy and Properties, and in special and thesis studies.

Comments: No comments have been received with respect to this application. A letter dated December 7, 1971, was received from Advanced Metals Research Corp. (AMR) after the period for comment had expired. AMR's letter is being treated as an offer to provide additional information in accordance with § 701.10 (a) of the regulations.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 9, 1971).

Reasons: The National Bureau of Standards (NBS) advises in its memorandum dated June 19, 1972, that a guaranteed resolution of 100 angstroms (A.) is a specification which is pertinent (within the meaning of § 701.2(n) of the regulations) to the applicant's definitive study relating to materials and products involved in the production and use of paper. Resolution bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolution. The foreign article has a guaranteed resolution of 100 A. AMR's Model AMR 900 scanning electron microscope is typical of the instruments comparable to the foreign article which were available at the time the foreign article was ordered. At that time, the guaranteed resolution of the AMR 900 was specified as a range from 100 to 150 A. (i.e., there was no assurance of a resolution better than 150 A.) Thus the guaranteed resolution of the AMR 900 did not match the pertinent specification of the foreign article. We, therefore, find that the Model AMR 900 scanning electron microscope was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the foreign article was ordered.

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

B. BLANKENHEIMER,  
Acting Director,  
Office of Import Programs.

[FR Doc.73-3071 Filed 2-15-73;8:45 am]

## UNIVERSITY OF CALIFORNIA

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

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

Docket No. 73-00161-75-40600. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, NM 87544. Article: Isotope Separator. Manufacturer: Nucletec S.A., Switzerland. Intended use of article: The article is intended to be used to separate the radioisotopes of selected elements for the study of neutron reaction phenomena, as part of a nuclear weapons program. The article will also provide isotopically pure sources of neutron-deficient radioisotopes produced by the proton spallation process with the Los Alamos Meson Physics Facility accelerator.

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

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

Reasons: The foreign article provides an ion beam current of about 400 micro amperes. The National Bureau of Standards (NBS) advised in its memorandum dated January 17, 1973, that the capability described above is pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestically manufactured instrument of equivalent scientific value to the foreign article for the applicant's intended use.

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

B. BLANKENHEIMER,  
Acting Director,  
Office of Import Programs.

[FR Doc.73-3069 Filed 2-15-73;8:45 am]

## UNIVERSITY OF CALIFORNIA

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).



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

Docket No.: 73-00242-00-14200. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, NM 87544. Article: Accessories to an image analyzing computer consisting of 1 Module, Computer, MS3, Module, Computer, Function, 1 Module, Classifier/Collector and 1 corning, 25A, PSU. Manufacturer: Metals Research, Ltd., United Kingdom. Intended use of article: The article is intended to be used as accessories and replacement parts of an existing image analyzing computer which is being used in investigation of the capability of improvement of the performance and understanding of fast breeder reactor fuel elements through the quantitative analysis of their microstructure and correlation with the reactor environment factors and variables.

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

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

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

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

B. BLANKENHEIMER,  
Acting Director,  
Office of Import Programs.

[FR Doc. 73-3070 Filed 2-15-73; 8:45 am]

#### VETERANS ADMINISTRATION HOSPITAL, ET AL.

#### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 8(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before March 8, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00139-33-46040. Applicant: Veterans Administration Hospital, Middleville Road, Northport, N.Y. 11768. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used in pathology and medicine-related biology to study the following materials by electron microscopy in conjunction with immunohistologic and histochemical studies:

- (1) Biopsy and necropsy specimens of human tissue,
- (2) Specimens of experimentally induced lesions in animals, chromosomes, and tissue fractionation products, and
- (3) Purified preparations of macromolecular isolates.

The objective of these studies is to identify the disease process, to uncover the mechanisms through which it develops, to seek a rationale for therapy and to evaluate the progress of the disease and the prognosis.

The article will also be used in teaching "Electron Microscopy in Diagnostic and Experimental Pathology" and "Electron Microscopy in Chemical and Physical Studies in Human Biology" for Ph. D. and M.D. degree holders associated with the State University of New York at Stony Brook and a rotation for pathologists-in-training in standard diagnostic applications of electron microscopy. Application received by Commissioner of Customs: September 1, 1972.

Docket No. 73-00342-33-46040. Applicant: Oberlin College, Department of Biology, Kettering Hall of Science, Oberlin, Ohio 44074. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the study of cells of teleost embryos in very early stages of development and a variety of biological materials. These include: Cells from physiologically active organs of various members of the Bromeliaceae, root nodules of Rhizobium-legume symbionts, developing algal cell walls, chromatophores of lower vertebrates, neurons from brains of particular mouse mutants.

The article will be used to observe ultrastructural morphology of the above cells and tissues. The article will also be used for teaching in the following biology courses:

Cells and Tissues, Introduction to Cell Biology, Biology of Vascular Plants, Biology of Non-vascular Plants, Microbiology, and Plant Physiology.

Application received by Commissioner of Customs: January 23, 1973.

Docket No. 73-00343-33-46040. Applicant: State University of New York, Col-

lege at Plattsburgh, N.Y. 12901. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for undergraduate and graduate instruction in the course Cell Biology (Bio-401). Specimens will be prepared and used in the following demonstrations:

- I. Cellular organelles and components;
- II. Localization of activities of various enzymes;
- III. Uptake and transport of macromolecules;
- IV. (a) Morphology of chromosomes in sections, (b) structure of DNA in a monomolecular film layer by using Kleinschmidt's method casting, (c) chromatin differentiation during spermatogenesis;
- V. Identification of macromolecules; and
- VI. Autoradiography at EM level.

In addition the article will be used in courses:

Plant Physiology, Microbiology, Microbial Physiology, Genetics, Biophysics, Laboratory Techniques in Biology, Botany, and Invertebrate Anatomy and Parasitology.

Application received by Commissioner of Customs: January 23, 1973.

Docket No. 73-00344-00-46500. Applicant: Cryobiology Research Institute, Rural Free Delivery 5, Madison, Wis. 53704. Article: LKB 14800-1 Cryo-Kit. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used with an existing ultramicrotome to carry out the following studies:

- (a) The effects of freezing and subsequent thermal treatments on the structure, gross and fine, of cells, tissues, and model systems,
- (b) The cutting properties of the same at different subfreezing temperatures,
- (c) The relationship of the conditions required for best sectioning to the survival of the cell where the latter is preserved in the first place by the freezing treatment, and
- (d) The sectioning process itself, in the belief that much remains to be done to perfect the cutting of ultrathin frozen sections.

Application received by Commissioner of Customs: January 23, 1973.

Docket No. 73-00345-33-46040. Applicant: Duke University Medical School, Department of Anatomy, Post Office Box 3011, Durham, NC 27710. Article: Electron microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in studies of isolated protein molecules, crystalline bovine serum albumin, isolated components of cell membranes and membrane fractions, subunit structure of several crystalline protein molecules, and metallic replicas of membrane fragments. Application received by Commissioner of Customs: January 16, 1973.

Docket No. 73-00346-01-10100. Applicant: The Pennsylvania State University, University Park, Pa. 16802. Article: HF-Reaction Apparatus Type I. Manufacturer: Hoho Kasei, Japan. Intended use



of article: The article is intended to be used for the safe handling of anhydrous hydrogen fluoride gas for the treatment of synthetic, biologically-active polypeptides. Application received by Commissioner of Customs: January 17, 1973.

Docket No.: 73-00347-33-46070. Applicant: Virginia Commonwealth University, Medical College of Virginia, 12th and Broad Streets, Box 262, Richmond, VA 23298. Article: Scanning electron microscope, Model JSM-S1. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of ocular tissue, normal and pathological, derived from human and animal eyes and their adnexa. Experiments to be conducted include:

(a) Investigations of normal and abnormal development of the eye primarily based on teratogenic agents interfering with normal ocular development.

(b) Comparison of the morphological configuration of normal and glaucomatous outflow channels and structures from embryonic and postnatal stages of the eye.

(c) Studies to detect differences of normal and glaucomatous corneal epithelium and their causes.

(d) Study of effects of intense bright light on the receptor organs of the retina and the retinal pigment epithelium and to compare those changes with macular degeneration in man, a not infrequent cause of reduced vision primarily with age.

The article will also be used for training of postgraduate fellows in Research Ophthalmology with main emphasis on ocular fine structure and pathology and for 4-year NIH traineeship in ophthalmology leading to a career in academic medicine. Application received by Commissioner of Customs: January 17, 1973.

Docket No.: 73-00348-33-46500. Applicant: Brown University, Brown and Waterman Street, Providence, R.I. 02912. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter, AB, Sweden. Intended use of article: The article is intended to be used in experiments aimed at defining the neural connections between the dorsal thalamus and the neocortex in several species of vertebrates, primarily the opossum. Investigations of synaptic relations in the lamprey spinal cord at the electron microscopic level will also be carried out. Application received by Commissioner of Customs: January 23, 1973.

Docket No. 73-00349-00-46040. Applicant: U.S. Department of Commerce, National Bureau of Standards, Washington, D.C. 20234. Article: Side-entry goniometer and interchangeable specimen holders for JEM 200 electron microscope. Manufacturer: JEOL Ltd., Japan. Intended use of article: The articles are ancillary parts and accessories to an electron microscope ordered from the same manufacturer which is to be used to examine various inorganic materials in connection with research programs on metals, metal-carbides, crystalline ceramics, glasses, and polymers. Studies will include: Plastic deformation of super

plastic Al-base alloys; equilibrium dislocation configurations and stacking fault energies in Ag-Sn and Au-Sn alloys; nucleation and growth of Bi-Sn alloy single crystals; stress corrosion phenomena in Cu- and Fe-base alloys; wear of sintered metal-carbide (-WC and -TiC) tool materials, Al<sub>2</sub>O<sub>3</sub>, SiC, and Si<sub>3</sub>N<sub>4</sub>; plastic deformation and fracture of Al<sub>2</sub>O<sub>3</sub>, SiC, and Si<sub>3</sub>N<sub>4</sub>. Application received by Commissioner of Customs: January 16, 1973.

Docket No. 73-00352-01-77040. Applicant: California State University, Los Angeles, 5151 State University Drive, Los Angeles, CA 90032. Article: Mass spectrometer, Model CH-5 and accessories. Manufacturer: Varian MAT-GMBH, West Germany. Intended use of article: The article is intended to be used for the application of negative ion mass spectrometry in the following research projects:

I. Negative Ion Mass Spectrometric Sequencing of Amino Acids in Peptides.

II. Negative Ion Mass Spectral Studies of Carboranes and Boron Hydrides.

III. Gas Phase Non-Benzenoid Aromatic Systems studies.

The article will also be used in various chemistry courses for the teaching of instrumental techniques. Application received by Commissioner of Customs: January 22, 1973.

Docket No. 73-00353-65-46040. Applicant: University of California, Lawrence Livermore Laboratory, Post Office Box 808, Livermore, CA 94550. Article: Electron microscope, Model JEM 100B and accessories, including high resolution scanning device. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of substructures such as dislocations, point defect clusters and precipitate phases in stainless steel, refractory metals and alloys, uranium, and plutonium bearing materials. The equipment will be used to determine the structural features of materials which have undergone alloying, thermomechanical processing, and irradiation damage with the objective of correlating structural changes to changes in physical properties. Application received by Commissioner of Customs: January 24, 1973.

Docket No. 73-00354-53-44630. Applicant: Atmospheric Physics & Chemistry Laboratory, Boulder NOAA, 3100 Marine Street, Boulder, CO 80302. Article: Thermal diffusion ice-nuclei counter, Model 100. Manufacturer: Meeda Scientific Instrumentation, Ltd., Israel. Intended use of article: The article is intended to be used for identifying and determining the atmospheric concentration of the ice nuclei collected by the field monitor of the Benchmark Network for Ice Nuclei Counts. The purpose of the network will be to establish a climatological mean and variation for the ice nuclei concentration throughout the 17 westernmost States and the North Pacific Ocean. Application received by Commissioner of Customs: January 24, 1973.

Docket No. 73-00355-33-46040. Applicant: New York University School of

Medicine, Department of Cell Biology, 550 First Avenue, New York, NY 10016. Article: Electron microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used by faculty members to carry out the following research projects:

(1) The study of ribosomes and microsomes from human fibroblasts and rat hepatocytes.

(2) The structural organization of the secretory apparatus of the liver, adrenal glands and exocrine glands.

(3) Localization of 3 $\beta$ -hydroxysteroid dehydrogenase by cytochemistry at the electron microscope level.

Application received by Commissioner of Customs: January 24, 1973.

Docket No. 73-00356-99-26000. Applicant: Lane Community College, 4000 East 30th Avenue, Eugene, OR 97405. Article: Dr. Clemenz standard construction device for the theory of electricity. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article is intended to be used in the teaching of various courses designed to give a general physics background for technical students studying engineering, physics, and physical sciences. Application received by Commissioner of Customs: January 24, 1973.

B. BLANKENHEIMER,  
Acting Director,  
Office of Import Programs.

[FR Doc. 73-3072 Filed 2-15-73; 8:45 am]

#### Patent Office

#### PUBLIC ADVISORY COMMITTEE FOR TRADEMARK AFFAIRS

##### Notice of Public Meeting

The Public Advisory Committee for Trademark Affairs was established by the Secretary of Commerce to advise the Patent Office of the Department of Commerce on steps which can be taken in order to increase the efficiency and effectiveness of the administration of the Trademark Act and to provide a continuing source of knowledge from the private sector to the Government in the trademark field.

The next meeting will be held on February 22 and 23, 1973, at the Cherry Hill Inn, Cherry Hill, N.J., beginning at 9 a.m. each day in the Currier and Ives Room.

The following agenda is to be considered:

1. Review of pending Advisory Committee projects;
2. Report and discussion of the implementation of previous Advisory Committee recommendations of a recently completed study relating to trademark application processing and recordkeeping;
3. Report and discussion of the status of the Trademark Operations;
4. Discussion of the use of forms in the Trademark Operations;
5. Discussion of working hours in the Trademark Operations.

The membership of the Advisory Committee consists of nine members of the Patent Office—Trademark Affairs



Committee of the U.S. Trademark Association.

Meetings of the Advisory Committee are open to the public. Public attendance depending on available space, may be limited to those persons who have notified the Advisory Committee Management Officer in writing, at least 5 days prior to the meeting, of their intention to attend the February 22-23 meeting.

Any member of the public may file a written statement with the Committee before, during, or after the meeting, and to the extent that time for the meeting permits the Committee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Committee should be addressed to Mr. Rene D. Tegtmeyer, Advisory Committee Management Officer for Trademark Affairs, Room 3-11D27, U.S. Patent Office, Washington, D.C. 20231.

Dated: February 6, 1973.

ROBERT GOTTSCHALK,  
Commissioner of Patents.

Approved: February 12, 1973.

RICHARD O. SIMPSON,  
Acting Assistant Secretary  
for Science and Technology.

[FR Doc.73-3169 Filed 2-15-73;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-575]

### METHADONE

Proposed Withdrawal of New Drug Applications; Notice of Opportunity for Hearing; Correction

In FR Doc. 72-21305, appearing at page 26807 in the issue of Friday, December 15, 1972, item No. 2 reading "Methadone HCl Tablets, Injectable; by Hoffmann-LaRoche Inc., Nutley, N.J. 07110. (NDA 6305)." is corrected to read "Methadone HCl Tablets, Injectable; by Merck Sharp & Dohme, West Point, Pa. 19486. (NDA 6305)."

Dated: February 9, 1973.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc.73-3073 Filed 2-15-73;8:45 am]

### Office of the Secretary EMERGENCY SCHOOL AID

#### Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), that the second meeting of the National Advisory Council on Equality of Educational Opportunity will be held at 8 p.m. Friday, March 2, 1973, and at 9 a.m. Saturday, March 3, 1973, in the Twin Bridges Marriott Motor Hotel, U.S. Route 1 and Interstate 95, Arlington, Va.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (Public Law 92-318, title VII). The Council is established to advise the Assistant Secretary for Education with respect to the operation of programs under the Act, and to review the operation of such programs.

The meeting of the Council shall be open to the public. The proposed agenda includes consideration of the general scope of work of the Council and of the function and scope of work of proposed subcommittees; selection of an office site for the Council staff and consideration of public comments received on proposed regulations and funding criteria for Emergency School Aid metropolitan area projects, bilingual/bicultural projects, educational television projects, evaluation contracts, and special projects.

Records shall be kept of all proceedings, and shall be available for public inspection at the Office of Education, Bureau of Equal Educational Opportunity, Room 2029, 400 Maryland Avenue SW., Washington, DC.

Signed at Washington, D.C., on February 14, 1973.

PETER P. MUIRHEAD,  
Deputy Assistant Secretary  
for Education.

[FR Doc.73-3217 Filed 2-15-73;10:19 am]

### TUSKEGEE SYPHILIS STUDY AD HOC ADVISORY PANEL

#### Notice of Meeting

A meeting of a subcommittee of the Tuskegee Syphilis Study Ad Hoc Advisory Panel is to be held on February 23, 1973. This panel was established by the Assistant Secretary for Health to provide advice on the circumstances surrounding the Tuskegee, Ala., Study of Untreated Syphilis in the Male Negro initiated by the U.S. Public Health Service in 1932. The Assistant Secretary for Health requested the panel to advise him on specific aspects of the Tuskegee Syphilis Study, including a determination whether the study was justified in 1932 and whether it should have been continued when penicillin became generally available.

This subcommittee meeting is for the purpose of obtaining information from persons invited to assist the panel in preparing its response to this charge. Within the facilities available (about 20 persons) the meeting will be open to observers. Observers may not participate in the proceedings of the meeting. Written statements or documentary contributions from observers will be received before or after the meeting by the Executive Secretary for inclusion in the panel's records.

The meeting will begin at 9:30 a.m. in Conference Room 2 of Building 31, National Institutes of Health, Bethesda, Md. A summary of the meeting and a roster of panel members may be obtained

from Mr. John Blamphin (202-962-7906), Room 5614, HEW North Building, 330 Independence Avenue SW., Washington, DC 20201.

Dated: February 9, 1973.

R. C. BACKUS,  
Executive Secretary, Tuskegee  
Syphilis Study Ad Hoc  
Advisory Panel.

[FR Doc.73-3115 Filed 2-15-73;8:45 am]

### ATOMIC ENERGY COMMISSION

#### GENERAL ADVISORY COMMITTEE AND ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

##### Determination Regarding Membership and Meetings

On December 18, 1972, the Atomic Energy Commission, in accordance with Public Law 92-463, 92d Congress, 2d Session, designated (1) Mr. John V. Vinciguerra as Advisory Committee Management Officer; (2) Anthony A. Tomei to attend each meeting of the GAC and perform those functions with respect thereto prescribed in section 10(e) of Public Law 92-463; and Raymond F. Fraley to attend each meeting of the ACRS and perform those functions with respect thereto prescribed in section 10(e) of Public Law 92-463, and (3) approved and adopted the charters of the GAC and the ACRS attached hereto.

Dated at Germantown, Md., this 19th day of December 1972.

UNITED STATES ATOMIC  
ENERGY COMMISSION,  
PAUL C. BENDER,  
Secretary of the Commission.

#### CHARTER FOR THE GENERAL ADVISORY COMMITTEE

(PURSUANT TO SECTION 9 OF THE FEDERAL  
ADVISORY COMMITTEE ACT)

1. General Advisory Committee.
2. The Committee's objectives and the scope of its activities and duties are prescribed by statute. Section 26 of the Atomic Energy Act of 1954, as amended provides: There shall be a General Advisory Committee to advise the Commission on scientific and technical matters relating to materials, production, and research and development, to be composed of nine members, who shall be appointed from civilian life by the President. Each member shall hold office for a term of 6 years, except that (a) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term; and (b) the terms of office of the members first taking office after August 1, 1946, shall expire, as designated by the President at the time of appointment, three at the end of 2 years, three at the end of 4 years, and three at the end of 6 years, after August 1, 1946. The Committee shall designate one of its own members as chairman. The Committee shall meet at least four times in every calendar year. The members of the Committee shall receive a per diem compensation for each day spent in meetings or conferences, and all members shall receive their necessary traveling or other expenses while engaged in the work of the Committee.



Also, section 157b(3) of the Atomic Energy Act of 1954, as amended, provides:

The Commission may also, upon the recommendation of the General Advisory Committee, and with the approval of the President, grant an award for any especially meritorious contribution to the development, use, or control of atomic energy.

3. Time period: As provided in section 14 of Public Law 92-463.

4. Official to whom Committee reports: None. The Committee is independent. Committee members are appointed by the President and advise the Atomic Energy Commission.

5. The agency responsible for providing the necessary support for the Committee: Atomic Energy Commission.

6. The duties of the Committee are set forth in item 2 above.

7. Estimated total annual cost of Committee:

a. \$40,000<sup>1</sup>, plus \$62,000 for staff, and \$1,500 for consultants.

b. 1 man-year, plus 4.2 man-years by staff, and 0.15 by consultants.

8. Estimated number of meetings per year: Approximately four meetings of full Committee. Frequency of meetings: quarterly for full Committee meetings.

9. The Committee's termination date, if less than 2 years from the date of establishment: Not applicable.

10. Record of Commission approval: Meeting No. 80, date December 18, 1972.

#### CHARTER FOR ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

(PURSUANT TO SECTION 9 OF THE FEDERAL ADVISORY COMMITTEE ACT)

1. Advisory Committee on Reactor Safeguards.

2. The Committee's objectives and the scope of its activities and duties are prescribed by statute, as section 29 of the Atomic Energy Act of 1954, as amended:

There is hereby established an Advisory Committee on Reactor Safeguards consisting of a maximum of 15 members appointed by the Commission for terms of 4 years each. The Committee shall review safety studies and facility license applications referred to it and shall make reports thereon, shall advise the Commission with regard to the hazards of proposed or existing reactor facilities and the adequacy of proposed reactor safety standards, and shall perform such other duties as the Commission may request. One member shall be designated by the Committee as its chairman. The members of the Committee shall receive a per diem compensation for each day spent in meetings or conferences, or other work of the Committee. The provisions of section 163 shall be applicable to the Committee.

3. Time period: As provided in section 14 of Public Law 92-463.

4. Official to whom Committee reports: None. The Committee is independent. Committee members are appointed by the Atomic Energy Commission. Pursuant to section 182 of the Atomic Energy Act, as amended, a report must be furnished to the Atomic Energy Commission.

5. The agency responsible for providing the necessary support for the Committee: Atomic Energy Commission.

6. The duties of the Committee are as set forth in item 2 above.

7. Estimated total annual cost of Committee:

<sup>1</sup> Total pay and "other" allowed expenses, including travel and per diem for consultants.

a. \$885,000.<sup>1</sup>

b. 27 man-years.

8. Estimated number of meetings per year: 13. Frequency of meetings: Monthly plus special meetings as required (usually one or two per year).

9. The Committee's termination date, if less than 2 years from the date of establishment: Not applicable.

10. Record of Commission approval: Meeting No. 80, date December 18, 1972.

[FR Doc.73-3089 Filed 2-15-73;8:45 am]

[Docket No. 50-363]

#### JERSEY CENTRAL POWER & LIGHT CO. Availability of Final Environmental Statement

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 a Final Environmental Statement related to the proposed issuance of a construction permit to Jersey Central Power & Light Co. for the proposed Forked River Nuclear Generating Station, Unit 1, to be located in Lacey Township, Ocean County, N.J., has been prepared by the Commission's Directorate of Licensing. The statement is available for inspection by the public in the Commission's public document room at 1717 H Street NW., Washington, DC 20545, and in the Ocean County Library, 15 Hooper Avenue, Toms River, NJ 08753. The statement is also being made available at the Division of State and Regional Planning, Department of Community Affairs, Post Office Box 1978, Trenton, NJ 08625, and at the Ocean County Planning Board, Court House Square, Toms River, N.J. 08753.

The notice of availability of the Draft Environmental Statement for the Forked River Nuclear Generating Station, Unit 1, and requests for comments from interested persons was published in the FEDERAL REGISTER on October 13, 1972 (37 FR 21660). The comments received from Federal, State, and local officials and interested members of the public have been included as appendices to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 13th day of February 1973.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,  
Chief, Environmental Projects  
Branch 3, Directorate of  
Licensing.

[FR Doc.73-3180 Filed 2-15-73;8:45 am]

<sup>1</sup> Total pay and "other" allowed expenses, including travel and per diem for consultants.

#### MEASURING AND REPORTING OF RADIOACTIVITY IN ENVIRONS OF NUCLEAR POWER PLANTS

##### Regulatory Guide; Issuance and Availability

The Atomic Energy Commission has issued a new guide in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applicants for permits and licenses.

The title of the new guide is "Measuring and Reporting of Radioactivity in the Environs of Nuclear Power Plants." It is Regulatory Guide 4.1 and is in Division 4, "Environmental and Siting Guides," of the Regulatory Guide series and describes what a nuclear powerplant licensee is expected to consider in the area of environmental monitoring for nuclear powerplants.

Comments and suggestions in connection with improvements in the guide are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Copies of issued guides may be obtained by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards.

Other Division 4 Regulatory Guides currently being developed include the following:

Standardized Procedures for Analyses of Radioactivity in Environmental Samples (Pu).

Standardized Procedures for Analyses of Radioactivity in Environmental Samples (I-129, I-131).

Standardized Procedures for Analyses of Radioactivity in Environmental Samples (Sr-89, Sr-90).

Preparation of Environmental Reports for Nuclear Power Plants.

(5 U.S.C. 552(a))

Dated at Bethesda, Md., this 7th day of February 1973.

For the Atomic Energy Commission.

LESTER ROGERS,  
Director of Regulatory Standards.

[FR Doc.73-3090 Filed 2-15-73;8:45 am]

[Docket No. 23333; Order 73-2-36]

#### CIVIL AERONAUTICS BOARD INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates  
Issued under delegated authority  
February 8, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act)



and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA) and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names additional specific commodity rates, as set forth below, reflecting reductions from general cargo rates; and was adopted pursuant to unopposed notices to the carriers and promulgated in an IATA letter dated January 12, 1973.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the condition hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 23491, R-1 through R-4, be and hereby is approved, provided

that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication, provided further that tariff filings shall be marked to become effective not before March 12, 1973.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL]

HARRY J. ZINK,  
Secretary.

Agreement CAB	IATA commodity Item No.	Description and rates
R-1	2203	Clothing, Footwear, Outerwear, Shoe Laces, Hooks, Snaps, Buttons Buckles, N.E.S. 107 cents per kg., minimum weight 500 kgs. From Dakar to N.Y.C./Montreal.
R-2	9610	Cigar, Cigarette and Pipe Lighters 203 cents per kg., minimum weight 100kgs. From Tel Aviv to N.Y.C./Montreal.
R-3	9903	Removal of Household Goods and Personal Effects 108 cents per kg., minimum weight 1000 kgs. From Moscow to N.Y.C./Montreal.
R-4	0007	Fruits and/or Vegetables 100 cents per kg., minimum weight 1000 kgs. From Los Angeles to Noumea.

[FR Doc.73-3132 Filed 2-15-73;8:45 am]

[Docket No. 24717; Order 73-2-49]

#### UNITED AIR LINES, INC.

##### Order Granting Dismissal Motion

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of February 1973.

Amenities and services for delayed Passengers provided by U.S. certificated carriers.

By motion filed January 29, 1973, United Air Lines, Inc. (United), requests that the Board dismiss it as a party to this proceeding. In support of its request, United states it has amended its tariff provisions concerning interrupted-trip complimentary services.<sup>1</sup> United will now take the initiative in a delay situation in informing passengers of available amenities and will extend these amenities to all passengers, including standby passengers who have been cleared for boarding.

United's motion will be granted. Its original tariff provisions, ordered investigated herein by Order 72-9-1, dated September 1, 1972, have now been amended and no longer contain the infirmities which are of concern in this investigation. This action is consistent with our favorable disposition of a similar request filed by Wien Consolidated Airlines, Inc.<sup>2</sup>

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

The motion of United Air Lines, Inc., to be dismissed as a party to Docket 24717 is hereby granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

HARRY J. ZINK,  
Secretary.

[FR Doc.73-3131 Filed 2-15-73;8:45 am]

#### DELAWARE RIVER BASIN COMMISSION

##### POINT PLEASANT WATER DIVERSION PLAN Availability of Final Environmental Impact Statement

Notice is hereby given of the availability of the final copy of an environmental impact statement on the Point Pleasant diversion plan in Bucks and Montgomery Counties, Pa. The environmental impact statement has been prepared by the Delaware River Basin Commission in accordance with the National Environmental Policy Act of 1969 and the Commission's rules of practice and procedure. A draft environmental impact statement on this project was distributed for public review and comment on January 6, 1971. The final statement was submitted to the Council on Environmental Quality on February 9, 1973, and in-

cludes the comments of other agencies and interested citizen groups.

The proposed Point Pleasant diversion plan consists of a pumping station on the Delaware River at Point Pleasant, Pa. Water would be pumped through a transmission main which would terminate in a 46-million-gallon reservoir located near Bradshaw Road where the pumpage would be divided; part flowing by gravity into the North Branch Neshaminy Creek and thence to reservoir Pa.-617, and part being pumped into the East Branch Perkiomen Creek.

The environmental impact statement may be examined in the library at the office of the Delaware River Basin Commission, 25 State Police Drive, Trenton, NJ, and in the library of the Water Resources Association of the Delaware River Basin, 21 South 12th Street, Philadelphia. Copies are available for distribution to persons or agencies upon request.

W. BRINTON WHITALL,  
Secretary.

FEBRUARY 9, 1973.

[FR Doc.73-3084 Filed 2-15-73;8:45 am]

#### ENVIRONMENTAL PROTECTION AGENCY

##### ELANCO PRODUCTS CO.

##### Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 3F1347) has been filed by Elanco Products Co., Division of Eli Lilly and Co., Indianapolis, Ind. 46206, proposing establishment of tolerances (40 CFR Part 180) for negligible residues of the herbicide oryzalin (3,5-dinitro-N,N'-dipropylsulfanilamide) in or on the raw agricultural commodities soybeans, soybean hay, and soybean forage at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide involves formation of the dimethyl derivative of oryzalin and analysis of the derivative by a gas-liquid chromatographic technique using an electron capture detector.

Dated: February 9, 1973.

HENRY J. KOPF,  
Deputy Assistant Administrator  
For Pesticides Programs.

[FR Doc.73-3143 Filed 2-15-73;8:45 am]

#### 4-(METHYLTHIO)-3,5-XYLYL METHYLCARBAMATE

##### Notice of Extension of Temporary Tolerances

In connection with Pesticide Petition No. 1G1030, Chemagro Division of Baychem Corp., Post Office Box 4913, Kansas City, MO 64120, was granted temporary tolerances for residues of the insecticide 4-(Methylthio)-3,5-xylyl methylcarbamate in or on the raw agricultural commodities apples and pears at 7 parts per

<sup>1</sup>Local and Joint Passenger Rules Tariff No. PR-6, CAB 142, 1st revised page 174-B, posted Nov. 28, 1972, and effective Jan. 12, 1973.

<sup>2</sup>See Order 72-11-17, dated Nov. 3, 1972.



million and milk at 0.01 part per million (negligible residue) on February 9, 1972 (notice was published in the *FEDERAL REGISTER* February 17, 1972 (37 FR 3556)). These temporary tolerances expire February 9, 1973.

The firm has requested a 1-year extension to obtain additional experimental data. It is concluded that this extension of the temporary tolerances for residues of the insecticide in or on the above commodities will protect the public health. They are therefore extended as requested on condition that the insecticide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Chemagro name.

These extended temporary tolerances expire February 9, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: February 9, 1973.

HENRY J. KOPF,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 73-3141 Filed 2-15-73; 8:45 am]

**THOMPSON-HAYWARD CHEMICAL CO.**  
Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 3H5024) has been filed by Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, KS 66110, proposing establishment of a food additive tolerance (21 CFR Part 121) for combined negligible residues of the herbicide dichlobenil (2, 6-dichlorobenzonitrile) and its metabolite 2,6-dichlorobenzamide in potable water at 0.05 part per million resulting from the use of the herbicide in the control of aquatic weeds.

Dated: February 9, 1973.

HENRY J. KOPF,  
Deputy Assistant Administrator  
for Pesticides Programs.

[FR Doc. 73-3142 Filed 2-15-73; 8:45 am]

**NATIONAL AIR POLLUTION CONTROL  
TECHNIQUES ADVISORY COMMITTEE**  
Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held beginning at 8:30 a.m., February 20 through February 22, 1973, at North Carolina State University, Alumni Building, Memorial Hall, Pullen Road, Raleigh, N.C.

Purpose of the meeting will be to review preliminary information on Group III proposed New Source Performance

Standards under section 111 of the 1970 Clean Air Act. The sources under consideration will be: (1) Aluminum reduction plants, (2) ferroalloy plants, (3) coal preparation plants, (4) kraft pulp mills, (5) iron and steel mills, (6) phosphate fertilizer plants, (7) gas turbines.

The meeting will be open to the public to the extent that seating arrangements permit. Any member of the public wishing to participate or present a paper should contact the Executive Secretary, Mr. Bruce Hogarth, EPA, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711.

The telephone number is area code 919-688-8146, extension 437.

WILLIAM D. RUCKELSHAUS,  
Administrator.

FEBRUARY 14, 1973.

[FR Doc. 73-3202 Filed 2-15-73; 8:45 am]

**FEDERAL COMMUNICATIONS  
COMMISSION**

[Report 635]

**COMMON CARRIER SERVICES  
INFORMATION<sup>1</sup>**

**Domestic Public Radio Services  
Applications Accepted for Filing<sup>2</sup>**

FEBRUARY 12, 1973.

Pursuant to §§ 1.227(b) (3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any

<sup>1</sup> All applications listed below in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

<sup>2</sup> The above alternative cut-off rules apply to those applications listed below as having

domestic public radio services application appearing on the attached list below must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

**APPENDIX**

FEBRUARY 12, 1973.

**APPLICATIONS ACCEPTED FOR FILING  
DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE**

- 5744-C2-P-73—Southwestern Bell Telephone Co. (KKN286), C.P. to replace transmitter operating on 152.63 MHz at 5.1 miles northwest of Pampa, Tex.
- 5745-C2-P-73—Radio Paging Service (New), C.P. to operate a new 1-way signaling station to operate on 152.24 MHz at Flat Top Butte, 4.75 miles east Jerome, Idaho.
- 5746-C2-AL-(2)-73—Radiofone Service, constant to assignment of license from Radiofone Service, assignor to L. M. Kelley doing business as Seattle Radio Telephone Service, assignee. Stations: KOA799, KOP265 Seattle, Wash.
- 5749-C2-P-73—Sonoma Communications, Inc. (New), C.P. for a new 2-way station to operate on 454.275 MHz at 5.5 miles northeast of Santa Rosa Post Office on Mount Barham, Santa Rosa, Calif.
- 5750-C2-P-73—Sonoma Communications, Inc. (New), C.P. for a new 1-way station to operate on 158.70 MHz at 5.5 miles northeast of Santa Rosa Post Office on Mount Barham, Santa Rosa, Calif.
- 5751-C2-P-73—Southwestern Bell Telephone Co. (KKO359), C.P. to replace transmitter and change power, operating on 152.72 MHz at 2.6 miles east of Denison, Tex.
- 5752-C2-P-73—Southwestern Bell Telephone Co. (KKT400), C.P. to change antenna location and transmitter, to operate on 152.75 MHz on Interstate Highway 20, Pyote, Tex.
- 5844-C2-TC-(2)-73—All Services, Inc., consent to transfer of control from Stephen J. Kesterson and Vivien R. Kesterson, transferors to Howard R. Chapman, transferee. Stations: KLF484 and KSV905 Charleston, S.C.

**Correction**

- 5605-C2-P-73—Harrington Broadcasting Co. (New), correct to read: C.P. for a new 2-way station to operate on 152.06 MHz at 3.3 miles northeast of Harbor Springs city limits on WJML-FM tower, near Petoskey, Mich.

**Informative**

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference. Frequency: 158.70 MHz. Ohio. Victor E. Duane (New) 4253-C2-P-72, Miami Valley Radiotelephone (New) 2636-C2-P-72.



- 5715-C1-P-73—Same (KSQ60), 4.5 miles southeast of Orrville, Ala. Latitude 32°16'10" N., longitude 87°10'47" W. C.P. to add frequency 3750V MHz toward Marion, Ala.; frequency 3750V MHz toward Oak Hill, Ala.
- 5817-C1-P-73—Same (KSQ61), 1.6 miles north of Oak Hill, Ala. Latitude 31°56'33" N., longitude 87°04'11" W. C.P. to add frequency 3710V MHz toward Orrville, Ala.; frequency 3710V MHz toward Georgiana, Ala.
- 5818-C1-P-73—Same (KSQ62), 6.5 miles north-northeast of Georgiana, Ala. Latitude 31°43'44" N., longitude 86°40'38" W. C.P. to add frequency 3750V MHz toward Oak Hill, Ala.; frequency 3750V MHz toward Rosehill, Ala.
- 5819-C1-P-73—Same (KSQ63), 1.6 miles southwest of Rosehill, Ala. Latitude 31°28'06" N., longitude 86°21'50" W. C.P. to add frequency 3710V MHz toward Georgiana, Ala.; frequency 3710V MHz toward Victoria, Ala.
- 5820-C1-P-73—Same (KSQ64), 1.8 miles south of Victoria, Ala. Latitude 31°30'13" N., longitude 85°57'17" W. C.P. to add frequency 3750V MHz toward Rosehill, Ala.; frequency 3750V MHz toward Pinckard, Ala.
- 5821-C1-P-73—American Telephone & Telegraph Co. (KSQ65), 1.6 miles west of Pinckard, Ala. Latitude 31°18'53" N., longitude 85°34'35" W. C.P. to add frequency 3710V MHz toward Victoria, Ala.; frequency 3710V MHz toward Tumbleton, Ala.
- 5822-C1-P-73—Same (KSQ66), 4.1 miles northeast of Tumbleton, Ala. Latitude 31°25'51" N., longitude 85°12'02" W. C.P. to add frequency 3750V MHz toward Pinckard, Ala.; frequency 3750V MHz toward Blakely, Ga.
- 5823-C1-P-73—Same (KSQ67), 7.1 miles east of Blakely, Ga. Latitude 31°21'30" N., longitude 84°48'31" W. C.P. to add frequency 3710V MHz toward Tumbleton, Ala.; frequency 3710V MHz toward Newton, Ga.
- 5824-C1-P-73—Same (KSQ68), 4.5 miles west of Newton, Ga. Latitude 31°17'14" N., longitude 84°24'47" W. C.P. to add frequency 3750V MHz toward Blakely, Ga.; frequency 3750V MHz toward Bridgeboro, Ga.
- 5825-C1-P-73—Same (KSQ69), 1 mile north of Bridgeboro, Ga. Latitude 31°24'50" N., longitude 83°58'07" W. C.P. to add frequency 3770H MHz toward Newton, Ga.; frequency 3770H MHz toward Norman Park, Ga.
- 5826-C1-P-73—Same (KSQ70), 1.8 miles southeast of Norman Park, Ga. Latitude 31°15'08" N., longitude 83°39'08" W. C.P. to add frequency 3730H MHz toward Bridgeboro, Ga.; frequency 3730H MHz toward Morven, Ga.
- 5827-C1-P-73—Same (KSQ71), 2 miles north of Morven, Ga. Latitude 30°58'13" N., longitude 83°30'06" W. C.P. to add frequency 3770H MHz toward Norman Park, Ga.; frequency 3770H MHz toward Clayville, Ga.
- 5828-C1-P-73—Same (KSQ72), 0.5 mile south of Clayville, Ga. Latitude 30°41'00" N., longitude 83°19'02" W. C.P. to add frequency 3730H MHz toward Morven, Ga.; frequency 3730H MHz toward Day, Fla.
- 5829-C1-P-73—Same (KSQ73), 8.9 miles north of Day, Fla. Latitude 30°19'03" N., longitude 83°20'04" W. C.P. to add frequency 3770H MHz toward Clayville, Ga.; frequency 3770H MHz toward Mayo, Fla.
- 5830-C1-P-73—Same (KSQ74), 4.3 miles east of Mayo, Fla. Latitude 30°02'44" N., longitude 83°05'43" W. C.P. to add frequency 3730H MHz toward Day, Fla.; frequency 3730H MHz toward Bell, Fla.
- 5831-C1-P-73—Same (KSQ75), 4.8 miles north of Bell, Fla. Latitude 29°49'24" N., longitude 82°52'00" W. C.P. to add frequency 3770H MHz toward Mayo, Fla.; frequency 3770H MHz toward Chiefland, Fla.
- 5832-C1-P-73—Same (KSQ76), 3.8 miles north of Chiefland (Levy), Fla. Latitude 29°31'50" N., longitude 82°49'26" W. C.P. to add frequency 3730H MHz toward Bell, Fla.; frequency 3730V MHz toward Gulf Hammock, Fla.
- 5833-C1-P-73—Same (KSQ77), 1.1 mile northeast of Gulf Hammock, Fla. Latitude 29°15'41" N., longitude 82°42'32" W. C.P. to add frequency 4010V MHz toward Chiefland, Fla.; frequency 4010V MHz toward Dunnellon, Fla.
- 5834-C1-P-73—Same (KSQ78), 2.7 miles south of Dunnellon, Fla. Latitude 29°00'30" N., longitude 82°27'00" W. C.P. to add frequency 3870V MHz toward Gulf Hammock, Fla.; frequency 3970V MHz toward Floral City, Fla.



## POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

- 5835-C1-P-73—Same (KSV35), 3.6 miles southwest of Floral City, Fla. Latitude 28°42'48" N., longitude 82°20'23" W. C.P. to add frequency 4010V MHz toward Dunnellon, Fla.; frequency 4010V MHz toward Dade City, Fla.
- 5836-C1-P-73—Same (KSV36), 1.8 mile north of Dade City, Fla. Latitude 28°24'33" N., longitude 82°11'44" W. C.P. to add frequency 3970V MHz toward Floral City, Fla.; frequency 3970V MHz toward Polk City, Fla.
- 5837-C1-P-73—Same (KJC99), 7.5 miles north of Polk City, Fla. Latitude 28°17'38" N., longitude 81°50'07" W. C.P. to add frequency 4010V MHz toward Dade City, Fla.

## Corrections

- 5489-C1-P/ML-73—American Telephone & Telegraph Co. (KEB37), correct file number to read 5489-C1-P/L-73 and call sign (New). (See Report No. 634, dated Feb. 5, 1973.)
- 5404-C1-ML-73—Same (KIL84), correct to read: Modification of license to change polarization from H to V on frequency 3890V MHz toward Blackville, S.C.; frequencies 3710V, 3870V, 3790V, and 3950V MHz toward Newington, Ga. (See Report No. 633, dated Jan. 29, 1973.)
- 5275-C1-ML-73—Same (KEM73), correct to read: Modification of license to change polarization on frequency 6172.5 from V to H toward Mount Royal, N.J. (See Report No. 632, dated January 22, 1973.)

## Major Amendments

- 3363-C1-P-72—CPI Microwave, Inc. (New), 1 mile east of Bishop (Nuecus), Tex. Change latitude to read 27°33'47" instead of 27°34'29".

[FR Doc.73-3103 Filed 2-15-73;8:45 am]

## PANEL 5, FREQUENCY ASSIGNMENTS, TECHNICAL ADVISORY COMMITTEE

## Notice of Public Meeting

FEBRUARY 8, 1973.

Panel 5 (Frequency Assignments) of the Cable Television Technical Advisory Committee will hold an open meeting on February 22, 1973, at 9:30 a.m. The meeting will be held at the Seven Continents Hotel, O'Hare Airport, Chicago, Ill.

The agenda to be covered in the meeting will be progress reports on the panel's work projects.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.73-3104 Filed 2-15-73;8:45 am]

## FEDERAL POWER COMMISSION

## NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

## Order Designating an Additional Member

FEBRUARY 8, 1973.

The Federal Power Commission, by order issued August 11, 1972, established the Executive Advisory Committee of the National Power Survey.

1. *Membership.* The Honorable Arthur L. Padrucci, president of the National Association of Regulatory Utility Commissioners and a member of the Wisconsin Public Service Commission, was nominated by the Chairman of the Commission, with the approval of the Commission, to serve as a member of the Executive Advisory Committee of the National Power Survey during the term of his office as president, succeeding Francis J. Riordan as the official representative of the National Association of Regulatory

Utility Commissioners on the Executive Advisory Committee.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-3068 Filed 2-15-73;8:45 am]

## NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT

## Order Designating Additional Member; Correction

FEBRUARY 2, 1973.

In the order designating additional member of the National Power Survey Technical Advisory Committee on Research and Development, issued January 30, 1973, and published in the FEDERAL REGISTER February 6, 1973, 38 FR 3430: Under Membership, line 8: Change "Council" to "Institute."

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-3067 Filed 2-15-73;8:45 am]

[Docket No. R-371]

## AREA RATES FOR APPALACHIAN AND ILLINOIS BASIN AREAS

## Order Denying Applications for Rehearing and Granting Petitions To Intervene

FEBRUARY 8, 1973.

Applications have been filed in Docket No. R-371 for rehearing of Opinion No. 639, issued December 12, 1972. In Opinion No. 639, the Commission denied a petition filed by Iroquois Gas Co., Pennsylvania Gas Co., United Natural Gas Co., and Columbia Gas Co. (Petitioners) for amendment of Order No. 411 to increase the ceiling rate for the Appalachian area for gas sold under contracts dated after February 1, 1972, to 50 cents at 14.73 p.s.i.a. Under Order No. 411, ceiling rates

in Appalachia for new gas, or gas under contracts dated after October 7, 1969, were set at 32 cents for South subareas and 34 cents for North subareas, both at 15.325 p.s.i.a., \$154.107 of the regulations under the Natural Gas Act. Not one of the Petitioners filed for rehearing or reconsideration of our denial of the petition for amendment.

Applications for rehearing were filed by the following parties to the proceeding: Shell Oil Co. (Shell) on January 8, 1973, and the Public Service Commission of the State of New York (PSCNY) on January 10, 1973. Also, applications, petitions and motions for rehearing or reconsideration were filed by, or on behalf of Amerada Hess Corp., Hunt Oil Co., et al., Placid Oil Co., Skelly Oil Co., Tenneco Oil Co., Union Oil Co. of California, Signal Oil and Gas Co., Texaco Inc., Atlantic Richfield Co., Exxon Corp., Mobil Oil Corp., and Associated Gas Distributors, none of whom previously participated in the proceedings in Docket No. R-371. But, we shall accept such applications or petitions as being filed *amici curiae*, and have given them full consideration for rehearing or reconsideration. Additionally, Exxon Corp., Texaco Inc., Signal Oil and Gas Corp. and Atlantic Richfield Co. petitioned to intervene.

Although, not one of the petitions to intervene set forth good cause for late intervention, and the petitioners make no jurisdictional sales in the subject areas, we shall permit petitioners to participate as parties herein, recognizing that Opinion No. 639 contains language of general applicability in regard to the vintaging of producer rates.

We have considered the contentions set forth in the applications and petitions and have concluded that they had been considered and were answered in Opinion No. 639. However, we shall iterate our position on some of the issues for clarification.

Several of the applicants contend that the Commission committed error by failing to conform the relief it prescribed to its findings of fact. They cite the fact that we relied on a Commission staff study which shows that even the most conservative estimate of the area rates required shows that the Order No. 411 rates are too low. Indeed, we recognized in Opinion No. 639 that the rate structure provided in Order No. 411 "is not a complete answer to the need of the consuming public for adequate and reliable supplies of new gas." Furthermore, Shell points out that a recent Commission study has found that intrastate prices ranged from 43 cents to 53 cents in the Appalachian region. Also, applicants say we recognized that other alternatives available to the consumers in this area for gas supplies, imported LNG, Alaskan gas, synthetic gas, and gas from coal, are available only at prices in excess of the area ceilings provided for in Order No. 411. Therefore, applicants contend it was error not to permit an increase in the area rate ceiling.



However, in Opinion No. 639, we clearly set forth the reasons for not establishing a new area rate, or not establishing a third vintage price range for new Appalachia-Illinois gas. We again took note of the argument that the area method of setting rates has not demonstrated sufficient flexibility to maintain a workable relationship between supply and demand, and requires the use of non-current cost data. And, we stated that, in our opinion, the natural gas shortage would not be alleviated by a new round of area rate proceedings, of which Appalachia-Illinois would be the first. Furthermore, we observed that there would be substantial risk that any new rate would be no more effective in eliciting new supplies of gas than that prescribed in Order No. 411. "The public interest clearly requires that we avoid that which experience has shown to be futile." Although, we recognized that a uniform national rate would not be subject to many of the infirmities of the area method, we noted that we would not consider that course of action until we receive the guidance of reviewing courts now hearing appeals of Opinion No. 595 and Order No. 435.

Therefore, in Opinion No. 639, we redirected the energies of the applicants toward making use of the optional pricing procedure established in Order No. 455, and now codified in § 2.75 of the Commission's general rules of practice and procedure. Under this procedure, applications may be filed for certificates of new gas sales at "bargained-for rates." We stated in the opinion when we considered the optional procedure to be well suited to meet the particular problems of Appalachia-Illinois. "On the one hand, consumers can be called upon to pay higher prices only for new supplies of gas; there is no price rise for gas already flowing in interstate commerce. On the other hand, purchasers and sellers have the opportunity to bargain for prices which will provide necessary incentives, which will meet the competitive thrust of the intrastate market, and which will permit the recovery of today's higher costs of deeper and more intensified drilling." We are quite aware of the differences between the present area rate and the intrastate and supplemental gas rates. However, these factors, along with several others, may be considered by the Commission in any proceeding brought under § 2.75 procedures.

As we recently stated, some tests for measuring applications under Order No. 455 against the statutory standard of just and reasonableness, include: (1) The contract rate in relation to other intrastate and interstate contract rates in that area, (2) the costs developed in recent area rate decisions, (3) increased costs since the close of hearing records, of which this Commission can take official notice, (4) the price of alternate fuels, (5) the supply-price-demand relationship, (6) capital formulation within the producing industry, (7) the consequences of our order upon the producing industry, and (8) whether the order provides appropriate protection to the rele-

vant present and future public interests. This Commission may employ any formula or combination of formulae it wishes and is free to make pragmatic adjustments which may be called for by particular circumstances. "FPC v. Natural Gas Pipeline Co.", 315 U.S. 575, 586. "FPC v. Louisiana Power & Light Co.", 406 U.S. 621 (1972). Order on Rehearing, Denying Offer of Proof, and Affirming Findings and Conclusions in Original Order, issued on January 18, 1973, "McCulloch Oil Corp. of Texas," Docket No. CI73-133.

Another argument presented in support of rehearing is that the Commission should not "force" the producers to rely on the § 2.75 optional certificate procedure. It is contended that, since the validity of Order No. 455 is being attacked in the courts, it may not be a "viable" alternative, at least until the pending litigation clarifies the "ground rules." In response to this, we point out that experience has shown that there is considerable likelihood that even if we were to authorize an increase in the area rate herein it too would be appealed, with similar uncertainty resulting. In fact, in each of the area rate proceedings, except the initial one involving Appalachia-Illinois, our determination has been the subject of court review. Therefore, the fact that Order No. 455 is undergoing judicial review is not a persuasive reason to authorize an increase in the area rate. Since no order for stay of the implementation of Order No. 455 was issued, that order is final, pending judicial review.

PSCNY contends that our decision to move toward the elimination of the multiple-price, or "vintaging," concept embodied in all our previous area rate determinations is both illegal and unwise. New York asserts that the Commission's interpretation of the meaning of Order No. 411, and other area rate orders, as "contemplating that flowing gas of the oldest vintages will be entitled to receive the new higher prices by entering into a new contract of sale, is directly contrary to the expressed intent of those Commission orders." Moreover, it is contended that our action will be a major disincentive to engage in meaningful exploration and development.

The Commission is not bound by previous interpretations of the meaning given to that particular provision of Order No. 411, and other area rate determinations. There is no statutory interpretation or case law to support the contention that the Commission is tied to a multiple-price, vintage concept. This Commission has the discretionary authority to adopt whatever methodology is necessary in establishing just and reasonable rates, provided such regulatory method complies with the statutory standards of the Act. In fact, in its "Permian" decision, the Supreme Court found that the Commission was not exclusively tied to the area rate approach to producer regulation.<sup>1</sup> Moreover, we pointed out in Opin-

<sup>1</sup> Permian Basin Area Rate Cases, 390 U.S. 747, 767.

ion No. 639 that the Statement of General Policy No. 61-1, 24 FPC 818 (1960), where vintaging by contract date had its inception, recognized that such price differentials for a single commodity dedicated to serving one market had no rational basis for the long term, and that "it is anticipated that these differences in price levels will be reduced and eventually eliminated as subsequent experience brings about revisions in the prices in the various areas."

In Opinion No. 639, we set forth the reasons why the public interest requires an end to the continuation of the vintaging concept. We stated:

... Vintaging operates to discourage development of the full productive capacity of acreage committed to the interstate market, for even though such developmental drilling is undertaken at current costs, gas production obtained thereby is priced at the lower of two rates, when it is the higher of the two that is Commission-designed to provide the incentive for development of additional gas supplies.

Therefore, we have literally interpreted the language used in setting vintage rates, and have found that the wording of Order No. 411, and all other Commission area rate orders or opinions of similar import, should be literally and strictly applied. Therefore, the new gas ceiling may be applied upon execution of a new contract for deliveries of gas previously certificated and dedicated to the interstate market under a contract which has expired by its own terms.

The Commission finds:

(1) The applications and petitions filed herein requesting a rehearing of Opinion No. 639 are without merit and should be denied.

(2) The petitions to intervene, filed late by the aforementioned petitioners, should be granted.

The Commission orders:

(A) The applications and petitions filed herein for rehearing or reconsideration of the decision in Opinion No. 639 are denied.

(B) The late petitions to intervene filed herein by the petitioners named above are granted.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 73-3063 Filed 2-15-73; 8:45 am]

[Docket No. CI73-526]

EXXON CORP.

Notice of Application

FEBRUARY 12, 1973.

Take notice that on February 5, 1973, Exxon Corp. (Applicant), Post Office Box 2180, Houston, TX 77001, filed in Docket No. CI73-526 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale

<sup>2</sup> Section 2.56(a) of the Commission's Statements of Policy and Interpretations Under the Natural Gas Act (18 CFR 2.56(a)).



and delivery of natural gas in interstate commerce to Northern Natural Gas Co. from the Townsend Field, Lea County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to a daily average of 750 Mcf of gas at 35 cents per Mcf at 14.65 p.s.i.a., subject to B.T.U. adjustment, for 1 year within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 26, 1973, 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.

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

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

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-3061 Filed 2-15-73; 8:45 am]

[Docket No. C173-525]

SHELL OIL CO.

Notice of Application

FEBRUARY 12, 1973.

Take notice that on February 5, 1973, Shell Oil Co., Post Office Box 2463, Houston, TX 77001, filed in Docket No. C173-525 an application pursuant to section 7(c) of the Natural Gas Act for a

certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. (Transco), from the Gibson and Humphreys Fields, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 1,200,000 Mcf of gas per month to Transco from February 23, 1973, to October 1, 1973, at 45 cents per Mcf at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant states that it is presently authorized in Docket No. C172-375 and is selling gas to Transco from the subject acreage pursuant to its FPC Gas Rate Schedule No. 387 within the contemplation of § 2.70. Applicant reserves the right to terminate the proposed sale on 30-day notice given on or after July 1, 1973.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 26, 1973, 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.

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

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

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-3062 Filed 2-15-73; 8:45 am]

[Docket No. E-7906]

DETROIT EDISON CO.

Order Accepting for Filing and Suspending Revised Rate Schedule and Providing for Hearing; Correction

JANUARY 24, 1973.

In the order accepting for filing and suspending revised rate schedule and providing for hearing, issued January 8, 1973, and published in the FEDERAL REGISTER January 15, 1973, 38 FR 1533:

First paragraph, line 9: Change "\$2,133,572" to read "\$1,067,917" and change "20.84 percent" to read "9.45 percent".

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-3065 Filed 2-15-73; 8:45 am]

[Dockets Nos. RP71-107 (Phase II), RP72-127]

NORTHERN NATURAL GAS CO.

Notice of Filing of Proposed Stipulation and Agreement; Correction

JANUARY 31, 1973.

In the notice of filing of proposed stipulation and agreement, issued January 24, 1973, and published in the FEDERAL REGISTER January 31, 1973, 38 FR 3066: Third paragraph, line 7, after the phrase "Northern's rate base; \* \* \*" add the phrase: "a provision for an annual rate adjustment to reflect changes in the costs of additional gas acquisition payments to the extent provided in the agreement."

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-3066 Filed 2-15-73; 8:45 am]

[Docket No. C173-448]

TEXAS GULF, INC.

Notice of Application; Correction

FEBRUARY 1, 1973.

In the notice of application, issued January 22, 1973, and published in the FEDERAL REGISTER January 29, 1973, 38 FR 2715:

First paragraph, line 2: Add after "(Applicant)", "811 Rusk Avenue, Houston, Texas 77002".

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-3064 Filed 2-15-73; 8:45 am]

[Dockets Nos. G-8934; G-10008]

EL PASO NATURAL GAS CO.

Extension of Time

FEBRUARY 9, 1973.

On February 2, 1973, El Paso Natural Gas Co. (El Paso) filed a motion for an extension of time to and including March 30, 1973, within which to file its evidence in the above-designated matter. El Paso also requests that the hearing



be postponed from February 28, 1973, to April 10, 1973.

Upon consideration, notice is hereby given that the time within which El Paso shall file its evidence is extended to a date to be fixed by further order of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 73-3112 Filed 2-15-73; 8:45 am]

[Docket No. CP73-204]

#### MID LOUISIANA GAS CO.

##### Notice of Application

FEBRUARY 8, 1973.

Take notice that on January 31, 1973, Mid Louisiana Gas Co. (Applicant), 21st Floor, Lykes Center, 300 Poydras Street, New Orleans, LA 70130, filed in Docket No. CP73-204 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the Commission's regulations thereunder, for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing February 1, 1973, and the operation of natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein is not to exceed \$500,000, with no single project to exceed \$125,000, to be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on

its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 73-3114 Filed 2-15-73; 8:45 am]

[Docket No. E-8014]

#### NORTHERN STATES POWER CO.

##### Notice of Application

FEBRUARY 9, 1973.

Take notice that on October 13, 1972, Northern States Power Co. filed with the Commission an agreement, dated September 12, 1972, in compliance with paragraph 2.04 (The Transactions Agreement) of the Manitoba-United States, Winnipeg-Grand Forks 230 kv. Interconnection Agreement, dated January 16, 1969, between Manitoba Hydro-Electric Board, Minnkota Power Cooperative, Inc., Northern States Power Co. (Rate Schedule FPC No. 359), and Otter Tail Power Co. (Rate Schedule FPC No. 159). The September 12, 1972, agreement establishes means whereby the parties in the United States experience generally equal benefits for transactions over the interconnection.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 73-3110 Filed 2-15-73; 8:45 am]

[Dockets Nos. CP73-15, etc.]

#### TENNESSEE GAS PIPELINE CO. ET AL.

##### Cancellation of Conference

FEBRUARY 9, 1973.

A prehearing conference in the above consolidated proceedings is scheduled for February 15, 1973, by order issued December 15, 1972.

Take notice that said conference is hereby canceled and the proceedings terminated.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 73-3111 Filed 2-15-73; 8:45 am]

[Docket No. CP73-198]

#### TEXAS GAS TRANSMISSION CORP.

##### Notice of Application

FEBRUARY 8, 1973.

Take notice that on January 26, 1973, Texas Gas Transmission Corp. (Applicant), 3800 Frederica Street, Owensboro, KY 42301, filed in Docket No. CP73-198 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the Commission's regulations thereunder, for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing May 30, 1973, and the operation of natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein is not to exceed \$7 million, with no single onshore project to exceed \$1 million, and no single offshore project to exceed \$1,750,000. The facilities would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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



the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 73-3113 Filed 2-15-73; 8:45 am]

[Docket No. E-8010]

## UTAH POWER & LIGHT CO.

### Notice of Application

FEBRUARY 9, 1973.

Take notice that on January 29, 1973, Utah Power & Light Co. filed with the Commission a purchase agreement dated November 14, 1972, between Utah Power & Light Co. and the Nevada Power Co., pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder. Under the terms of the Agreement, Utah Power & Light Co. will deliver up to 50,000 kilowatts of power and energy to the Nevada Power Co. at the 230 kv. switchrack of the United States at Glen Canyon for the period November 25, 1972, through February 24, 1973. Utah Power & Light Co. requests an effective date of November 25, 1972.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 73-3109 Filed 2-15-73; 8:45 am]

## FEDERAL RESERVE SYSTEM

### DETROITBANK CORP.

#### Formation of One-Bank Holding Company

Detroitbank Corp., Detroit, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of the successor by consolidation to the Detroit Bank and Trust Co., Detroit, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than March 2, 1973.

Board of Governors of the Federal Reserve System, February 9, 1973.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary of the Board.

[FR Doc. 73-3093 Filed 2-15-73; 8:45 am]

## FINANCIAL GENERAL BANKSHARES, INC., ET AL.

### Acquisition of Bank

Financial General Bankshares, Inc., Washington, D.C., and its two wholly owned subsidiaries, the Morris Plan Corp. and Virginia Bankshares, Inc., both of Washington, D.C., have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 17,000 of the voting shares of Clarendon Bank & Trust, Alexandria, Va. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Financial General Bankshares, Inc., is also engaged in the following nonbank activities: Mortgage banking, property development, and the financing, selling, leasing and managing of commercial property together with both single and multifamily residential property. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 8, 1973.

Board of Governors of the Federal Reserve System, February 9, 1973.

MICHAEL A. GREENSPAN,  
Assistant Secretary of the Board.

[FR Doc. 73-3094 Filed 2-15-73; 8:45 am]

## FIRST SECURITY NATIONAL CORP.

### Proposed Acquisition of First Security Financial Systems

First Security National Corp., Beaumont, Tex., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of First Security Financial Systems, Houston, Tex., a company which will perform certain data processing activities presently conducted by applicant's subsidiary bank, First Security National

Bank of Beaumont, Beaumont, Tex. Notice of the application was published on January 28, 1973, in The Houston Post, a newspaper circulated in Houston, Tex.

Applicant states that the proposed subsidiary would engage in the following activities: Provide bookkeeping or data processing services for the internal operations of the holding company, its subsidiaries, and for other financially related concerns and to store and process other banking, financial, or other financial data related thereto. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

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

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 8, 1973.

Board of Governors of the Federal Reserve System, February 9, 1973.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary of the Board.

[FR Doc. 73-3092 Filed 2-15-73; 8:45 am]

## PNB CORP.

### Proposed Acquisition of Signet Corp.

PNB Corp., Philadelphia, Pa., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Signet Corp., Pittsburgh, Pa. Notice of the application was published on December 11, 12, 13, or 14, 1972, in various newspapers circulated in the communities of the following States where offices of the proposed subsidiary or its subsidiaries are located: California (one office, an industrial loan company); Delaware (one office); Maryland (one office); Massachusetts (five offices); New Hampshire (one office); New Jersey (one office); New York (13 offices); North Carolina (four offices); Ohio (seven offices); Pennsylvania (35 offices); Vermont (three offices); and Virginia (two offices).



Applicant states that Signet Corp. and its subsidiaries would engage generally in the business of a consumer finance company including the activities of: (1) Making installment loans for personal, family, or household purposes; (2) purchasing sales finance contracts executed in connection with the sale of personal, family, or household goods or services; (3) selling credit life insurance, credit disability insurance, and casualty insurance, offered in connection with certain personal installment loans made and sales finance contracts purchased; and (4) underwriting reinsurance with respect to the credit life and credit disability insurance sold. Such activities, with certain restrictions, have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

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

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 8, 1973.

Board of Governors of the Federal Reserve System, February 9, 1973.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary of the Board.  
[FR Doc.73-3091 Filed 2-15-73;8:45 am]

## GENERAL SERVICES ADMINISTRATION

[FPMR Temporary Reg. D-37]

### SECRETARY OF HOUSING AND URBAN DEVELOPMENT

#### Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Housing and Urban Development (HUD) to perform all functions in connection with the leasing of space at Agana, Guam, for use by the HUD Insuring Office.

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

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, au-

thority is hereby delegated to the Secretary of Housing and Urban Development to perform all functions in connection with leasing approximately 550 square feet of space at Agana, Guam.

b. This delegation shall extend to leasing space under authority contained in section 210(h) (1) of the above-cited Act for a firm period not to exceed 5 years for use by the HUD Insuring Office.

c. The Secretary of Housing and Urban Development may redelegate this authority to any official or employee of the Department of Housing and Urban Development (40 U.S.C. 486(d)).

d. This authority shall be exercised in accordance with the limitations and requirements of the above-cited Act, section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), as amended, other applicable statutes and regulation, and the policies, procedures, and controls prescribed by the General Services Administration.

ARTHUR F. SAMPSON,  
Acting Administrator  
of General Services.

FEBRUARY 9, 1973

[FR Doc.73-3124 Filed 2-15-73;8:45 am]

## NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

### CERTAIN OCEAN ENGINEERING AND UNDERSEA TECHNOLOGY PROGRAMS

#### Notice of Closed Committee Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (86 Stat. 770, Public Law 92-463, 1972, the Act), notice is hereby given of a closed meeting of the National Advisory Committee on Oceans and Atmosphere (the Committee) scheduled for Thursday, Friday, and Saturday, February 22, 23, and 24, 1973. The meeting will commence at 9 a.m., P.s.t., on February 22, 23, and 24, at the facilities of Submarine Development Group 1, U.S. Naval Base, San Diego, Calif. The purpose of the meeting is to acquaint the Committee with various classified ocean engineering and undersea technology programs being conducted by the Navy in connection with the national defense effort.

The meeting will be closed to the public as authorized by section 10(d) of the Act because the Secretary of Commerce determined that the meeting is concerned with matters listed in section 552(b) of title 5, United States Code, in a determination dated February 13, 1973.

Dated: February 14, 1973.

WILLIAM A. NIERENBERG,  
Chairman.

[FR Doc.73-3188 Filed 2-15-73;8:45 am]

## TARIFF COMMISSION

[TEA-W-180]

### HARRIS-INTERTYPE CORP.

#### Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a) (2) of the Trade Expan-

sion Act of 1962, on behalf of the former workers of the Dayton, Ohio, plant of the Harris-Seybold Company Division of the Harris-Intertype Corp., Cleveland, Ohio, the U.S. Tariff Commission, on February 12, 1973, instituted an investigation under section 301(c) (2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with industrial paper cutters and sheet-fed offset printing presses (of the types provided for in items 668.10 and 668.20 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before February 26, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: February 13, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.73-3135 Filed 2-15-73;8:45 am]

[AA1921-114]

## STAINLESS STEEL PLATE FROM SWEDEN

### Investigation and Hearing

Having received advice from the Treasury Department on February 1, 1973, that stainless steel plate from Sweden is being, or is likely to be, sold at less than fair value, the U.S. Tariff Commission has instituted investigation No. AA1921-114 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

**HEARINGS:** A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t. on Tuesday, March 27, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing,



at its office in Washington, D.C., not later than noon, Thursday, March 22, 1973.

Issued: February 13, 1973.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc.73-8136 Filed 2-15-73; 8:45 am]

## DEPARTMENT OF LABOR

### Employment Standards Administration

#### INDEX TO AREA WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF DECEMBER 15, 1972

##### Correction

In FR Doc. 73-2371 appearing at page 4179 in the issue of Friday, February 9, 1973, page 45 of the Index was inadvertently omitted. It should appear on FR page 4201, between Index pages 44 and 46, as set forth below:

##### INDEX P. 45

##### MICHIGAN (cont'd)

- ST. JOSEPH COUNTY  
(Hw)—See Allegan County  
(R)—See Branch County
- SANILAC COUNTY  
(D)—See Alcona County  
(Hw)—See Allegan County
- SCHOOLCRAFT COUNTY  
(D)—See Alcona County  
(Hw)—See Alcona County
- SHILAWASSEE COUNTY  
(Hw)—See Allegan County
- TUSCOLA COUNTY  
(D)—See Alcona County  
(Hw)—See Allegan County
- VAN BUREN COUNTY  
(D)—See Alcona County  
(Hw)—See Allegan County
- WASHTENAW COUNTY  
Decision #AM-363 (B)(H)(Hw)  
36 FR 15872-8/18/71  
Mod. #1-36 FR 18611-9/17/71  
Mod. #2-36 FR 18987-9/24/71  
Mod. #3-36 FR 20978-10/15/71  
Mod. #4-36 FR 21307-11/5/71  
Mod. #5-37 FR 966-1/21/72  
Mod. #6-37 FR 3696-2/18/72  
Mod. #7-37 FR 5690-3/17/72  
(Hw)—See Genesee County
- WAYNE COUNTY  
(B)(H)(Hw)(D)—See Macomb County  
(D)—See Alcona County  
(Hw)—See Genesee County
- WEXFORD COUNTY  
(Hw)—See Alcona County

##### MINNESOTA

- AITKIN COUNTY  
None
- ANOKA COUNTY  
Decision #AM-6,251 (R)  
36 FR 22108-11/19/71  
Mod. #1-37 FR 3114-2/11/72  
Decision #AM-2380 (H)(Hw)  
36 FR 15406-8/13/71  
Mod. #1-37 FR 3109-2/11/72  
Mod. #2-37 FR 9168-5/5/72  
Mod. #3-37 FR 9395-5/12/72

##### INDEX P. 45

##### MINNESOTA (cont'd)

- BECKER COUNTY  
Decision #AP-49 (Hw)  
37 FR 25097-11/25/72
- BELTRAMI COUNTY  
None
- BENTON COUNTY  
None
- BIG STONE COUNTY  
Decision #AP-50 (Hw)  
37 FR 25098-11/25/72
- BLUE EARTH COUNTY  
None
- BROWN COUNTY  
None
- CARLTON COUNTY  
None
- CARVER COUNTY  
Decision #AM-6248 (R)  
36 FR 22102-11/19/71  
Mod. #1-37 FR 3111-2/11/72  
(H)(Hw)—See Carver County
- CASS COUNTY  
(Hw)—See Becker County
- CHIPPEWA COUNTY  
(Hw)—See Big Stone County
- CHISAGO COUNTY  
None
- CLAY COUNTY  
(Hw)—See Becker County
- CLEARWATER COUNTY  
None
- COOK COUNTY  
Decision #AM-2381 (H)(Hw)  
36 FR 15410-8/13/71  
Mod. #1-37 FR 3110-2/11/72  
Mod. #2-37 FR 9168-5/5/72  
Mod. #3-37 FR 9395-5/12/72  
Decision #AP-4 (D)  
37 FR 14670-7/21/72
- COTTONWOOD COUNTY  
None
- CROW WING COUNTY  
None
- DAKOTA COUNTY  
Decision #AM-6,249 (R)  
36 FR 22104-11/19/71  
Mod. #1-37 FR 3112-2/11/72  
(H)(Hw)—See Anoka County

### Occupational Safety and Health Administration

#### MICHIGAN DEVELOPMENTAL PLAN

##### Submission and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and 29 CFR 1902.11 setting forth the method whereby States may assume responsibility for the development and enforcement therein of occupational safety and health standards, notice is hereby given that a developmental occupational safety and health plan has been submitted by the State of Michigan to the Assistant Secretary of Labor for Occupational Safety and Health. On the basis of a preliminary review of the plan the issue of its approval is now under consideration.

The plan includes proposed draft legislation to be considered by the Michigan Legislature during its 1973 session. Under

the proposed legislation full authority to enforce and administer laws respecting occupational safety in general industry and construction will reside in the Michigan Department of Labor. Those laws dealing with occupational health will be enforced and administered by the Michigan Department of Public Health. Administrative adjudication will be the responsibility of independent boards of occupational safety compliance and appeals, construction safety compliance and appeals and an occupational health review commission.

It is contemplated that the necessary enabling legislation will be enacted during the 1973 session of the Michigan Legislature. Full implementation of the program is anticipated by 1976.

The State program is expected to extend its protection to all employees in the State, including employees of the State and its political subdivisions, except those employees employed by Federal agencies, maritime workers, household domestic workers, and mine workers.

The plan also includes procedures for the development by the State of its own occupational safety and health standards to cover all issues covered by the Federal standards.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, 400 First Street NW., Washington, DC 20210; Regional Office, Occupational Safety and Health Administration, Room 1201, 300 South Wacker Drive, Chicago, IL 60606; Michigan Department of Labor, Bureau of Safety and Regulation, 2nd Floor, 300 East Michigan Avenue, Lansing, MI 48926; Michigan Department of Public Health, Division of Occupational Health, Media Building, 2nd Floor, 3500 North Logan Street, Lansing, MI 48914.

3. *Public participation.* Interested persons are hereby given until March 18, 1973, in which to submit written data, views, and arguments concerning the plan. Such submissions are to be addressed to the Director of Federal and State Operations, Room 408, 400 First Street NW., Washington, DC 20210. All written comments will be available for public inspection and copying at the above address. Copies of pages from the plan or the written comments will be provided in accordance with the general Department of Labor fee schedule (29 CFR 70.62(a)).

Any interested person may request a hearing concerning the proposed plan, or any part thereof, by filing particularized written objections within the time allowed for comments as specified above. Such requests should also be addressed to the Director of Federal and State Operations, Room 408, 400 First Street NW., Washington, DC 20210.

If the Assistant Secretary for Occupational Safety and Health finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved. Thereafter the



Assistant Secretary will consider all relevant materials, comments, and arguments presented and issue his decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 13th day of February 1973.

CHAIN ROBBINS,  
Acting Assistant Secretary  
of Labor.

[FR Doc. 73-3130 Filed 2-15-73; 8:45 am]

#### Office of the Secretary MASSACHUSETTS

##### Notice of Determinations of "Temporary on" Indicator and Beginning of Temporary Benefit Period

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224, Title II as amended by Public Law 92-329), hereinafter referred to as the Act, and 29 CFR 617.13(a), I hereby give notice of my determination as follows:

1. There is a "temporary on" indicator for the week ending December 2, 1972, for the Commonwealth of Massachusetts.

This determination is based on my findings that the rate of unemployment as defined in the Act for the 13-week period ending December 2, 1972, equaled or exceeded 6.5 per centum in the Commonwealth of Massachusetts.

2. A temporary benefit period, as provided in section 202(c) (3) (A) (iii) of the Act and 20 CFR 617.5, begins on December 17, 1973, the first day of the third calendar week after the week for which there is a "temporary on" indicator, in the Commonwealth of Massachusetts which, before December 2, 1972, entered into an agreement with the Secretary of Labor as provided in section 202 of the Act.

Temporary compensation, as defined in 20 CFR 617.2(d), shall be payable to eligible individuals, who have received temporary compensation for a week or weeks beginning before January 1, 1973, and who file claims for such compensation for weeks of unemployment which begin in the temporary benefit period with respect to the Commonwealth of Massachusetts. However, no temporary compensation under the Act is payable for any week of unemployment which ends after March 31, 1973, even though such week is in a temporary benefit period.

Signed at Washington, D.C., this 9th day of February 1973.

PETER J. BRENNAN,  
Secretary of Labor.

[FR Doc. 73-3077 Filed 2-15-73; 8:45 am]

#### RHODE ISLAND

##### Notice of Determinations of "Temporary on" Indicator and Beginning of Temporary Benefit Period

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224, Title II as amended by Public

Law 92-329), hereinafter referred to as the Act, and 20 CFR 617.13(a), I hereby give notice of my determinations as follows:

1. There is a "temporary on" indicator for the week beginning December 17, 1972, for the State of Rhode Island.

This determination is based on my findings that the rate of unemployment as defined in the Act for the 13-week period ending December 23, 1972, equaled or exceeded 6.5 per centum in the State of Rhode Island.

2. A temporary benefit period, as provided in section 202(c) (3) (A) (iii) of the Act and 20 CFR 617.5, begins on January 7, 1973, the first day of the third calendar week after the week for which there is a "temporary on" indicator, in the State of Rhode Island which, before January 7, 1973, entered into an agreement with the Secretary of Labor as provided in section 202 of the Act.

Temporary compensation, as defined in 20 CFR 617.2(d), shall be payable to eligible individuals, who have received temporary compensation for a week or weeks beginning before January 1, 1973, and who file claims for such compensation for weeks of unemployment which begin in the temporary benefit period with respect to the State of Rhode Island. However, no temporary compensation under the Act is payable for any week of unemployment which ends after March 31, 1973, even though such week is in a temporary benefit period.

Signed at Washington, D.C., this 9th day of February 1973.

PETER J. BRENNAN,  
Secretary of Labor.

[FR Doc. 73-3078 Filed 2-15-73; 8:45 am]

#### INTERSTATE COMMERCE COMMISSION

[Notice 180]

##### ASSIGNMENT OF HEARINGS

FEBRUARY 13, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 136736, Hampton Roads Transfer Co., Inc., now assigned February 20, 1973, at Richmond, Va., is cancelled and the application is dismissed.

MC 9299 Sub 15, Bestway Motor Freight, Inc., now assigned February 26, 1973, at Olympia, Wash., is cancelled and reassigned to February 26, 1973, at Spokane, Wash., will be held at the Washington Utilities and Transportation Commission, 110 Sheridan South.

MC 96612 Sub 12, Sea-Land Freight Service, Inc., now assigned March 6, 1973, at Olympia, Wash., will be held on the Second Floor, Washington State Game Department Annex, 516 North Washington Street.

MC-107515 Sub 799, Refrigerated Transport Co., Inc., continued to April 23, 1973 (2 weeks), at the Atlanta Town House Motel, 100 Tenth Street, Atlanta, Ga.

MC 106497 Sub 68, Parkhill Truck Co., now being assigned hearing May 14, 1973 (2 weeks), at Milwaukee, Wis., in the Boston Room, The Marc Plaza Hotel, 509 West Wisconsin Avenue.

MC 115841 Sub 437, Colonial Refrigerated Transportation, Inc., now assigned February 14, 1973, at Washington, D.C., is postponed indefinitely.

AB-5 Sub 71, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., Debtor, Abandonment Between Kings Creek and Crisfield, Somerset County, Md., now assigned February 20, 1973, at Pocomoke City, Md., postponed to February 21, 1973, in the City Hall Council Chamber, Clarke Avenue, Pocomoke City, Md.

I&S No. 8813, general increase in rates and charges, Sea-Land Service, Inc., I&S No. 8814, general increase, the Alaska Railroad, I&S No. 8814 Sub 1, general increase, the Alaska Railroad, I&S 8814 Sub 2, increased rates and charges, from and to Alaska, now assigned prehearing conference February 14, 1973, at Washington, D.C., is postponed to February 27, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 73-3116 Filed 2-15-73; 8:45 am]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 13, 1973.

An application as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of this application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before March 5, 1973.

FSA No. 42621—Beet or Cane Sugar to Green Bay, Wis. Filed by Trans-Continental Freight Bureau, agent (No. 476), for interested rail carriers. Rates on sugar, beet or cane, in carloads, as described in the application, from points in Arizona, California, Idaho, Oregon, and Washington, to Green Bay, Wis.

Grounds for relief—Rate relationship. Tariffs—Supplement 203 to Trans-Continental Freight Bureau, agent, tariff ICC 1822, and supplement 137 to Western Trunk Line Committee, agent, tariff ICC A-4481. Rates are published to become effective on March 15, 1973.

FSA No. 42622—Beet or Cane Sugar from Points in Arizona, California, and Washington. Filed by Trans-Continental Freight Bureau, agent (No. 479), for interested rail carriers. Rates on sugar, beet or cane, in carloads, as described in the application, from points in Arizona,



California, and Washington, to points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin.

Grounds for relief—Rate relationship. Tariff—Supplement 203 to Trans-Continental Freight Bureau, agent, tariff ICC 1822. Rates are published to become effective on March 15, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-3117 Filed 2-15-73; 8:45 am]

[Notice 211]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 8, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74103. By order of January 22, 1973, the Motor Carrier Board approved the transfer to R. N. Reamy, Jr., Route 2, Montross, Va. 22520, of the operating rights in Certificate No. MC-133980 (Sub-No. 1) issued November 2, 1970, to J. Franklin Wilkins, doing business as J. F. Wilkins, Route 1, Callao, Va. 22435, authorizing the transportation of seafood cans, and knockdown cardboard seafood containers, from Baltimore, Md., to points in Northumberland and Westmoreland Counties, Va.

No. MC-FC-74131. By order of January 22, 1973, the Motor Carrier Board approved the transfer to R. M. Henderson, doing business as H & M Motor Lines, Greenville, S.C., of the operating rights in Certificate No. MC-134017 issued June 9, 1972, to R. M. Henderson and Marvin J. McAbee, a partnership, doing business as H & M Motor Lines, Greenville, S.C., authorizing the transportation of plastic articles, burlap articles, and paper articles, except in bulk, from Newark, N.J., to points in the United States (except Alaska, Hawaii, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, and Maryland). The operations herein authorized are limited to a trans-

portation service to be performed under a contract with Packaging Products and Design Corp. E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Attorney for applicants.

No. MC-FC-74168. By order of January 23, 1973, the Motor Carrier Board approved the transfer to Thruway Messenger Service, Inc., Pearl River, N.Y., of the operating rights in Certificate No. MC-129529 (Sub-No. 1) issued November 29, 1968, to Adolph L. Marchfeld, doing business as Thruway Messenger Service, Pearl River, N.Y., authorizing the transportation of general commodities, with exceptions, between points in Rockland County, N.Y., on the one hand, and, on the other, New York, N.Y., and points in New Jersey. The authority granted herein is restricted against transportation of packages or articles weighing in the aggregate more than 100 pounds from the consignor at any one location to one consignee at any one location on any one day; commercial papers, documents, written instruments, and business records as are used in the business of banks and banking institutions between Rockland County, N.Y., on the one hand, and, on the other, New York, N.Y., and Passaic, N.J.; and exposed and processed film and prints between Fair Lawn, N.J., on the one hand, and, on the other, points in Rockland County, N.Y. George A. Olsen, Registered Practitioner, 69 Tonnele Avenue, Jersey City, NJ 07306. Representative for applicants.

No. MC-FC-74170. By order of January 31, 1973, the Motor Carrier Board approved the transfer to Goode Transfer, Inc., St. Louis, Mo., of the operating rights in Certificate No. MC-9471 issued November 21, 1941, to J. Richard Goode, doing business as Goode Transfer & Express, St. Louis, Mo., authorizing the transportation of general commodities, with exceptions, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission in I.M.C.C. Austin C. Knetzger, 722 Chestnut Street, St. Louis, MO 63101, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-3118 Filed 2-15-73; 8:45 am]

[Ex Parte 241; Rule 19, Exemption No. 12]

#### ATLANTIC AND WESTERN RAILWAY CO. ET AL.

##### Exemption From Mandatory Car Service Rules

It appearing that the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such

use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC R.E.R. No. 386, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway Co. Reporting marks: ATW  
Chicago & Illinois Midland Railway Co. Reporting marks: CIM  
The La Salle and Bureau County Railroad Co. Reporting marks: LSBC  
Manufacturers Railway Co. Reporting marks: MRS  
Richmond, Fredericksburg, and Potomac Railroad Co. Reporting marks: RFP  
Louisville, New Albany & Corydon Railroad Co., eliminated.  
Toledo, Peoria & Western Railroad Co. Reporting marks: TPW  
Vermont Railway, Inc. Reporting marks: Rut or VTR  
Wellsville, Addison & Galeton Railroad Corp. Reporting marks: WAG

Effective February 9, 1973, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 9, 1973.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[FR Doc.73-3119 Filed 2-15-73; 8:45 am]

[Ex Parte 241; Rule 19 Exemption No. 33-A]

#### PENN CENTRAL TRANSPORTATION CO. Exemption From Mandatory Car Service Rules

Upon further consideration of Exemption No. 33 (Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees), and good cause appearing therefor:

It is ordered, That:  
Exemption No. 33 be, and it is hereby, vacated and set aside.

Effective February 12, 1973.

Issued at Washington, D.C., February 9, 1973.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[FR Doc.73-3120 Filed 2-15-73; 8:45 am]

[Ex Parte 241; Rule 19, Exemption No. 34]

#### PENN CENTRAL TRANSPORTATION CO. AND TRUSTEES

##### Exemption From Mandatory Car Service Rules

It appearing, that because of a strike of its employees, the Penn Central Transportation Co., George P. Baker, Richard



C. Bond, and Jervis Langdon, Jr., trustees (PC) is unable to accept from connections the return of foreign freight cars or to make normal deliveries of foreign empty cars to its direct connections; that under existing rules and regulations such cars will remain idle until the PC is able to resume normal operations; that such cars are needed by other carriers for transporting traffic offered for shipment in excess of the available car supply; and that compliance with Car Service Rules 1 and 2 during the period the PC is unable to conduct normal operations would result in unnecessary loss of utilization of such cars.

*It is ordered*, That pursuant to the authority vested in me by Car Service Rule 19, all freight cars home routing empty via the PC and all freight cars delivered empty by the PC may be used for one trip only by direct connections of the PC holding such cars for empty delivery to the PC or by the direct connections of the PC receiving such cars empty from the PC, regardless of the requirements of Car Service Rules 1 or 2.

Effective February 8, 1973.

Expires February 15, 1973.

Issued at Washington, D.C., February 8, 1973.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[FR Doc.73-3121 Filed 2-15-73; 8:45 am]

[Ex Parte 241; Rule 19; Exemption No. 34-A]

**PENN CENTRAL TRANSPORTATION CO.  
AND TRUSTEES**

**Exemption From Mandatory Car Service  
Rules**

Upon further consideration of Exemption No. 34 (Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees) and good cause appearing therefor:

*It is ordered*, That:

Exemption No. 34 be, and it is hereby, vacated and set aside.

Effective February 12, 1973.

Issued at Washington, D.C., February 9, 1973.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[FR Doc.73-3122 Filed 2-15-73; 8:45 am]

[Rev. S.O. 994; ICC Order 84-A]

**PENN CENTRAL TRANSPORTATION CO.  
AND TRUSTEES**

**Rerouting or Diversion of Traffic**

Upon further consideration of ICC Order No. 84 (Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees) and good cause appearing therefor:

*It is ordered*, That:

(a) ICC Order No. 84 be, and it is hereby, vacated and set aside.

(b) This order shall become effective at 11:59 a.m., February 9, 1973.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 9, 1973.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[FR Doc.73-3123 Filed 2-15-73; 8:45 am]







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FRIDAY, FEBRUARY 16, 1973  
WASHINGTON, D.C.

Volume 38 ■ Number 32

PART II



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## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation  
Service

■

SERVICE PROGRAMS  
FOR FAMILIES AND  
CHILDREN AND FOR  
AGED, BLIND, OR  
DISABLED

Proposed Rule Making



# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Social and Rehabilitation Service

[45 CFR Parts 220, 221, 222, and 226]

### SERVICE PROGRAMS FOR FAMILIES AND CHILDREN AND FOR AGED, BLIND, OR DISABLED INDIVIDUALS: TITLES I, IV (PARTS A AND B), X, XIV, AND XVI OF THE SOCIAL SECURITY ACT

#### Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The amendments in general revise, combine and transfer to a new Part 221 the regulations for the Family Services and Adult Services programs (in Parts 220 and 222), and purchase of service (in Part 226). The revisions eliminate several administrative requirements; reduce the number of required services—in recognition of the limitation on Federal funds available for service expenditures—and increase the number of optional services; specify the goals to which services must be directed; clarify the State agency's responsibility for determination and redetermination of eligibility for services shorten the period of eligibility for former and potential recipients; amend the provisions on Federal financial participation to add the limitations imposed by recent legislation and to clarify the proper scope of Federal funding; and require written agreements for purchases of services.

The proposed regulations do not affect current provisions in Part 220 applicable to the work incentive program (WIN) and to child welfare services (CWS). Amendments to those portions of Part 220 will be published separately.

It is the intent of the Department to maintain in the final regulations the effective dates that are specified throughout the proposed amendments.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC, on or before March 19, 1973. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street SW., Washington, DC on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-963-7361).

Dated: February 12, 1973.

PHILIP J. RUTLEDGE,  
Acting Administrator, Social  
and Rehabilitation Service.

Approved: February 13, 1973.

CASPAR W. WEINBERGER,  
Secretary.

Chapter II, Title 45 of the Code of Federal Regulations is amended as follows:

## PART 220 [AMENDED]

(1) Part 220 is revoked, except for §§ 220.35, 220.36, and 220.61(g) (relating to the WIN program under title IV-A of the Social Security Act), and §§ 220.40, 220.49, 220.55, 220.56, 220.62, and 220.65 (b), and Subpart D (relating to the CWS program under title IV-B of the Act). The content of the revoked provisions is revised and transferred to a new Part 221, which, to the extent indicated therein, shall be applicable to the WIN and CWS programs under such Part 220.

## PARTS 222, 226 [REVOKED]

(2) Parts 222 and 226 are revoked, and their content is revised and transferred to the new Part 221.

### PART 221—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN AND FOR AGED, BLIND, OR DISABLED INDIVIDUALS: TITLES I, IV (PARTS A AND B), X, XIV, AND XVI OF THE SOCIAL SECURITY ACT

(3) Part 221 is added to Chapter II to read as set forth below.

#### Subpart A—Requirements for Service Programs

- 221.0 Scope of programs.
- 221.1 General.
- 221.2 Organization and administration.
- 221.3 Relationship to and use of other agencies.
- 221.4 Freedom to accept services.
- 221.5 Statutory requirements for services.
- 221.6 Services to additional families and individuals.
- 221.7 Determination and redetermination of eligibility for services.
- 221.8 Individual service plan.
- 221.9 Definitions of services.
- 221.30 Purchase of services.

#### Subpart B—Federal Financial Participation TITLES I, IV-A, X, XIV AND XVI

- 221.51 General.
- 221.52 Expenditures for which Federal financial participation is available.
- 221.53 Expenditures for which Federal financial participation is not available.
- 221.54 Rates and amounts of Federal financial participation.
- 221.55 Limitations on total amount of Federal funds payable to States for services.
- 221.56 Rates and amounts of Federal financial participation for Puerto Rico, the Virgin Islands, and Guam.

#### TITLES I, IV-A, IV-B, X, XIV AND XVI

- 221.61 Public sources of State's share.
- 221.62 Private sources of State's share.

AUTHORITY: Section 1102, 49 Stat. 647 (42 U.S.C. 1302).

#### § 221.0 Scopes of programs.

(a) Federal financial participation is available for expenditures under the State plan approved under title I, IV-A, IV-B, X, XIV, or XVI of the Act with respect to the administration of service programs under the State plan. The service programs under these titles are hereinafter referred to as: Family Services (title IV-A), WIN Support Services (title IV-A), Child Welfare Services (title IV-B), and Adult Services (titles I, X, XIV, and XVI). Expenditures sub-

ject to Federal financial participation are those made for services provided to families, children, and individuals who have been determined to be eligible, and for related expenditures, which are found by the Secretary to be necessary for the proper and efficient administration of the State plan.

(b) The basic rate of Federal financial participation for Family Services and Adult Services under this part is 75 percent provided that the State plan meets all the applicable requirements of this part and is approved by the Social and Rehabilitation Service. Under title IV-A, effective July 1, 1972, the rates are 50 percent for emergency assistance in the form of services, and 90 percent for WIN Support Services, and effective January 1, 1973, the rate is 90 percent for the offering, arranging, and furnishing, directly or on a contract basis, of family planning services and supplies.

(c) Total Federal financial participation for Family Services and Adult Services provided by the 50 States and the District of Columbia may not exceed \$2,500 million for any fiscal year, allotted to the States on the basis of their population. No more than 10 percent of the Federal funds payable to a State under its allotment may be paid with respect to its service expenditures for individuals who are not current applicants for or recipients of financial assistance under the State's approved plans, except for services in certain exempt classifications.

(d) Rates and amounts of Federal financial participation for Puerto Rico, Guam, and the Virgin Islands are subject to different rules.

#### Subpart A—Requirements for Service Programs

##### § 221.1 General.

The State plan with respect to programs of Family Services, WIN Support Services, Child Welfare Services, and Adult Services must contain provisions committing the State to meet the requirements of this subpart.

##### § 221.2 Organization and administration.

###### (a) Single organizational unit.

(1) There must be a single organizational unit, within the single State agency, at the State level and also at the local level, which is responsible for the furnishing of services by agency staff under title IV, parts A and B. Responsibility for furnishing specific services also furnished to clients under other public assistance plans (e.g., homemaker service) may be located elsewhere within the agency, provided that this does not tend to create differences in the quality of services for AFDC and CWS cases. (This requirement does not apply to States where the title IV-A and title IV-B programs were administered by separate agencies on January 2, 1968).

(2) Such unit must be under the direction of its chief officer who, at the State level, is not the head of the State agency.



(b) *Advisory committee on day-care services.* An advisory committee on day-care services for children must be established at the State level to advise the State agency on the general policy involved in the provision of day-care services under the title IV-A and title IV-B programs. The committee shall include among its members representatives of other State agencies concerned with day care or services related thereto and persons representative of professional or civic or other public or nonprofit private agencies, organizations or groups concerned with the provision of day care.

(c) *Grievance system.* There must be a system through which recipients may present grievances about the operation of the service program.

(d) *Program implementation.* The State plan must provide for State level service staff to carry responsibility for:

(1) Planning the content of the service programs, and establishing and interpreting service policies;

(2) Program supervision of local agencies to assure that they are meeting plan requirements and State policies, and that funds are being appropriately and effectively used; and

(3) Monitoring and evaluation of the services programs.

(e) *Provision of services.* The State plan must specify how the services will be provided and, in the case of provision by other public agencies, identify the agency and the service to be provided.

#### § 221.3 Relationship to and use of other agencies.

There must be maximum utilization of and coordination with other public and voluntary agencies providing similar or related services which are available without additional cost.

#### § 221.4 Freedom to accept services.

Families and individuals must be free to accept or reject services. Acceptance of a service shall not be a prerequisite for the receipt of any other services or aid under the plan, except for the conditions related to the Work Incentive Program or other work program under a State plan approved by the service.

#### § 221.5 Statutory requirements for services.

(a) In order to carry out the statutory requirements under the Act with respect to Family Services and Adult Services programs, and in order to be eligible for 75 percent Federal financial participation in the costs of providing services, including the determination of eligibility for services, the State must, under the Family Services program, provide to each appropriate member of the AFDC assistance unit the mandatory services and those optional services the State elects to include in the State plan, and must, under the Adult Services program, provide to each appropriate applicant for or recipient of financial assistance under the State plan at least one of the defined services which the State elects to include in the State plan.

(b) (1) For the Family Services program, the mandatory services are family

planning services, foster-care services for children, and protective services for children. The optional services are day-care services for children, educational services, employment services (non-WIN), health-related services, home-maker services, home management and other functional educational services, housing improvement services, and transportation services.

(2) For the Adult Services program, the defined services are chore services, day-care services for adults, educational services, employment services, family planning services, foster-care services for adults, health-related services, home delivered or congregate meals, home-maker services, home management and other functional educational services, housing improvement services, protective services for adults, special services for the blind, and transportation services.

#### § 221.6 Services to additional families and individuals.

(a) If a State elects to provide services for additional groups of families or individuals, the State plan must identify such groups and specify the services to be made available to each group.

(b) If a service or an element of service is not included for recipients of financial assistance under the State plan, it may not be included for any other group.

(c) The State may elect to provide services to all or to reasonably classified subgroups of the following:

(1) Families and children who are current applicants for financial assistance under title IB-A.

(2) Families and individuals who have been applicants for or recipients of financial assistance under the State plan within the previous 3 months, but only to the extent necessary to complete provision of services initiated before withdrawal or denial of the application or termination of financial assistance.

(3) Families and individuals who are likely to become applicants for or recipients of financial assistance under the State plan within 6 months, i.e., those who:

(i) Do not have income exceeding 133 1/3 percent of the State's financial assistance payment level under the State's approved plan; and

(ii) Do not have resources that exceed permissible levels for such financial assistance; and

(iii) In the case of eligibility under title IV-A, have a specific problem or problems which are susceptible to correction or amelioration through provision of services and which will lead to dependence on financial assistance under title IV-A within 6 months if not corrected or ameliorated; and

(iv) In the case of eligibility under title I, X, XIV, or XVI, have a specific problem or problems which are susceptible to correction or amelioration through provision of services and which will lead to dependence on financial assistance under such title, or medical assistance, within 6 months if not corrected or ameliorated; and who are

(a) At least 64 1/2 years of age for linkage to title I, or title XVI with respect to the aged;

(b) Experiencing serious, progressive deterioration of sight that, as substantiated by medical opinion, is likely to reach the level of the State agency's definition of blindness within 6 months, for linkage to title X, or title XVI with respect to the blind; or

(c) At least 17 1/2 years of age and, according to professional opinion, are experiencing a physical or mental condition which is likely to result within 6 months in permanent and total disability, for linkage to title XIV, or title XVI with respect to the disabled.

(4) Aged, blind, or disabled persons who are likely to become applicants for or recipients of financial assistance under the State plan within 6 months as evidenced by the fact that they are currently eligible for medical assistance as medically needy individuals under the State's title XIX plan.

#### § 221.7 Determination and redetermination of eligibility for services.

(a) The State agency must make a determination that each family and individual is eligible for Family Services or Adult Services prior to the provision of services under the State plan.

(1) In the case of current applicants for or recipients of financial assistance under the State plan, this determination must take the form of verification by the organizational unit responsible for development of individual service plans with the organizational unit responsible for determination of eligibility for financial assistance that the family or individual has submitted an application for assistance which has not been withdrawn or denied or that the family or individual is currently receiving financial assistance. This verification must identify each individual whose needs are taken into account in the application or the determination of the amount of financial assistance.

(2) In the case of families or individuals who are found eligible for service on the basis that they are likely to become applicants for or recipients of financial assistance under the State plan, this determination must be based on evidence that the conditions of eligibility have been met, and must identify the specific problems which, if not corrected or ameliorated, will lead to dependence on such financial assistance or, in the case of the aged, blind or disabled, on medical assistance.

(b) The State agency must make a redetermination of eligibility of each family and individual receiving service at the following intervals:

(1) Quarterly for families and individuals whose eligibility is based on their status as current applicants for or recipients of financial assistance. (This redetermination may be accomplished by comparison of financial assistance payrolls or eligibility listings with service eligibility listings.)

(2) Within 30 days of the date that the status of the family or individual as



a current applicant for or recipient of financial assistance is terminated.

(3) Within 6 months of the date of the original determination of eligibility and of any subsequent redetermination of eligibility for families and individuals whose eligibility is based on the determination that they are likely to become applicants for or recipients of financial assistance.

(4) Within 3 months of the effective date of this regulation for families and individuals receiving service on the basis that they are former applicants for or recipients of financial assistance.

#### § 221.8 Individual service plan.

(a) An individual service plan must be developed and maintained on a current basis by agency staff for each family and individual receiving service under the State's title I, IV-A, X, XIV or XVI plan. No service, other than emergency assistance in the form of services under the title IV-A plan, may be provided under the State plan until it has been incorporated in the individual service plan and a service may be provided only to the extent and for the duration specified in the service plan. The service plan must relate all services provided to the specific goals to be achieved by the service program. It must also indicate the target dates for goal achievement and the extent and duration of the provision of each service. For the purposes of this part, the specific goals to be achieved are limited to:

(1) *Self-support goal.* To achieve and maintain the feasible level of employment and economic self-sufficiency. (Not applicable to the aged under the Adult Services program.)

(2) *Self-sufficiency goal.* To achieve and maintain personal independence, self-determination and security, including, for children, the achievement of potential for eventual independent living.

(b) The service plan must be reviewed as often as necessary to insure that only appropriate services are provided to recipients but in any event once every 6 months. At the time of each review the need for and effectiveness of all services must be reassessed and progress toward achievement of goals must be evaluated and recorded.

(c) Service plans for families and individuals who are determined to be eligible for service on the basis that they are likely to become applicants for or recipients of financial assistance under the title I, IV-A, X, XIV or XVI plan may include only services which are necessary to correct or ameliorate the specific problems which will lead to dependence on such financial assistance or medical assistance to aged, blind, or disabled persons under the title XIX plan, as identified at the time of eligibility determination or redetermination.

(d) Whenever the provider of services specified in the service plan is not located within the organizational unit responsible for the maintenance of the service plan, there must be a written authorization for the provision of the service which specifies the service to be

provided and the individuals to whom it will be provided. No authorization for the provision of service may cover a period longer than 6 months but authorizations for additional periods may be made subject to the review requirement in paragraph (b) of this section. No provision of service may be authorized at cost to the State agency if it is available without cost to the State agency.

(e) Efforts to enable individuals and families to clarify their need for services, to identify and make choices of appropriate services, and to use services effectively (i.e., supportive counseling) are assumed as an integral part of development and maintenance of the individual service plan.

#### § 221.9 Definitions of services.

(a) This section contains definitions of all mandatory and optional services under the Family Services program and the defined services under the Adult Services program (see §§ 221.5 and 221.6).

(b) (1) *Chore services.* This means the performance of household tasks, essential shopping, simple household repairs, and other light work necessary to enable an individual to remain in his own home when, because of frailty or other conditions, he is unable to perform such tasks himself and they do not require the services of a trained homemaker or other specialist.

(2) *Day care services for adults.* This means personal care during the day in a protective setting approved by the State or local agency.

(3) *Day care services for children.* This means care of a child for a portion of the day, but less than 24 hours, in his own home by a responsible person, or outside his home in a family day care home, group day care home, or day care center. Such care must be for the purpose of enabling the caretaker relatives to participate in employment, training, or receipt of needed services, where no other member of the child's family is able to provide adequate care and supervision. In-home care must meet State agency standards that, as a minimum, include requirements with respect to: The responsible person's age, physical and emotional health, and capacity and available time to care properly for children; minimum and maximum hours to be allowed per 24-hour day for such care; maximum number of children that may be cared for in the home at any one time; and proper feeding and health care of the children. Day care facilities used for the care of children must be licensed by the State or approved as meeting the standards for such licensing.

(4) *Educational services.* This means helping individuals to secure educational training most appropriate to their capacities, from available community resources at no cost to the agency.

(5) *Employment services (non-WIN under title IV-A and for the blind or disabled).* This means enabling appropriate individuals to secure paid employment or training leading to such employment, through vocational, educa-

tional, social, and psychological diagnostic assessments to determine potential for job training or employment; and through helping them to obtain vocational education or training at no cost to the agency.

(6) *Family planning services.* (i) For Family Services this means social, educational, and medical services to enable appropriate individuals (including minors who can be considered to be sexually active) to limit voluntarily the family size or space the children, and to prevent or reduce the incidence of births out of wedlock. Such services include printed materials, group discussions and individual interviews which provide information about and discussion of family planning; medical contraceptive services and supplies; and help in utilizing medical and educational resources available in the community. Such services must be offered and be provided promptly (directly or under arrangements with others) to all individuals voluntarily requesting them.

(ii) For Adult Services this means social and educational services, to help in securing medical services, to enable individuals to limit voluntarily the family size or space the children, and to prevent or reduce the incidence of births out of wedlock. Such services include printed materials, group discussions, and individual interviews which provide information about and discussion of family planning; and help in utilizing medical and educational resources available in the community.

(7) *Foster care services for adults.* This means placement of an individual in a substitute home which is suitable to his needs, supervision of such home, and periodic review of the placement, at least annually, to determine its continued appropriateness. Foster care services do not include activities of the home in providing care or supervision of the individual during the period of his placement in the home.

(8) *Foster care services for children.* This means placement of a child in a foster family home, or appropriate group care facility, as a result of a judicial determination to the effect that continuation of care in the child's own home would be contrary to the welfare of such child; services needed by such child while awaiting placement; supervision of the care of such child in foster care and of the foster care home or facility, to assure appropriate care; counseling with the parent or other responsible relative to improve home conditions and enable such child to return to his own home or the home of another relative, as soon as feasible; and periodic review of the placement to determine its continuing appropriateness. Foster care services do not include activities of the foster care home or facility in providing care or supervision of the child during the period of placement of the child in the home or facility. A foster care home or facility used for care of children must be licensed by the State in which it is situated or have been approved, by the agency of such State responsible for licensing



homes or facilities of this type, as meeting the standards established for such licensing.

(9) *Health-related services.* This means helping individuals and families to identify health needs and to secure diagnostic, preventive, remedial, ameliorative, child health screening, and other needed health services available under Medicaid, Medicare, maternal and child health programs, handicapped children's programs or other agency health services programs and from other public or private agencies or providers of health services; planning, as appropriate, with the individual, his relatives or others, and health providers to help assure continuity of treatment and carrying out of health recommendations; and helping such individual to secure admission to medical institutions and other health-related facilities.

(10) *Home delivered or congregate meals.* This means the preparation and delivery of hot meals to an individual in his home or in a central dining facility as necessary to prevent institutionalization or malnutrition.

(11) *Homemaker services.* (i) For Family Services this means care of individuals in their own homes, and helping individual caretaker relatives to achieve adequate household and family management, through the services of a trained and supervised homemaker.

(ii) For Adult Services this means care of individuals in their own homes, and helping individuals in maintaining, strengthening, and safeguarding their functioning in the home through the services of a trained and supervised homemaker.

(12) *Home management and other functional educational services.* This means formal or informal instruction and training in management of household budgets, maintenance and care of the home, preparation of food, nutrition, consumer education, child rearing, and health maintenance.

(13) *Housing improvement services.* This means helping families and individuals to obtain or retain adequate housing. Housing and relocation costs, including construction, renovation or repair, moving of families or individuals, rent, deposits, and home purchase, may not be claimed as service costs.

(14) *Protective services for adults.* This means identifying and helping to correct hazardous living conditions or situations of an individual who is unable to protect or care for himself.

(15) *Protective services for children.* This means responding to instances, and substantiating the evidence, of neglect, abuse, or exploitation of a child; helping parents recognize the causes thereof and strengthening (through arrangement of one or more of the services included in the State plan) parental ability to provide acceptable care; or, if that is not possible, bringing the situation to the attention of appropriate courts or law enforcement agencies, and furnishing relevant data.

(16) *Special services for the blind.* This means helping to alleviate the handicapping effects of blindness through: training in mobility, personal care, home management, and communication skills; special aids and appliances; special counseling for caretakers of blind children and adults; and help in securing talking book machines.

(17) *Transportation services.* This means making it possible for an individual to travel to and from community facilities and resources, as part of a service plan.

#### § 221.30 Purchase of services.

(a) A State plan under title I, IV-A, X, XIV, or XVI of the Act, which authorizes the provision of services by purchase from other State or local public agencies, from nonprofit or proprietary private agencies or organizations, or from individuals, must with respect to services which are purchased:

(1) Include a description of the scope and types of services which may be purchased under the State plan;

(2) Provide that the State or local agency will negotiate a written purchase of services agreement with each public or private agency or organization in accordance with requirements prescribed by SRS, Effective April 1, 1973, all purchased services must be provided under agreements which meet the requirements of this paragraph. A written agreement or written instructions which meet the requirements of this paragraph must also be executed or issued by the single State or local agency where services are provided under the plan directly by the State or local agency in respect to activities added by reorganization of administrative structure, redesignation of the State or local agency, or otherwise, occurring after February 15, 1973, or are provided by any public agency as to which a waiver of the single State agency requirement pursuant to section 204 of the Intergovernmental Cooperation Act is granted after February 15, 1973. These written purchase of service agreements and other written agreements or instructions are subject to prior review and approval by the SRS Regional Office to the extent prescribed in, and in accordance with, instructions issued by SRS;

(3) Provide that services will be purchased only if such services are not available without cost;

(4) Provide that purchase of services from individuals will be documented as to type, cost, and quantity. If an individual acts as an agent for other providers, he must enter into a formal purchase of services agreement with the State or local agency in accordance with paragraph (a) (2) of this section;

(5) Provide that overall planning for purchase of services, and monitoring and evaluation of purchased services, must be done directly by staff of the State or local agency;

(6) Provide that the State or local agency will determine the eligibility of individuals for services and will authorize

the types of services to be provided to each individual and specify the duration of the provision of such services to each individual;

(7) Assure that the sources from which services are purchased are licensed or otherwise meet State and Federal standards;

(8) (i) Provide for the establishment of rates of payment for such services which do not exceed the amounts reasonable and necessary to assure quality of service, and in the case of services purchased from other public agencies, are in accordance with the cost reasonably assignable to such services;

(ii) Describe the methods used in establishing and maintaining such rates; and

(iii) Indicate that information to support such rates of payment will be maintained in accessible form; and

(9) Provide that, where payment for services is made to the recipient for payment to the vendor, the State or local agency will specify to the recipient the type, cost, quantity, and the vendor of the service, and the agency will establish procedures to insure proper delivery of the service to, and payment by, the recipient.

(b) In the case of services provided, by purchase, as emergency assistance to needy families with children under title IV-A, the State plan may provide for an exception from the requirements in paragraphs (a) (2), (4), (7), and (8) of this section, but only to the extent and for the period necessary to deal with the emergency situation.

(c) All other requirements governing the State plan are applicable to the purchase of services, including:

(1) General provisions such as those relating to single State agency, grievances, safeguarding of information, civil rights, and financial control and reporting requirements; and

(2) Specific provisions as to the programs of services such as those on required services, statewide, maximum utilization of other agencies providing services, and relating services to defined goals.

#### Subpart B—Federal Financial Participation TITLES I, IV-A, X, XIV, AND XVI

##### § 221.51 General.

Federal financial participation is available for expenditures under the State plan which are:

(a) Found by the Secretary to be necessary for the proper and efficient administration of the State plan;

(b) (1) For services under the State plan provided in accordance with the individual service plan to families and individuals included under the State plan who have been determined (and redetermined) to be eligible pursuant to the provisions of this part;

(2) For other activities which are essential to the management and support of such services;

(3) For emergency assistance in the form of services to needy families with



children (see § 233.120 of this chapter); and

(c) Identified and allocated in accordance with SRS instructions and OMB Circular A-87.

**§ 221.52 Expenditures for which Federal financial participation is available.**

Federal financial participation is available in expenditures for:

(a) Salary, fringe benefits, and travel costs of staff engaged in carrying out service work or service-related work;

(b) Costs of related expenses, such as equipment, furniture, supplies, communications, and office space;

(c) Costs of services purchased in accordance with this part;

(d) Costs of State advisory committees on day care services for children, including expenses of members in attending meetings, supportive staff, and other technical assistance;

(e) Costs of agency staff attendance at meetings pertinent to the development or implementation of Federal and State service policies and programs;

(f) Cost to the agency for the use of volunteers;

(g) Costs of operation of agency facilities used solely for the provision of services, except that appropriate distribution of costs is necessary when other agencies also use such facilities in carrying out their functions, as might be the case in comprehensive neighborhood service centers;

(h) Costs of administrative support activities furnished by other public agencies or other units within the single State agency which are allocated to the service programs in accordance with an approved cost allocation plan or an approved indirect cost rate as provided in OMB Circular A-87;

(i) With prior approval by SRS, costs of technical assistance, surveys, and studies, performed by other public agencies, private organizations, or individuals to assist the agency in developing, planning, monitoring, and evaluating the services program when such assistance is not available without cost;

(j) Costs of advice and consultation furnished by experts for the purpose of assisting staff in diagnosis and in developing individual service plans;

(k) Costs of emergency assistance in the form of services under title IV-A;

(l) Costs incurred on behalf of an individual under title I, X, XIV or XVI for securing guardianship or commitment (e.g., court costs, attorney's fees and guardianship or other costs attendant on securing professional services);

(m) Costs of public liability and other insurance protection; and

(n) Other costs, upon approval by SRS.

**§ 221.53 Expenditures for which Federal financial participation is not available.**

Federal financial participation is not available under this part in expenditures for:

(a) Carrying out any assistance payments functions, including the assist-

ance payments share of costs of planning and implementing the separation of services from assistance payments;

(b) Activities which are not related to services provided by agency staff or volunteers, by arrangements with other agencies, organizations, or individuals, at no cost to the service program, or by purchase;

(c) Purchased services which are not secured in accordance with this part;

(d) Construction and major renovations;

(e) Vendor payments for foster care (they are assistance payments);

(f) Issuance of licenses or the enforcement of licensing standards;

(g) Education programs and services that are normally provided by the regular school system;

(h) Housing and relocation costs, including construction, renovation or repair, moving of families or individuals, rent, deposits, and home purchase;

(i) Medical, mental health, or remedial care or services, except when they are:

(1) Part of the family planning services under title IV-A, including medical services or supplies for family planning purposes;

(2) Medical examinations for persons caring for children under agency auspices, and are not otherwise available; or

(3) For medical (including psychiatric) diagnostic assessments necessary to the development of a service plan for an individual;

(j) Subsistence and other maintenance assistance items even when such items are components of a comprehensive program of a service facility;

(k) Transportation which is provided under the State's title XIX plan;

(l) Effective January 1, 1974, costs of employment services (non-WIN) under title IV-A provided to persons who are eligible to participate in WIN under title IV-C of the Act, unless the WIN program has not been initiated in the local jurisdiction; and

(m) Other costs not approved by SRS.

**§ 221.54 Rates and amounts of Federal financial participation.**

(a) *Federal financial participation at the 75 percent rate.* (1) For States with a State plan approved as meeting the requirements of Subpart A of this part, and that have in operation an approved separated service system in accordance with § 205.102 of this chapter, Federal financial participation at the rate of 75 percent is available for all matchable direct costs of the separated service system, plus all indirect costs which have been allocated in accordance with an approved cost allocation plan and with the requirements of OMB Circular A-87.

(2) For States with a State plan approved as meeting the requirements of Subpart A of this part, but that do not have in operation an approved separated service system in accordance with § 205.102 of this chapter, the rate of Federal financial participation is governed by the regulations in Parts 220 and 222 of this chapter as in effect on January 1,

1972, for all matchable direct costs of the services program, plus all indirect costs which have been allocated in accordance with an approved cost allocation plan and with the requirements of OMB Circular A-87.

(b) *Federal financial participation for purchased services.* (1) Federal financial participation is available in expenditures for purchase of service under the State plan to the extent that payment for purchased services is in accordance with rates of payment established by the State which do not exceed the amounts reasonable and necessary to assure quality of service and, in the case of services purchased from other public agencies, the cost reasonably assignable to such services, provided the services are purchased in accordance with the requirements of this part.

(2) Services which may be purchased with Federal financial participation are those for which Federal financial participation is otherwise available under title I, IV-A, X, XIV, or XVI of the Act and which are included under the approved State plan, except as limited by the provisions of paragraph (6)(3) of this section.

(3) Effective March 1, 1973, Federal financial participation is available for a new purchase of services from another public agency only for services beyond those represented by fiscal year 1972 expenditures of the provider agency (or its predecessors) for the type of service and the type of persons covered by the agreement. A new purchase of service from another public agency is any purchase of services other than a purchase for the type of service and the type of persons covered by an agreement that was validly subject to Federal financial participation under title I, IV-A, X, XIV, or XVI prior to February 16, 1973.

**EXAMPLE:** The welfare agency makes an agreement for purchase of services from another public agency. In the year ended June 30, 1972, there was no purchase arrangement, and such other agency expended \$100,000 in non-Federal funds in furnishing the type of services to the type of persons covered by the agreement. In the year ending June 30, 1974, Federal financial participation will be available only to the extent that the expenditures of such other agency for these purposes from non-Federal sources are expanded. If the total expenditures are \$100,000 or less, there will be no Federal payments. If the total expenditures are over \$100,000, Federal financial participation will be available only in the excess over \$100,000. Thus, if total expenditures are \$200,000, the Federal share at 75 percent of expansion would be \$75,000. For a new purchase in the period February 16 through June 30, 1973, for the purpose of computing the Federal financial participation for the remainder of the fiscal year ending June 30, 1973, the total fiscal year 1972 expenditures of \$100,000 are prorated. Thus, if the new purchase went into effect on April 1, 1973, Federal financial participation for the April-June 1973 quarter would be available only in the excess over \$25,000 for that quarter.

(4) The provisions of paragraph (b)(3) of this section also apply to services provided, directly or through purchase, by:

(1) Any public agency as to which a waiver of the single State agency requirement pursuant to section 204 of the



Intergovernmental Cooperation Act is granted after February 15, 1973, or

(ii) The State or local agency, as to activities added by reorganization of administrative structure, redesignation of the State or local agency, or otherwise, occurring after February 15, 1973.

**§ 221.55 Limitations on total amount of Federal funds payable to States for services.**

(a) The amount of Federal funds payable to the 50 States and the District of Columbia under titles I, IV-A, X, XIV, and XVI for any fiscal year (commencing with the fiscal year beginning July 1, 1972) with respect to expenditures made after June 30, 1972 (see paragraph (b) of this section), for services (other than WIN Support Services, and emergency assistance in the form of services, under title IV-A) is subject to the following limitations:

(1) The total amount of Federal funds paid to the State under all of the titles for any fiscal year with respect to expenditures made for such services shall not exceed the State's allotment, as determined under paragraph (c) of this section; and

(2) The amounts of Federal funds paid to the State under all of the titles for any fiscal year with respect to expenditures made for such services shall not exceed the limits pertaining to the types of individuals served, as specified under paragraph (d) of this section.

Notwithstanding the provisions of paragraphs (c) (1) and (d) of this section, a State's allotment for the fiscal year commencing July 1, 1972, shall consist of the sum of:

(i) An amount not to exceed \$50 million payable to the State with respect to the total expenditures incurred, for the calendar quarter beginning July 1, 1972, for matchable costs of services of the type to which the allotment provisions apply, and

(ii) An amount equal to three-fourths of the State's allotment as determined in accordance with paragraphs (c) (1) and (d) of this section.

However, no State's allotment for such fiscal year shall be less than it would otherwise be under the provisions of paragraphs (c) (1) and (d) of this section.

(b) For purposes of this section, expenditures for services are ordinarily considered to be incurred on the date on which the cash transactions occur or the date to which allocated in accordance with OMB Circular A-87 and cost allocation procedures prescribed by SRS. In the case of local administration, the date of expenditure by the local agency governs. In the case of purchase of services from another public agency, the date of expenditure by such other public agency governs. Different rules may be applied with respect to a State, either generally or for particular classes of expenditures, only upon justification by the State to the Administrator and approval by him. In reviewing State requests for approval, the Administrator

will consider generally applicable State law, consistency of State practice, particularly in relation to periods prior to July 1, 1972, and other factors relevant to the purposes of this section.

(c) (1) For each fiscal year (commencing with the fiscal year beginning July 1, 1972) each State shall be allotted an amount which bears the same ratio to \$2,500 million as the population of such State bears to the population of all the States.

(2) The allotment for each State will be promulgated for each fiscal year by the Secretary between July 1 and August 31 of the calendar year immediately preceding such fiscal year on the basis of the population of each State and of all of the States as determined from the most recent satisfactory data available from the Department of Commerce at such time.

(d) Not more than 10 percent of the Federal funds shall be paid with respect to expenditures in providing services to individuals (eligible for services) who are not recipients of aid or assistance under State plans approved under such titles, or applicants for such aid or assistance, except that this limitation does not apply to the following services:

(1) Services provided to meet the needs of a child for personal care, protection, and supervision (as defined under day care services for children) but only in the case of a child where the provision of such services is needed in order to enable a member of such child's family to accept or continue in employment or to participate in training to prepare such member for employment, or because of the death, continued absence from the home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate care and supervision for such child;

(2) Family planning services;

(3) Any services included in the approved State plan that are provided to an individual diagnosed as mentally retarded by a State mental retardation clinic or other agency or organization recognized by the State agency as competent to make such diagnoses, or by a licensed physician, but only if such services are needed as part of an individual service plan for such individual by reason of his condition of being mentally retarded;

(4) Any services included in the approved State plan provided to an individual who has been diagnosed by a licensed physician as a drug addict or alcoholic, but only if such services are needed by such individual under an individual service plan as part of a program of active treatment of his condition as a drug addict or an alcoholic; and

(5) Foster care services for children when needed by a child under an individual service plan because he is under foster care.

**§ 221.56 Rates and amounts of Federal financial participation for Puerto Rico, the Virgin Islands, and Guam.**

(a) For Puerto Rico, the Virgin Islands, and Guam, the basic rate for Federal fi-

nancial participation for Family Services and WIN Support Services under title IV-A is 60 percent. However, effective July 1, 1972, the rate is 50 percent for emergency assistance in the form of services.

(b) For family planning services and for WIN Support Services, the total amount of Federal funds that may be paid for any fiscal year shall not exceed \$2 million for Puerto Rico, \$65,000 for the Virgin Islands, and \$90,000 for Guam. Other services are subject to the overall payment limitations for financial assistance and services under titles I, IV-A, X, XIV, and XVI, as specified in section 1108(a) of the Social Security Act.

(c) The rates and amounts of Federal financial participation set forth in § 221.54 (a) and (b) of this chapter apply to Puerto Rico, the Virgin Islands and Guam, except that the 60-percent rate of Federal financial participation is substituted as may be appropriate. The limitation in Federal payments in § 221.55 of this chapter does not apply.

**TITLES I, IV-A, IV-B, X, XIV, AND XVI**

**§ 221.61 Public sources of State's share.**

(a) Public funds, other than those derived from private resources, used by the State or local agency for its services programs may be considered as the State's share in claiming Federal reimbursement where such funds are:

(1) Appropriated directly to the State or local agency; or

(2) Funds of another public agency which are:

(i) Transferred to the State or local agency and are under its administrative control; or

(ii) Certified by the contributing public agency as representing current expenditures for services to persons eligible under the State agency's services programs, subject to all other limitations of this part.

Funds from another public agency may be used to purchase services from the contributing public agency, in accordance with the regulations in this part on purchase of services.

(b) Public funds used by the State or local agency for its services programs may not be considered as the State's share in claiming Federal reimbursement where such funds are:

(1) Federal funds, unless authorized by Federal law to be used to match other Federal funds;

(2) Used to match other Federal funds; or

(3) Used to purchase services which are available without cost.

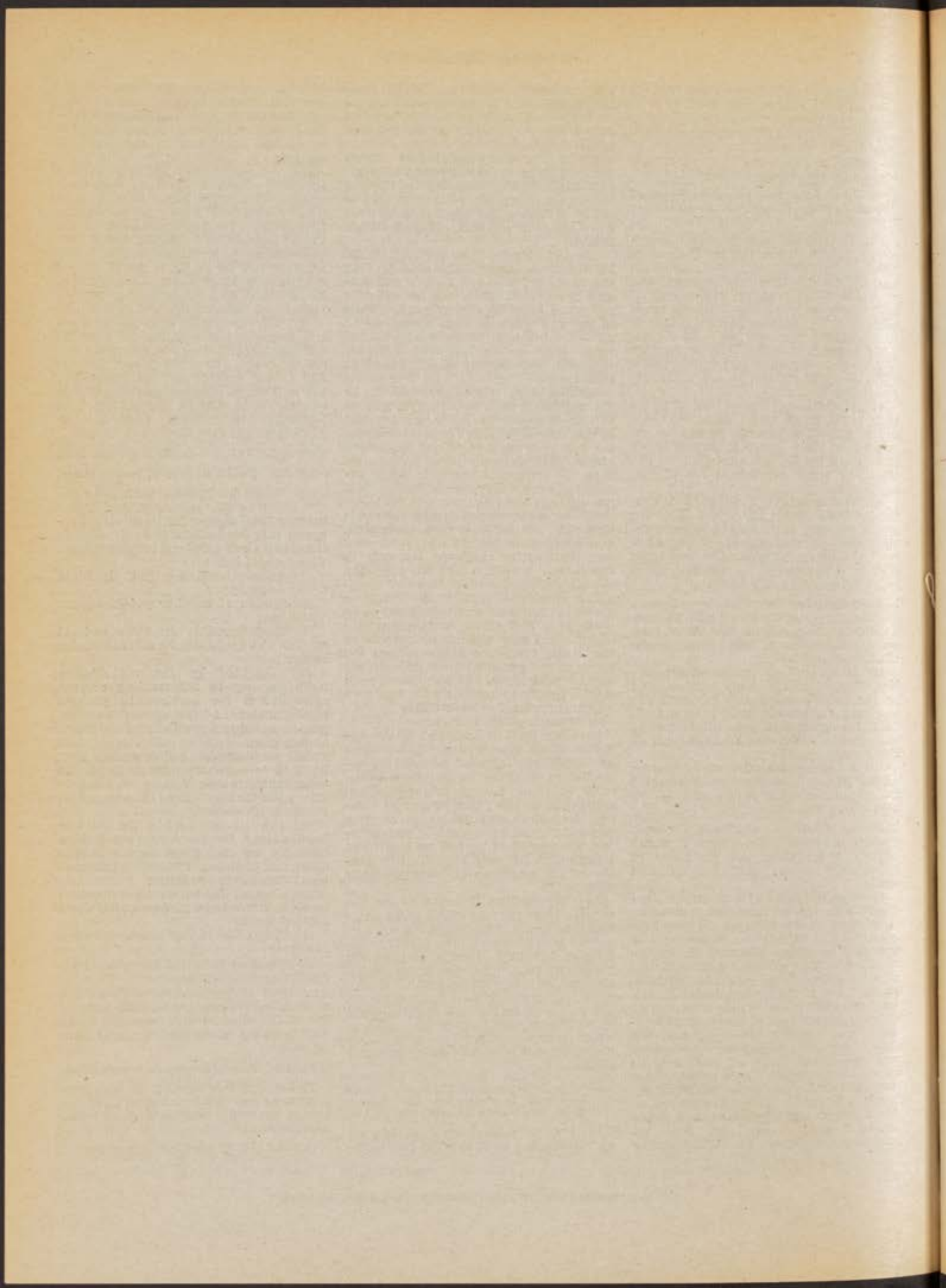
In respect to purchase of services from another public agency, see also § 221.54 (b) of this chapter with respect to rates and amounts of Federal financial participation.

**§ 221.62 Private sources of State's share.**

Donated private funds or in-kind contributions may not be considered as the State's share in claiming Federal reimbursement.

[PR Doc.73-3140 Filed 2-15-73;8:45 am]







# Federal register

FRIDAY, FEBRUARY 16, 1973

Volume 38 ■ Number 32

PART III



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## DEPARTMENT OF LABOR

Employment Standards  
Administration



Minimum Wages for Federal  
and Federally Assisted  
Construction

Area Wage Determination Decisions,  
Modifications, and Supersedeas  
Decisions



## DEPARTMENT OF LABOR

## Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND  
FEDERALLY ASSISTED CONSTRUCTIONModifications and Supersedeas Decisions  
to Area Wage Determination Decisions

*Area wage determination decisions.* Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used

in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

*Modifications and supersedeas decisions to area wage determination decisions.* Modifications and Supersedeas Decisions to Area Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing 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 specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-

explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original Area Wage Determination Decision.

*Set forth below in this document are the following.* New Area Wage Determination Decisions numbers AP-470 for Massachusetts, AP-156 for North Carolina, and AP-157 for South Carolina.

Modifications to Area Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

California	AP-235, Sept. 15, 1972.
Georgia	AP-148; AP-149, Jan. 12, 1973.
Illinois	AP-616; AP-619, Feb. 2, 1973. AP-617; AP-618, Jan. 26, 1973.
Louisiana	AP-362, Dec. 1, 1972.
Massachusetts	AP-456; AP-457; AP-458; AP-459; AP-460; AP-461, Jan. 19, 1973.
Michigan	AP-76; AP-77; AP-78, Dec. 22, 1972.
New Jersey	AM-1706, Aug. 11, 1971.
Ohio	AM-420, Aug. 18, 1971.
Pennsylvania	AM-8323, June 16, 1972. AM-9681, Feb. 25, 1972. AP-404; AP-408, July 28, 1972.
Texas	AP-390; AP-391; AP-394, Jan. 26, 1973. AP-399, Feb. 2, 1973.

Supersedeas Decisions to Area Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; the Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded):

Arkansas	AP-319 (AP-703), Aug. 25, 1972.
Louisiana	AP-351 (AP-704), Sept. 29, 1972.
Mississippi	AM-8618 (AP-158); AM-8619 (AP-159), June 2, 1972.
South Dakota	AP-202 (AP-262), July 7, 1972.

Signed at Washington, D.C., this 9th day of February 1973.

BEN P. ROBERTSON,  
Acting Administrator,  
Wage and Hour Division.



NEW EDITION

STATE: Massachusetts  
 DECISION NO.: AP-470  
 DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTY: Hampden  
 DATE: Date of Publication

AP-470 F. 2  
 7-B-MASS-1-D 2 of 2

## 7-B-MASS-1-D 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		M & W	Pensions	Vacation	App. Tc.	Others
Asbestos workers	\$7.60	.34	.15		.01	
Bricklayers	8.60	.45	.40		.02	
Carpenters:						
Hollyoke	8.33	.35	.30	d	.02	
Remainder of County	8.28	.35	.35	d	.02	
Cement masons	6.90					
Drywall applicator	7.50					
Drywall finisher	7.50					
Electricians:						
Hollyoke, Chester	8.35	.35	12+.20		.01	
Remainder of County	6.80	.20	12+.15		c	
Glaziers	7.61					
Ironworkers, structural & ornamental	7.61	.20	.85		.07	
Ironworkers, reinforcing	7.41	.20	.85		.07	
Laborers:						
Hollyoke & Williamsett:						
Laborers	6.20	.30	.30		.05	
Mason tenders	6.45	.30	.30		.05	
Remainder of County:						
Laborers	6.20	.30	.25		.05	
Mason tenders	6.45	.30	.25		.05	
Plasterers' tenders	6.45	.30	.25		.05	
Lathers	7.60	.45	.25			
Painters, brush	5.25	.30	.25		.02	
Plasterers	8.60	.45	.40		.01	
Plumbers	8.67	.31	.50	a		
Roofers	7.875	.51	.31			
Sheet metal workers	8.58	.40	.65		.02	
Soft floor layers	6.02					
Tile setters	5.73					
Truck drivers	4.67					
Power Equipment Operators:						
Backhoe	7.10					
Bucket loader	6.90					
Bulldozer	7.30	.35	.50	b	.05	
Crane	7.75	.35	.50	b	.05	
Forklift	6.43					
Gradall	7.95					
Grader	7.50	.35	.50	b	.05	
Hoist	7.10					
Miller	5.75	.35	.50	b	.05	
Paver	7.30	.35	.50	b	.05	
Pump	7.00					
Roller	4.00					
Shovel	5.00					
Shovel-doser	4.00					
Tractor	5.00					
Trenching machine	5.40					

## PAID HOLIDAYS:

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

## FOOTNOTES:

- a. Paid Holiday: Independence Day provided employee has been employed 7 days prior to the holiday for the same employer.  
 b. Holidays: A through F, Veterans' Day and Columbus Day.  
 c. \$15 per man per week.  
 d. 1 paid Holiday - Labor Day.



## NEW DECISION

STATE: North Carolina

COUNTIES: Statewide

DECISION NO.: AF-156

DATE: Date of Publication

DESCRIPTION OF WORK: Sewer and Water Construction

	Basic Hourly Rate	Fringe Benefits Payments			
		H & W	Pension	Vacation	App. To Others
Bricklayers	\$4.48				
Carpenters	3.43				
Cement Masons	3.43				
Electricians	5.00				
Ironworkers:					
Reinforcing	2.50				
Structural	4.00				
Laborers:					
Laborers	2.00				
Pipelayers	2.77				
Powderman	2.50				
Machinists	2.75				
Millwrights	3.69				
Painters	2.25				
Piledrivers	2.62				
Pipefitters	4.10				
Power Equipment Operators:					
Air Drill Operators	2.87				
Air Track	3.625				
Ballastmen	2.95				
Backhoe	3.36				
Chain Saw	2.25				
Compaction Machine	3.25				
Crane & Dragline	3.62				
Equipment Mechanics	3.53				
Front End Loader	3.14				
Grapple	2.60				
Motor Grader	3.20				
Oiler	3.00				
Pump Operator	2.75				
Paving Machines	2.65				
Rollers	2.25				
Tamping Machines	2.79				
Trenching Machines	2.75				
Truck Drivers	2.25				
Welders	4.00				



## NEW DECISION

STATE: South Carolina

COUNTIES: Statewide

DECISION NO.: AP-157

DATE: Date of Publication

DESCRIPTION OF WORK: Sewer and Water Construction

	Basic Hourly Rate	Fringe Benefits Payments			
		H & V	Pensions	Vacation	App. Tr.
Bricklayers	\$4.75				
Carpenters	3.44				
Cement Masons	3.01				
Electricians	5.05				
Ironworkers:					
Reinforcing	2.49				
Structural	3.08				
Laborers:					
Laborers	2.19				
Pipelayers	2.50				
Powdermen	2.925				
Machinists	3.37				
Millwrights	3.16				
Painters	3.00				
Piledrivermen	2.35				
Pipefitters	3.51				
Power Equipment Operators:					
Air Drill Operators	2.64				
Bulldozers	3.00				
Backhoe Operators	3.33				
Crane & Dragline	3.69				
Equipment Mechanics	3.10				
Front End Loader	3.13				
Hoist	3.58				
Gradall	3.50				
Motor Grader	3.38				
Oiler	3.50				
Pump Operator	2.52				
Paving Machine	2.70				
Roller Operators	2.925				
Scrapers	4.00				
Tractor	2.83				
Trenching Machine	2.91				
Truck Drivers	2.41				
Welders	3.75				







MODIFICATIONS P. 4

MODIFICATIONS P. 3

DECISION #AP-235 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
Roofers (cont'd): Butte, Colusa, Eldorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Tuba Counties	7.54	.50	.40			
Soft floor layers: Lake, Marin, Mendocino, San Francisco, San Mateo and Sonoma Cos.	7.60	.45	.45	.05		
Terrazzo Workers: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Counties	7.89	.83	.58	1.00		
Tile setters: Fresno, Kings, Madera and Tulare Cos.	6.97	.30				
Tile setters: Fresno, Kings, Madera & Tulare Cos. Monterey and Santa Cruz Counties	6.97 8.02	.30 .67	.635			
Add: Painters: Del Norte & Humboldt Counties	6.40	.35	.20			
Brush Paperhangers; Spray; Steel; Tapers	6.65	.35	.20			
Omit Footnotes: i. Employer contributes \$.28 per hour to Holiday Fund. j. Employer contributes \$2.00 per month per apprentice employed.						
Footnotes: h. Employer contributes \$.75 1st 5 years; \$.90 after 5 years to Vacation and Holiday Fund.						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
DECISION #AP-148 - Mod. #1 (38 FR 1157 - January 12, 1973) Chatam County, Georgia	\$6.20 6.70 6.35	.35 .35 .35				
Change: Building Construction: Carpenters: Carpenters and Soft Floor layers Millwrights Pile-drivemen	6.15					
Laborers: Unskilled Mason tenders Mortar Mixers Air tool and vibrator op. Plasterers' tenders Pipe layers	3.40 3.55 3.65 3.55 3.55 3.65	.15 .15 .15 .15 .15 .15				
DECISION #AP-149 - Mod. #1 (38 FR 1453 - January 12, 1973) Fulton, Cobb and DeKalb Counties, Georgia	4.85 4.97 5.07 5.15 5.35 5.75 5.60	.15 .15 .15 .15 .15 .15 .15	.20 .20 .20 .20 .20 .20 .20			
Change: Building Construction: Laborers: Group A Group B Group C Group D Group E Group F Group G						
Power Equipment Operators: Group A Group B Group C Group D Group E Group F Group G	7.30 6.93 5.83 6.08 5.28 5.63 4.61	.25 .25 .25 .25 .25 .25 .25	.15 .15 .15 .15 .15 .15 .15			
DECISION #AP-616 - Mod. #1 (38 FR 2385 February 2, 1973) Rock Island County, Illinois						
Change: Laborers - Building Common Laborers Air, Electric, Gas, Tool Operators Caisson Workers Dynamite Men Tunnel Miner	\$5.90 6.10 6.40 6.40 6.40	.20 .20 .20 .20 .20	.20 .20 .20 .20 .20			



Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. To	
Change: Laborers - Building Wood River Common Laborer Laying sewer & all sewer work Well digging, machine & nozzle opr. on gunnite Granite City, Madison, Venice Hesselt & Mitchell Common Laborers Oxygen Lancing Cutting, Burning & Welding Plasterers' & Brickmasons Tenders Dynamite & Powdermen Dynamite & Powdermen helpers Collinsville Burning & Cutting w/torch 2-men Baking & luting asphalt Dropping & wrapping of pipe Men working on the bottom of sewer trenches on the final grading, laying or caulking of performed sectional pipe Power Saw Operators Any work performed in/or all cased wells Edwardsville Common Laborer Men working in sewer work from Building to main sewer Men working in main sewer ditch Plaster & mason tender & related work Dynamite & powder men Dynamite & powder men helpers Glen Carbon Common Laborer Work in sewer ditch Handling crosscut materials Cutting torch Mason tender & related work Plaster tender & related work Dynamite men Dynamite men helpers Laborers - Heavy Schedule					
\$7.55		.30		.035	
7.65		.30		.035	
7.80		.30		.035	
7.20	.30	.35		.035	
7.725	.30	.35		.035	
7.475	.30	.35		.035	
7.70	.30	.35		.035	
8.725	.30	.35		.035	
7.725	.30	.35		.035	
7.90		.20		.035	
7.90		.20		.035	
7.90		.20		.035	
7.90		.20		.035	
7.90		.20		.035	
7.90		.20		.035	
7.60		.25		.035	
7.70		.25		.035	
7.85		.25		.035	
8.10		.25		.035	
9.125		.25		.035	
8.125		.25		.035	
7.30	.35	.20		.035	
7.40	.35	.20		.035	
7.55	.35	.20		.035	
7.55	.35	.20		.035	
7.80	.35	.20		.035	
7.80	.35	.20		.035	
8.825	.35	.20		.035	
7.825	.35	.20		.035	

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. To	
Clinton Co.; Trenton & vic.; Jersey Co.; Macoupin Co.; Carlinville, Girard & Palmyra & Vic. Common laborers All brick & plaster masons tenders Workmen cutting & burning w/s torch Men working on the bottom of sewer trenches on the final grading, laying or caulking or preformed sectional sanitary or storm sewer pipe (including reinforced con- crete tile, but not including man- culverts, tin whistles or mul- tiplate culverts) Dynamite men Macoupin Co.; Gillespie, Mr. Olive, Shipman & Staunton & vicinities Madison Co.; Highland, Livingston, St. Jacobs & vicinities; Randolph Co.; St. Clair Co.; Lenoir & vic. & Washington Co. Common laborers All brick & plaster masons tenders Workmen cutting & burning w/s torch Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced con- crete tile, but not including box culverts, tin whistles or multiplate culverts). Dynamite men Madison; Marine; Bond; Calhoun; Clinton (New Baden & vic) Common laborers All brick & plaster masons tenders Workmen cutting & burning w/s torch trenches on the bottom of sewer laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced con- crete tile, but not including box culverts, tin whistles or multiplate culverts) Dynamite men					
\$7.30		.20		.035	
7.80		.20		.035	
7.55		.20		.035	
7.55		.20		.035	
8.90		.20		.035	
7.50		.20		.035	
8.00		.20		.035	
7.75		.20		.035	
7.75		.20		.035	
9.10		.20		.035	
7.30		.20		.035	
7.80		.20		.035	
7.55		.20		.035	
7.55		.20		.035	
8.90		.20		.035	



MODIFICATIONS P. 8.

MODIFICATIONS P. 7

Illinois-24-JAB-2 P. 2 of 2

DECISION #AP-517 (Cont'd)

## LABORERS HEAVY CONSTRUCTION (CONT'D)

## Greene County

Common laborers  
All brick & plaster masons tenders  
Work cutting & burning w/s torch  
Men working on the bottom of sewer  
trenches on the final grading,  
laying or caulking or preformed  
sectional sanitary or storm sewer  
pipe (including reinforced con-  
crete tile, but not including box  
culverts, tin whistles or mal-  
tiple culverts.)  
Dynamite men

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Vacation	App. Tn.	On
\$7.40 7.90 7.75		.20 .20	.035 .035 .035	
7.75 9.10		.20 .20	.035 .035	

DECISION #AP-518 - Mod. #1  
(38 FR 2563-January 26, 1973)  
Madison County, Illinois

## Change:

Laborers  
Wood River  
Common Laborer  
Laying sewer & all sewer work  
Well digging, machine & nozzle  
opr. on dynamite  
Granite City, Madison, Venice  
Beverly & Mitchell  
Common Laborers  
Oxygen Lancing  
Cutting, burning & welding  
Plasterers & Brickmasons  
Tenders  
Dynamite & Powdermen  
Dynamite & Powdermen helpers  
Collinsville  
Burning & cutting w/torch 2-men  
Baking & luting asphalt  
Dropping & wrapping of pipe  
Men working on the bottom of  
sewer trenches on the final  
grading, laying or caulking of  
performed sectional pipe  
Power Saw Operators  
Any work performed in/or all  
cased wells  
Edwardsville  
Common Laborer  
Men working in sewer work from  
Building to main sewer  
Men working in main sewer ditch  
Plaster & mason tender & related  
work  
Dynamite & powder men  
Dynamite & powder men helpers  
Glen Carbon  
Common laborer  
Work in sewer ditch  
Handling creosoted materials  
Cutting torch  
Mason tender & related work  
Plaster tender & related work  
Dynamite men  
Dynamite men helpers

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Vacation	App. Tn.	✓ On
\$7.55 7.65 7.80		.30 .30 .30	.035 .035 .035	
7.20 7.225 7.475	.30 .30 .30	.35 .35 .35	.035 .035 .035	
7.70 8.725 7.725	.30 .30 .30	.35 .35 .35	.035 .035 .035	
7.90 7.90 7.90	.20 .20 .20	.20 .20 .20	.035 .035 .035	
7.90 7.90 7.90		.20 .20 .20	.035 .035 .035	
7.60 7.70 7.85	.25 .25 .25	.25 .25 .25	.035 .035 .035	
8.10 9.125 8.125		.25 .25 .25	.035 .035 .035	
7.30 7.40 7.55	.35 .35 .35	.20 .20 .20	.035 .035 .035	
7.55 7.80 7.80	.35 .35 .35	.20 .20 .20	.035 .035 .035	
8.825 7.825	.35 .35	.20 .20	.035 .035	



## MODIFICATIONS P. 9

DECISION #AP-519 - Mod. #1  
(38 FR 3255 - February 2, 1973)  
Saint Clair County, Illinois

## CHANGE:

## LABORERS HEAVY CONSTRUCTION:

Clinton Co.; Trenton & vic.; Jersey  
Co.; Macoupin Co.; Carlinville,  
Girard & Palmyra & Vic.

Common laborers  
All brick & plaster masons tenders  
Workmen cutting & burning w/s torch  
Men working on the bottom of sewer  
trenches on the final grading,  
laying or caulking or preformed  
sectional sanitary or storm sewer  
pipe (including reinforced con-  
crete tile, but not including mul-  
tiplate culverts)  
Dynamite men

Macoupin Co.; Gillespie, Mt. Olive,  
Shiloh & Staunton & vicinites  
Madison Co.; Highland, Livingston,  
St. Jacobs & vicinites; Randolph Co.;  
St. Clair Co.; Lenzberg & vic. &  
Washington Co.

Common laborers  
All brick & plaster masons tenders  
Workmen cutting & burning w/s torch  
Men working on the bottom of sewer  
trenched on the final grading,  
laying or caulking or preformed  
sectional sanitary or storm sewer  
pipe (including reinforced con-  
crete tile, but not including  
box culverts, tin whistles or mul-  
tiplate culverts).

Dynamite men  
Madison; Marine; Bond; Calhoun; Clinton  
(New Baden & vic.)

Common laborers  
All brick & plaster masons tenders  
Workmen cutting & burning w/s torch  
Men working on the bottom of sewer  
trenches on the final grading,  
laying or caulking or preformed  
sectional sanitary or storm sewer  
pipe (including reinforced con-  
crete tile, but not including  
box culverts, tin whistles or  
multiplate culverts)  
Dynamite men

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Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. To
\$7.30		.20		.035
7.80		.20		.035
7.55		.20		.085
7.55		.20		.035
8.90		.20		.035
7.50		.20		.035
8.00		.20		.035
7.75		.20		.035
7.75		.20		.035
9.10		.20		.035
7.30		.20		.035
7.80		.20		.035
7.55		.20		.035
7.55		.20		.035
8.90		.20		.035

DECISION #AP-619 (Cont'd)

## LABORERS HEAVY CONSTRUCTION (CONTD)

Greene County

Common laborers  
All brick & plaster masons tenders  
Work cutting & burning w/s torch  
Men working on the bottom of sewer  
trenches on the final grading,  
laying or caulking or preformed  
sectional sanitary or storm sewer  
pipe (including reinforced con-  
crete tile, but not including box  
culverts, tin whistles or mul-  
tiplate culverts.)  
Dynamite men

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. To
\$7.40		.20		.035
7.90		.20		.035
7.75		.20		.035
7.75		.20		.035
9.10		.20		.035

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DECISION #AP-352 - Mod. #2  
(37 FR 25636 - December 1, 1972)

East Baton Rouge Parish, Louisiana

Change:  
Lathers

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. To
\$6.05		.15		.01



DECISION #AP-456 - Mod. #1  
(38 FR 2051 - January 19, 1973)  
Barnstable County, Massachusetts

Change:  
Building, heavy & highway construction;  
Carpenters; Soft floor layers

DECISION #AP-457 - Mod. #1  
(38 FR 2054 - January 19, 1973)  
Essex County, Massachusetts

Change:  
Building, heavy & highway construction;  
Electricians;

Lynn, Lynnfield, Nahant, Saugus, & Swampscott  
Plumbers; Steamfitters;  
Lynn, Lynnfield, Nahant, Saugus, & Swampscott  
Steamfitters

Omit:  
Building, heavy & highway construction;  
Carpenters; Soft floor layers;

Amesbury, Boxford, Georgetown, Groveland, Haverhill, Lynn, Lynnfield, Merrimac, Nahant, Newbury, Newburyport, Rowley, Salisbury, Saugus, Swampscott, & West Newbury

Add:  
Building, heavy & highway construction;  
Carpenters; Soft floor layers;

Amesbury, Boxford, Georgetown, Groveland, Haverhill, Lynn, Lynnfield, Merrimac, Nahant, Newbury, Newburyport, Rowley, Salisbury, Saugus, Swampscott, & West Newbury

Change:  
Power equipment operators' schedules (Building) and (Heavy & Highway)

MASS-2-7EO-1-S 1 of 2

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Vacation	App. Tr.	Other		H & W	Vacation	App. Tr.	Other
\$7.90	.35	.40			\$7.95	.35	.50		.05
9.10	.35	154.95			7.75	.35	.50		.05
9.26	.51	.65							
8.20	.30	.30		.01					
8.73	.30	.30		.02					



## MODIFICATIONS P. 13

DECISION #AP-458 (Cont'd)

DECISION #AP-458 (Cont'd)

MODIFICATIONS P. 14

MASS-2-FEO-2-3-J 1-2

Basic Hourly Rates	Fringe Benefits Payments				
	M & W	Pensions	Vacation	App. T.	Other
<b>BUILDING CONSTRUCTION</b>					
<b>POWER EQUIPMENT OPERATORS (cont'd.)</b>					
Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavers with Skip, McCarthy and similar drills, Batch Plants (not self-loading), Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	\$6.85	.35	.50	.05	
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.	6.48	.35	.50	.05	
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oilier, Helpers on Grease Trucks and Grease Trucks with band greasing equipment.	5.90	.35	.50	.05	
<b>PAID HOLIDAYS:</b> A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.					
<b>Footnotes:</b> a. Holidays: A through F, Veterans' Day and Columbus Day.					

Basic Hourly Rates	Fringe Benefits Payments				
	M & W	Pensions	Vacation	App. T.	Other
<b>HEAVY &amp; HIGHWAY CONSTRUCTION</b>					
<b>POWER EQUIPMENT OPERATORS:</b>					
Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Cradlers, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mocking Machine, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cuts (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.	\$7.95	.35	.50	.05	
Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.	7.75	.35	.50	.05	
Balldozer, Push Cuts, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tireman, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-Propelled Hydraulic Cranes-up to 10 ton.	7.55	.35	.50	.05	
Asphalt Roller-up to 10 ton.	7.25	.35	.50	.05	



MASS-2-FEO-2-3-1

2-2

## HEAVY &amp; HIGHWAY CONSTRUCTION

## POWER EQUIPMENT OPERATORS:

Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker and Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.

Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil.

Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines

A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.

## Footnotes:

a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

Basic Hourly Rates	Fringe Benefits Payments				Othrs
	H & W	Pensions	Vacation	App. Tr.	
\$6.85	.35	.50	a	.05	
6.48	.35	.50	a	.05	
5.90	.35	.50	a	.05	

## NOTICES

DECISION #AP-459 - Mod. #1  
(38 FR 2062 - January 19, 1973)  
Middlesex County, Massachusetts

Change:  
Building, heavy & highway construction:

Bricklayers; Stonemasons:  
Concord, Lexington, Lincoln,  
Waltham, Weston, & Woburn

Cement masons:  
Concord, Lexington, Lincoln,  
Waltham, & Weston

Electricians:  
Arlington, Cambridge, Concord,  
Everett, Lexington, Lincoln,  
Malden, Medford, Melrose,  
Waltham, Weston, & Woburn

Plasterers:  
Concord, Lexington, Lincoln,  
Waltham, & Weston

Steamfitters:  
Arlington, Cambridge, Everett,  
Malden, Medford, Melrose, &  
Woburn

Omit:  
Building, heavy & highway construction:

Carpenters; Soft floor layers

Add:  
Building, heavy & highway construction:

Carpenters; Soft floor layers:  
Arlington, Lexington, Melrose,  
& Woburn  
Bedford, Cambridge, Concord,  
Everett, Lincoln, Malden,  
Medford, Waltham, & Weston

DECISION #AP-460 - Mod. #1  
(38 FR 2065 - January 19, 1973)  
Suffolk County, Massachusetts

Change:  
Building, heavy & highway construction:

Carpenters; Soft floor layers  
Electricians  
Steamfitters

Basic Hourly Rates	Fringe Benefits Payments				Othrs
	H & W	Pensions	Vacation	App. Tr.	
\$8.45	.50	.50		.04	
8.45	.50	.50		.04	
9.10	.35	12+.95		.05	
8.45	.50	.50		.04	
9.26	.51	.65		.05	
8.20	.30	.30		.01	
8.75	.30	.30			
8.75	.30	.30		.02	
8.75	.30	.30			
9.10	.35	12+.95		.05	
9.26	.51	.65		.05	



## MODIFICATIONS P. 17

DECISION #AP-461 - Mod. #1  
(38 FR 2070 - January 19, 1973)  
Worcester County, Massachusetts

Change:  
Building, heavy & highway construction  
Bricklayers; Cement masons;  
Marble setters; Plasterers;  
Stonemasons; Terrazzo workers; &  
Tile setters:  
Grafton, Holden, Leicester,  
Millbury, North Grafton,  
Shrewsbury, Southbridge,  
Westboro, Whitinsville, &  
Worcester  
Carpenters; Soft floor layers:  
Fitchburg, Harvard, & Leominster  
Grafton, Holden, Lancaster,  
Leicester, Millbury, North  
Grafton, Shrewsbury, Southbridge,  
Whitinsville, Worcester  
Sheet metal workers

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
\$8.50	.50	.45		.02	
8.75	.30	.30		.02	
8.65	.40	.30		.02	
8.75	.55	.25		.05	

## MODIFICATIONS P. 18

DECISION #AP-76 - Mod. #1  
(37 FR 28372 - December 22, 1972)  
Census, Macomb, Monroe, Oakland, Washtenaw and Wayne Counties, Michigan.

## CHANGE:

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
\$6.90	.50	.55	10%		.05
6.67	.50	.55	10%		.05
6.22	.50	.55	10%		.05
6.08	.50	.55	10%		.05

Operating Engineers:  
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (bags or more), elevating graders, pile driving operators, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-grader, slip form paver, self-propelled or tractor drawn scraper, conveyor loader (euclid-type), end-loader operator (1 yd. cap. & over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt) machine, pump operator (6" discharge or over, gas, diesel powered or generator of 300 amps or larger), shouldering or gravel distributing machines (self-propelled), backhoe (with over 3/8 yd. bucket), side boom tractor (D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall (& similar type machine), asphalt planer (self-propelled), asphalt paver (self-propelled) batch plant (concrete), slurry machine (asphalt) Screening plants, washing plants, crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent), Sweeper (Wayne type and similar equip), batch plant (concrete dry batch), Air compressors (600 cu. ft. per min. or more), air compressors (two or more-less than 600 CFM), wagon drills concrete breakers, tractors (farm type with attachment) Boiler fireman, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleidplanes, graders self-propelled fine-grade of form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment (self-propelled), concrete saws (40 H.P. or over), power bins, plant drivers (asphalt) vibratory compaction equipment (6' wide or over), power driven guard post driver, mulching Equip., stump remover



DECISION #AF-77 - Mod. #1  
(37 FR 28374 - December 22, 1972)

Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Gratiot, Hillsdale, Huron, Ingham, Ionia, Jackson, Kalamazoo, Kent, Leapeer, Lenawee, Livingston, Midland, Monroe, Muskegon, Ottawa, Saginaw, Sanilac, Shiawassee, St. Clair, St. Joseph, Tuscola, and Van Buren Counties, Michigan

**Change:**

**Carpenters:**  
 Berrien (Chickering, New Buffalo & Three Oaks Townships) County  
**Power Equipment Operators:**  
 Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bag or more), elevating graders, pile driver, roller (asphalt), blade grader, trenching mach. (ladder or wheel type), auto-grader, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloader (1 yd. & over), bulldozer, hoisting Eng., tractor, finishing (asphalt), mechanic, pump (6" discharge or over, gas, diesel powered or generator 300 amp or more), shoudering or gravel distrib. Mach. (self propelled), backhoe (over 3/8 Yd. Bucket), side boom tractor (type D-4 or larger), tube finisher (slip form paving), gradeall and similar Machs., self propelled asphalt planer, concrete batch plant, asphalt slurry Mach., self propelled asphalt paver  
 Sweeper (Wayne type & similar equip.), screening plant, washing plant, crusher, backhoe (3/8 Yd bucket or less), side boom tractor (smaller than D-4 or equivalent)  
 Air compressor (600 cu ft per min. or more), air compressor (2 or more less than 600 cfm), wagon drill, concrete breaker, farm tractor w/attach. implement, fireman, Mach helper, trencher (service), flexplanes, cleftplanes, graders self propelled fine grade or form (concrete), concrete finishing mach., boom or winch hoist truck, endloader under 1 yd. cap., roller (other than asphalt) curving equip. (self propelled), concrete saw 40 HP up, power bin, asphalt plant driver, vibratory compaction equip., power driven guard post driver, mulching equip., stump remover

Basic Hourly Rates	Fringe Benefits Payments			Oth
	H & W	Pensions	Vacation	App. Tr.
\$8.66	.50	.57		.05
6.82	.50	.55	10%	.05
6.55	.50	.55	10%	.05
6.10	.50	.55	10%	.05
5.845	.50	.55	10%	.05

DECISION #AF-78 - Mod. #2  
(37 FR 28377 - December 22, 1972)

Alcona, Alpena, Alpena, Antrim, Arenac, Baraga, Benzie, Charlevoix, Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Houghton, Iosco, Iron, Isabella, Kalamazoo, Keweenaw, Lake, Leelanau, Lapeer, Mackinac, Manistee, Marquette, Mason, Mecosta, Menominee, Missaukee, Montmorency, Newagen, Oceana, Ogemaw, Ontonagon, Oshtemo, Oshtemo, Presque Isle, Roscommon, Schoolcraft and Westford Counties, Michigan

**CHANGE:****POWER EQUIPMENT OPERATORS**

Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloaders (1 yd., cap. & over), bulldozer, hoisting engine, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas diesel powered or generator of 300 amp or larger), shoudering or gravel distributing machine (self-propelled), back hoe boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradeall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt), asphalt paver (self-propelled)  
 Sweeper (Wayne type & similar equip.), screening plants, washing plants, crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)  
 Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600fm) wagon drills, concrete breaker, tractors (farm type with attachments)  
 Boiler fireman, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 h.p. or over), power bin operators, plant drivers (asphalt), vibratory compaction equipment opers. (6 ft. wide or over), guard post drivers (power driven), all mulching equipment, stump remover

Basic Hourly Rates	Fringe Benefits Payments			Oth
	H & W	Pensions	Vacation	App. Tr.
\$6.74	.50	.55	10%	.05
6.55	.50	.55	10%	.05
6.05	.50	.55	10%	.05
5.83	.50	.55	10%	.05



## MODIFICATIONS P. 21

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. To
DECISION #AM-1,706 - Mod. #5 (36 FR 14799 - August 11, 1971) Atlantic and Cappy May County, New Jersey				
Change: Bricklayers				
Carpenters, millwrights and insulators	.30	.15		
Cement masons	.30	.02		
Electricians	.30	.15		
Laborers, Building Construction:	.20+.8	.15+.25		.02
Laborers	.20	.15		
Air tool operator	.20	.15		
Concrete worker	.20	.15		
Cumite men	.20	.15		
Nozzle gun operator	.20	.15		
Mason tenders	.20	.15		
Plasterers' tenders	.20	.15		
Leathers	.20	.15		
Marble setters	.30	.15		.01
Painters:				
Brush and rollers	.35	.40		
Structural steel, tanks & flag poles	.35	.40		
Spray	.35	.40		
Sandblasting & striping of lines by mechanical machines	.35	.40		
Plasterers	.30	.15		
Plumbers	.37	.37		.02
Stone masons	.30	.15		
DECISION #AM-420 - MOD. #1 (36 FR 15963 - August 18, 1971) Delaware, Fairfield, Franklin, Licking, Madison, & Pickaway Counties, Ohio				
Change: Electricians	.28	1%		

## MODIFICATIONS P. 22

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. To
DECISION #AM-9,323 - Mod. #5 (37 FR 12023 - June 16, 1972) Philadelphia County, Pennsylvania				
Change: Building Construction: Electricians	.24	1%+.24		.21
Marble setters	.47	.45		
Tile setters	.65	.20		
Sprinkler fitters	.30	.50		.04
DECISION #AM-9,681 - Mod. #2 (37 FR 4030 - February 25, 1972) Montgomery County, Pennsylvania				
Change: Building Construction: Electricians:				
Springfield, Glenside, Jenkings-town	.24	1%+.24		.21
Marble setters	.47	.45		
Tile setters	.65	.20		
DECISION #AP-404 - Mod. #2 (37 FR 15229 - July 28, 1972) Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pennsylvania				
Change: Electricians	.24	1%+.24		.21
Marble setters	.47	.45		
Tile setters	.65	.20		
Sprinkler fitters	.30	.50		.04
DECISION #AP-408 - Mod. #4 (37 FR 15275 - July 28, 1972) Delaware County, Pennsylvania				
Change: Building Construction: Marble setters	.47	.45		
Tile setters	.65	.20		



Basic Hourly Rates	Fringe Benefits Payments				
	H & V	Pensions	Vacation	App. Tr.	Others/
DECISION #AP-390 - Mod. #1 (38 FR 2628 - January 26, 1973) El Paso County, Texas Add: Building Construction: Roofers: Roofers Waterproofers Pipewrappers	\$4.00 4.00 4.00				
DECISION #AP-391 - Mod. #2 (38 FR 2631 - January 26, 1973) Travis County, Texas Change: Building Construction: Lathers	7.075 .20				.01
DECISION #AP-394 - Mod. #1 (38 FR 2640 - January 26, 1973) Lubbock County, Texas Change: Building Construction: Plasterers	5.875				
DECISION #AP-392 - Mod. #1 (38 FR 2680 - February 2, 1973) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant and Wise Counties, Texas Change: Building Construction: Elevator constructors Elevator constructors' helpers Elevator constructors' helpers (Prob.)	7.20 70¢/hr 50¢/hr	.345 .345	.23 .23	22¢/hr 22¢/hr	.015 .015



## SUPERSEDES DECISION

STATE: Arkansas

DECISION NO.: AP-703

COUNTY: Union  
 DATE: Date of Publication  
 Supersedes Decision No. AP-319, dated August 25, 1972, in 37 FR 17303.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		M & W	Pensions	Vacation	App. T.	Others
Asbestos workers	\$6.25	.15			.02	
Boilermakers	6.80	.30	.50			
Bricklayers	6.35					
CARPENTERS:						
Carpenters	5.70	.25			.02	
Millwrights & pilledrivers	6.20	.25			.02	
Cement masons	5.10	.15				
ELECTRICIANS:						
Electrical contracts \$20,000 or less:						
Electricians	7.00		15		1/15	
Cable splicers	7.30		15		1/15	
Electrical contracts over \$20,000:						
Electricians	7.70		15		1/15	
Cable splicers	8.00		15		1/15	
IRONWORKERS:						
Western half of County including the city of El Dorado	6.10	.30	.25		.04	
Eastern half of County	6.50	.30	.25		.04	
LABORERS:						
Unskilled	4.05	.10	.20			
PLASTERERS	5.75				.05	
PLUMBERS - PIPEFITTERS	7.10		.30			
ROOFERS	5.15				.02	
SHEET METAL WORKERS	6.67	.30	.25			
TRUCK DRIVERS	3.00					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

AP-703 P. 2

Rate	Fringe Benefits Payments				Total
	M & W	Pensions	Vacation	App. T.	
\$6.65	.25	.25			.75
5.95	.25	.25			.75
5.65	.25	.25			.75

## GROUP I:

Cranes, draglines, and shovels equipped with 100 ft. of boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rated by manufacturer; and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground

## GROUP II:

Cranes, draglines, and shovels equipped with less than 100 ft. of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cubic yards, as rated by the manufacturer; all backhoes capable of a 360 degree swing; all derricks, floating, tractor or truck types; all piledrivers land or floating; all overhead and travelling cranes, all cableways; cherry pickers or tractors with boom attachments; Whirley; paving mixers with boom; grade alls; scrapers or pull in tandem; all above equipment irrespective of motive power; leaverman (engineer) hydraulic and bucket dredges, irrespective of size; mechanics and/or welders; blacksmiths

## GROUP III: - HEAVY EQUIPMENT OPERATORS

Hydro truck crane, Multiple drum hoist, irrespective of motive power; all bulldozers, front end loaders, side booms, push tractors mounted on rubber or tracks; all single unit pull scrapers regardless of size and regardless of trade name; all motor graders; all hydraulic backhoes not capable of 360 degree swing; all trenching machines, wheels, bucket chain, or conveyor types regardless of size or motive power; all backfillers; all central mixing plants 10S and larger and concrete spreaders; all boiler firemen high or low pressure; all asphalt spreaders; rollers and finishing machines; all rotary, cable tool, core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power; first assistant engineer (dredge); boat and dredge tender operator



AMK - 1 - PD - 1 - 1 (2-2)

OFFICE BENEFIT PAYMENTS				
Basic Pay	Health Ins.	Life Ins.	Disability Ins.	Other
\$1.90	.25	.25		
h.60	.25	.25		
h.25	.25	.25		

**GROUP IV:****SEMI-HEAVY EQUIPMENT OPERATORS**

Single drum hoists, winches and air tuggers, irrespective of motive power; Winch or A-frame trucks, forklifts, skytrucks, dirt rollers of types and pull tractors, regardless of size; elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator; conveyor; batch plant concrete mixers under 105 pascapete, spray machine and pressure grout machine; Air Compressors 365 CFM and over; all dewatering pumps when used in connection with well point systems; second assistant engineer (dredge)

**GROUP V:****LIGHT EQUIPMENT OPERATORS**

All air compressors under 365 CFM; welding machines; light plants; pumps, irrespective of size, irrespective of motive power, oiler driver motor crane; Asphalt distributor; chip spreader; form grader; end dump Euclid and like equipment; third assistant engineer (dredge).

**GROUP VI - MISCELLANEOUS OPERATORS**

Equipment greaser; oiler; mechanic helper; drilling machine helper; space heaters; safety boat operator; oiler on dredge



AP-704 P. 2

14 - LA - 1, 2 1 (2 - 2)

## SUPERSTENDAS DECISION

STATE: Louisiana  
 PARISHES: Orleans, Jefferson, Plaquemine  
 & St. Bernard

DECISION NO.: AP-704  
 DATE: Date of Publication  
 SUPERSTENDAS DECISION NO. AP-351, dated September 19, 1972, in 37 FR 20441.  
 DESCRIPTION OF WORK: Building construction, (excluding single family  
 homes and garden type apartments up to and including 4 stories).

14 - LA - 1, 2 1 (1 - 2)

Basic Hourly Rates	Fringe Benefits Payments				Overtime
	H & W	Pensions	Vacation	App. Tr.	
\$6.65	.30	.70		.02	
6.80	.30	.50			
7.25	.25	.15		.005	
6.67	.20	.20		.04	
6.27	.20	.20		.04	
7.155	.20	.20		.04	
6.555	.25	.30		.04	
6.805	.25	.30		.04	
7.68	.20	17+10		.03	
6.32	.195	.20	27+4+6		
7.012	.195	.20	27+4+6		
5.011	.17	.20		.01	
6.325	.20	.25		.02	
7.20	.20	.25			
4.91	.10	.10			
5.01	.10	.10			
5.16	.10	.10			
5.01	.10	.10			
5.03	.10	.10			
5.13	.10	.10			
4.055	.10	.10			
4.205	.10	.10			
4.255	.10	.10			
6.53	.20	.15		.05	
5.275	.175	.20		.05	
5.75	.175	.20		.05	

ASBESTOS WORKERS  
 BOILERMAKERS  
 BRICKLAYERS: STONEMASONS; CEMENT  
 BLOCK LAYERS: CEMENTERS; POINTERS;  
 CARPENTERS  
 Carpenters  
 Millwrights  
 Cement masons  
 Machine operators; boatwain chair  
 ELECTRICIANS:  
 Electricians; Cable splicers  
 ELEVATOR CONSTRUCTORS  
 ELEVATOR CONSTRUCTORS' HELPS  
 ELEVATOR CONSTRUCTORS' HELPS (PROB)  
 GLAZIERS  
 IRONWORKERS  
 Structural; Ornamental; Reinforcing  
 LABORS:  
 Orleans, Jefferson (except Grande  
 Isle), Plaquemine & St. Bernard  
 Parishas:  
 Laborers  
 Stone masons helper; Mechanical  
 tool operator (air, electric);  
 sewerman  
 Granite tool operator  
 Pipelayers non-metallic  
 Bricklayers & mason tenders  
 Mortar mixer, hand or machine  
 Grande Isle, Jefferson Parish:  
 Laborers  
 Seaman; Jackhammermen; Mason  
 tenders; plasterers tenders;  
 Stone masons helpers; Vibrator-  
 men  
 Mortar mixers  
 LATERS  
 PAINTERS:  
 Brush and paperchanger  
 Structural steel, swing stage &  
 spray

PLASTERERS:  
 Plasterers  
 Scaffolding  
 PLUMBERS:  
 Plumbers; Steamfitters; Pipefitters;  
 Pipe welders; Refrigeration mech-  
 anic  
 ROOFERS  
 SHEET METAL WORKERS  
 SOFT FLOOR LAYERS  
 SPRINKLER FITTERS  
 MARBLE MASONS  
 MARBLE MASONS' HELPS  
 TILE SETTERS  
 TILE SETTERS' HELPS  
 TERRAZZO WORKERS  
 TERRAZZO WORKERS' HELPS  
 TRUCK DRIVERS:  
 Up to but not including 1 1/2 tons  
 1 1/2 tons to 3 tons  
 3 tons to 5 tons  
 5 tons & over including euclids,  
 winch, dumpsey, dumpsters, low-  
 boys, semitrailers and fork lifts  
 WELDERS - receive rate prescribed  
 for craft performing operation to  
 which welding is incidental.

## FOOTNOTES:

a - 1st 6 mos. - none; 6 mos. to 5  
 yrs. - 2%; over 5 yrs. - 4% of  
 basic hourly rate.  
 b - Paid holidays - A through F.

PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day;  
 C-Independence Day; D-Labor Day;  
 E-Thanking Day; F-Christmas Day.



AP-704 P. 3

LA. 2 - PEO - 1 q (1 - 2)

## POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. To Others
HEAVY EQUIPMENT OPERATORS A-frame truck, when working with Ironworkers & Pipefitters; Bull-dozers, 5-6 and larger; Cableways; Concrete mixers (over 16-s); Paving machines; Cranes, derricks, drag-lines and clam shells; Deck winches (2); Gradaalls; Hi-dio and similar type equipment; Hoist, 1 drum, 4 stories & over; Hoist, 2 drums or more; Hydro cranes; Mechanic; Motor Patrols; Pile drivers; Rollers on brick & asphalt; Rubber tired front end loader, with or without blade attachments, 1 cu. yd. capacity or more; Scrapers; Shovels, backhoes (all types); Side boom cats; Stabilizers, 3 drums or more; Traxcavators; Trenching machines; Unit operators; Welding journeymen; Well point systems (gas, diesel, electric, etc.)	\$7.12	.25	.15	
LIGHT EQUIPMENT OPERATORS A-frame truck, except when working with Ironworkers or Pipefitters; Air compressor; Asphalt plant engineers; Asphalt finisher, screed men; Blade graders; Boat operators; Bull floats; Concrete joining machines; Concrete mixers, 16-s and under; Concrete spreader; Crusher operator; Deck winch operator (1); Distributors, asphalt "pitch winch" and similar equipment; Electric elevators (inside); Finishing machine; Fireman; Form graders, Fork lifts; Hoist, 1 drum, under 4 stories; Power subgraders; Pugmill operator; Pull tractors; Pump; Pump crete; Rollers except on brick and asphalt; Rubber tired front end loader (with or without blade attachments) less than 1 cu. yd. capacity; Scale operator; Scoopmobile; Snatch cats; Spray machines; Stabilizers, less than 3 drums; Straddlebuggy; Track machines and equivalent machines; Tractors or bulldozers smaller than D-6	6.12	.25	.15	

AP-704 P. 4

LA. 2 - PEO - 1 q (2 - 2)

## POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. To Others
Batch Plant Operator	.25	.15		
Mechanic Helpers	.25	.15		
Others (Driver)	.25	.15		
Others	.25	.15		
Master Mechanic	.25	.15		
Assistant Master Mechanic	.25	.15		
LINE CONSTRUCTION: Linenmen Operator hole digging equipment; operator, tractor with winch & derrick; operator line truck with winch & derrick working hot lines Operator using hole truck and trailer or pole hauling and setting truck (not in energized lines) Operator using truck without winch Groundmen (15 years service or over) Groundman (starting rate to 1 1/2 years service)	\$7.88 75%JR 65%JR 45%JR 50%JR 45%JR	.20 .20 .20 .20 .20 .20	15%+10 15%+10 15%+10 15%+10 15%+10 15%+10	.03 .03 .03 .03 .03 .03



AP-158 P. 2 25-Mississippi -1-1 2 of 2

SUPERSEDES DECISION

STATE: Mississippi  
 COUNTY: Hinds  
 DATE: Date of Publication  
 DECISION NUMBER: AP-158  
 SUPERSEDES DECISION NO. 18-8,618 dated June 2, 1972 37 FR 11140  
 DESCRIPTION OF WORK: Building construction, (including single family homes and garden type apartments up to and including 4 stories), heavy construction.

25-Mississippi -1-1 1 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TL.
Asbestos workers	\$6.95	.30			.01
Boilermakers	6.85	.40	.60		.02
Bricklayers	6.22				
Carpenters:					
Carpenters	5.60	.20			.02
Millwrights	5.95	.20			.02
Piledrivermen	5.95	.20			.02
Soft floor layers	5.60	.20			.02
Cement masons	5.05	.25			
travelling and/or floating machine					
& power grinders operators	5.25	.25			
Electricians	6.35		14+.50		1/10 of 14
Cable splicers	6.70		14+.50		1/10 of 14
Elevator Constructors	6.13	.35	.23	24+a+b	.015
Elevator Constructors' helpers	4.23	.35	.23	24+a+b	.015
Elevator Constructors' helpers prob.	3.055				
Glassers	5.20				
Ironworkers:					
Structural, ornamental and		.30	.15		.04
reinforcing	6.15				
Laborers:					
Laborers unskilled, wrecking	3.45	.10	.10		
and demolition					
Mortar mixers, mechanical tools	3.70	.10	.10		
motorized (George buggy op.)					
Brickmason tenders, cement and					
plasterer tenders, sewer pipe					
layers	3.60	.10	.10		
Line Construction:					
Linemen	6.68		14	c	
Groundmen (over 1 year)	4.07		14	c	
Groundmen (less than a year)	3.75		14	c	
Cable splicers (Electric)	6.98		14	c	
Leathers	5.80				.01
Marble masons	3.80				
Painters:					
Brush	5.05	.15			
Structural steel (brush)	5.30	.15			
Spray	5.55	.15			
Sling stage	5.30	.15			
Paperhangers	5.05	.15			
Structural steel (spray)	5.80	.15			

Plasterers  
 Plumbers and steamfitters  
 Roofers

Helpers

Sheet metal workers

Sprinkler fitters

Stone masons

Terrazzo workers

Tile setters

Truck drivers:

1 1/2 to 5 tons

Over 5 tons

Welders - receive rate prescribed for  
 craft performing operation to which  
 welding is incidental.

PAID EXEMPTS:  
 A-New Year's Day; B-Memorial Day; C-Independence Day;  
 D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 1/2 of regular hourly rate to Vacation Pay Credit  
 for employee who has worked in business more than 5 years. Employer  
 contributes 2/3 of regular hourly rate to Vacation Pay Credit for  
 employee who has worked in business less than 5 years.

c. One week paid vacation after one year's service.



AP-153 P. 3

25-25--MISSISSIPPI

A

HEAVY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS		
		H & W	PENSIONS	VACATION APP. TR.
Carpenters	\$2.25			
Cement Masons	2.25			
Laborers:				
Unskilled	1.60			
Air Tool Operator	1.60			
Mason Tenders	1.75			
Pipelayers	1.75			
Truck Drivers	1.60			
Power Equipment Operators:				
Air Compressors	1.65			
Cranes, Derricks & Draglines	2.50			
Bulldozers	2.50			
Graders	2.25			
Backhoe	2.25			
Mixers-Concrete	2.25			
Oilers	1.75			
Pumps	1.60			
Rollers	1.60			
Shovels	2.25			
Trenching Machine	2.25			
Tractors:				
Track	2.25			
Wheel	1.60			

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Mississippi-1-PED 1-J

	Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Pensions	Vacation	App. Tr. Othrs.
POWER EQUIPMENT OPERATORS:					
Group A					
Engineer, operating under air pressure	\$7.05	.25	.25		
Group B					
Mechanic	6.10	.25	.25		
Group C					
Asphalt plant; backhoe; blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, Crane, Derrick, Derrick car, Derrick boat, Dragline, Dredge, Elevating grader, Excavator (power belt), Fork lift (5 ton & over), Hoists (2 drum in active use), Locomotive engineer, Marine engineer (chief), Master pilot, Mixer-mobile, Motor patrol and similar type equipment, Paver (21 c.f. or larger), File driver, Recharger, Scoop (skimmer), Scraper, Shovel, Trenching machine (over 18" bucket line width), Turnapull (Dw-10 and similar pull type scrapers), Tractor and similar end-loaders, Welder, Welding machines and pumps (operating 2 to 6 machines), Well driller, Well point pumps	5.85	.25	.25		
Group D					
Asphalt spreader (bituminous distributor), Asphalt spreader (bituminous mixer), Backfilling machine, Conveyor, Drill (earth), Finishing machine, Fireman, Forklift (over 2 ton and less than 5 ton), Heating plant, Hoist (one drum), Marine engineers assistant, Mixer, Payloader and similar endloaders, Pilot, Power generating plant, Pump (concrete), Roller, Scoopmobile, Tractor (with power take-off), Trenching machine (18" or smaller bucket line width), Tugboat, Well driller (1st helper), Winch truck & tractor, small Rubber-Tired with Backhoe attachment	5.40	.25	.25		
Group E					
Air compressor, Batch scale, Deckhand, Forklift (2 ton & under), Form grader, Locomotive hostler, Mechanic helper, Motorboat (in or outboard), Oiler, Pump, Roughneck, Scomman, Tractor (w/ attachments), Welding machine	4.70	.25	.25		
Booms, including jibs					
25¢ per hour above regular rate - 100 feet to and including 200 feet.					
50¢ per hour above regular rate - 201 feet to and including 300 feet.					
75¢ per hour above regular rate - 301 feet and above.					
Operators servicing other crafts shall draw rate of pay not less than journeyman rate of craft being serviced.					



SUPERSEDES DECISION

STATE: Mississippi  
 DECISION NUMBER: AP-159  
 COUNTY: Harrison & Pearl River  
 DATE: Date of Publication  
 SUPERSEDES DECISION NO. AM-8,619 dated June 2, 1972 37 FR 11142  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy, water and sewer construction.

## BUILDING AND HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Vacation	App. Tr.	Others
Asbestos workers (Harrison County)	\$7.70				
Asbestos workers (Pearl River Co.)	6.65	.395	.75	.02	
Boilermakers	6.85	.30	.70		
Bricklayers		.40	.60	.01	
Stonemasons	6.70				
Marble masons	6.70				
Terrazzo workers	6.60				
Tile setters	6.60				
Plasterers	6.60				
Blockmasons	6.70				
Caulkers & pointers	6.70				
Cement masons	6.08				
Carpenters	6.40				
Millwrights	6.42				
Electricians	7.05	.25	.20		
Cable splicers	7.30	.25	.20		
Elevator constructors	5.48				
Elevator constructors	3.84	.17	.185	.005	
Helpers	5.04	.17	.185	.005	
Helpers (Probationary)	5.00			.03	
Glassiers					
Ironworkers:					
Structural, Ornamental, Reinforcing	7.13	.28	.25		
Laborers:					
Laborers	4.40				
Vibrator - jackhammer, mortar mixer:					
pipelayers (sewer; Power saw op)	4.30				
Mason tenders; plasterers tenders	4.20				
Lathers	6.00		.10	.01	
Line Construction:					
Linemen	6.00	.15	.10+.25		
Cable splicers	6.25	.15	.10+.25		
Groundmen:					
let 6 months	3.00	.15	.10+.25		
Thereafter	3.48	.15	.10+.25		
Painters - Commercial					
Brush & roller	5.30			.03	
Spray	6.55			.03	
Struct. steel under 30":					
Brush and roller	5.55			.03	
Spray	6.55			.03	

AP-159 P. 2

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	Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Vacation	App. Tr.	Others
Piledrivermen	7.02	.28	.25		
Piledrivermen on concrete material	7.26	.28	.25		
Plumbers; Steamfitters	6.95	.18	.20	.01	
Roofers:					
Roofers	5.15				
Helpers	3.85				
Kettlemen	4.35				
Sheet metal workers	7.105	.20	.30	.04	
Soft floor layers	5.90				
Sprinkler fitters	7.30	.25	.40	.05	
PAID HOLIDAYS:					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
FOOTNOTES:					
a. Holidays: A through F					
b. Employer contributes 1/4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.					
c. \$5.00 per month.					
d. Two paid holidays; Labor Day; Mardi Gras Day; provided the employee works at least one day out of the 3 workdays prior to the paid holiday, and the first workday after the paid holiday.					



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1 of 2

## BUILDING AND HEAVY CONSTRUCTION

## POWER EQUIPMENT OPERATORS

## GROUP A

Engineer, operating under air pressure

## GROUP B

## Mechanic

## GROUP C

Air tugger (2 drum); asphalt plant; backhoe; blacksmith; boom tractor; bulldozer; central mixing plant; cherry picker; clamshell; crane; derrick; derrick boat; derrick car; dragline; dredge; elevating grader; excavator (power belt); fork lift; hoist (2 drum); locomotive engineer; marine engineer (Chief); master pilot; mixer; motor patrol & similar type equipment; paver (21 c.f. or larger); piledriver; recharger; roaming grasser (1st); scoop (skimmer); Scraper; shovel; trenching machine (over 18" bucket line width); Tournapell; DW-10 & similar pulley scrapers; traxcavator and similar endloaders; welder; welding machines or S/W pumps (2 to 6); well driller; well point pumps

## GROUP D

Air tugger; asphalt spreader (bituminous distributor); asphalt spreader bituminous mixer; backfilling machine; conveyor; drill (earth); finishing machine; fireman; heating plant; hoist; marine engineer (assistant); mixer; payload; and similar endloaders; pilot; power generating plant; pump (concrete); roller; scoopmobile; tractor (with power take-off); trenching machine (18" or smaller bucket line width); tugboat; well driller (1st helper); winch truck

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Miss. 2 FEB-1-1

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## POWER EQUIPMENT OPERATORS (CONT'D)

## GROUP E

Air compressor; form grader; locomotive hostler; mechanic helper; oiler (truck crane); pump; roughneck; tractor (without attachments); welding machine

## GROUP F

Batch scale; deckhand; motorboat (in or outboard); oiler; scowman

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Faciens	Vacation	App. Tn.	
\$7.25	.25	.20			
6.30	.25	.20			
6.05	.25	.20			
5.80	.25	.20			
\$5.25	.25	.20			
5.00	.25	.20			



AP-159 P.5

Mississippi 1-77-1-7

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	App. Tr. Others
TRUCK DRIVERS:					
Up to but not including 1½ tons such as Station Wagons, Jeeps, Autos, Pick-up Trucks, Motor Cycles, Bicycles, Truck Spotters, Teamsters, Team Drivers	\$5.04	.28	.25		
1½ tons and up to but not including 5 tons such as Dump Trucks, Flat Beds, Stake Bodies, Bus Drivers, Winch and "Go" Frame Trucks	5.51	.28	.25		
5 tons or 6 yards and over, including heavy equipment such as pole trucks, miss, or corning wagons, dumpsters, semi-drivers, agitators, ross-carriers, dumpsey dumps, euclid trucks, fork-lift truck in warehouse and similar equipment such as tractors, 10 wheelers, jeeps, or dump trucks or pickup trucks pulling 2 or 4 wheel trailers hauling equipment	6.55	.28	.25		
Truck and Auto Mechanics	7.12	.28	.25		
Truck Drivers Helpers, Unloaders, Unloading and handling creosote or copperbox material	5.04	.28	.25		
Truck Drivers Helper	4.41	.28	.25		

AP-159 P. 6

24-MS-Mississippi A

WATER & SEWER CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	App. Tr. Others
Carpenters	\$2.50				
Cement Masons	3.00				
Laborers:					
Unskilled	1.60				
Mason Tenders	1.85				
Piledriverman	2.00				
Truck Drivers	1.60				
Power Equipment Operators:					
Asphalt Mulchers	1.80				
Air Compressors	1.75				
Bulldozers	2.50				
Cranes, Derricks & Draglines	2.50				
Mechanics	2.50				
Mixers-All Types	2.00				
Motor Patrols	2.50				
Loaders	2.125				
Oilers & Greasers	2.00				
Piledrivers	2.35				
Rollers-Self Propelled	2.00				
Scrapers	2.50				
Spreaders	2.25				
Tractors-Wheel Type	2.00				
Trucks-Crane	2.50				



AF-262 P. 2

## SUPERSEDES DECISION

STATE: South Dakota  
 COUNTY: Meade and Pennington  
 DECISION NO.: AP-262  
 DATE: Date of Publication  
 SUPERSEDES DECISION NO. AP-202 dated July 7, 1972, in 37 FR 13457  
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				App. T.
		H & W	Pensions	Vacation	App. T.	
ASBESTOS WORKERS	\$7.38					.03
BOILERMAKERS	8.25	.30	1.00			.02
BRICKLAYERS; Stonemasons	6.85					
CARPENTERS:						
Applicators	6.525					.025
Filedistributors	6.775					.025
Milwrights	7.025					.025
CEMENT MASONS	5.45	.20				
ELECTRICIANS:						
Within 15 mi. radius of Rapid City						
Post Office						
Electricians	6.74	.20	1X	4X	1-1/2X	
Cable Splicers	7.14	.20	1X	4X	1-1/2X	
Outside of 15 mi. radius of Rapid City Post Office						
Electricians	7.49	.20	1X	4X	1-1/2X	
Cable Splicers	7.89	.20	1X	4X	1-1/2X	
ELEVATOR CONSTRUCTORS	8.085	.345	.23	2X + a		
ELEVATOR CONSTRUCTORS' HELPERS	701R	.345	.23	2X + a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	501R					
IRONWORKERS:						
Fence Erectors; Ornamental; Reinforcing; Sheeters; Structural	6.85	.35	.50			.05
LABORERS:						
Power Tool Op. or all mechanical air, gas, electrical tools, incl. self-propelled buggies, wagon and air track drills; Pipe Layer (non-metallic); Sandblasting; Mortar Mixer; Mason Tender; Plasterer Tender; Concrete Nozzlemen; Powderman; Miner; Timberman	3.59	.20	.05			
LATHERS	3.84	.20	.05			
PAINTERS:						
Brush	4.09	.20	.05			
Dry Wall Finishing	4.50					
All Painting over 30 ft.; Paint Mktg; Sandblasting; Spray Steel (Structural); Swing Stage; Window Jack	4.95					.005
	5.10					.005
	5.45					.005

PLASTERERS  
 PLUMBERS; Steamfitters  
 SHEET METAL WORKERS  
 SPRINKLER FITTERS

RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.

FOOTNOTE:  
 a. 4X basic hourly rate for over 5 years' service and 2X basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit.  
 Six Paid Holidays: A through F.

PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day.

Basic Hourly Rates	Fringe Benefits Payments				App. T.
	H & W	Pensions	Vacation	App. T.	
\$6.40					
6.40	.20	.20			.02
6.50					
7.20	.30	.50			.05

[FR Doc.73-2951 Filed 2-15-73; 8:45 am]



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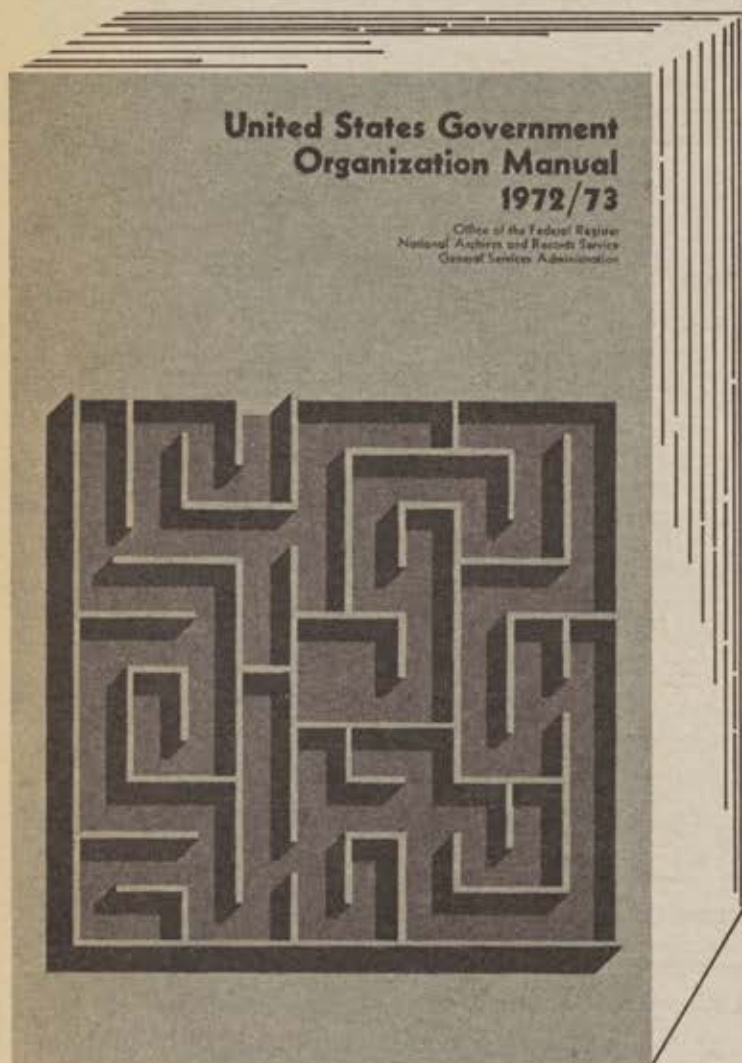
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