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Title 3—The President

PROCLAMATION 4189

Modification of Trade Agreement Concession and Extension of Increased Rate of Duty on Imports of Certain Pianos

By the President of the United States of America

A Proclamation

Pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), and section 201 of the Trade Expansion Act of 1962 (19 U.S.C. 1821) (hereinafter "TEA"), the President, by Proclamation No. 2929 of June 2, 1951, No. 3140 of June 13, 1956, and No. 3822 of December 16, 1967 (65 Stat. c12, 70 Stat. c33, and 82 Stat. 1455), proclaimed such modifications of existing duties as were found to be required or appropriate to carry out trade agreements into which he had entered;

Among the proclaimed modifications were modifications in the rate of duty on pianos which were provided for in item 725.02 of the Tariff Schedules of the United States (19 U.S.C. 1202) (hereinafter "TSUS");

Pursuant to sections 201(a)(2) and 351(a)(1) of the TEA (19 U.S.C. 1821(a)(2), 19 U.S.C. 1981(a)(1)), and in accordance with section 253(d) of said Act (19 U.S.C. 1883(d)), and Article XIX of the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A58, 8 UST (pt. 2) 1786), the President by Proclamation No. 3964 of February 21, 1970 (84 Stat. 2212) proclaimed two new items in the TSUS for pianos, including item 725.01 applicable to pianos, except grand pianos, and also proclaimed increased duties on imports of such pianos in item 924.00 of Subpart A of Part 2 of the Appendix to the TSUS, which increased duties are scheduled to terminate on February 21, 1973;

In accordance with section 351(c)(2) of the TEA (19 U.S.C. 1981(c)(2)), after taking into account advice received from the Tariff Commission under section 351(d)(3) of the TEA (19 U.S.C. 1981(d)(3)) and after seeking advice of the Secretaries of Commerce and Labor, I have determined that the extension as hereinafter proclaimed of the

increased duties currently in effect on imports of pianos, except grand pianos, provided for in item 924.00 of the TSUS from February 21, 1973 to February 20, 1974, is in the national interest;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including sections 201(a)(2) and 351(c)(2) of the Trade Expansion Act, and in accordance with section 253(d) of said Act and Article XIX of the General Agreement on Tariffs and Trade, do proclaim that—

(1) The column numbered 1 rates of duty provided for in TSUS item 725.01 by Proclamation 3822, as modified by paragraph 2(b) of Proclamation 3964, are hereby further modified to read as follows:

"

	Rate of duty effective on and after—		
	Feb. 21, 1970	Jan. 1, 1975	Jan. 1, 1976.
725.01	11.5% ad val.	10% ad val.	8.5% ad val."

(2) The increased rate of duty on imports of pianos provided for in item 924.00 of Subpart A to Part 2 of the Appendix to the TSUS is extended to articles entered, or withdrawn from warehouse, for consumption on and after February 21, 1973, and before the close of February 20, 1974.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of February in the year of our Lord nineteen hundred and seventy-three, and of the Independence of the United States of America the one hundred and ninety-seventh.

Richard Nixon

[FR Doc.73-3618 Filed 2-22-73;11:31 am]

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 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

[Docket No. 73-511]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

These amendments add Ohio and Tennessee to the list of hog cholera eradication States in § 76.2(f). The amendments also delete Nebraska from the list of hog cholera eradication States in § 76.2(f) and add Nebraska to the list of hog cholera free States in § 76.2(g). The special provisions pertaining to the interstate movement of swine and swine products from eradication and free States are applicable to Ohio, Tennessee, and Nebraska. Finally, the amendments renumber the subparagraphs in § 76.2 (e). However, no change is made in the areas quarantined thereunder.

No other changes are made in § 76.2 (e), (f), and (g), but all presently effective provisions of § 76.2 (e), (f), and (g) are set forth below for convenient reference.

Therefore, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e) is revised and reissued without substantive change and paragraphs (f) and (g) are amended to read:

§ 76.2 **Notice relating to existence of the contagion or vectors of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; eradication States; free States.**

* * * * *

(e) Notice of quarantine. Notice is hereby given that because of the existence of the contagion of hog cholera and the nature and extent of such contagion or the existence of vectors, the following areas are quarantined:

(1) *Indiana.* That portion of Tippecanoe County bounded by a line beginning at the junction of the Tippecanoe-White County line and U.S. Highway 231, State Highway 53; thence, following the Tippecanoe-White County line in an easterly direction to County Road 470E; thence, following County Road 470E in a southerly, then easterly direction to County Road 500E; thence, following County Road 500E in a southerly direction to Pretty Prairie Road; thence following Pretty Prairie Road in a southwesterly direction to State Highway 225; thence, following State Highway 225 in a southeasterly direction to the north bank of the Wabash River; thence, following the north bank of the Wabash River in a generally southwesterly direction to County Road 700W; thence, following County Road 700W in a northwesterly direction to Division Road; thence, following Division Road in an easterly direction to County Road 575W; thence, following County Road 575W in a northerly, then easterly direction to County Road 550W; thence, following County Road 550W in a northerly direction to State Highway 26; thence, following State Highway 26 in a westerly direction to County Road 600W; thence, following County Road 600W in a northerly, then westerly, then northerly direction to Old Jackson Highway; thence, following Old Jackson Highway in a northwesterly direction to U.S. Highway 231, State Highway 53; thence, following U.S. Highway 231, State Highway 53 in a northerly direction to its junction with the Tippecanoe-White County Line.

(2) *Massachusetts.* The adjacent portions of Bristol and Plymouth Counties bounded by a line beginning at the junction of State Highway 123 and State Highway 106 in Bristol County; thence, following State Highway 106 in a southeasterly direction to State Highway 24 in Plymouth County; thence, following State Highway 24 in a southeasterly, then southwesterly direction to U.S. Highway 44 in Bristol County; thence, following U.S. Highway 44 in a southwesterly direction to State Highway 140; thence, following State Highway 140 in a northwesterly direction to State Highway 123; thence, following State Highway 123 in a northeasterly direction to its junction with State Highway 106 in Bristol County.

(3) *North Carolina.* The adjacent portion of Northampton, Hertford, and Gates Counties bounded by a line beginning at the junction of the North Carolina-Virginia State line and State Highway 35 in Northampton County; thence, following State Highway 35 in a southeasterly direction to Secondary Road 1351; thence, following Secondary Road 1351 in a southeasterly direction to the Northampton-Hertford County line; thence, following the Northampton-Hertford County line in a northeasterly, then southeasterly direction to the east bank of the Meherrin River in Hertford County; thence, following the east bank of the Meherrin River in a generally southerly, then southeasterly direction to the west bank of the Chowan River; thence, crossing the Chowan River in an easterly direction to the east bank of the Chowan River in Gates County; thence, following the east bank of the Chowan River in a generally southeasterly direction to the west bank of the Bennetts Creek; thence, following the west bank of the Bennetts Creek in a generally northwesterly direction to State Highway 37; thence, following State Highway 37 in a northwesterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a northeasterly direction to the North Carolina-Virginia State line; thence, following the North Carolina-Virginia State line in a westerly direction to its junction with State Highway 35 in Northampton County.

(4) *Pennsylvania.* That portion of Berks County bounded by a line beginning at the junction of Interstate Highway 78 and Legislative Road 06136; thence, following Legislative Road 06136 in a southeasterly direction to Township Road T797; thence, following Township Road T797 in a southwesterly direction to Township Road T830; thence, following Township Road T830 in a southerly direction to Township Road T795; thence, following Township Road T795 in a southeasterly direction to U.S. Highway 222; thence, following U.S. Highway 222 in a northeasterly direction to Township Road T795; thence, following Township Road T975 in a southeasterly direction to Township Road T827; thence, following Township Road T827 in a southwesterly direction to Legislative Road 06141; thence, following Legislative Road 06141 in a southeasterly, then southerly direction to the Reading Railroad; thence, following the Reading Railroad in a southwesterly direction to Legislative Road 06122; thence, following Legislative Road 06122 in a northwesterly direction to Township Road T721; thence, following Township Road T721 in a northwesterly direction to Township Road T760; thence, following Township Road T760 in a northwesterly direction to Township Road T723; thence, following Township Road T723 in a southwesterly direction to the

Reading Railroad; thence, following the Reading Railroad in a northeasterly direction to State Highway 662; thence, following State Highway 662 in a northwesterly direction to Legislative Road 06126; thence, following Legislative Road 06126 in a northwesterly direction to Legislative Road 06125; thence, following Legislative Road 06125 in a northwesterly direction to Township Road T766; thence, following Township Road T766 in a northeasterly direction to Interstate Highway 78; thence, following Interstate Highway 78 in a northeasterly direction to its junction with Legislative Road 06136.

(5) *Virginia.* Southampton County.

(6) *Puerto Rico.* The entire Commonwealth.

(7) *New Jersey.* The entire State.

(f) Notice is hereby given that systematic procedures have been in effect for at least 3 months in the States listed below to detect and eradicate the disease of hog cholera; that a period of more than 3 months has passed since there has been clinical evidence that the contagion of the disease exists within such States; and that such States are hereby designated as hog cholera eradication States. Once designated as a hog cholera eradication State, the State will retain such status so long as there is no clinical evidence that the contagion of hog cholera exists within such State, other than in primary unrelated instances where the infected herd is promptly depopulated, or until such State is listed in paragraph (g) of this section. Any State which is removed from listing in paragraph (f) because of this secondary spread of the contagion of hog cholera within such State may requalify for such listing when systematic procedures to detect and eradicate the disease have been in effect for 3 consecutive months following herd depopulation of the last positive case, and no clinical evidence of the contagion of the disease has been detected within such State. The following States are classified as eradication States:

Kentucky.	Tennessee.
Ohio.	Commonwealth of
South Carolina.	Puerto Rico.

(g) Notice is hereby given that systematic procedures have been in effect for at least 1 year in the States listed below to detect and eradicate the disease of hog cholera; that a period of more than 1 year has passed since there has been clinical evidence that the contagion of the disease exists within such States; and that such States are hereby designated as hog cholera free States. Once designated as a hog cholera free State, the State will retain such status so long as there is no clinical evidence that the contagion of hog cholera exists within such State, other than in primary unrelated instances where the infected herd is promptly depopulated. A State removed from listing in this paragraph because of secondary spread of the contagion of hog cholera within such State many requalify for listing when systematic procedures to detect and eradicate the disease have been in effect for 6 consecutive months following herd depopulation of the last positive case, and no clinical evidence of the contagion of the disease has been detected. The following States are hereby classified as hog cholera free States:

Alabama.	Mississippi.
Alaska.	Missouri.
Arizona.	Montana.
Arkansas	Nebraska.
California.	Nevada.
Colorado.	New Hampshire.
Connecticut.	New Mexico.
Delaware.	New York.
District of Columbia	North Dakota.
Florida.	Oklahoma.
Hawaii.	Oregon.
Idaho.	Pennsylvania.
Illinois.	Rhode Island.
Iowa.	South Dakota.
Kansas.	Utah.
Louisiana.	Vermont.
Maine.	Washington.
Maryland.	West Virginia.
Massachusetts.	Wisconsin.
Michigan.	Wyoming.
Minnesota.	

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendments shall become effective February 16, 1973.

The amendments relieve restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of February 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-3489 Filed 2-22-73;8:45 am]

[Docket No. 73-512]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined and Released

These amendments quarantine portions of Isle of Wight and Nansemond Counties in Virginia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

The amendments exclude a portion of Tippecanoe County in Indiana from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded area.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e)(1) relating to the State of Indiana is amended to read:

(1) *Indiana.* That portion of *Tippecanoe County* bounded by a line beginning at the junction of the Tippecanoe-White County line and U.S. Highway 231, State Highway 53; thence, following the Tippecanoe-White County line in an easterly direction to Interstate Highway 65; thence, following Interstate Highway 65 in a southeasterly direction to the north bank of the Wabash River; thence, following the north bank of the Wabash River in a generally southwesterly direction to County Road 700 W; in a northwesterly direction to Division Road; thence, following Division Road in an easterly direction to County Road 575 W; thence, following County Road 575 W in a northerly, then easterly direction to County Road 550 W; thence, following County Road 550 W in a northerly direction to State Highway 26; thence, following State Highway 26 in a westerly direction to County Road 600 W; thence, following County Road 600 W in a northerly, then westerly, then northerly direction to Old Jackson Highway; thence, following Old Jackson Highway in a northwesterly direction to U.S. Highway 231, State Highway 53; thence, following U.S. Highway 231, State Highway 53 in a northerly direction to its junction with the Tippecanoe-White County line.

2. In § 76.2, paragraph (e)(5) relating to the State of Virginia is amended to read:

(5) *Virginia.* (i) Southampton County.

(ii) The adjacent portions of *Isle of Wight and Nansemond Counties* bounded by a line beginning at the junction at the east bank of the Blackwater River and State Highway 611 in Isle of Wight County; thence, following State Highway 611 in a northeasterly direction to State

Highway 612; thence, following State Highway 612 in a southeasterly direction to State Highway 632; thence, following State Highway 632 in a northeasterly direction to State Highway 612; thence, following State Highway 612 in a southeasterly direction to U.S. Highway 58 in Nansemond County; thence, following U.S. Highway 58 in a southwesterly direction to State Highway 189; thence, following State Highway 189 in a southwesterly direction to State Highway 612; thence, following State Highway 612 in a southwesterly, then southeasterly direction to State Highway 664; thence, following State Highway 664 in a southwesterly direction to State Highway 667; thence, following State Highway 667 in a southwesterly direction to State Highway 745; thence, following State Highway 745 in a southeasterly direction to the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in a westerly direction to the east bank of the Blackwater River; thence, following the east bank of the Blackwater River in a generally northerly direction to its junction with State Highway 611 in Isle of Wight County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendments shall become effective February 16, 1973.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as the amendments relieve restrictions presently imposed, they are no longer deemed necessary to prevent the spread of hog cholera, and they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of February 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspections Service

[FR Doc. 73-3490 Filed 2-22-73; 8:45 am]

[Docket No. 73-513]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Area Quarantined

This amendment excludes the entire State of New Jersey from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded area. No area in New Jersey remains under quarantine.

Therefore, pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, subparagraph (e)(7) relating to the State of New Jersey is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective February 16, 1973.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of February 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-3491 Filed 2-22-73; 8:45 am]

PART 78—BRUCELLOSIS

Modified Certified Brucellosis Areas

These amendments delete the following areas from the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Humboldt, Jackson, and Linn Counties in Iowa; Bourbon and Chase Counties in Kansas; Nemaha County in Nebraska; Creek and Tulsa Counties in Oklahoma; and Denton, Freestone, Harrison, Kaufman, Navarro, and Wood Counties in Texas.

The following counties were deleted from the list of Modified Certified Brucellosis Areas on the specified dates: Loup County in Nebraska on July 14, 1972; Custer, Lincoln, Platte, and Sheridan Counties, in Nebraska on October 10, 1972; and Lake and Turner Counties in South Dakota on November 10, 1972. Since said dates, it has been determined that these counties again come within the definition of § 78.1(i); and, therefore, they have been redesignated as Modified Certified Brucellosis Areas.

Therefore, pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby amended to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

Alabama. The entire State.
Alaska. The entire State.
Arizona. The entire State.
Arkansas. The entire State.
California. The entire State.
Colorado. The entire State.
Connecticut. The entire State.
Delaware. The entire State.
Florida. The entire State.
Georgia. The entire State.
Hawaii. The entire State.
Idaho. The entire State.
Illinois. The entire State.
Indiana. The entire State.

Iowa. Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Ida, Iowa, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery,

Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Poweshiek, Ringgold, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Winneshiek, Woodbury, Worth, and Wright Counties.

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

Kentucky. The entire State.
Louisiana. The entire State.
Maine. The entire State.
Maryland. The entire State.
Massachusetts. The entire State.
Michigan. The entire State.
Minnesota. The entire State.
Mississippi. The entire State.
Missouri. The entire State.
Montana. The entire State.

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

Nevada. The entire State.
New Hampshire. The entire State.
New Jersey. The entire State.
New Mexico. The entire State.
New York. The entire State.
North Carolina. The entire State.
North Dakota. The entire State.
Ohio. The entire State.

Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, Major, Marshall, Mayes, McClain, McCurtain, McIntosh, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Wagoner, Washington, Washita, Woods, and Woodward Counties.

Oregon. The entire State.
Pennsylvania. The entire State.
Rhode Island. The entire State.
South Carolina. The entire State.
South Dakota. The entire State.
Tennessee. The entire State.
Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Gregg, Grimes, Guadelupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Madison, Marion, Martin, Mason, Matagorda, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Winkler, Wise, Yoakum, Young, Zapata, and Zavala Counties.

Utah. The entire State.
Vermont. The entire State.
Virginia. The entire State.
Washington. The entire State.
West Virginia. The entire State.
Wisconsin. The entire State.
Wyoming. The entire State.
Puerto Rico. The entire area, and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended; secs. 1, 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 37 FR 28464, 28477, 9 CFR 78.16(a))

Effective date. The foregoing amendments shall become effective February 22, 1973.

These amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to these amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of February 1973.

E. E. SAULMON,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.73-3443 Filed 2-22-74;8:45 am]

Title 7—Agriculture

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

[Valencia Orange Regulation 418]

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 23–March 1, 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 aranges, 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.

§ 908.718 Valencia Orange Regulation 418.

(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 regulation 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 current supplies are too limited to establish a market. Prices at auction have averaged

$3.06 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 section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for 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 section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such 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 20, 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 23, through March 1, 1973, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 129,207.

(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 22, 1973.

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

[FR Doc.73–3616 Filed 2–21–73;11:20 am]

[Lemon Reg. 574]

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 25–March 3, 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.

§ 910.874 Lemon Regulation 574.

(a) *Findings.* (1) 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 section 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 supplies of sizes 140 and larger, is good on size 165s and is easing on size 235s. Average f.o.b. price was $5.29 per carton the week ended February 17, 1973, compared to $5.27 per carton the previous week. Track and rolling supplies at 105 cars were down five 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 section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 20, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 25, through March 3, 1973, is hereby fixed at 215,000 cartons.

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

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

Dated: February 22, 1973.

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

[FR Doc.73–3615 Filed 2–22–73;11:18 am]

[Lime Reg. 9, Amdt. 3; Lime Reg. 26, Amdt. 2; Lime Reg. 33, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Shipments

The amendments to Lime Regulations 9, 26, and 33 revise the pack, container, and grade requirements for the handling of limes, effective during the period February 25, through April 30, 1973. They would remove the pack, container, and grade requirements, except the minimum

juice requirement, for limes shipped to destinations within the production area. The amended regulations would continue to require all Persian type lime shipments to points outside the production area to meet a minimum grade of U.S. Combination, Mixed Color. They would continue to require such shipments of Mexican type limes to grade at least U.S. No. 2. All types of limes shipped to points outside the production area would be required to continue to meet container and pack regulation requirements. The amended regulations are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Florida Lime Administrative Committee reflect its appraisal of the Florida lime crop and the current and prospective market conditions. The grade, container, and pack requirements specified herein are designed to provide consumers with good quality fruit, consistent with the shipping life of the supply available, while recognizing differences in consumer preferences for limes within and outside the production area, during the period specified, so as to improve returns to producers pursuant to the declared policy of the act. All lime shipments are currently being made subject to grade and size limitations which became effective June 1, 1972 (37 FR 9617), and the committee recommended removing restrictions, except the minimum juice requirement, for limes shipped to destinations within the production area, because the remaining supply of limes is short and consists of mostly larger sizes. While the shipping life of the larger sizes is short, such limes are acceptable to consumers in the production area and may be marketed there without loss of quality. Therefore, the committee unanimously recommended amendments of the current grade, container, and pack regulations as is indicated above.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which the amendments are based became available and the time when the amendments must become effective in order to effectuate the declared policy of the act is insufficient; and the amendments relieve restrictions on the handling of limes within the production area.

1. The provisions of paragraph (a)(2) of § 911.311 (Lime Regulation 9; 7 CFR Part 911) are hereby amended to read as follows:

§ 911.311 Lime Regulation 9.

(a) * * *

(2) During the period February 25, 1973, through April 30, 1973, no handler shall handle any container of limes, of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, unless such limes in such container meet the requirements of standard pack and one of the pack specifications established in subparagraph (1) of this paragraph, and each container in each lot is marked or stamped on one outside end in letters at least one-quarter inch in height to show the U.S. grade applicable to such lot and either the average juice content of the limes in such lot or the phrase "average juice content forty-two percent (42 percent) or more": *Provided,* That limes which fail to meet the grade requirements prescribed in § 911.335 may be handled to any point within the production area without regard to the pack specifications prescribed herein provided such limes meet the average juice content requirements prescribed in this section: *Provided further,* That, in lieu of such marking requirement, any handler may affix to the container a label, brand, or trademark, registered with the Florida Lime Administrative Committee in accordance with the following, which appropriately identifies the grade and the juice content of such limes:

* * * * *

2. The provisions of subparagraphs (2) and (3) of paragraph (a) in § 911.328 (Lime Regulation 26; 7 CFR Part 911; 37 FR 16929) are hereby amended to read as follows:

§ 911.328 Lime Regulation 26.

(a) * * *

(2) During the period February 25, 1973, through April 30, 1973, no handler shall handle between the production area and any point outside thereof any variety of limes, grown in the production area, in individual bags having a capacity of more than 4 pounds net weight of limes.

(3) Except as provided in subparagraph (5) of this paragraph, on and after the effective date hereof no handler shall handle between the production area and any point outside thereof any variety of limes, grown in the production area, in containers having a capacity of more than 4 pounds of limes unless such limes are handled in containers meeting the following specifications and conform to all other applicable requirements of this section:

* * * * *

3. In § 911.335 (Lime Regulation 33; 37 FR 9617) paragraph (a) and subparagraphs (1) and (2) thereof are amended to read as follows:

§ 911.335 Lime Regulation 33.

Order. (a) During the period February 25, 1973, through April 30, 1973, no handler shall handle:

(1) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color: *Provided,* That beginning February 25, 1973, true limes which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 911.328 for the handling of limes on and after February 25, 1973, between the production area and any point outside thereof;

(2) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in any container thereof grading at least U.S. No. 1, Mixed Color: *Provided,* That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) limes shall apply: *Provided further,* That beginning February 25, 1973, Persian limes which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 911.328 for the handling of limes on and after February 25, 1973, between the production area and any point outside thereof; or

* * * * *

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

Dated February 21, 1973, to become effective February 25, 1973.

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

[FR Doc.73-3577 Filed 2-22-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 72-EA-122]

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

Alteration of Transition Area

On page 28522 of the FEDERAL REGISTER for December 27, 1972, the Federal Aviation Administration published a proposed rule which would alter the Richmond, Va., Transition Area (38 FR 566).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t. April 26, 1973, as set forth below.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 9, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add the following to the description of the Richmond, Va. 700-foot floor transition area:

within 4.5 miles each side of the Richard Evelyn Byrd International Airport ILS localizer northwest course, extending from the localizer to 13.5 miles northwest of the localizer.

[FR Doc.73-3438 Filed 2-22-73;8:45 am]

[Airspace Docket No. 73-WA-2]

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

Change to Geographic Position of Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make a change to the geographic position of the Gateway Hemlock reporting point. A recomputation of the position of the intersection of the Newport, Oreg., 237° radial with the eastern boundary of the Oakland Oceanic Control Area reveals this to be latitude 43°18'08" N., longitude 126°-40'46" W. rather than latitude 43°19'20" N., longitude 126°40'45" W.

Since this amendment is minor in nature and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective March 29, 1973.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. March 29, 1973, as hereinafter set forth.

In § 71.209 (38 FR 616) "Gateway Hemlock INT: INT Newport, Oreg., 237° radial, east boundary Oakland Oceanic Control Area at latitude 43°19'20" N., longitude 126°40'45" W." is deleted and "Gateway Hemlock INT: INT Newport, Oreg., 237° radial, east boundary Oakland Oceanic Control Area at latitude 43°18'08" N., longitude 126°40'46" W." is substituted therefor.

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

Issued in Washington, D.C., on February 14, 1973.

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

[FR Doc.73-3437 Filed 2-22-73;8:45 am]

[Docket No. 12566; Amdt. No. 852]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendment

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

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

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Additional copies mailed to the same address may be ordered for $30 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective April 5, 1973.

Cheyenne, Wyo.—Cheyenne Municipal Airport, VOR-A, Amdt. 2.
Findlay, Ohio—Findlay Airport, VOR-2, Origin.

* * * effective March 29, 1973.

Missoula, Mont.—Johnson-Bell Field, VOR-A, Amdt. 14.
Missoula, Mont.—Johnson-Bell Field, VOR/DME-A, Amdt. 7.
Missoula, Mont.—Johnson-Bell Field, VOR/DME-B, Origin.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective April 5, 1973.

San Diego, Calif.—San Diego International Lindbergh Field, LOC (BC)-A, Amdt. 15.
San Diego, Calif.—San Diego International Lindbergh Field, LOC/DME (BC) Runway 27, Origin.
San Diego, Calif.—San Diego International Lindbergh Filed, LOC Runway 9, Origin.

* * * effective March 8, 1973.

Gary, Ind.—Gary Municipal Airport, LOC Runway 30, Origin.
Waukegan, Ill.—Waukegan Memorial Airport, LOC Runway 23, Origin.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective April 5, 1973.

Cheyenne, Wyo.—Cheyenne Municipal Airport, NDB Runway 26, Amdt. 6.

* * * effective March 8, 1973.

Gary, Ind.—Gary Municipal Airport, NDB Runway 30, Original.
Waukegan, Ill.—Waukegan Memorial Airport, NDB Runway 23, Amdt. 2, canceled.
Waukegan, Ill.—Waukegan Memorial Airport, NDB Runway 23, Original.

* * * effective March 1, 1973.

Lewisburg, Tenn.—Ellington Airport, NDB Runway 20, Original.

* * * effective February 14, 1973.

Hancock, Mich.—Houghton County Memorial Airport, NDB Runway 31, Amdt. 1.

* * * effective February 8, 1973.

Auburn-Lewiston, Maine—Auburn-Lewiston Municipal Airport, NDB Runway 4, Amdt. 5.

* * * effective February 15, 1973.

Apalachicola, Fla.—Apalachicola Municipal Airport, NDB Runway 13, Amdt. 4.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective April 5, 1973.

Baltimore, Md.—Friendship International Airport, ILS Runway 15, Amdt. 5.
Cheyenne, Wyo.—Cheyenne Municipal Airport, ILS Runway 26, Amdt. 25.
San Diego, Calif.—San Diego International Lindbergh Field, ILS Runway 9, Amdt. 4.

* * * effective March 29, 1973.

Missoula, Mont.—Johnson-Bell Field, ILS Runway 11, Amdt. 3.

* * * effective March 8, 1973.

Salt Lake City, Utah—Salt Lake City International Airport, ILS Runway 16L, Amdt. 1.

* * * effective March 1, 1973.

Olympia, Wash.—Olympia Airport, ILS Runway 17, Original.
Yuma, Ariz.—Yuma MCAS/Yuma International Airport, ILS Runway 21R, Original.

* * * effective February 14, 1973.

Hancock, Mich.—Houghton County Memorial Airport, ILS Runway 31, Amdt. 1.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's effective April 5, 1973.

Ashtabula, Ohio—Ashtabula County Airport, RNAV Runway 26, Origin.

* * * effective February 15, 1973.

Anderson, S.C.—Anderson County Airport, RNAV Runway 23, Amdt. 1.

* * * effective February 13, 1973.

Santa Barbara, Calif.—Santa Barbara Municipal Airport, RNAV-A, Amdt. 3.

(Secs. 307, 313, 601, 110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on February 15, 1973.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

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

[FR Doc.73-3436 Filed 2-22-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2339]

PART 13—PROHIBITED TRADE PRACTICES

Ex-Cell-O Corp.

Subpart—Advertising falsely or misleadingly: § 13.85 *Government approval, action, connection, or standards*: 13.85–35 Government indorsement; 13.85–35(a) Foreign; § 13.170 *Qualities or properties of product or service;* 13.170–13 Biodegradable; § 13.205 *Scientific or other relevant facts;* § 13.265 *Tests and investigations;* § 13.280 *Unique nature or advantages.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly*: 13.330–43 Foreign government, person, organization and/or institution. Subpart—Misrepresenting oneself and goods—Goods: § 13.1632 *Government indorsement or recommendation;* 13.1632–5 Foreign; § 13.1690 *Nonstandard character;* § 13.1710 *Qualities or properties;* § 13.1740 *Scientific or other relevant facts;* § 13.1762 *Tests, purported;* § 13.1770 *Unique nature or advantages.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) (Cease and desist order, Ex-Cell-O Corp., Highland Park, Mich., Docket No. C-2339, Jan. 9, 1973)

In the Matter of Ex-Cell-O Corp., a Corporation

Consent order requiring a Highland Park, Mich., manufacturer, seller, lessor, and distributor of equipment used in forming, filling, and sealing containers for dairy and other products, among other things to cease misrepresenting what happens when respondent's product is discarded, buried, or otherwise disposed of; representing its product as being biodegradable without indicating in immediate conjunction any limitations on the product's biodegradability such as polyethylene plastic components or environmental factors affecting rate of biodegradation; misrepresenting the effect or potential effect on the natural environment resulting from disposal of respondent's product; and misrepresenting the persons, organizations, or institutions which have tested the product or the results of such tests.

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

It is ordered, That respondent Ex-Cell-O Corp., a corporation, its successors and assigns, and its officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, offering for lease, lease, or distribution of milk or other products sold in Pure-Pak cartons, blanks for Pure-Pak cartons, machinery and equipment which form, fill and seal Pure-Pak cartons and services in connection therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that when discarded as litter, buried as landfill or otherwise disposed of in the natural environment, the Pure-Pak carton will, within a short period of time, completely disintegrate and become an integral and unidentifiable part of the natural environment in which said cartons are so discarded, buried or disposed of; or misrepresenting, in any manner, what happens to the Pure-Pak carton when it is so discarded, buried, or disposed of.

2. Representing, directly or indirectly, that the Pure-Pak carton, or any portion thereof, is biodegradable or will biodegrade, without disclosing, clearly and conspicuously, in immediate conjunction with such representation:

(a) That portion of the Pure-Pak carton which is polyethylene plastic or other material that is not biodegradable.

(b) That the rate of biodegredation, if it occurs, depends upon the various environmental and other factors to which the said carton is exposed.

3. Representing, directly or indirectly, that the Pure-Pak carton, when discarded as litter, buried as landfill or otherwise disposed of in the natural environment, singly or in substantial numbers, will not and has no potential to harm or adversely affect the natural environment in any material way; or misrepresenting, in any way, the effect or potential effect on the natural environment resulting from discarding the Pure-Pak carton as litter, burying the said carton as landfill, or otherwise disposing of the said carton in the natural environment.

4. Representing, directly or indirectly, that Respondent Ex-Cell-O Corp., out of its concern for the natural environment, specially designed the present form of the Pure-Pak carton so that when the said Pure-Pak carton, singly or in substantial numbers, is discarded as litter, buried as landfill or otherwise disposed of in the natural environment, said carton will not and has no potential to harm or adversely affect, in any material way, the natural environment in which said carton is so discarded, buried or disposed of; or misrepresenting, in any manner, the reason for the present design of the Pure-Pak carton.

5. Representing, directly or indirectly, that the Swedish Government or any person, organization or institution connected with or at the direction of the Swedish Government has ever tested the Pure-Pak carton to determine what would happen to said carton when exposed to weather conditions for any period of time; or misrepresenting, in any manner, the persons, organizations or institutions which have tested the Pure-Pak carton, or the results of such tests.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the preparation, creation, or placement of advertisements on behalf of respondent, to all other firms, organizations, or agencies engaged in the preparation, creation, or placement of advertisements on behalf of respondent, to all dairies and others engaged in packaging milk or other products in Pure-Pak cartons and to all paperboard converters who manufacture or sell blanks for Pure-Pak cartons, and that respondent secure a signed statement from such personnel, firms, organizations, dairies, or converters acknowledging receipt of said order to cease and desist.

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

It is further ordered, That respondent shall, within sixty (60) days after service of the order upon it, file with the Commission a report in writing setting forth in detail the manner and form of its compliance with the order to cease and desist.

Issued January 9, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-3413 Filed 2-22-73;8:45 am]

[Docket No. 8869]

PART 13—PROHIBITED TRADE PRACTICES

Spiegel, Inc.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155–70 Percentage savings; 13.155–95 Terms

and conditions; § 13.260 *Terms and conditions.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature;* § 13.1882 *Prices;* § 13.1905 *Terms and conditions.* Subpart—Offering unfair, improper, or deceptive inducements to purchase or deal: § 13.2070 *Special or trial offers, savings and discounts;* § 13.2080 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) (Cease and desist order, Spiegel, Inc., Chicago, Ill., Docket No. 8869, Jan. 9, 1973)

In the Matter of Spiegel, Inc., a Corporation

Order requiring a Chicago, Ill., catalog retailer, among other things to cease representing free trial offers, percentage savings, or reductions in price to prospective and established credit customers without stating in immediate conjunction therewith, any conditions or restrictions; failing to disclose that savings offers are only offered on condition of approved credit.

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

It is ordered, That respondent Spiegel, Inc., a corporation, its successors and assigns and respondent's officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, or distribution of clothing, household appliances, kitchenware, bedding, furniture, radios, luggage, tools, tires, or other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, to prospective credit customers that merchandise is being offered on a free trial basis, or at a percentage or amount off the usual and regular price, unless respondent clearly and conspicuously discloses in immediate conjunction with such offer that it is subject to respondent's credit approval.

2. Representing, directly or by implication, to respondent's established credit customers that merchandise is being offered on a free trial basis unless respondent clearly and conspicuously discloses in immediate conjunction therewith any credit restriction or condition which would make a customer ineligible to qualify under such offer or any other restriction or condition applicable to such offer.

3. Failing to clearly and conspicuously disclose at the top of questionnaires requesting information from prospective credit customers ordering merchandise pursuant to a free trial offer or other offer that it is an application for credit and that merchandise will be sent to the prospective customer only if such customer is approved for credit by respondent.

4. Representing, directly or by implication, that an offer of a free trial of merchandise, a reduction in the price of merchandise, or any other kind of offer is made or is available without conditions or restrictions when such offer is subject to conditions or restrictions not revealed therein.

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

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

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

It is further ordered, That the initial decision, as modified by this order, be, and it hereby is, adopted as the decision of the Commission.

By the Commission. Chairman Kirkpatrick submitted a separate statement.[1]

Issued January 9, 1973.

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

[FR Doc.73-3414 Filed 2-22-73;8:45 am]

PART 600—STATEMENTS OF GENERAL POLICY OR INTERPRETATIONS

Notice is hereby given that the Federal Trade Commission announces final action on six interpretations of the Fair Credit Reporting Act. (Public Law 91-508, 84 Stat. 1126, 15 U.S.C. 1601 et seq.)

The texts of the first five proposed interpretations—Credit Guides, Protective Bulletins, Loan Exchanges, Motor Vehicle Reports, and Prescreening—were published in the FEDERAL REGISTER on March 8, 1972. At that time, the Commission invited interested parties to submit written comments. On May 8, 1972, because of the large number of comments received, the Commission announced the postponement of these five interpretations and announced public hearings which were held on July 20 and 21, 1972. The record of the hearings remained open for 30 days to receive further comments. After an evaluation of the written comments and the transcript of the hearings, the Commission took final action on these five interpretations.

The text of the proposed interpretation dealing wih the Civil Service Commission was published in the FEDERAL REGISTER on October 7, 1972. After reviewing written comments on this proposed interpretation, the Commission adhered to its original position and affirmed an effective date of December 8, 1972.

These final interpretations are issued pursuant to § 1.73 of the Commission's procedures and rules of practice (36 FR 9293) which provides, in part, that the Commission will issue and cause to be published in the FEDERAL REGISTER interpretations of the Fair Credit Reporting Act on its own initiative or pursuant to the application of any person when it appears to the Commission that guidance as to the legal requirements of the Act would be in the public interest and would serve to bring about more widespread and equitable observance of the Act. The interpretations are not substantive rules and do not have the force and effect of statutory provisions. They are guidelines intended as clarification of the Fair Credit Reporting Act, and, like industry guides, are advisory in nature. Failure to comply with such interpretations may result in corrective action by the Commission under applicable statutory provisions.

The full text of each final interpretation is as follows:

Sec.
600.1 Credit guides.
600.2 Protective bulletins.
600.3 Loan exchanges.
600.4 Motor vehicle reports.
600.5 Prescreening.
600.6 Civil Service Commission.

AUTHORITY: Sec. 1.73 of the Commission's procedures and rules of practice (36 FR 9293).

§ 600.1 Credit guides.

(a) Credit guides are generally published by credit bureaus and leased on an annual basis to credit grantors. These "guides" are alphabetical listings of certain information, usually in code, rating each consumer as to how he pays his bills. For example, a business dealing with a consumer rates the individual on a scale from 0 to 9 depending on the type of account, 9 being the most favorable rating a person may receive. This information is assembled into a book called a "credit guide" which is distributed, for a fee, to all bureau members wishing to make use of the information.

(b) Section 603(d) of the FCRA defines a "consumer report" as "any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, * * * which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (1) credit or insurance to be used primarily for personal, family or household purposes, or (2) employment purposes, or (3) other purposes authorized under section 604." Section 604 of the Act prohibits the furnishing of consumer reports except for the specified permissible purposes indicated therein.

(c) "Credit guides," as presently compiled and distributed by credit bureaus, are a series of consumer reports, since

[1] Statement filed as part of the original document.

they contain information which is used for the purpose of serving as a factor in establishing the consumer's eligibility for credit. It is apparent that at the time these series of consumer reports are distributed, no permissible purpose for obtaining these reports exists, in accordance with the provisions of section 604. That is, though a recipient of the credit guide may have a permissible purpose for obtaining credit information on one or more of the consumers whose names are contained in the "guide," no recipient could conceivably ever have a transaction with every individual whose name is contained therein. Additionally, the permissible purpose for furnishing the consumer report must exist at the time the request for the report is made; it is not enough to obtain the consumer report in anticipation that a permissible purpose will arise subsequently.

(d) For the above reasons, it is the Commission's view that the publication and distribution of these credit guides is violative of the Fair Credit Reporting Act. To allow the continued compilation and distribution of these guides would provide a major means of circumventing the provisions of section 604 of the Fair Credit Reporting Act and would ignore one of the stated purposes of the Act, i.e., "respect for the consumer's right to privacy." Businesses that have need of information on a consumer, and have a right to that information because, for example, the consumer is applying for credit, are expected to contact the consumer reporting agency as the need arises.

(e) Although this interpretation clearly proscribes credit guides in their present form, it does not preclude the furnishing of information by a consumer reporting agency which is coded so that the consumer's identity is not disclosed, and therefore the information does not constitute a "consumer report" until decoded. Information which is coded to insure consumer anonymity and which incorporates procedures to insure the efficient correction of inaccurate, misleading, or obsolete information would fall within the scope of this interpretation. For example, unique identifiers such as social security number, drivers license number, or bank account number will provide adequate coding.

NOTE: The Commission will suspend enforcement of this interpretation until August 23, 1973, in order to provide publishers of credit guides the opportunity to recall existing guides to incorporate modifications insuring consumer anonymity and efficient correction of inaccurate, misleading, or obsolete information. All credit guides that are in noncompliance must be recalled by August 23, 1973.

§ 600.2 Protective Bulletins.

(a) A number of trade associations and other organizations issue Protective Bulletins, which are lists of consumers who have issued worthless checks or who for some other reason may not be credit worthy, or lists of persons whose alleged personal characteristics or affiliations disqualify them for employment. The question arises whether under the FCRA are such lists considered "consumer reports" and if so, may they be distributed?

(b) Communications issued by "persons" (broadly defined in FCRA section 603(b)) which are used to determine a consumer's credit worthiness are limited by sections 603 and 604 of the Fair Credit Reporting Act and such information can only be distributed to credit grantors and others who have a specific legitimate business need for information about that individual in connection with his application for credit, insurance, employment or other similar business transactions. Therefore, the distribution of certain kinds of lists and "bulletins" appears to be restricted. However, this will not apply to cetrain kinds of communications issued by organizations which are limited to a series of descriptions, usually accompanied by photographs, of individuals who are being sought by law enforcement authorities for alleged violation of criminal laws. These descriptions are usually accompanied by a statement such as "Information as to further activities, location or arrest of any of the following persons should be communicated to police authorities named in the warnings."

(c) In the Commission's view, such bulletins are not a "consumer report" or a series of them because the information was neither collected for consumer reporting purposes nor can it reasonably be anticipated that it will be used in connection with a legitimate business transaction with the persons reported upon. The primary purpose of the bulletins is to warn potential victims of the habits, practices, and descriptions of alleged check forgers, swindlers, and other criminals for whom arrest warrants are outstanding. While, of course, it is possible that an individual warned against in these bulletins could request a consumer loan, insurance, or employment, this is clearly a sufficiently remote possibility so as not to justify elimination of such a publication on FCRA grounds. There appears to be no basis for concluding that the protections, rights, and privileges afforded to consumers under the Fair Credit Reporting Act can be extended to proscribe this kind of warning communication, so long as it remains devoid of information collected or reasonably expected to be used for the purpose of serving as a factor in establishing the subjects' eligibility for consumer credit, insurance, employment, or other purposes mentioned in section 604 of the Act.

§ 600.3 Loan exchanges.

(a) As a rule, loan exchanges are owned and operated on a cooperative basis by local consumer finance companies, and their membership usually includes the nationwide companies operating in the particular area serviced by the exchange. All members of the local exchange are required to furnish to the exchange the full identity and loan amount of each of their borrowers. When a prospective borrower applies for a loan, the loan exchange is contacted for a determination of how many and what kinds of loans he has currently outstanding.

(b) Loan exchanges exist to fulfill one primary function: Collecting and reporting information to prospective credit grantors that has a direct "bearing on a consumer's credit worthiness, credit standing, credit capacity," etc. (definition of "consumer report," section 603(d)).

(c) Section 603(f) of the FCRA defines "consumer reporting agency" to include any person which "* * * on a cooperative nonprofit basis regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports." Accordingly, any exchange or pool which collects information which might bear on a decision to grant credit or insurance for personal, family, or household use, or employment, and disseminates this information to its members or other third parties is a consumer reporting agency. Prospective lenders that use this information are required to make the section 615(a) disclosure to consumers when they deny credit on the basis of the information. However, if credit is denied or the cost increased on the basis of information obtained after direct inquiry to another lender (even if that lender's identity was supplied by the loan exchange), then the prospective credit grantor will give the section 615(b) disclosure rather than identify the loan exchange pursuant to section 615(a).

§ 600.4 Motor vehicle reports.

(a) It is quite common for certain businesses such as insurance companies to request reports on a prospective (or current) insured from various State departments of motor vehicles. These reports are sold to such companies and generally reveal a consumer's entire driving record, including arrests for speeding, drunk driving, involuntary manslaughter, etc.

(b) It is the Commission's view that, under the circumstances in which such a State motor vehicle report contains information which bears on the "personal characteristics" of the consumer; that is, when the report refers to an arrest for drunk driving, such reports sold by a department of motor vehicles are "consumer reports" and the agency is a "consumer reporting agency" when it sells such reports.

(c) Since section 615(b), requiring the user's disclosure of information received from a third person who is not a consumer reporting agency, only applies to a denial of credit, the consumer is denied this important information when insurance is denied or the cost increased, unless the insurance company identifies the department pursuant to section 615(a), which requires a user to disclose the identity of any consumer reporting agency that has furnished such information.

(d) We believe that there is no basis for granting State motor vehicle departments an exemption from the definition of "consumer reporting agency" (section

603(f)). The reports clearly contain information "bearing on a consumer's * * * character, general reputation, personal characteristics, or mode of living," and when they are used "as a factor in establishing the consumer's eligibility for * * * insurance" (section 603(d)), the FCRA should apply.

(e) It should be noted that this interpretation is not intended to interfere with the legitimate law enforcement activities of State motor vehicle departments. In the Commission's view, the Act imposes the following requirements when State motor vehicle departments furnish motor vehicle reports to insurance companies:

(1) That the users (insurance companies) of motor vehicle reports identify (pursuant to section 615(a)) the motor vehicle department as the source of the report when it is used as a factor in denying, canceling or increasing the cost of insurance;

(2) That motor vehicle departments disclose the "nature and substance" of the consumer's motor vehicle record when requested to do so pursuant to sections 609 and 610;

(3) That motor vehicle departments comply with the reinvestigation requirements of section 611;

(4) That motor vehicle departments comply with the absolescence requirements of section 605; and

(5) That motor vehicle departments maintain reasonable procedures pursuant to section 607(b) to assure the maximum possible accuracy of their motor vehicle reports.

(f) This interpretation does not preclude a motor vehicle department from providing information to other State authorities or to Federal authorities that are involved in licensing or law enforcement activities.

§ 600.5 Prescreening.

(a) The practice of prescreening is common in the consumer reporting industry. One typical situation arises when a consumer reporting agency performs a list editing service for customers that market their products by direct mail solicitations. The seller sometimes sends his list to a consumer reporting agency, where the list is edited by deletion of those names that have an adverse credit record in the files.

(b) In this instance, the editing process is only used for the purpose of determining to whom the initial mailing is sent. Those individuals edited from the original list may apply for credit at a later date, in which case a new credit determination is made without reference to the mailing list either edited or unedited. In other situations, the consumer reporting agency is asked to create its own list of credit worthy individuals, based upon the soliciting business' criteria.

(c) The contention is put forth that the company does not deny credit to anyone whose name was deleted from the initial list and therefore it is not required to give notice to the consumer pursuant to section 615(a). It is also asserted that the prescreening service constitutes a permissible purpose to receive consumer reports under section 604(3)(A). That is, each individual whose name remains on the list then receives a solicitation involving an offer of extension of credit from the company. Finally, the list is used solely for the purpose stated above and is not used at any future date as a basis for denying credit.

(d) The user of a consumer report must be considering a business transaction involving each consumer upon whom a consumer report is furnished. Unlike credit guides, users of prescreened lists have a present intention to have a business transaction with every person on the prescreened list. Moreover, the furnishing of prescreened lists of consumers will only be permissible when the user can certify that every person listed will be the subject of an offer to enter into the particular business relationship involved.

(e) The Commission recognizes that the legislative history of the FCRA reveals a concern for the consumer's privacy and the accuracy of information stored at credit bureaus, and demonstrates a sensitivity as to the balance between the free flow of credit information for legitimate business purposes and the right of the consumer to keep his affairs private. However, the practice of prescreening results in no significant harm to consumers and the practice is not inconsistent with the basic purposes of the Act. Further, the ability of the consumer reporting agency to perform these prescreening services for a credit grantor shall not be deemed to permit delegation to a consumer reporting agency by a business of its credit granting, employment, insurance, or other business decisions whereby the consumer applying for such would be denied the right to the section 615 disclosures or any other rights under the Act.

§ 600.6 Civil Service Commission.

(a) In the course of its operations the U.S. Civil Sservice Commission collects and files data concerning current and potential employees of the Federal Government. This data may include commentary on such matters as the subject's character, general reputation, personal characteristics, or mode of living, and the information is routinely transmitted to various branches of the government. The question has arisen whether these activities are subject to the provisions of the Fair Credit Reporting Act.

(b) The definition of a "consumer report" section 603(d)(2) includes any written, oral, or other communication containing information of the type reported by the Civil Service Commission when that communication is used for employment purposes. That provision is applicable, however, only to those reports issued by a "consumer reporting agency," which is described in section 603(f) as being a "person" which assembles such information "for monetary fees, dues, or on a cooperative nonprofit basis" to third parties. Although such a person may be a "government or governmental subdivision or agency" (section 603(b)), it is the Commission's view that the Civil Service Commission was not intended by Congress to be subject to the Fair Credit Reporting Act.

(b) While in another context exchanges of information between the Civil Service Commission and other government agencies might be described as "nonprofit" and "cooperative," the legislative history of section 603(d) indicates that the language was intended to refer to commercial enterprises engaged in mutually beneficial exchanges of information. See 116 Congressional Record 36576 (remarks of Representative Brown) (1970). The proposition that Federal agencies were meant to be included as well finds no support in the Congressional debates or committee reports.

(c) In addition, there is no reference to administrative agencies of the U.S. Government in the discussions of the definition of the term "consumer reporting agency" which preceded passage of the Fair Credit Reporting Act, 116 Congressional Record 35941 (remarks of Senator Proxmire) (1970); 116 Congressional Record 36575 (remarks of Representatives Wylie, Sullivan, Brown, and Widnall) (1970). Normally Congress requests the views of officials of affected agencies when hearings are held on proposed legislation. It is unlike that legislation affecting the Civil Service Commission would have been considered and passed without the benefit of comments from that agency.

(d) For these reasons, the reporting activities of Federal agencies such as the Civil Service Commission will not be included within the scope of the Commission's Fair Credit Reporting Act enforcement program.

Effective on February 23, 1973. However, the Commission will withhold enforcement activities as to Credit Guides for 6 months. Credit Guides that are in noncompliance with this interpretation must be recalled by August 23, 1973.

Dated: February 21, 1973.

By direction of the Commission.

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

[FR Doc.73-3497 Filed 2-22-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-412 Order 473]

UNIFORM SYSTEM OF ACCOUNTS

Accounting for Gains and Losses of Utility Property That Had Been Classified in Utility Service; Certain Depreciation and Amortization Accounts

FEBRUARY 15, 1973.

On February 4, 1971, the Commission issued a notice of proposed rule making in this proceeding (36 FR 2803, February 10, 1971) proposing to amend the treatment for recording gains and losses

on the sale or other disposition of utility property and nonutility property that had previously been recorded in the utility plant accounts and to consolidate the various utility plant depreciation accounts into Account 108, Accumulated Provision for Depreciation of Electric (Gas) Utility Plant, and the utility plant amortization accounts into Account 111, Accumulated Provisions for Amortization (and Depletion) of Electric (Gas) Utility Plant.

Comments were invited from interested parties on or before March 22, 1971. This date was extended to include May 24, 1971, due to various requests. The Commission received comments from 27 respondents.[1]

The purpose of the rule making was to modify the Commission's Uniform Systems of Accounts and related annual reports to:

1. Establish consistent and uniform accounting treatment for application to the gains and losses relating to utility property upon its final disposition.

2. Establish one control account, each, for recording depreciation charges and amortization charges.

With respect to the portion of the rule making relating to the accounting treatment for gains and losses on the disposition of utility property; nine respondents agreed either wholly or partially with the proposal; four respondents voiced no objections but commented on certain portions; and 14 respondents disagreed. Of those agreeing, three were in full agreement with the proposal; two agreed provided that the accounting and rate making were consistent; one agreed providing that the nonutility property must have been previously a rate base item; one agreed with respect to nonutility property provided it was depreciable and had previously been a rate base item; one agreed provided that construction work in progress had been a rate base item; and one agreed that the nonutility property had been treated as a rate base item by the primary ratemaking body. The four respondents not objecting to the proposal either discussed some aspect of the proposal or suggested modifications. Those disagreeing did so on the basis that: the rule making was a violation of property rights and rights of ownership; the gains as a result of inflation should not accrue to the customers; customers should not assume the risk of ownership and, therefore, should not get the benefits of the gains; and the proposal is not equitable.

After careful consideration of the comments received, we have concluded that no change should be made in the accounting treatment of the gains and losses on the sale or other disposition of utility property. We shall therefore continue the current procedure of recording them as nonutility operating income and deductions or, in other words, "below the line".

In our recent Opinion No. 641, Duke Power Co., Docket No. E-7557, issued December 18, 1972, we dealt with the question of "whether the customers * * * have any rights in property or revenues derived from property owned by the utility". (Opinion 641 at p. 12.) Our resolution of the question was reached against a claim that since "ratepayers are required to finance (the utility's) transactions * * * (they) should share in any profits derived from the appreciation and development of * * * real estate" (id. at p. 12). We concluded that ratepayers have no interest, legal or equitable, in the property of the utility, relying upon Board of Public Utility Commissioners v. New York Telephone Co., 271 U.S. 23 (1926).

Accounting treatment and rate treatment should be consistent. Any change in our present accounting treatment to move gains and losses or disposition of utility property from below the line to above the line would be inconsistent with our rate treatment of this issue in Opinion 641.

There were no pertinent objections to portions of the rulemaking relating to the establishment of a single control account for depreciation and amortization charges and we are adopting those amendments, substantially, as proposed.

The Commission finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) That the amendments to Parts 101, 104, 201, and 204 of the Commission's Uniform Systems of Accounts for Public Utilities and Licensees and Natural Gas Companies, and Annual Report Form No. 1 prescribed by § 141.1 and Annual Report Form No. 2 prescribed by § 260.1 as pertains to new proposals for gains and losses relating to final disposition of utility property are unnecessary and should be dismissed.

(3) The amendments to Parts 101 and 104 of the Commission's Uniform System of Accounts for Public Utilities and Licensees, and Annual Report Form No. 1 prescribed by § 141.1 in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Federal Power Act.

(4) The amendments to Parts 201 and 204 of the Commission's Uniform System of Accounts for Natural Gas Companies, and Annual Report Form No. 2 prescribed by § 260.1 in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 301, 302, 303, 304, and 309 thereof (49 Stat. 854, 855, 856, 858, 859; 16 U.S.C. 825, 825a, 825b, 825c, 825h) and of the Natural Gas Act, as amended, particularly sections 8, 9, 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o), orders:

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

A. The Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The Chart of Balance Sheet Accounts is amended by changing the title of account "108, Accumulated Provision for Depreciation of Electric Plant in Service" to "108, Accumulated Provision for Depreciation of Electric Utility Plant", account "111, Accumulated Provision for Amortization of Electric Plant in Service" to "111, Accumulated Provision for Amortization of Electric Utility Plant," and by revoking accounts "109, Accumulated Provision for Depreciation of Electric Plant Leased to Others," "110, Accumulated Provision for Depreciation of Electric Plant Held for Future Use," "112, Accumulated Provision for Amortization of Electric Plant Leased to Others" and "113, Accumulated Provision for Amortization of Electric Plant Held for Future Use." As amended, the Chart of Balance Sheet Accounts reads as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

•	•	•	•	•	
108	Accumulated provision for depreciation of electric utility plant.				
109	[Revoked]				
110	[Revoked]				
111	Accumulated provision for amortization of electric utility plant.				
112	[Revoked]				
113	[Revoked]				
•	•	•	•	•	

2. The text of the Balance Sheet Accounts is amended as follows:

(a) Change the title of account "108, Accumulated Provision for Depreciation of Electric Plant in Service," to "108, Accumulated Provision for Depreciation of Electric Utility Plant" and revise paragraph A and the first sentence of paragraph B of the account text.

(b) Change the title of account "111, Accumulated Provision for Amortization

[1] Edison Electric Institute, American Gas Association, Independent Natural Gas Association of America, Allegheny Power System, Inc., American Electric Power Service Corp., Arizona Public Service Co., Cleveland Electric Illuminating Co., Columbus and Southern Ohio Electric Co., the Detroit Edison Co., Florida Power Corp., General Public Utilities Corp., Kansas City Power & Light Co., Middle South Services, Inc., Montana Power Co., Northern States Power Co., Pacific Gas and Electric Co., Pennsylvania Power & Light Co., Portland General Electric Co., Public Service Electric and Gas Co., Public Service of Indiana, Puget Sound Power and Light Co., Southern California Edison Co., Southern Services, Inc., Consolidated Gas Supply Corp., Kansas-Nebraska Natural Gas Co., Inc., Arthur Andersen & Co., Haskins and Sells.

of Electric Plant in Service" to "111, Accumulated Provision for Amortization of Electric Utility Plant," and revise paragraphs A and C of the account text.

(c) Revoke accounts "109, Accumulated Provision for Depreciation of Electric Plant Leased to Others," "110, Accumulated Provision for Depreciation of Electric Plant Held for Future Use," "112, Accumulated Provision for Amortization of Electric Plant Leased to Others," and "113, Accumulated Provision for Amortization of Electric Plant Held for Future Use."

As amended, the text of the Balance Sheet Accounts reads:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

108 Accumulated provision for depreciation of electric utility plant.

A. This account shall be credited with the following:

(1) Amounts charged to account 403, Depreciation Expense, or to clearing accounts for current depreciation expense for electric plant in service.

(2) Amounts charged to account 421, Miscellaneous Nonoperating Income, for depreciation expense on property included in account 105, Electric Plant Held for Future Use. Include, also, the balance of accumulated provision for depreciation on property when transferred to account 105, Electric Plant Held for Future Use, from other property accounts. Normally account 108 will not be used for current depreciation provisions because, as provided herein, the service life during which depreciation is computed commences with the date property is includible in electric plant in service; however, if special circumstances indicate the propriety of current accruals for depreciation, such charges shall be made to account 421, Miscellaneous Nonoperating Income.

(3) Amounts charged to account 413, Expenses of Electric Plant Leased to Others, for electric plant included in account 104, Electric Plant Leased to Others.

(4) Amounts charged to account 416, Costs and Expenses of Merchandising, Jobbing, and Contract Work, or to clearing accounts for current depreciation expense.

(5) Amounts of depreciation applicable to electric properties acquired as operating units or systems. (See electric plant instruction 5.)

(6) Amounts charged to account 182, Extraordinary Property Losses, when authorized by the Commission.

(7) Amounts of depreciation applicable to electric plant donated to the utility.

(The utility shall maintain separate subaccounts for depreciation applicable to electric plant in service, electric plant leased to others and electric plant held for future use.)

B. At the time of retirement of depreciable electric utility plant, this account shall be charged with the book cost of the property retired and the cost of removal and shall be credited with the salvage value and any other amounts recovered, such as insurance, * * *

* * * * *

109 [Revoked]

110 [Revoked]

111 Accumulated provision for amortization of electric utility plant.

A. This account shall be credited with the following:

(1) Amounts charged to account 404, Amortization of Limited-Term Electric Plant, for the current amortization of limited-term electric plant investments.

(2) Amounts charged to account 421, Miscellaneous Nonoperating Income, for amortization expense on property included in account 105, Electric Plant Held for Future Use. Include also the balance of accumulated provision for amortization on property when transferred to account 105, Electric Plant Held for Future Use, from other property accounts. See also paragraph A(2), account 108, Accumulated Provision for Depreciation of Electric Utility Plant.

(3) Amounts charged to account 405, Amortization of Other Electric Plant.

(4) Amounts charged to account 413, Expenses of Electric Plant Leased to Others, for the current amortization of limited-term or other investments subject to amortization included in account 104, Electric Plant Leased to Others.

(5) Amounts charged to account 425, Miscellaneous Amortization, for the amortization of intangible or other electric plant which does not have a definite or terminable life and is not subject to charges for depreciation expense, with Commission approval.

(The utility shall maintain subaccounts of this account for the amortization applicable to electric plant in service, electric plant leased to others and electric plant held for future use.)

B. * * *

C. For general ledger and balance sheet purposes, this account shall be regarded and treated as a single composite provision for amortization. For purposes of analysis, however, each utility shall maintain subsidiary records in which this account is segregated according to the following functional classification for electric plant: (1) Steam production, (2) nuclear production, (3) hydraulic production, (4) other production, (5) transmission, (6) distribution, and (7) general. These subsidiary records shall reflect the current credits and debits to this account in sufficient detail to show separately for each such functional classification (a) the amount of accrual for amortization, (b) the book cost of property retired, (c) cost of removal, (d) salvage, and (e) other items, including recoveries from insurance.

* * * * *

112 [Revoked]

113 [Revoked]

* * * * *

3. The text of the Income Accounts is amended by amending the last sentence of account "404, Amortization of Limited-Term Electric Plant," and paragraph A of account "405, Amortization of Other Electric Plant." As amended, the text of the Income Accounts reads as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

404 Amortization of limited-term electric plant.

* * * (See account 111, Accumulated Provision for Amortization of Electric Utility Plant.)

405 Amortization of other electric plant.

A. When authorized by the Commission, this account shall include charges for amortization of intangible or other electric utility plant which does not have a definite or terminable life and which is not subject to charges for depreciation expense.

* * * * *

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C AND CLASS D PUBLIC UTILITIES AND LICENSEES

B. The Commission's Uniform System of Accounts for Class C and Class D Public Utilities and Licensees prescribed by Part 104, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The Chart of Balance Sheet Accounts is amended by changing the title of account "110, Accumulated Provision for Depreciation and Amortization of Electric Plant" to "110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant." As amended, the Chart of Balance Sheet Accounts reads:

Balance Sheet Account

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

110 Accumulated provision for depreciation and amortization of electric utility plant.

* * * * *

2. The text of the Balance Sheet Accounts is amended by changing the title of account "110, Accumulated Provision for Depreciation and Amortization of Electric Plant," to "110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant." As amended, the text of the Balance Sheet Accounts reads as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

110 Accumulated provision for depreciation and amortization of electric utility plant.

* * * * *

3. The text of the Income Accounts is amended by amending the last sentence of account "404, Amortization of Limited-Term Electric Plant," and by revising paragraph A of account "405, Amortization of Other Electric Plant." As

amended, the text of the Income Accounts reads:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

404 Amortization of limited-term electric plant.

* * * (See account 110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant.)

405 Amortization of other electric plant.

A. When authorized by the Commission, this account shall include charges for amortization of intangible or other electric utility plant which does not have a definite or terminable life and which is not subject to charges for depreciation expense.

* * * * *

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

C. Schedule page 110, Comparative Balance Sheet and 408, Accumulated Provision for Depreciation of Electric Plant in F.P.C. Form No. 1, Annual Report for Electric Utilities and Licensees and Others (Class A and Class B), prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations are amended as set forth in Attachment A, hereto.[2]

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B NATURAL GAS COMPANIES

D. The Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The text of the Gas Plant Instructions is amended as follows:

(a) In Gas Plant Instruction 5, paragraph B(1) is revised.

(b) In Gas Plant Instruction 7, the last sentence of paragraph G and the last sentence of paragraph H are amended.

(c) In Gas Plant Instruction 10, paragraph G is revised.

(d) The first sentence of Gas Plant Instruction 12 and the note to the Instruction are amended.

As amended, the Gas Plant Instructions read:

Gas Plant Instructions

* * * * *

5. *Gas plant purchased or sold.* * * *

B. * * *

(1) The original cost of plant, estimated if not known, shall be credited to account 102, Gas Plant Purchased or Sold, and concurrently charged to the appropriate gas plant in service accounts and to account 104, Gas Plant Leased to Others, account 105, Gas Plant Held for Future Use. 105.1, Production Properties Held for Future Use, and account 107, Construction Work in Progress—Gas, as appropriate.

* * * * *

[2] Filed as part of the original document.

7. *Land and land rights.* * * *

G. * * * The cost of all other land and land rights held for the production of natural gas under a plan for such use shall be included in account 105, Gas Plant Held for Future Use, or 105.1, Production Properties Held for Future Use, as appropriate.

* * * * *

H. * * * (See account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant, account 404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights, account 404.3, Amortization of Other Limited-Term Gas Plant, and account 797, Abandoned Leases.)

* * * * *

10. *Additions and retirements of gas plant.* * * *

G. The accounting for the retirement of amounts included in account 302, Franchises and Consents, and account 303, Miscellaneous Intangible Plant, and the item of limited-term interest in land included in the accounts for land and land rights, shall be as provided for in the text of account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant, account 404.3, Amortization of Other Limited-Term Gas Plant, and account 405, Amortization of Other Gas Plant.

* * * * *

12. *Transfers of property.* When property is transferred from one gas plant account to another, from one utility department to another (such as from gas to electric), from one operating division or area to another, to or from account 101, Gas Plant in Service, 104, Gas Plant Leased to Others, 105, Gas Plant Held for Future Use, 105.1, Production Properties Held for Future Use, and 121, Nonutility Property, the transfer shall be recorded by transferring the original cost thereof from the one account, department, or location to the other. * * *

NOTE: Amounts included in account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant, shall not be related to a particular natural gas lease, and therefore, shall not be transferred under the provisions of this instruction.

* * * * *

2. The Chart of Balance Sheet Accounts is amended by changing the title of account "108, Accumulated Provision for Depreciation of Gas Plant in Service" to "108, Accumulated Provision for Depreciation of Gas Utility Plant", account "111.3, Accumulated Provision for Amortization of Other Gas Plant in Service" to "111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant", and by revoking accounts "109, Accumulated Provision for Depreciation of Gas Plant Leased to Others," "110, Accumulated Provision for Depreciation of Gas Plant Held for Future Use," "111.1, Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights," "111.2, Accumulated Provision for Amortization of Underground Storage Land and Land Rights," "112, Accumulated Provision for Amortization and Depletion of Gas Plant Leased to Others," "113.1, Accumulated Provision for Abandonment of Leases" and "113.2, Accumulated Provision for Amortization of Other Gas Plant Held for Future Use." As amended, the Chart of Balance Sheet Accounts reads:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

108 Accumulated provision for depreciation of gas utility plant.
109 [Revoked]
110 [Revoked]
111 Accumulated provision for amortization and depletion of gas utility plant.
111.1 [Revoked]
111.2 [Revoked]
112 [Revoked]
113.1 [Revoked]
113.2 [Revoked]

* * * * *

3. The text of the Balance Sheet Accounts is amended as follows:

(a) Change the title of account "108, Accumulated Provisions for Depreciation of Gas Plant in Service" to "108, Accumulated Provision for Depreciation of Gas Utility Plant" and revise paragraphs A and B of the account text.

(b) Change the title of account "111.3, Accumulated Provision for Amortization of Other Gas Plant in Service," to "111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant" and revise the account text.

(c) Revoke accounts "109, Accumulated Provisions for Depreciation of Gas Plant Leased to Others," "110, Accumulated Provisions for Depreciation of Gas Plant Held for Future Use," "111.1, Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights," "111.2, Accumulated Provision for Amortization of Underground Storage Land and Land Rights," "112, Accumulated Provision for Amortization and Depletion of Gas Plant Leased to Others," "113.1, Accumulated Provision for Abandonment of Leases" and "113.2, Accumulated Provision for Amortization of Other Gas Plant Held for Future Use."

As revised and amended, the text of the Balance Sheet Accounts reads:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

108 Accumulated provision for depreciation of gas utility plant.

A. This account shall be credited with the following:

(1) Amounts charged to account 403, Depreciation Expense, or to clearing accounts for current depreciation expense for gas plant in service.

(2) Amounts charged to account 421, Miscellaneous Nonoperating Income, for depreciation expense on property included in account 105, Gas Plant Held for Future Use, or 105.1, Production Properties Held for Future Use. Include

also, the balance of accumulated provision for depreciation on property when transferred to account 105 or 105.1, from other property accounts. Normally, account 108 will not be used for current depreciation provisions because, as provided herein, the service life during which depreciation is computed commences with the date property is includible in gas plant in service; however, if special circumstances indicate the propriety of current accruals for depreciation, such charges shall be made to account 421, Miscellaneous Nonoperating Income.

(3) Amounts charged to account 413, Expenses of Gas Plant Leased to Others, for gas plant included in account 104, Gas Plant Leased to Others.

(4) Amounts charged to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work, or to clearing accounts for current depreciation expense.

(5) Amounts of depreciation applicable to gas properties acquired as operating units or systems. (See gas plant instruction 5.)

(6) Amounts charged to account 182, Extraordinary Property Losses, when authorized by the Commission.

(7) Amounts of depreciation applicable to gas plant donated to the utility.

(The utility shall maintain separate subaccounts for depreciation applicable to gas plant in service, gas plant leased to others and gas plant held for future use.)

B. At the time of retirement of depreciable gas utility plant, this account shall be charged with the book cost of the property retired and the cost of removal and shall be credited with the salvage value and any other amounts recovered, such as insurance. When retirements, cost of removal and salvage are entered originally in retirement work orders, the net total of such work orders may be included in a separate subaccount hereunder. Upon completion of the work order, the proper distribution to subdivision of this account shall be made as provided in the following paragraph.

* * * * *

109 [Revoked]

110 [Revoked]

111 **Accumulated provision for amortization and depletion of gas utility plant.**

A. This account shall be credited with the following:

(1) Amounts charged to account 404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights, for current amortization and depletion of such land and land rights.

(2) Amounts charged to account 404.2, Amortization of Underground Storage Land and Land Rights, for current amortization.

(3) Amounts charged to account 404.3, Amortization of Other Limited-Term Gas Plant, for the current amortization of limited-term gas plant.

(4) Amounts charged to account 421, Miscellaneous Nonoperating Income, for amortization expense on property included in account 105, Gas Plant Held for Future Use, or 105.1, Production Properties Held for Future Use. Include also, the balance of accumulated provision for amortization on property when transferred to account 105 or 105.1 from other property accounts.

NOTE: See also paragraph A(2), of account 108, Accumulated Provision for Depreciation of Gas Utility Plant.

(5) Amounts charged to account 405, Amortization of Other Gas Plant.

(6) Amounts charged to account 413, Expenses of Gas Plant Leased to Others, for current amortization thereof.

(7) Amounts charged to account 797, Abandoned Leases, to provide for the abandonment of nonproductive natural gas leases.

(8) Amounts charged to account 425, Miscellaneous Amortization, for the amortization of intangible or other gas plant which does not have a definite or terminable life and is not subject to charges for depreciation expense, with Commission approval.

(The utility shall maintain subaccounts of this account for the amortization applicable to producing natural gas land and land rights, other gas plant in service, gas plant leased to others, abandonment of leases and gas plant held for future use.)

* * * * *

C. For general ledger and balance sheet purposes, this account shall be regarded and treated as a single composite provision for amortization. For purposes of analysis, however, each utility shall maintain subsidiary records in which this account is segregated according to the following functional classification for gas plant: (1) Production—manufactured gas, (2) production and gathering—natural gas, (3) products extraction—natural gas, (4) underground gas storage, (5) local storage, (6) transmission, (7) distribution, and (8) general. These subsidiary records shall reflect the current credits and debits to this account in sufficient detail to show separately for each such functional classification (a) the amount of provision for amortization, (b) the book cost of property retired, (c) cost of removal, (d) salvage, and (e) other items, including recoveries from insurance. Records shall be maintained so as to show separately the balance applicable to each item of land and land rights which is being amortized or depleted except that natural gas land and land rights which comprise an interest in a production area may be grouped to form a unit for amortization and depletion and the accumulated provision applicable thereto need not be segregated to show the amount related to each gas right included therein. Records shall also be maintained so as to show separately the balance applicable to each underground gas storage project.

* * * * *

111.1 [Revoked]

111.2 [Revoked]

112 [Revoked]

113.1 [Revoked]

113.2 [Revoked]

* * * * *

4. The text of the Income Accounts is amended as follows:

(a) Amend the last sentence of paragraph A of account "404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights," and of account "404.2, Amortization of Underground Storage Land and Land Rights."

(b) Amend the last sentence of account "404.3, Amortization of Other Limited-Term Gas Plant."

(c) Amend paragraph A of account "405, Amortization of Other Gas Plant."

As amended and revised the text of Income Accounts reads:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

404.1 **Amortization and depletion of producing natural gas land and land rights.**

A. * * * (See account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant.)

* * * * *

404.2 **Amortization of underground storage land and land rights.**

* * * (See account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant.)

* * * * *

404.3 **Amortization of other limited-term gas plant.**

A. * * * (See account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant.)

* * * * *

405 **Amortization of other gas plant.**

A. When authorized by the Commission, this account shall include charges for amortization of intangible or other gas utility plant, which does not have a definite or terminable life and which is not subject to charges for depreciation expense.

* * * * *

5. The text of the Operation and Maintenance Expense Accounts is amended by revising account "797, Abandoned Leases," as follows:

Operation and Maintenance Expense Accounts

1. PRODUCTION EXPENSES

* * * * *

C. EXPLORATION AND DEVELOPMENT EXPENSES

* * * * *

797 **Abandoned leases.**

A. This account shall be charged with amounts credited to account 111, Accumulated Provision for Amortization and

Depletion of Gas Utility Plant, to cover the probable loss on abandonment of natural gas leases included in account 105, Gas Plant Held for Future Use, or 105.1, Production Properties Held for Future Use, which have never been productive.

B. When natural gas leaseholds which have never been productive are abandoned, and the amounts provided in account 111 are not sufficient to cover the cost thereof, the deficiency shall be charged to this account unless otherwise authorized or directed by the Commission. (See account 182.)

* * * * *

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C AND CLASS D NATURAL GAS COMPANIES

E. The Commission's Uniform System of Accounts for Class C and D Natural Gas Companies, prescribed by Part 204, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The Chart of Balance Sheet Accounts is amended by changing the title of account "110, Accumulated Provision for Depreciation, Depletion, and Amortization of Gas Plant" to "110, Accumulated Provision for Depreciation, Depletion, and Amortization of Gas Utility Plant." As amended, the Chart of Balance Sheet Accounts reads as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

110 Accumulated provision for depreciation, depletion, and amortization of gas utility plant.

* * * * *

2. The text of the Balance Sheet Accounts is amended by changing the title of account "110, Accumulated Provision for Depreciation, Depletion, and Amortization of Gas Plant," to "110, Accumulated Provision for Depreciation, Depletion, and Amortization of Gas Utility Plant." As amended and revised the text of the Balance Sheet Accounts reads:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

110 Accumulated provision for depreciation, depletion and amortization of gas utility plant.

* * * * *

3. The text of the Income Accounts is amended by revising the last sentence of account "404, Amortization of Limited-Term Gas Plant," paragraph of account "405, Amortization of Other Gas Plant." As amended and revised the text of the Income Accounts reads:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

404 Amortization of limited-term gas plant.

* * * (See account 110, Accumulated Provision for Depreciation, Depletion, and Amortization of Gas Utility Plant.)

405 Amortization of other gas plant.

A. When authorized by the Commission, this account shall include charges for amortization of intangible or other gas plant, which does not have a definite or terminable life and which is not subject to charges for depreciation expense.

* * * * *

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

F. Schedule pages 110, Comparative Balance Sheet, 508, Accumulated Provision for Depreciation of Gas Plant, 509, Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights (Account 111.1 and Account 112), 510, Accumulated Provision for Amortization of Underground Storage Land and Land Rights (Account 111.2 and Account 112), 511, Accumulated Provisions for Amortization of Other Gas Plant in Service, Amortization and Depletion of Gas Plant Leased to Others, Amortization of Other Gas Plant Held for Future Use (Accounts 111.3, 112, 113.2), and 512, Accumulated Provision for Abandonment of Leases (Account 113.1), in FPC Form No. 2, Annual Report for Natural Gas Companies, (Class A and Class B), prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations are amended as set forth in Attachment B, hereto.[3]

G. That the portion of this docket which relates to the accounting treatment proposed for application to the gains and losses relating to final disposition of utility plant is terminated upon issuance of this order.

H. This order, as related to other accounting and reporting changes is effective January 1, 1973.

I. The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[4]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-3444 Filed 2-22-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 503-73]

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Subpart B—Production or Disclosure in Response to Subpoenas or Demands of Courts or Other Authorities

DELEGATION OF AUTHORITY TO COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, TO APPROVE PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Regulations published in the FEDERAL REGISTER on January 18, 1973 (38 FR 1741), delegated to the Deputy Attorney General, Assistant Attorneys General, and the Directors of the Federal Bureau of Investigation and Bureau of Prisons, certain authority to approve the production or disclosure of Department of Justice material or information in response to a subpoena, order or other demand. This order amends those regulations by delegating similar authority to the Commissioner of the Immigration and Naturalization Service.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, § 16.23(b)(2) of Subpart B of Part 16 of Chapter I of Title 28, Code of Federal Regulations is amended by deleting the word "and" at the end of subdivision (i), by adding the word "and" at the end of subdivision (ii) and by adding the following subdivision (iii) immediately after subdivision (ii):

§ 16.23 Procedure in the event of a demand for production or disclosure.

* * * * *

(b) * * *

(2) * * * (iii) The Commissioner of the Immigration and Naturalization Service, if the demand is one made on an employee or former employee of the Service for information or if the demand calls for the production of material from the files of the Service.

* * * * *

Dated: February 14, 1973.

RICHARD G. KLEINDIENST, *Attorney General.*

[FR Doc.73-3478 Filed 2-22-73;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER A—POLICY, PRACTICE, AND PROCEDURE

[General Order 85, Amdt. 2]

PART 206—MISCELLANEOUS FEES

Charges for Statistical or Economic Data

Effective on February 23, 1973, § 206.4 of this part is hereby revised to read as follows:

§ 206.4 Charges.

To recover the cost to the Federal Government of statistical or economic data furnished within the purview of § 206.3, including the direct and indirect costs thereof, the Maritime Administration will make a charge of: $13.50 per hour for regular time, and $16.50 per hour for overtime, for each employee's time required to produce the information.

Dated: February 15, 1973.

JAMES S. DAWSON, Jr., *Secretary.*

[FR Doc.73-3480 Filed 2-22-73;8:45 am]

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[3] Filed as part of the original document.

[4] Chairman Nassikas dissenting filed a separate statement appended hereto.

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	San Bernardino	Loma Linda, City of.	I 06 071 1947 01	Department of Water Resources, P.O. Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	City Clerk's Office, City of Loma Linda, P.O. Box 965, 11108 Anderson, Loma Linda, CA 92354.	Mar. 19, 1971. Emergency. Mar. 2, 1973. Regular.
Do.	San Joaquin	Unincorporated areas.				Feb. 23, 1973. Emergency.
Do.	Siskiyou	Unincorporated areas.				Do.
Illinois	Winnebago	Loves Park, City of.				Do.
Kentucky	Harlan	Wallins Creek, City of.	I 21 095 3390 01	Division of Water, Ky., Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	City Hall, City of Wallins Creek, Wallins Creek, Ky. 40873.	Dec. 10, 1971. Emergency. Mar. 2, 1973. Regular.
Massachusetts	Barnstable	Provincetown, Town of.	I 25 001 1050 01 through I 25 001 1050 05.	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Town Assessor's Office, Town of Provincetown, Provincetown, Mass. 02657.	Nov. 26, 1971. Emergency. Mar. 2, 1973. Regular.
Michigan	St. Clair	Cottrellville, Township of.				Feb. 23, 1973. Emergency.
Do.	Wayne	Grosse Ile, Township of.				Do.
Do.	do	Inkster, City of				Do.
Do.	Oakland	Troy, City of				Do.
Nebraska	Sarpy	Unincorporated areas.				Do.
New Jersey	Essex	Verona, Borough of.				Do.
New York	Westchester	Greenburgh, Town of.				Do.
Do.	Steuben	Corning, City of				Do.
Do.	do	Hornell, City of				Do.
Do.	do	Painted Post, Village of.				Do.
South Dakota	Minnehaha	Sioux Falls, City of.				Do.
Tennessee	Maury	Columbia, City of.	I 47 119 0470 01 through I 47 119 0470 17.	Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	City Hall, 707 North Main St., Columbia, TN 38401.	Mar. 3, 1972. Emergency. Mar. 2, 1973. Regular.
Wisconsin	Waukesha	Brookfield, City of.				Feb. 23, 1973. Emergency.

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

Issued: February 14, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-3332 Filed 2-22-73;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	San Bernardino	Loma Linda, City of.	H 06 071 1947 01	Department of Water Resources, P.O. Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	City Clerk's Office, City of Loma Linda, P.O. Box 965, 11108 Anderson, Loma Linda, CA 92354.	Mar. 2, 1973.
Kentucky	Harlan	Wallins Creek, City of.	H 21 095 3390 01	Division of Water, Ky., Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	City Hall, City of Wallins Creek, Wallins Creek, Ky. 40873.	Do.
Massachusetts	Barnstable	Provincetown, Town of.	H 25 001 1050 01 through H 25 001 1050 05	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Town Assessor's Office, Town of Provincetown, Provincetown, Mass. 02657.	Do.
Pennsylvania	Montgomery	Abington, Township of.	H 42 091 0015 01 through H 42 091 0015 04	Department of Community Affairs, Commonwealth of Pa., Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Township Bldg., 1176 Old York Rd., Abington, PA	Do.
Do.	Delaware	Chester, City of	H 42 045 1270 01 through H 42 045 1270 05	do.	Chester Redevelopment Authority, 815 Fidelity Bldg., 8th St. and The Avenue of the States, Chester, PA 19013.	Do.
Tennessee	Maury	Columbia, City of.	H 47 119 0470 01 through H 47 119 0470 17	Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	City Hall, 707 North Main St., Columbia, TN 38401.	Do.
West Virginia	Mingo	Delbarton, Town of.	H 54 059 0080 01 H 54 059 0080 02	West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Delbarton City Hall, City Bldg., Delbarton, W. Va. 25670.	Do.

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

Issued: February 14, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-3333 Filed 2-22-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Miscellaneous Amendments

This document contains miscellaneous amendments to the Statement of Procedural Rules (26 CFR Part 601) which was last amended on January 21, 1972 (37 FR 1016).

The Statement of Procedural Rules sets forth the procedural rules of the Internal Revenue Service respecting all taxes administered by the Service.

Subpart A (§ 601.101 et seq.) provides a descriptive statement of the general course and method by which the Service's functions are channeled and determined, insofar as such functions relate generally to the assessment, collection, and enforcement, of internal revenue taxes. Certain provision special to particular taxes are separately described in Subpart D (§ 601.401 et seq.) of this part. Conference and practice requirements of the Internal Revenue Service are contained in Subpart E (§ 601.501 et seq.) of this part. A description of the rule making functions of the Treasury Department with respect to internal revenue tax matters is contained in Subpart F (§ 601.601 et seq.) of this part. The procedural rules with respect to distilled spirits, wines, beer, cigars, cigarettes, cigarette papers and tubes, certain firearms and explosives are described primarily in Subpart C of this part. However, on July 1, 1972, the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service became the Bureau of Alcohol, Tobacco and Firearms, an independent bureau under the Department of the Treasury. Treasury Department Order No. 221 (published in the FEDERAL REGISTER for June 10, 1972 (37 FR 11696) continued in effect the rules of Part 601 as they relate to matters administered by the Bureau. Some of these rules have since been transferred from Subpart G to Part 71 of Title 27 of the Code of Federal Regulations. Eventually all of the Bureau's procedural rules will be similarly transferred. Subpart G (§ 601.701 et seq.) of this part relates to matters of official record in the Internal Revenue Service and the extent to which records and documents are subject to publication or open to public inspection. The Statement of Procedural Rules does not contain a detailed discussion of the substantive provisions pertaining to any particular tax or the procedures relating thereto, and for such information it is necessary that reference be made to the applicable provisions of law and the regulations promulgated thereunder. The regulations relating to the taxes administered by the Service are contained in Title 26 and those relating to the Bureau are contained in Titles 26 and 27 of the Code of Federal Regulations.

The amendments to the Statement of Procedural Rules contained in this document are adopted by this document. A discussion of the most significant of these amendments follows:

A new paragraph (d) is added to § 601.101 to explain the effect that the shift of the Alcohol, Tobacco and Firearms Division to the newly created Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury will have on the Statement of Procedural Rules. Until all the procedural rules which concern the Bureau are transferred to 27 CFR Part 71, all references to the Alcohol, Tobacco and Firearms Division, its regional and National Office officials and to the Commissioner and Chief Counsel in Subpart C will be construed to mean the Bureau of Alcohol, Tobacco and Firearms Division and its respective regional and National Office officials.

Subparagraph (5) of § 601.105(b) which explains the procedures for requesting technical advice from the National Office, the effect of such advice, and the right to appeal determinations not to seek technical advice is expanded and clarified by this document.

This document contains numerous amendments to § 601.201 which concerns ruling and determination letters. Some of the more significant changes are discussed below. The rules regarding organizations claiming section 501 or 521 exemption status are revised and expanded. The rules regarding group exemption letters for these organizations also are revised. Requests for determination letters for employee trusts or plans including pension trust determination letters are governed by rules which are revised by this document.

Two new subparagraphs have been added to § 601.601(d) by this document. Section 601.601(d)(2) was added to explain in more detail the objectives and standards for publication of revenue rulings and revenue procedures in the Internal Revenue Bulletin. The new § 601.601(d)(3) provides for a monthly Alcohol, Tobacco and Firearms Bulletin incorporating into one publication all matters of the Bureau of Alcohol, Tobacco and Firearms which are of public record. This bulletin is the authoritative instrument of the Director of the Bureau of Alcohol, Tobacco and Firearms. In this bulletin, the Director will announce official rulings and procedures of the Bureau and will publish Treasury decisions, legislation, administrative matters and other items of general interest.

AMENDMENTS TO THE STATEMENT OF PROCEDURAL RULES

This part as filed with the FEDERAL REGISTER on June 29, 1955, was last amended on January 21, 1972 (37 FR 1016). The following amendments are made to Part 601:

PARAGRAPH 1. Section 601.101 is amended by revising paragraphs (a) and (b) and adding a new paragraph (d) to read as follows:

§ 601.101 Introduction.

(a) *General.* The Internal Revenue Service is a bureau of the Department of the Treasury under the immediate direction of the Commissioner of Internal Revenue. The Commissioner has general superintendence of the assessment and collection of all taxes imposed by any law providing internal revenue. The Internal Revenue Service is the agency by which these functions are performed. Within an internal revenue district the internal revenue laws are administered by a district director of internal revenue. The Director of International Operations administers the internal revenue laws applicable to taxpayers residing or doing business abroad, foreign taxpayers deriving income from sources within the United States, and taxpayers who are required to withhold tax on certain payments to nonresident aliens and foreign corporations. For purposes of these procedural rules any reference to a district director or a district office includes the Director of International Operations or the Office of International Operations, if appropriate. Generally, the procedural rules of the Service are based on the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954, and the procedural rules in this part apply to the taxes imposed by both Codes except to the extent specifically stated or where the procedure under one Code is incompatible with the procedure under the other Code. Reference to sections of the Code are references to the Internal Revenue Code of 1954, unless otherwise expressly indicated.

(b) *Scope.* This part sets forth the procedural rules of the Internal Revenue Service respecting all taxes administered by the Service, and supersedes the previously published statement (26 CFR (1949 ed., Part 300-End) Parts 600 and 601) with respect to such procedural rules. Subpart A provides a descriptive statement of the general course and method by which the Service's functions are channeled and determined, insofar as such functions relate generally to the assessment, collection, and enforcement of internal revenue taxes. Certain provisions special to particular taxes are separately described in Subpart D of this part. Conference and practice requirements of the Internal Revenue Service are contained in Subpart E of this part. Specific matters not generally involved in the assessment, collection, and enforcement functions are separately described in Subpart B of this part. A description of the rule making functions of the Department of the Treasury with respect to internal revenue tax matters is contained in Subpart F of this part. The procedural rules with respect to distilled spirits, wines, beer, cigars, cigarettes, cigarette papers and tubes, and certain firearms are described in Subpart C of this part. Subpart G of this part relates to matters of official record in the Internal Revenue Service and the extent to which records and documents are subject to publication or open to public inspection. This part does not contain a detailed discussion of the substantive provisions pertaining to any particular tax or the procedures relating thereto, and for such information it is necessary that reference be made to the applicable provisions of law and the regulations promulgated thereunder. The regulations relating to the taxes administered by the Service are contained in Title 26 of the Code of Federal Regulations. The regulations administered by the Bureau of Alcohol, Tobacco and Firearms are contained in Titles 26 and 27 of the Code of Federal Regulations. See § 601.301.

* * * * *

(d) *Application to Bureau of Alcohol, Tobacco and Firearms.* This part sets forth most of the procedural rules for the Bureau of Alcohol, Tobacco and Firearms. However, some of its procedural rules have been transferred to Part 71 of Title 27 of the Code of Federal Regulations (a portion of the Code of Federal Regulations exclusively devoted to alcohol, tobacco, firearms, and explosives matters). As used in this part, the terms "Alcohol, Tobacco, and Firearms Division", "assistant regional commissioner (alcohol, tobacco and firearms)", and "chief special investigator (alcohol, tobacco and firearms)" shall be construed as meaning respectively "Bureau of Alcohol, Tobacco and Firearms", "regional director, Bureau of Alcohol, Tobacco and Firearms", and "special agent-in-charge, Bureau of Alcohol, Tobacco and Firearms". Also, with regard to the administration and enforcement of the laws applicable to distilled spirits, wines, beer, cigars, cigarettes, cigarette papers and tubes, firearms, and explosives, the terms "assistant regional commissioner", "Commissioner", and "Chief Counsel" used in Subpart C of this part, shall be construed as meaning respectively "regional director", "Director", and "Chief Counsel", the Bureau of Alcohol, Tobacco and Firearms. The term "internal revenue region" or "region" when used in connection with documents filed with, or matters handled by, a regional director, shall mean an Alcohol, Tobacco and Firearms Region. The seven ATF regions coincide geographically with the seven internal revenue regions.

PAR. 2. Section 601.102 is amended by revising paragraph (b)(1)(iv) to read as follows:

§ 601.102 Classification of taxes collected by the Internal Revenue Service.

* * * * *

(b) *Assessed taxes.* * * *

(1) * * *

(iv) Taxes imposed by chapter 42 of the 1954 Code.

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PAR. 3. Section 601.103 is amended by revising paragraphs (a), (b), and (c)(2) to read as follows:

§ 601.103 Summary of general tax procedure.

(a) *Collection procedure.* The Federal tax system is basically one of self-assessment. In general each taxpayer (or person required to collect and pay over the tax) is required to file a prescribed form of return which shows the facts

upon which tax liability may be determined and assessed. Generally, the taxpayer must compute the tax due on the return and make payment thereof on or before the due date for filing the return. If the taxpayer fails to pay the tax when due, the district director of internal revenue or the director of the regional service center after assessment issues a notice and demands payment within 10 days from the date of the notice. In the case of wage earners, in the case of annuitants and pensioners requesting withholding, and in the case of nonresident aliens, the income tax is collected in large part through withholding at the source. Another means of collecting the income tax is through payments of estimated tax which are required by law to be paid by certain individual and corporate taxpayers. Neither withholding nor payments of estimated tax relieves a taxpayer from the duty of filing a return otherwise required. Certain excise taxes are collected by the sale of internal revenue stamps.

(b) *Examination and determination of tax liability.* After the returns are filed in the office of the district director of internal revenue or in the office of the director of a regional service center, they are sorted, classified, and processed. Many of these returns are selected for examination. If adjustments are proposed with which the taxpayer does not agree, he is ordinarily afforded certain appeal rights, including an opportunity to discuss the proposed adjustments (except mathematical errors) in a conference in the district director's office. If this conference results in agreement on the proposed adjustments, the taxpayer is requested to execute an agreement form. If the tax involved is an income, profits, estate, gift, or chapter 42 tax, and if the taxpayer waives restrictions on the assessment and collection of the tax (see § 601.105(b)), the deficiency will be immediately assessed.

(c) *Disputed liability* * * *

(2) *Petition to the U.S. Tax Court.* In the case of income, profits, estate, gift, and excise taxes, imposed by subtitles A and B, and taxes under chapter 42 of the 1954 Code, before a deficiency may be assessed a statutory notice of deficiency (commonly called a "90-day letter") must be sent to the taxpayer by certified mail or registered mail unless the taxpayer waives this restriction on assessment. See, however, §§ 601.105(h) and 601.109 for exceptions. The taxpayer may then file a petition for a redetermination of the proposed deficiency with the U.S. Tax Court within 90 days from the date of the mailing of the statutory notice. If the notice is addressed to a person outside the States of the Union and the District of Columbia, the period within which a petition may be filed in the Tax Court is 150 days in lieu of 90 days. In other words, the taxpayer has the right in respect of these taxes to contest any proposed deficiency before an independent tribunal prior to assessment or payment of the deficiency. Unless the taxpayer waives the restrictions on assessment and collection after the date of the mailing of the statutory notice, no assessment or collection of a deficiency (not including the correction of a mathematical error) may be made in respect of these taxes until the expiration of the applicable period or, if a petition is filed with the Tax Court, until the decision of the Court has become final. If, however, the taxpayer makes a payment with respect to a deficiency, the amount of such payment may be assessed. See, however, § 601.105(h). If the taxpayer fails to file a petition with the Tax Court within the applicable period, the deficiency will be assessed upon the expiration of such period and notice and demand for payment of the amount thereof will be mailed to the taxpayer. If the taxpayer files a petition with the Tax Court, the entire amount redetermined as the deficiency by a final decision of the Tax Court will be assessed and is payable upon notice and demand. There are no restrictions on the timely assessment and collection of the amount of any deficiency determined by the Tax Court, and a notice of appeal of the Court's decision will not stay the assessment and collection of the deficiency so determined, unless on or before the time the notice of appeal is filed the taxpayer files with the Tax Court a bond in a sum fixed by the Court not exceeding twice the portion of the deficiency in respect of which the notice of appeal is filed. No part of an amount determined as a deficiency but disallowed as such by a decision of the Tax Court which has become final may be assessed or collected by levy or by proceeding in court with or without assessment.

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PAR. 4. Section 601.104 is amended by revising paragraphs (a)(5), (b), and (c)(1) to read as follows:

§ 601.104 Collection functions.

(a) *Collection methods* * * *

(5) *Collection of tax by another person.* Certain miscellaneous excise taxes are imposed on the person making the payment for telephone service, air transportation, and other facilities or services. Such taxes are required to be collected by the telephone company, airline, or other person receiving the payment. All taxes collected in this manner are held by the collecting agent in trust for the United States until deposited in accordance with the depository procedures or paid over to the Internal Revenue Service. If the person from whom the tax is required to be collected refuses to pay it, or if for any reason it is impossible for the collecting agency to collect the tax from such person, the collecting agency is required to report the facts to the District Director of Internal Revenue, and the tax will then be collected by direct assessment against the person failing or refusing to pay the tax to the collecting agent. For special provisions applicable to excise taxes collected by another person, see § 601.403.

(b) *Extension of time for filing returns.* Under certain circumstances the district directors or directors of service centers are authorized to grant a reasonable extension of time for filing a return or declaration. The maximum period for extensions cannot be in excess of 6 months, except in the case of taxpayers who are abroad. With an exception in the case of estate tax returns, written application for extension must be received by the appropriate director on or before the date prescribed by law for filing the return or declaration. On or before the last date prescribed by law for filing its income tax return, a corporation may obtain an automatic 3-month extension of time for filing the income tax return by filing Form 7004 and paying an estimated amount not less than would be required as the first installment of tax due should the corporation elect to pay the tax in installments. Form 7005 sould be used when an additional extension of time is requested by a corporation that previously received an automatic 3-month extension. On or before the date prescribed for the filing of the return of an individual, such individual may obtain an automatic 2-month extension of time for filing his return by filing Form 4868 and paying the unpaid balance of tax due with the return. An extension of time for filing a declaration of estimated tax (generally limited to a period of not more than 15 days) automatically extends the time for paying the estimated tax (without interest) for the same period.

(c) *Enforcement procedure*—(1) *General.* Taxes shown to be due on returns, deficiencies in taxes, additional or delinquent taxes to be assessed, and penalties, interest, and additions to taxes, are recorded by the district director or the director of the regional service center as "assessments." Under the law an assessment is prima facie correct for all purposes. Generally, the taxpayer bears the burden of disproving the correctness of an assessment. Upon assessment, the district director is required to effect collection of any amounts which remain due and unpaid. Generally, payment within 10 days from the date of the notice and demand for payment is requested; however, payment may be required in a shorter period if collection of the tax is considered to be in jeopardy. When collection of income tax is in jeopardy, the taxpayer's taxable period may be terminated under section 6851 of the Code and assessment of the tax made expeditiously under section 6201 of the Code.

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PAR. 5. Section 601.105 is amended by revising paragraph (a), by revising paragraph (b) (2), (4), and (5), by revising paragraph (e)(6) and adding a new paragraph (e)(7) and by revising paragraph (h). The revised and added provisions read as follows:

§ 601.105 Examination of returns and claims for refund, credit or abatement; determination of correct tax liability.

(a) *Processing of returns.* When the returns are filed in the office of the district director of internal revenue or the office

of the director of a regional service center, they are checked first for form, execution, and mathematical accuracy. Mathematical errors are corrected and a correction notice of any such error is sent to the taxpayer. Notice and demand is made for the payment of any additional tax so resulting, or refund is made of any overpayment. Returns are classified for audit at regional service centers. Certain individual income tax returns with potential unallowable items are delivered to Audit Divisions at regional service centers for correction by correspondence. Otherwise, returns with the highest audit potential are delivered to district Audit Divisions based on workload capacities. Those most in need of examination are selected for office or field audit.

(b) *Examination of returns.* * * *

(2) *Office Audit*—(i) *Adjustments by Audit Division at service center.* Certain individual income tax returns identified as containing potential unallowable items are audited by Audit Divisions at regional service centers. Correspondence audit techniques are used. If a taxpayer does not agree to proposed adjustments, regular appellate procedures apply. When an interview or district conference with the taxpayer is necessary, the case is transferred to the taxpayer's district office.

(ii) *Examinations at district office.* Certain returns are examined at district offices by office audit techniques. These returns include some business returns, besides the full range of nonbusiness individual income tax returns. Office audits are conducted primarily by the interview method. Audits are conducted by correspondence only when warranted by the nature of the questionable items and by the convenience and characteristics of the taxpayer. In a correspondence audit, the taxpayer is asked to explain or send supporting evidence by mail. In an office interview audit the taxpayer is asked to come to the district director's office for an interview and to bring certain records with him in support of his return. During the interview audit, the taxpayer has the right to point out to the examining officer any amounts included in his return which are not taxable, or any deductions which he failed to claim on his return. If it develops that a field audit is necessary, the examining officer may conduct such audit.

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(4) *Conclusion of audit.* At the conclusion of an office or field audit, the taxpayer is given an opportunity to agree with the findings of the examining officer. If the taxpayer does not agree, the examining officer will inform the taxpayer of his appeal rights. See paragraph (c) of this section for district conference procedure. If the taxpayer does agree with the proposed changes, the examining officer will invite him to execute either Form 870 or another appropriate agreement form. When the taxpayer agrees with the proposed changes but does not offer to pay any deficiency or additional tax which may be due, the examining officer will also invite payment (by check or money order), together with any applicable interest or penalty. If the agreed case involves income, profits, estate, gift, or Chapter 42 taxes, the agreement is evidenced by a waiver by the taxpayer of restrictions on assessment and collection of the deficiency, or an acceptance of a proposed overassessment. If the case involves excise or employment taxes or 100 percent penalty, the agreement is evidenced in the form of a consent to assessment and collection of additional tax or penalty and waiver of right to file claim for abatement, or the acceptance of the proposed overassessment. Even though the taxpayer signs an acceptance of a proposed overassessment the district director or the director of the regional service center remains free to assess a deficiency. On the other hand, the taxpayer who has given a waiver may still claim a refund of any part of the deficiency assessed against him and paid by him, or any part of the tax originally assessed and paid by him. The taxpayer's acceptance of an agreed overassessment does not prevent his filing a claim and bringing a suit for an additional sum, nor does it preclude the Government from maintaining suit to recover an erroneous refund. As a matter of practice, however, waivers or acceptances ordinarily result in the closing of a case insofar as the Government is concerned.

(5) *Technical advice from the National Office*—(i) *Definition and nature of technical advice.* (a) As used in this subparagraph, "technical advice" means advice or guidance as to the interpretation and proper application of internal revenue laws, related statutes, and regulations, to a specific set of facts, furnished by the National Office upon request of a district office in connection with the examination of a taxpayer's return or consideration of a taxpayer's return claim for refund or credit. It is furnished as a means of assisting Service personnel in closing cases and establishing and maintaining consistent holdings in the several districts. It does not include memorandums on matters of general technical application furnished to district offices where the issues are not raised in connection with the examination of the return of a specific taxpayer.

(b) The consideration or examination of the facts relating to a request for a determination letter is considered to be in connection with the examination or consideration of a return of the taxpayer. Thus, a district director may, in his discretion, request technical advice with respect to the consideration of a request for a determination letter.

(c) If a district director is of the opinion that a ruling letter previously issued to a taxpayer should be modified or revoked, and he requests the National Office to reconsider the ruling, the reference of the matter to the National Office is treated as a request for technical advise and the procedures specified in subdivision (iii) of this subparagraph should be followed in order that the National Office may consider the district director's recommendation. Only the National Office can revoke a ruling letter. Before referral to the National Office, the district director should inform the taxpayer of his opinion that the ruling letter should be revoked. The district director, after development of the facts and consideration of the taxpayer's arguments, will decide whether to recommend revocation of the ruling to the National Office. For procedures relating to a request for a ruling, see § 601.201.

(d) The Assistant Commissioner (Technical), acting under a delegation of authority from the Commissioner of Internal Revenue, is exclusively responsible for providing technical advice in any issue involving the establishment of basic principles and rules for the uniform interpretation and application of tax laws other than those which are under the jurisdiction of the Bureau of Alcohol, Tobacco, and Firearms. This authority has been largely redelegated to subordinate officials.

(e) The provisions of this subparagraph apply only to a case under the jurisdiction of a district director. They do not apply to a case under the jurisdiction of the Bureau of Alcohol, Tobacco, and Firearms or to a case under the jurisdiction of a regional Appellate Division, including a case previously considered by Appellate. A case remains under the jurisdiction of the district director even though a Regional Appellate Division has the identical issue under consideration in the case of another taxpayer (not related within the meaning of section 267 of the Code) in an entirely different transaction. Technical advice may not be requested with respect to a taxable period if a prior Appellate disposition of the same taxable period of the same taxpayer's case was based on mutual concessions (ordinarily with a Form 870–AD, Offer or Waiver of Restrictions on Assessment and Collection of Deficiency in Tax and of Acceptance of Overassessment). Technical advice may not be requested by a district office on issues previously considered in a prior Appellate disposition, not based on mutual concessions, of the same taxable periods of the same taxpayer unless Appellate concurs in the request.

(ii) *Areas in which technical advice may be requested.* (a) District directors may request technical advice on any technical or procedural question that develops during the audit or examination of a return, or claim for refund or credit, of a taxpayer. These procedures are applicable as provided in subdivision (i) of this subparagraph.

(b) District directors are encouraged to request technical advice on any technical or procedural question arising in connection with any case of the type described in subdivision (i) of this subparagraph, at any stage of the proceedings in the district office, which cannot be resolved on the basis of law, regulations, or a clearly applicable Revenue Ruling or other precedent issued by the National Office.

(iii) *Requesting technical advice.* (a) It is the responsibility of the district office to determine whether technical advice is to be requested on any issue before

that office. However, while the case is under the jurisdiction of the district director, a taxpayer or his representative may request that an issue be referred to the National Office for technical advice on the grounds that a lack of uniformity exists as to the disposition of the issue, or that the issue is so unusual or complex as to warrant consideration by the National Office. While taxpayers are encouraged to make written requests setting forth the facts, law, and argument with respect to the issue, and reasons for requesting National Office advice, a taxpayer may make the request orally. If, after considering the taxpayer's request, the examining officer or conferee is of the opinion that the circumstances do not warrant referral of the case to the National Office, he will so advise the taxpayer. (See subdivision (iv) of this subparagraph for taxpayer's appeal rights where examining officer or conferee declines to request technical advice.)

(*b*) When technical advice is to be requested, whether or not upon the request of the taxpayer, the taxpayer will be so advised, except as noted in (*g*) of this subdivision. If the examining officer or the conferee initiates the action, the taxpayer will be furnished a copy of the statement of the pertinent facts and the question or questions proposed for submission to the National Office. The request for advice submitted by the district director should be so worded as to avoid possible misunderstanding, in the National Office, of the facts or of the specific point or points at issue.

(*c*) The taxpayer will be given 10 days (or such longer period as may be agreed upon) in which to indicate in writing the extent, if any, to which he may not be in complete agreement with the statement of facts and specific questions presented to him by the district office. Every effort should be made to reach agreement as to the facts and the specific point at issue. If agreement cannot be reached, the taxpayer may submit a statement of his understanding as to the specific point or points at issue which will be forwarded to the National Office with the request for advice.

(*d*) If the taxpayer initiates the action to request advice, and his statement of the facts and point or points at issue are not wholly acceptable to the district officials, the taxpayer will be advised in writing as to the areas of disagreement. If agreement cannot be reached, both the statements of the taxpayer and the district official will be forwarded to the National Office.

(*e*) If the taxpayer has not already done so, he may submit a statement explaining his position on the issues, citing precedents which he believes will bear on the case. This statement will be forwarded to the National Office with the request for advice. If it is received at a later date, it will be forwarded for association with the case file.

(*f*) At the time the taxpayer is informed that the matter is being referred to the National Office, he will also be informed of his right to a conference in the National Office in the event an adverse decision is indicated, and will be asked to indicate whether he desires such a conference.

(*g*) The provisions of (*a*) through (*f*) of this subdivision, relating to the referral of issues upon request of taxpayer, advising taxpayers of the referral of issues, and the granting of conferences in the National Office, are not applicable to matters primarily of internal concern or in instances where it would be prejudicial to the interests of the Internal Revenue Service (as for example in cases involving fraud or jeopardy assessments).

(*h*) Form 4463, Request for Technical Advice, should be used for transmitting requests for technical advice to the National Office.

(iv) *Appeal by taxpayers of determinations not to seek technical advice.* (*a*) If the taxpayer has requested referral of an issue before a district office to the National Office for technical advice, and after consideration of the request the examining officer or conferee is of the opinion that the circumstances do not warrant such referral, he will so advise the taxpayer.

(*b*) The taxpayer may appeal the decision of the examining officer or conferee not to request technical advice by submitting to that official, within 10 days (or such longer period as may be agreed upon), a statement of the facts, law, and arguments with respect to the issue, and the reasons why he believes the matter should be referred to the National Office for advice.

(*c*) The examining officer or conferee will submit the statement of the taxpayer through channels to the Chief, Audit Division, accompanied by a statement of his reasons why the issue should not be referred to the National Office. The Chief, Audit Division, will determine, on the basis of the statements submitted, whether technical advice will be requested. If he determines that technical advice is not warranted, he will inform the taxpayer in writing that he proposes to deny the request. In the letter to the taxpayer, the Chief, Audit Division, will (except in unusual situations where such action would be prejudicial to the best interest of the Government) state specifically the reasons for the proposed denial. The letter will also specify a response date giving the taxpayer 15 days in which to notify the Chief, Audit Division, whether he agrees with the proposed denial. The taxpayer may not appeal the decision of the Chief, Audit Division, not to request technical advice from the National Office. However, if he does not agree with the proposed denial, all data relating to the issue for which technical advice has been sought, including taxpayer's written request and statements, will be submitted to the National Office, Attention: Director, Audit Division, for review. After review in the National Office, the district office will be notified whether the proposed denial is approved or disapproved.

(*d*) While the matter is being reviewed in the National Office, the district office will suspend action on the issue (except where the delay would prejudice the Government's interests) until it is notified of the National Office decision. This notification will be made within 30 days after receipt of the data in the National Office. The review will be solely on the basis of the written record and no conference will be held in the National Office.

(v) *Conference in the National Office.* (*a*) If, after a study of the technical advice request, it appears that advice that is adverse to the taxpayer should be given and a conference has been requested, the taxpayer will be notified of the time and place of the conference. If conferences are being arranged with respect to more than one request for advice involving the same taxpayer, they will be so scheduled as to cause the least inconvenience to the taxpayer.

(*b*) A taxpayer is entitled, as a matter of right, to only one conference in the National Office unless one of the circumstances discussed in (*c*) of this subdivision exists. This conference will usually be held at the branch level in the appropriate division (Income Tax Division or Miscellaneous and Special Provisions Tax Division) in the office of the Assistant Commissioner (Technical), and will usually be attended by a person who has authority to act for the branch chief. If more than one subject is discussed at the conference, the discussion constitutes a conference with respect to each subject. At the request of the taxpayer or his representative, the conference may be held at an earlier stage in the consideration of the case than the Service would ordinarily designate. A taxpayer has no "right" of appeal from an action of a branch to the director of a division or to any other National Office official.

(*c*) In the process of review of a holding proposed by a branch, it may appear that the final answer will involve a reversal of the branch proposal with a result less favorable to the taxpayer. Or it may appear that an adverse holding proposed by a branch will be approved but on a new or different issue or on different grounds than those on which the branch decided the case. Under either of these circumstances, the taxpayer or his representative will be invited to another conference. The provisions of this subparagraph limiting the number of conferences to which a taxpayer is entitled will not foreclose inviting a taxpayer to attend further conferences when, in the opinion of National Office personnel, such need arises. All additional conferences of this type discussed are held only at the invitation of the Service.

(*d*) It is the responsibility of the taxpayer to furnish to the National Office, for addition to the case file, a written record of any additional data, line of reasoning, precedents, etc., which are proposed by the taxpayer and discussed at the conference but which were not previously or adequately presented in writing. This additional record and a

copy thereof should be addressed to and sent to the National Office which will forward the copy to the appropriate district director. The district director will be requested to give the matter his prompt attention. He may verify the additional facts and data and comment upon it to the extent he deems it appropriate.

(e) A taxpayer or his representative desiring to obtain information as to the status of his case may do so by contacting the following offices with respect to matters in the areas of their responsibility:

Official:	*Telephone Numbers (Area Code 202)*
Director, Income Tax Division	964-4504 or 964-4505
Director, Miscellaneous and Special Provisions Tax Division	964-3767 or 964-3788

(vi) *Preparation of technical advice memorandum by the National Office.* (a) Immediately upon receipt in the National Office, the technical employee to whom the case is assigned will analyze the file to ascertain whether it meets all requirements of subdivision (iii) of this subparagraph. If the case is not complete, appropriate steps will be taken to complete the file.

(b) If the taxpayer has requested a conference in the National Office, the procedures in subdivision (v) of this subparagraph will be followed.

(c) Replies to requests for technical advice will be addressed to the district director and will be drafted in two parts. Each part will identify the taxpayer by name, address, identification number, and year or years involved. The first part (hereafter called the "Technical Memorandum") will contain (*1*) a recitation of the pertinent facts having a bearing on the issue; (2) a discussion of the facts, precedents, and reasoning of the National Office; and (*3*) the conclusions of the National Office. The conclusions will give direct answers, whenever possible, to the specific questions of the district office. The discussion of the issues will be in such detail that the district officials are apprised of the reasoning underlying the conclusion.

(d) The second part of the reply will consist of a transmittal memorandum. In the unusual cases it will serve as a vehicle for providing the district office administrative information or other information which, under the nondisclosure statutes, or for other reasons, may not be discussed with the taxpayer.

(e) It is the general practice of the Service to furnish a copy of the technical memorandum to the taxpayer, upon his request, after it has been adopted by the district director. However, where no definitive answer is given to the specific question presented, where the factual submission is such as to indicate that the issue should be decided by the district office, or where it would not be in the interest of wise administration of the tax laws, a copy of the technical memorandum will not be furnished the taxpayer. The National Office will specifically advise the district director in those cases where it is determined that a copy of the technical memorandum is not to be made available to the taxpayer.

(vii) *Action on technical advice in district offices.* (a) Unless the district director feels that the conclusions reached by the National Office in a technical advice memorandum should be reconsidered and promptly requests such reconsideration, his office will proceed to process the taxpayer's case on the basis of the conclusions expressed in the technical advice memorandum.

(b) Unless advised otherwise by the National Office as provided in subdivision (vi) (*e*) of this subparagraph, the district office will furnish to the taxpayer, upon his request, a copy of the technical memorandum described in subdivision (vi) (*c*) of this subparagraph, for his information as to the holding of the Service on the issue.

(c) In those cases in which the National Office advises the district director that he should not furnish a copy of the technical memorandum to the taxpayer, the district director will so inform the taxpayer if he requests a copy.

(viii) *Effect of technical advice.* (a) A technical advice memorandum represents an expression of the views of the Service as to the application of law, regulations, and precedents to the facts of a specific case, and is issued primarily as a means of assisting district officials in the examination and closing of the case involved.

(b) Except in rare or unusual circumstances, a holding in a technical advice memorandum that is favorable to the taxpayer is applied retroactively. Moreover, since technical advice, as described in subdivision (i) of this subparagraph, is issued only on closed transactions, a holding in a technical advice memorandum that is adverse to the taxpayer is also applied retroactively unless the Assistant Commissioner (Technical) exercises the discretionary authority under section 7805(b) of the Code to limit the retroactive effect of the holding. Likewise, a holding in a technical advice memorandum that modifies or revokes a holding in a prior technical advice memorandum will also be applied retroactively, with one exception. If the new holding is less favorable to the taxpayer, it will generally not be applied to the period in which the taxpayer relied on the prior holding in situations involving continuing transactions of the type described in § 601.201(*l*)(7) and § 601.201(*l*)(8).

(c) Technical advice memoranda often form the basis for revenue rulings. For the description of revenue rulings and the effect thereof, see § 601.601(d)(2)(i)(*a*) and § 601.601(d)(2)(v).

(*d*) A district director may raise an issue in any taxable period, even though he may have asked for and been furnished technical advice with regard to the same or a similar issue in any other taxable period.

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(e) *Claims for refund or credit.* * * *

(6) For special procedure applicable to claims for payment or credit in respect of gasoline used on a farm for farming purposes, for certain nonhighway purposes, for use in commercial aircraft, or used by local transit systems, see sections 39, 6420, and 6421 of the Code and § 601.402(c)(3). For special procedure applicable to claims for payment or credit in respect of lubricating oil used otherwise than in a highway motor vehicle, see sections 39 and 6424 of the Code and § 601.402(c)(3). For special procedure applicable for credit or refund of aircraft use tax, see section 6426 of the Code and § 601.402(c)(4). For special procedure applicable for payment or credit in respect of special fuels not used for taxable purposes, see sections 39 and 6427 of the Code and § 601.402(c)(5).

(7) For special procedure applicable in certain cases to adjustment of overpayment of estimated tax by a corporation see section 6425 of the Code.

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(h) *Jeopardy assessments.* If the district director believes that the assessment or collection of a tax will be jeopardized by delay, he is authorized and required to assess the tax immediately, together with interest and other additional amounts provided by law, notwithstanding the restrictions on assessment or collection of income, estate, gift, or Chapter 42 taxes contained in section 6213(a) of the Code. A jeopardy assessment does not deprive the taxpayer of his right to file a petition with the Tax Court. Collection of a tax in jeopardy may be immediately enforced by the district director upon notice and demand. To stay collection the taxpayer may file with the district director a bond equal to the amount for which the stay is desired.

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PAR. 6. Section 601.106 is amended by revising paragraph (a)(1), paragraph (b), and paragraph (d)(2)(ii) to read as follows:

§ 601.106 Appellate functions.

(a) *General.* (1) There is provided in each region an Appellate Division with office facilities within the region. Unless they otherwise specify, taxpayers residing outside the territorial limits of the regional Appellate Divisions use the facilities of the Washington, D.C., branch office of the Appellate Division of the Mid-Atlantic Region. Subject to the limitations set forth in subparagraphs (2) and (3) of this paragraph, the Commissioner has delegated to certain officers of the Appellate Division of each region authority to represent the regional commissioner in his exclusive and final authorty for the determination of Federal income, profits, estate, gift, or Chapter 42 tax liability (whether before or after the issuance of a statutory notice of deficiency) and for the determination of employment or certain Federal excise tax liability, in any case originating in the office of any district director situated in the region or in any case in which jurisdiction has been transferred to the region, in which the taxpayer requests

Appellate consideration and submits a written protest, when required, to the determination of liability made by that officer. A written protest is required if the total amount of proposed additional tax, proposed overassessment, or claimed refund or, in an offer in compromise, if the tax, penalty, and assessed (but not accrued) interest sought to be compromised) exceeds $2,500 for any taxable period. A written protest is also required if no district conference is held regardless of the amount involved. The Appellate Division has complete jurisdiction of every income, profits, estate, gift, or Chapter 42 tax case after the issuance of the statutory notice of deficiency, subject to the limitations provided in subparagraph (2) of this paragraph. If the statutory notice of deficiency was issued by a district director or the Director of International Operations, the Appellate Division may wave jurisdiction to the director who issued the statutory notice during the 90-day (or 150-day) period for filing petition with the Tax Court, except where criminal prosecution has been recommended and not finally disposed of or the statutory notice includes the ad valorem fraud penalty. After the filing of a petition in the Tax Court the Appellate Division continues to have exclusive jurisdiction of the case, subject to the provisions of subparagraph (2) of this paragraph. Subject to the exceptions and limitations set forth in subparagraph (2) of this paragraph, there is also vested in the Appellate Division of the region authority to represent the regional commissioner in his exclusive authority to settle (i) all cases docketed in the U.S. Tax Court and designated for trial at any place within the territory comprising the region and (ii) all docketed cases originating in the office of any district director situated within the region or in which jurisdiction has been transferred to the region, which are designated for trial at Washington, D.C., unless the petitioner resides in and his books and records are located or can be made available) in the region which includes Washington, D.C.

* * * * *

(b) *Initiation of proceedings before the Appellate Division.* In any case in which the district director has issued a preliminary or "30-day letter" and the taxpayer requests Appellate consideration and files a written protest when required (see paragraph (c)(1) of §§ 601.103 and 601.507) against the proposed determination of tax liability, except as to those taxes described in paragraph (a)(3) of this section, the taxpayer has the right (and will be so advised by the district director) of administrative appeal to the regional office of the Appellate Division. However, the appeal procedures do not extend to cases involving solely the failure or refusal to comply with the tax laws because of moral, religious, political, constitutional, conscientious, or similar grounds. Organizations such as labor unions and trade associations which have been examined by the district director to determine the amounts expended by the organization for purposes of lobbying, promotion or defeat of legislation, political campaigns, or propaganda related to those purposes are treated as "taxpayers" for the purpose of this right of administrative appeal. Thus, upon requesting appellate consideration and filing a written protest, when required, to the district director's findings that a portion of member dues is to be disallowed as a deduction to each member because expended for such purposes, the organization will be afforded full rights of administrative appeal to the Appellate Division of the region similar to those rights afforded to taxpayers generally. After review of any required written protest by the district director, the case and its administrative record are referred to the Appellate Division. Appellate Division may refuse to accept a protested nondocketed case where preliminary review indicates it requires further consideration or development. No taxpayer is required to submit his case to the Appellate Division for consideration. Appeal is at the option of the taxpayer. A request for administrative appeal to the Appellate Division will not be denied because no district conference was held in the district director's office. After the issuance by the district director of a statutory notice of deficiency, upon the taxpayer's request, the Appellate Division may take up the case for settlement and may grant the taxpayer a conference thereon. Except in unusual circumstances, however, no conference will be granted prior to the filing of a petition in the Tax Court for a redetermination of the deficiency proposed in the statutory notice. Service center Audit Divisions perform audits on certain unallowable items claimed by taxpayer. In event of disagreement with findings, taxpayer protests and conference requests are forwarded to district Audit Divisions for district conference before referral to Appellate Division.

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(d) *Disposition and settlement of cases before the Appellate Division.* * * *

(2) *Cases not docketed in the Tax Court.* * * *

(ii) If after consideration of the case by the Appellate Division of the region it is determined that there is a deficiency in income, profits, estate, or gift tax, or taxes under Chapter 42 of the Internal Revenue Code of 1954, to which the taxpayer does not agree, a statutory notice of deficiency will be prepared and issued by the Appellate Division after consideration by the regional counsel of such statutory notice and of the memorandum recommending the issuance of such notice. Officers of the Appellate Division having authority for the administrative determination of tax liabilities referred to in paragraph (a) of this section are also authorized to prepare, sign on behalf of the Commissioner, and send to the taxpayer by registered or certified mail any statutory notice of deficiency prescribed in sections 6212 and 6861 of the Code, and in corresponding provisions of the Internal Revenue Code of 1939. Within 90 days, or 150 days if the notice is addressed to a person outside of the States of the Union and the District of Columbia, after such a statutory notice of deficiency is mailed (not counting Saturday, Sunday, or a legal holiday in the District of Columbia as the last day), the taxpayer may file a petition with the U.S. Tax Court for a redetermination of the deficiency. In any other unagreed case, the case and its administrative file will be forwarded to the service center director or returned to the district director with directions to take such action with respect to the tax liability determined in the Appellate Division as may be appropriate, such as the issuance of a statutory notice of disallowance of a claim for refund or credit in whole or in part, the preparation of a notice of adjustment or other appropriate action, or the collection of any additional tax in excise and employment tax cases or of the 100-percent penalty. Administrative appeal procedures will apply to 100-percent penalty cases, except where an assessment is made because of Chief Counsel's request to support a third-party action in a pending refund suit. See Rev. Proc. 69-26.

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PAR. 7. Section 601.201 is amended by—

1. Revising paragraph (a) (1), (2), and (3),

2. Revising paragraph (b) (1), (3), (4), and (5),

3. Revising paragraph (c) (1), (2), (4), and (5),

4. Revising paragraph (e) (1), (2), (3) (ii) (*d*), (5), (7), (8), and (10),

5. Revising paragraph (f) (1), (2), and (3),

6. Revising paragraph (g) (1),

7. Revising paragraph (h),

8. Revising paragraph (i) (1),

9. Revising paragraph (k) (1),

10. Revising paragraph (l), (1), (3), paragraph (l) (11),

11. Revising paragraph (m),

12. Revising paragraph (n) (1), deleting paragraph (n) (2) (iii), revising paragraph (n) (3) (i) and (ii), deleting paragraph (n) (6) (viii) and (ix) and redesignating paragraph (n) (6) (x) as (n) (6) (viii), adding a new paragraph (n) (7) (i) (*e*), revising paragraph (n) (7) (ii) (*b*), revising paragraph (n) (7) (iii) (*a*) and (*b*), adding a new paragraph (n) (7) (iii) (*c*) (*1*) (*vii*), revising paragraph (n) (7) (iii) (*c*) (2), revising paragraph (n) (7) (iv) (*a*) (*1*) and (*2*) and (v) (*e*), and deleting paragraph (n) (8),

13. Revising paragraph (o) (1) (i), (2) (i), (ii), (iii), (iv), (v), and (vi), redesignating paragraph (o) (2) (vi) and (vii) as paragraph (o) (2) (vii) and (viii) respectively, and revising paragraph (o) (3) (ii) (*d*) and (viii), (4) (i), (ii), and (vi), and (7), and

14. Adding paragraph (q) (3) (vi) and revising paragraph (q) (4) (ii) and (6). The revised and added provisions read as follows:

§ 601.201 Rulings and determination letters.

(a) *General practice and definitions.* (1) It is the practice of the Internal Revenue Service to answer inquiries of

individuals and organizations, whenever appropriate in the interest of sound tax administration, as to their status for tax purposes and as to the tax effects of their acts or transactions. One of the functions of the National Office of the Internal Revenue Service is to issue rulings in such matters. If a taxpayer's request for a ruling concerns an action that may have an impact on the environment, compliance by the Service with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190) may result in delay in issuing the ruling. Accordingly, taxpayers requesting rulings should take this factor into account. District directors apply the statutes, regulations, Revenue Rulings, and other precedents published in the Internal Revenue Bulletin in the determination of tax liability, the collection of taxes, and the issuance of determination letters in answer to taxpayers' inquiries or requests. For purposes of this section any reference to district director or district office also includes, where appropriate, the Office of the Director, Office of International Operations.

(2) A "ruling" is a written statement issued to a taxpayer or his authorized representative by the National Office which interprets and applies the tax laws to a specific set of facts. Rulings are issued only by the National Office. The issuance of rulings is under the general supervision of the Assistant Commissioner (Technical) and has been largely redelegated to the Directors of the Income Tax Division and the Miscellaneous and Special Provisions Tax Division. (See § 601.328 for rulings issued by the Bureau of Alcohol, Tobacco, and Firearms.

(3) A "determination letter" is a written statement issued by a district director in response to a written inquiry by an individual or an organization that applies to the particular facts involved, the principles and precedents previously announced by the National Office. A determination letter is issued only where a determination can be made on the basis of clearly established rules as set forth in the statute, Treasury decision, or regulation, or by a ruling, opinion, or court decision published in the Internal Revenue Bulletin. Where such a determination cannot be made, such as where the question presented involves a novel issue or the matter is excluded from the jurisdiction of a district director by the provisions of paragraph (c) of this section, a determination letter will not be issued. However, with respect to determination letters in the pension trust area, see paragraph (o) of this section.

* * * * *

(b) *Rulings issued by the National Office.* (1) In income and gift tax matters and matters involving taxes imposed under Chapter 42 of the Code, the National Office issues rulings on prospective transactions and on completed transactions before the return is filed. However, rulings will not ordinarily be issued if the identical issue is present in a return of the taxpayer for a prior year which is under active examination or audit by a district office, or is being considered by a branch office of the Appellate Division.

The National Office issues rulings involving the exempt status of organizations under section 501 or 521 of the Code, only to the extent provided in paragraph (n) of this section, Revenue Procedure 72-5, Internal Revenue Bulletin No. 1972-1, 19, and Revenue Procedure 68-13, C.B. 1968-1, 764. The National Office issues rulings involving qualification of plans under section 401 of the Code only to the extent provided in paragraph (o) of this section. The National Office issues opinion letters as to the acceptability of the form of master or prototype plans and any related trusts or custodial accounts under sections 401 and 501(a) of the Code only to the extent provided in paragraphs (p) and (q) of this section. The National Office will not issue rulings with respect to the replacement of involuntarily converted property, even though replacement has not been made, if the taxpayer has filed a return for the taxable year in which the property was converted. However, see paragraph (c)(6) of this section as to the authority of district directors to issue determination letters in this connection.

* * * * *

(3) In employment and excise tax matters (except taxes imposed under Chapter 42 of the Code), the National Office issues rulings with respect to prospective transactions and to completed transactions either before or after the return is filed. However, the National Office will not ordinarily rule with respect to an issue, whether related to a prospective or a completed transaction, if it knows or has reason to believe that the same or an identical issue is before any field office (including any branch office of the Appellate Division) in connection with an examination or audit of the liability of the same taxpayer for the same or a prior period.

(4) The Service will not issue rulings to business, trade, or industrial associations or to other similar groups relating to the application of the tax laws to members of the group. However, rulings may be issued to such groups or associations relating to their own tax status or liability provided such tax status or liability is not an issue before any field office (including any branch office of the Appellate Division) in connection with an examination or audit of the liability of the same taxpayer for the same or a prior period.

(5) Pending the adoption of regulations (either temporary or final) that reflect the provisions of any Act, consideration will be given to the issuance of rulings under the conditions set forth below.

(i) If an inquiry presents an issue on which the answer seems to be clear from an application of the provisions of the statute to the facts described, a ruling will be issued in accordance with usual procedures.

(ii) If an inquiry presents an issue on which the answer seems reasonably certain but not entirely free from doubt, a ruling will be issued only if it is established that a business emergency requires a ruling or that unusual hardship will result from failure to obtain a ruling.

(iii) If an inquiry presents an issue that cannot be reasonably resolved prior to the issuance of regulations, a ruling will not be issued.

(iv) In any case in which the taxpayer believes that a business emergency exists or that an unusual hardship will result from failure to obtain a ruling, he should submit with the request a separate letter setting forth the facts necessary for the Service to make a determination in this regard. In this connection, the Service will not deem a "business emergency" to result from circumstances within the control of the taxpayer such as, for example, scheduling within an inordinately short time the closing date for a transaction or a meeting of the board of directors or the shareholders of a corporation.

(c) *Determination letters issued by district directors.* (1) In income and gift tax matters, and in matters involving taxes imposed under Chapter 42 of the Code, district directors issue determination letters in response to taxpayers' written requests submitted to their offices involving completed transactions which affect returns over which they have audit jurisdiction, but only if the answer to the question presented is covered specifically by statute, Treasury Decision or regulation, or specifically by a ruling, opinion, or court decision published in the Internal Revenue Bulletin. A determination letter will not usually be issued with respect to a question which involves a return to be filed by the taxpayer if the identical question is involved in a return or returns already filed by the taxpayer. District directors may not issue determination letters as to the tax consequence of prospective or proposed transactions, except as provided in subparagraphs (5) and (6) of this paragraph.

(2) In estate and gift tax matters, district directors issue determination letters in response to written requests submitted to their offices affecting the estate tax returns of decedents that will be audited by their offices, but only if the answer to the questions presented are specifically covered by statute, Treasury decision or regulation, or by a ruling, opinion, or court decision published in the Internal Revenue Bulletin. District directors will not issue determination letters relating to matters involving the application of the estate tax to property or the estate of a living person.

* * * * *

(4) Notwithstanding the provisions of subparagraphs (1), (2), and (3), of this paragraph, a district director will not issue a determination letter in response to an inquiry which presents a question specifically covered by statute, regulations, rulings, etc., published in the Internal Revenue Bulletin, where (i) it

appears that the taxpayer has directed a similar inquiry to the National Office, (ii) the identical issue involving the same taxpayer is pending in a case before the Appellate Division, (iii) the determination letter is requested by an industry, trade association, or similar group, or (iv) the request involves an industrywide problem. Under no circumstances will a district director issue a determination letter unless it is clearly indicated that the inquiry is with regard to a taxpayer or taxpayers who have filed or are required to file returns over which his office has or will have audit jurisdiction. Notwithstanding the provisions of subparagraph (3) of this paragraph, a district director will not issue a determination letter on an employment tax question when the specific question involved has been or is being considered by the Central Office of the Social Security Administration. Nor will district directors issue determination letters on excise tax questions if a request is for a determination of a constructive sales price under section 4216(b) or 4218(e) of the Code. However, the National Office will issue rulings in this area. See paragraph (d)(2) of this section.

(5) District directors issue determination letters as to the qualification of plans under sections 401 and 405(a) of the Code, and as to the exempt status of related trusts under section 501 of the Code, to the extent provided in paragraphs (o) and (q) of this section. Selected district directors also issue determination letters as to the qualification of certain organizations for exemption from Federal income tax under sections 501 and 521 of the Code, to the extent provided in paragraph (n) of this section.

* * * * *

(e) *Instructions to taxpayers.* (1) A request for a ruling or a determination letter is to be submitted in duplicate if (i) more than one issue is presented in the request or (ii) a closing agreement is requested with respect to the issue presented. It is not necessary to present requests in duplicate under other circumstances.

(2) Each request for a ruling or a determination letter must contain a complete statement of all relevant facts relating to the transaction. Such facts include names, addresses, and taxpayer identifying numbers of all interested parties; the location of the district office that has or will have audit jurisdiction over the return or report of each party; a full and precise statement of the business reasons for the transaction; and a carefully detailed description of the transaction. In addition, true copies of all contracts, wills, deeds, agreements, instruments, and other documents involved in the transaction must be submitted with the request. However, relevant facts reflected in documents submitted must be included in the taxpayer's statement and not merely incorporated by reference, and must be accompanied by an analysis of their bearing on the issue or issues, specifying the pertinent provisions. (The term "all interested parties" is not to be construed as requiring a list of all shareholders of a widely held corporation requesting a ruling relating to a reorganization, or a list of employees where a large number may be involved in a plan.) The request must contain a statement whether, to the best of the knowledge of the taxpayer or his representative, the identical issue is being considered by any field office of the Service in connection with an active examination or audit of a tax return of the taxpayer already filed or is being considered by a branch office of the Appellate Division. Where the request pertains to only one step of a larger integrated transaction, the facts, circumstances, etc., must be submitted with respect to the entire transaction. If the request is for an advance ruling under section 367 of the Code, see Revenue Procedure 68-23, C.B. 1968-1, 821. (Revenue Procedure 68-23 contains guidelines for taxpayers and their representatives in connection with requests for rulings under section 367). If the request is for a ruling under section 351 of the Code, see Revenue Procedure 70-17, C.B. 1970-2, 490. (Revenue Procedure 70-17 sets forth the information to be included in the request for a ruling under section 351 of the Code). Original documents should not be submitted because documents and exhibits become a part of the Internal Revenue Service file which cannot be returned. If the request is with respect to a corporate distribution, reorganization, or other similar or related transaction, the corporate balance sheet nearest the date of the transaction should be submitted. (If the request relates to a prospective transaction, the most recent balance sheet should be submitted.)

(3) * * *

(ii) * * *

(d) The "two-part" ruling request procedure will not apply where it is inconsistent with other procedures applicable to specific situations such as: requests for permission to change accounting method or period; application for recognition of exempt status under section 501 or 521; or rulings on employment tax status.

* * * * *

(5) If the request is with respect to the qualification of a plan under section 401 or 405(a) of the Code, see paragraphs (o) and (p) of this section. If the request is with respect to the qualification of an organization for exemption from Federal income tax under section 501 or 521 of the Code, see paragraph (n) of this section, Revenue Procedure 72-5, Internal Revenue Bulletin No. 1972-1, 19, and Revenue Procedure 68-13, C.B. 1968-1, 764.

* * * * *

(7) A request for a ruling or an opinion letter by the National Office should be addressed to the Commissioner of Internal Revenue, Attention: T:PS:T, Washington, D.C. 20224. A request for a determination letter should be addressed to the district director of internal revenue whose office has or will have audit jurisdiction of the taxpayer's return. See also paragraphs (n) through (q) of this section.

(8) Any request for a ruling or an opinion or determination letter that does not comply with all the provisions of this paragraph will be acknowledged, and the requirements that have not been met will be pointed out. A request for a ruling or opinion letter addressed to the district director that does not comply with the provisions of this paragraph will be returned by the district director for completion prior to sending it to the National Office.

* * * * *

(10) It is the practice of the Service to process requests for rulings, opinion letters, and determination letters in regular order and as expeditiously as possible. Compliance with a request for consideration of a particular matter ahead of its regular order, or by a specified time, tends to delay the disposition of other matters. Requests for processing ahead of the regular order, made in writing in a separate letter submitted with the request or subsequent thereto and showing clear need for such treatment, will be given consideration as the particular circumstances warrant. However, no assurance can be given that any letter will be processed by the time requested. For example, the scheduling of a closing date for a transaction or a meeting of the Board of Directors or shareholders of a corporation without due regard to the time it may take to obtain a ruling, opinion letter, or determination letter will not be deemed sufficient reason for handling a request ahead of its regular order. Neither will the possible effect of fluctuation in the market price of stocks on a transaction be deemed sufficient reason for handling a request out of order. Requests by telegram will be treated in the same manner as requests by letter. Rulings, opinion letters, and determination letters ordinarily will not be issued by telegram. A taxpayer or his representative desiring to obtain information as to the status of his case may do so by contacting the appropriate division in the office of the Assistant Commissioner (Technical).

* * * * *

(f) *Conferences in the National Office.* (1) If a conference has been requested, the taxpayer will be notified of the time and place of the conference. A conference is normally scheduled only when the Service deems it will be helpful in deciding the case or an adverse decision is indicated. If conferences are being arranged with respect to more than one request for a ruling involving the same taxpayer, they will be so scheduled as to cause the least inconvenience to the taxpayer.

(2) A taxpayer is entitled, as a matter of right, to only one conference in the National Office unless one of the circumstances discussed in subparagraph (3) of this paragraph develops. This conference will usually be held at the branch level of the appropriate division in the office of the Assistant Commissioner (Technical) and will usually be attended

by a person who has authority to act for the branch chief. (See § 601.201(a)(2) for the divisions involved.) If more than one subject is to be discussed at the conference, the discussion will constitute a conference with respect to each subject. In order to promote a free and open discussion of the issues, the conference will usually be held after the branch has had an opportunity to study the case. However, at the request of the taxpeyer or his representative, the conference may be held at an earlier stage in the consideration of the case than the Service would ordinarily designate. No taxpayer has a "right" to appeal the action of a branch to a division director or to any other official of the Service, nor is a taxpayer entitled, as a matter of right, to a separate conference in the Chief Counsel's office on a request for a ruling.

(3) In the process of review in Technical of a holding proposed by a branch, it may appear that the final answer will involve a reversal of the branch proposal with a result less favorable to the taxpayer. Or it may appear that an adverse holding proposed by a branch will be approved, but on a new or different issue or on different grounds than those on which the branch decided the case. Under either of these circumstances, the taxpayer or his representative will be invited to another conference. The provisions of this section limiting the number of conferences to which a taxpayer is entitled will not foreclose the invitation of a taxpayer to attend further conferences when, in the opinion of National Office personnel, such need arises. All additional conferences of the type discussed in this paragraph are held only at the invitation of the Service.

* * * * *

(g) *Referral of matters to the National Office.* (1) Requests for determination letters received by the district directors that, in accordance with paragraph (c) of this section, may not be acted upon by a district office, will be forwarded to the National Office for reply and the taxpayer advised accordingly. District directors also refer to the National Office any request for a determination letter that in their judgment warrants the attention of the National Office. See also the provisions of paragraphs (o), (p), and (q) of this section, with respect to requests relating to qualification of a plan under sections 401 and 405(a) of the Code, and paragraph (n) of this section, Revenue Procedure 72-5, Internal Revenue Bulletin No. 1972-1, 19, and Revenue Procedure 68-13, C.B. 1968-1, 764, with respect to application for recognition of exempt status under sections 501 and 521 of the Code.

* * * * *

(h) *Referral of matters to district offices.* Requests for rulings received by the National Office that, in accordance with the provisions of paragraph (b) of this section, may not be acted upon by the National Office will be forwarded for appropriate action to the district office that has or will have audit jurisdiction of the taxpayer's return and the taxpayer advised accordingly. If the request is with respect to an issue or an area of the type discussed in paragraph (d)(2) of this section, the taxpayer will be so advised and the request may be forwarded to the appropriate district office for association with the related return or report of the taxpayer.

(i) *Review of determination letters.* (1) Determination letters issued with respect to the types of inquiries authorized by paragraph (c) (1), (2), and (3) of this section are not generally reviewed by the National Office as they merely inform a taxpayer of a position of the Service which has been previously established either in the regulations or in a ruling, opinion, or court decision published in the Internal Revenue Bulletin. If a taxpayer believes that a determination letter of this type is in error, he may ask the district director to reconsider the matter. He may also ask the district director to request advice from the National Office. In such event, the procedures in paragraph (b)(5) of § 601.105 will be followed.

* * * * *

(k) *Oral advice to taxpayers.* (1) The Service does not issue rulings or determination letters upon oral requests. Furthermore, National Office officials and employees ordinarily will not discuss a substantive tax issue with a taxpayer or his representative prior to the receipt of a request for a ruling, since oral opinions or advice are not binding on the Service. This should not be construed as preventing a taxpayer or his representative from inquiring whether the Service will rule on a particular question. In such cases, however, the name of the taxpayer and his identifying number must be disclosed. The Service will also discuss questions relating to procedural matters with regard to submitting a request for a ruling, including the application of the provisions of paragraph (e) to the particular case.

* * * * *

(l) *Effect of rulings.* (1) A taxpayer may not rely on an advance ruling issued to another taxpayer. A ruling, except to the extent incorporated in a closing agreement, may be revoked or modified at any time in the wise administration of the taxing statutes. See paragraph (a)(6) of this section for the effect of a closing agreement. If a ruling is revoked or modified, the revocation or modification applies to all open years under the statutes, unless the Commissioner or his delegate exercises the discretionary authority under section 7805(b) of the Code to limit the retroactive effect of the revocation or modification. The manner in which the Commissioner or his delegate generally will exercise this authority is set forth in this section. With reference to rulings relating to the sale or lease of articles subject to the manufacturers excise tax and the retailers excise tax, see specifically subparagraph (8) of this paragraph.

* * * * *

(3) Appropriate coordination with the National Office will be undertaken in the event that any other field official having jurisdiction of a return or other matter proposes to reach a conclusion contrary to a ruling previously issued to the taxpayer.

(4) A ruling found to be in error or not in accord with the current views of the Service may be modified or revoked. Modification or revocation may be effected by a notice to the taxpayer to whom the ruling originally was issued, or by a Revenue Ruling or other statement published in the Internal Revenue Bulletin.

(5) Except in rare or unusual circumstances, the revocation or modification of a ruling will not be applied retroactively with respect to the taxpayer to whom the ruling was originally issued or to a taxpayer whose tax liability was directly involved in such ruling if (i) there has been no misstatement or omission of material facts, (ii) the facts subsequently developed are not materially different from the facts on which the ruling was based, (iii) there has been no change in the applicable law, (iv) the ruling was originally issued with respect to a prospective or proposed transaction, and (v) the taxpayer directly involved in the ruling acted in good faith in reliance upon the ruling and the retroactive revocation would be to his detriment. To illustrate, the tax liability of each employee covered by a ruling relating to a pension plan of an employer is directly involved in such ruling. Also, the tax liability of each shareholder is directly involved in a ruling related to the reorganization of a corporation. However, the tax liability of members of an industry is not directly involved in a ruling issued to one of the members, and the position taken in a revocation or modification of ruling to one member of an industry may be retroactively applied to other members of that industry. By the same reasoning, a tax practitioner may not obtain the nonretroactive application to one client of a modification or revocation of a ruling previously issued to another client. Where a ruling to a taxpayer is revoked with retroactive effect, the notice to such taxpayer will, except in fraud cases, set forth the grounds upon which the revocation is being made and the reasons why the revocation is being applied retroactively.

(6) A ruling issued to a taxpayer with respect to a particular transaction represents a holding of the Service on that transaction only. However, the application of that ruling to the transaction will not be affected by the subsequent issuance of regulations (either temporary or final), if the conditions specified in subparagraph (5) of this paragraph are met. If the ruling is later found to be in error or no longer in accord with the holding of the Service, it will afford the taxpayer no protection with respect to a like transaction in the same or subsequent year, except to the extent provided in subparagraphs (7) and (8) of this paragraph.

(7) If a ruling is issued covering a continuing action or a series of actions and it is determined that the ruling was

in error or no longer in accord with the position of the Service, the Assistant Commissioner (Technical) ordinarily will limit the retroactivity of the revocation or modification to a date not earlier than that on which the original ruling was modified or revoked. To illustrate, if a taxpayer rendered service or provided a facility which is subject to the excise tax on services or facilities, and in reliance on a ruling issued to the same taxpayer did not pass the tax on to the user of the service or the facility, the Assistant Commissioner (Technical) ordinarily will restrict the retroactive application of the revocation or modification of the ruling. Likewise, if an employer incurred liability under the Federal Insurance Contributions Act, but in reliance on a ruling made to the same employer neither collected the employee tax nor paid the employee and employer taxes under the Act, the Assistant Commissioner (Technical) ordinarily will restrict the retroactive application of the revocation or modification of the ruling with respect to both the employer tax and the employee tax. In the latter situation, however, the restriction of retroactive application ordinarily will be conditioned on the furnishing by the employer of wage data, or of such corrections of wage data as may be required by § 31.6011(a)-1(c) of the Employment Tax Regulations. Consistent with these provisions, if a ruling relates to a continuing action or a series of actions, the ruling will be applied until the date of issuance of applicable regulations or the publication of a Revenue Ruling holding otherwise, or until specifically withdrawn. Publication of a notice of proposed rulemaking will not affect the application of any ruling issued under the procedures set forth herein. (As to the effective date in cases involving revocation or modification of rulings or determination letters recognizing exemption, see paragraph (n)(1) of this section.)

* * * * *

(11) In the case of rulings involving completed transactions, other than those described in subparagraphs (7) and (8) of this paragraph, taxpayers will not be afforded the protection against retroactive revocation provided in subparagraph (5) of this paragraph in the case of proposed transactions since they will not have entered into the transactions in reliance on the rulings.

(m) *Effect of determination letters.* A determination letter issued by a district director in accordance with this section will be given the same effect upon examination of the return of the taxpayer to whom the determination letter was issued as is described in paragraph (l) of this section, in the case of a ruling issued to a taxpayer, except that reference to the National Office is not necessary where, upon examination of the return, it is the opinion of the district director that a conclusion contrary to that expressed in the determination letter is indicated. A district director may not limit the modification or revocation of a determination letter but may refer the matter to the National Office for exercise by the Commissioner or his delegate of the authority to limit the modification or revocation. In this connection see also paragraphs (n) and (o) of this section.

(n) *Organization claiming exemption under section 501 or 521 of the Code*—(1) *Filing applications for exemption.* (i) An organization seeking recognition of exempt status under section 501 or section 521 of the Code is required to file an application with the district director for the district in which is located the principal place of business or principal office of the organization. Any application received by the National Office or by a district office other than as provided above will be forwarded without any action thereon to the appropriate district director. Applications for recognition of exemption are referred by the district office where filed to one of the 16 key Internal Revenue Service district offices or the Office of International Operations. Following are the 16 key offices that process the applications and the area covered:

Key district	*Area covered*
San Francisco	Northern California, Utah, Nevada.
Los Angeles	Southern California, Arizona, Hawaii.
Seattle	Washington, Oregon, Montana. Alaska, Idaho,
Dallas	Northern Texas, Oklahoma, Arkansas, Kansas.
Austin	Southern Texas, Louisiana, New Mexico, Colorado, Wyoming.
Detroit	Michigan.
Cincinnati	Southern Ohio, Kentucky, Indiana.
Cleveland	Northern Ohio, West Virginia.
Atlanta	Georgia, North Carolina, South Carolina, Florida, Tennessee, Mississippi, Alabama.
Manhattan	New York State.
Boston	Massachusetts, Maine, Vermont, Rhode Island, Connecticut, New Hampshire (all New England States).
Philadelphia	Eastern Pennsylvania, New Jersey, Delaware.
Baltimore	Maryland, Western Pennsylvania, Virginia, District of Columbia.
Chicago	Northern Illinois.
St. Paul	Minnesota, North Dakota, South Dakota, Nebraska, Wisconsin.
St. Louis	Missouri, Southern Illinois, Iowa.

(ii) A ruling or determination letter will be issued to an organization provided its application and supporting documents establish that it meets the particular requirements of the section under which exemption is claimed. Exempt status will be recognized in advance of operations if proposed operations can be described in sufficient detail to permit a conclusion that the organization will meet the particular requirements of the section under which exemption is claimed. A mere restatement of purposes or a statement that proposed activities will be in furtherance of such purposes will not satisfy these requirements. The organization must fully describe the activities in which it expects to engage, including the standards, criteria, procedures, or other means adopted or planned for carrying out the activities; the anticipated sources to receipts; and the nature of contemplated expenditures. Where the Service considers it warranted, a record of actual operations may be required before a ruling or determination letter will be issued.

(iii) Where an application for recognition of exemption does not contain the required information, the application may be returned to the applicant without being considered on its merits with an appropriate letter of explanation. In the case of an application under section 501(c)(3) of the Code, the applicant will also be informed of the time within which the completed application must be resubmitted in order for the application to be considered as timely notice within the meaning of section 508(a) of the Code.

(iv) A ruling or determination letter recognizing exemption will not ordinarily be issued if an issue involving the organization's exempt status under section 501(c)(3) or section 521 of the Code is pending in litigation or before the Appellate Division.

(2) *Processing applications.* * * *

(iii) [Deleted]

(3) *Effect of exemption rulings or determination letters.* (i) A ruling or determination letter recognizing exemption is usually effective as of the date of formation of an organization, if its purposes and activities during the period prior to the date of the ruling or determination letter were consistent with the requirements for exemption. However, with respect to organizations formed after October 9, 1969, applying for recognition of exemption under section 501(c)(3) of the Code, the provisions of section 508(a) apply. If the organization is required to alter its activities or make substantive amendments to its enabling instrument, the ruling or determination letter recognizing its exemption will be effective as of the date specified therein.

(ii) A ruling or determination letter recognizing exemption may not be relied upon if there is a material change inconsistent with exemption in the character, the purpose, or the method of operation of the organization.

* * * * *

(6) *Revocation or modification of exemption rulings or determination letters.* * * *

(viii) The provisions of this section relating to protests and conference before a revocation notice is issued are not applicable to matters where delay would be prejudicial to the interests of the Internal Revenue Service (such as in cases involving fraud, jeopardy, the imminence of the expiration of the period of limitations, or where immediate action is necessary to protect the interests of the Government).

(7) *Group exemption letters*—(i) *General.* * * *

(e) A subordinate described in section 501(c)(3) of the Code may not be included in a group exemption letter if it is a private foundation as defined in section 509(a) of the Code. Such an organization should apply separately for exempt status under the procedures outlined in subparagraph (1) of this paragraph.

(ii) *Requirements for inclusion in a group exemption letter.* * * *

(b) It must also establish that the subordinates to be included in the group exemption letter are:

(1) Affiliated with it;

(2) Subject to its general supervision or control;

(3) Exempt under the same paragraph of section 501(c) of the Code, though not necessarily the paragraph under which the central organization is exempt; and

(4) Not private foundations if application for a group exemption letter involves section 501(c)(3) of the Code.

(iii) *Filing application for a group exemption letter.* (a) A central organization seeking a group exemption letter for its subordinates must obtain recognition of its own exemption by filing an application with the District Director of Internal Revenue for the district in which is located the principal place of business or the principal office of the organization. For the form of organization see section 1.501(a)-1 of the Income Tax Regulations. Any application received by the National Office or by a district director other than as provided above will be forwarded, without any action thereon, to the appropriate district director.

(b) If the central organization has previously established its own exemption, it must indicate its employer identification number, the date of the exemption letter, and the Internal Revenue Office that issued it. It need not resubmit documents already submitted. However, if it has not already done so, it must submit a copy of any amendments to its governing instruments or internal regulations as well as any information regarding any change in its character, purposes, or method of operation.

(c) * * *

(1) * * *

(vii) If the application for a group exemption letter involves section 501(c)(3) of the Code, an affirmation to the effect that, to the best of his knowledge and belief, no subordinate to be included in the group exemption letter is a private foundation as defined in section 509(a) of the Code.

(2) A list of the names, mailing addresses (including Postal ZIP Codes), and employer identification numbers (if required for group exemption letter purposes by (e) of this subdivision) of subordinates to be included in the group exemption letter. A current directory of subordinates may be furnished in lieu of the list if it includes the required information and if the subordinates not to be included in the group exemption letter are identified.

* * * * *

(iv) *Information required annually to maintain a group exemption letter.* (a) The central organization must submit annually within 45 days after the close of its annual accounting period the information set out below to the Philadelphia Service Center, 11601 Roosevelt Boulevard, Philadelphia, PA 19155, Attention: EO:R Branch:

(1) Information regarding all changes in the purposes, character, or method of operation of subordinates included in the group exemption letter.

(2) Lists of (i) subordinates which have changed their names or addresses during the year, (ii) subordinates no longer to be included in the group exemption letter because they have ceased to exist, disaffiliated, or withdrawn the authorization to the central organization, and (iii) subordinates to be added to the group exemption letter because they are newly organized or affiliated or they have newly authorized the central organization to include them. A separate list must be submitted for each of the three categories set out above. Each list must show the names, mailing addresses (including Postal ZIP Codes), and employer identification numbers of the affected subordinates. An annotated directory of subordinates will not be acceptable for this purpose. If there were none of the above changes, the central organization must submit a statement to that effect.

* * * * *

(v) *Termination of a group exemption letter.* * * *

(e) If a subordinate covered by a group exemption letter fails to comply with section 6001 or 6033 of the Code and the regulations thereunder (for example, by failing to file a required information return) and the Service terminates its recognition of the subordinate's status, a copy of the termination letter to the subordinate will be furnished to the central organization. The group exemption letter will no longer be applicable to such subordinate, but will otherwise remain in effect. (It should be noted that if Form 990 is required to be filed, failure to file such return on time may also result in the imposition of a penalty of $10 for each day the return is late, up to a maximum of $5,000. See section 6652 of the Code and the regulations thereunder.)

* * * * *

(8) [Deleted]

(o) *Employees' trusts or plans*—(1) *Determination letters.* (i) Determination letters authorized in paragraph (c)(5) of this section are limited to the qualification of plans or trusts under section 401 of the Code and bond purchase plans under section 405(a), and to the exempt status of trusts under section 501(a). This includes consummated and proposed transactions relating to the following:

(a) The initial qualification of a plan and, if trusted, the status for exemption of a trust;

(b) Compliance with the applicable requirements of foreign situs trusts as to taxability of beneficiaries (section 402(c)) and deductions for employer contributions (section 404(a)(4));

(c) Amendments to plans and trusts;

(d) Curtailment of plans;

(e) Termination of plans and trusts;

(f) The effect on the qualification of the plan, and status for exemption of the trust, of an investment of trust funds in the stock or securities of the employer or controlled corporation (ownership of 50 percent or more of all voting stock or 50 percent or more of the total value of shares of all classes of stock); and

(g) The effect on qualification of trust investments in the stock or securities of controlled corporations described in (f) of this subdivision; however, determination letters are not issued concerning the fair market value of the investment, or the adequacy of security behind a loan.

* * * * *

(2) *Instructions to taxpayers.* (i) All of the provisions of paragraph (e) of this section are applicable to requests for determination letters of the type discussed in this paragraph. In addition, an employer requesting a determination letter should file with the appropriate district director specified in subdivision (viii) of this subparagraph the application form required by subdivisions (ii) through (vii) of this subparagraph. The filing of such application, when accompanied by copies of all documents, including the plan and trust or custodial agreement and specimen insurance contracts, if applicable, will generally serve to provide the Service with the information required by § 1.404(a)-2 of this chapter of the Income Tax Regulations. However, in making the determination, the Service may require the submission of additional information as appropriate.

(ii) If the request relates to the initial qualification of an individually designed plan, a subsequent amendment thereto, or compliance with the requirements for a foreign situs trust, the employer should (a) if the plan does not include self-employed individuals, file Form 4573, Application for Determination-Individually Designed Plan (not covering self-employed individuals), or (b) if the plan includes self-employed individuals, file Form 4574, Application for Determination-Individually Designed Plan Covering Self-Employed Individuals, except that where a bond purchase plan includes a self-employed individual, file Form 4578, Application for Approval of Bond Purchase Plan.

(iii) If the request involves an investment of trust funds in the stock or securities of the employer, the employer or trustee should file Form 4575, Application for Determination-Investment of Trust Funds in Stocks or Securities of Employer.

(iv) If the request involves a curtailment or termination of the plan (or complete discontinuance of contributions), the employer should file Form 4576, Application for Determination-Termination or Curtailment of Plan. This form will also be applicable to the termination of a plan that includes self-employed individuals. Trusts must file Form 966-E. Liquidation, Dissolution, Termination or

Substantial Contraction of Organizations Exempt under section 501(a), unless the employer who established the plan and trust files such form.

(v) An association of employers or a board of trustees should file Form 4577, Application for Determination-Industry-Wide Plan and Trust, if the request relates to the initial qualification or subsequent amendments of an industry-wide or area-wide union-negotiated plan.

(vi) If the request relates to the qualification of a bond purchase plan, file Form 4578. When properly completed, Form 4578 will constitute a bond purchase plan.

(vii) When, in connection with an application for a determination on the qualification of the plan, it is necessary to determine whether an organization (including a professional service organization) is a corporation or an association classified as a corporation under § 301.7701-2 of this chapter of the Regulations on Procedure and Administration, and whether an employer-employee relationship exists between it and its associates, the district director will make such determination. In such cases, the application with respect to the qualification of the plan should be filed in accordance with the provisions herein set forth and should contain the information and documents specified in the application. It should also be accompanied by such information and copies of documents as the organization deems appropriate to establish its status. The Service may, in addition, require any further information that is considered necessary to determine the status of the organization, the employment status of the individuals involved, or the qualification of the plan. After the taxable status of the organization and the employer-employee relationship have been determined, the district director may issue a determination letter as to the qualification of the plan.

(viii) Requests for determination letters on matters authorized by subparagraph (1) of this paragraph, and the necessary supporting data, are to be addressed to the district director specified below:

(*a*) A single employer will address his request to the district director for the district in which his principal place of business is located.

(*b*) If a parent company and its subsidiaries have a single plan, the request will be addressed to the district director for the district in which the principal place of business of the parent company is located, whether separate or consolidated returns are filed.

(*c*) If the plan is established or proposed for an industry by all subscribing employers whose principal places of business are located within the jurisdiction of more than one district director, the request will be addressed to the district director for the district in which is located the principal place of business of the trustee, or if more than one trustee, the usual meeting place of the trustees.

(*d*) In the case of a pooled fund arrangement (individual trusts under separate plans pooling their funds for investment purposes through a master trust), the request on behalf of the master trust will be addressed to the district director for the district where the principal place of business of such trust is located. Requests on behalf of the participating trusts and related plans will be addressed as otherwise provided in (*a*) through (*c*) of this subdivision.

(*e*) In the case of a plan of multiple employers (other than a master or prototype plan) not otherwise provided for in (*a*) through (*f*) of this subdivision, the request will be addressed to the district director for the district in which is located the principal place of business of the trustee, or if not trusteed or if more than one trustee, the principal or usual meeting place of the trustees or plan supervisors.

(*f*) If the plan is for an organization of the type described in subdivision (vii) of this subparagraph, the organization will address its request to the district director with whom it is required to file its tax returns.

(3) *Prohibited transactions.* * * *

(ii) * * *

(*d*) Collateral represented by securities listed on a recognized exchange of an aggregate value equal to twice the amount of the loan.

Such rulings may be issued only with respect to proposed transactions and with respect to completed transactions where the return for the first year for which the transaction is effective has not been filed or the filing date has not passed. This subparagraph does not preclude the National Office from ruling as to whether a transaction is within the purview of section 503 (b), (e), or (f) of the Code.

* * * * *

(viii) A trust which is denied exemption under section 503 of the Code may file a new claim for exemption in any taxable year following the taxable year in which the notice of denial was issued. But it may not be granted a new exemption before the beginning of the first taxable year following the year in which its new claim is filed. Thus, if a revocation notice is issued in 1970, the trust may not file a new claim for exemption until 1971, and the new exemption may not be granted for a taxable year prior to 1972. If the trust does not file a new claim until 1973, the new exemption may not be granted for a year prior to 1973.

* * * * *

(4) *Reference of matters to the National Office.* (i) Technical advice is defined in paragraph (b)(5) of § 601.105 as advice or guidance furnished upon request of a field official in connection with the examination or consideration of a return of a taxpayer. Although a taxpayer may request a determination letter with respect to the qualification of its plan or trust under sections 401, 405(a), or both, of the Code, prior to the filing of any return affected by the plan or trust, the consideration or examination of the facts relating to the qualification, amendment, curtailment, or termination of the plan or relating to the exempt status of the trust will be considered to be in connection with the examination or consideration of a return of the taxpayer. Thus, a district director may request technical advice with respect to issues which arise as the result of requests for determination letters of the type discussed in this paragraph.

(ii) Where issues arise in a district director's office with respect to matters within the contemplation of subparagraph (1)(i) of this paragraph, and the district office does not request technical advice from the National Office, the organization may notify the district director that it intends to request National Office consideration. The notice will consist of a copy of the request which the organization intends to file with the National Office. See subdivision (iv) of this subparagraph. Should the district director make an adverse determination, or should no action be taken within 30 days after the notice is filed with the district director, the request may be filed with the National Office. The request where an adverse determination is made, must be filed within 30 days after the date of the determination letter.

* * * * *

(vi) Should a district director determine that an organization of the type described in subparagraph (2)(vii) of this paragraph is not an association taxable as a corporation or that the proper employer-employee relationship does not exist between the organization and its associates, the district director will so advise the organization. Inasmuch as the primary issue here is not the qualification of the plan under section 401(a) of the Code, the appeals procedures of subdivision (ii) through (v) of this subparagraph are not applicable.

* * * * *

(7) *Effect of pension trust determination letters.* (i) Determination letters issued pursuant to the provisions of this paragraph contain only opinions as to the qualification of plans under sections 401 and 405 of the Code and the status of related trusts under section 501(a). Except as otherwise provided in this subparagraph such letters are governed, generally, by the provisions of paragraphs (l) and (m) of this section.

(ii) Determination letters issued on amendments to plans and trusts within the purview of subparagraph (1)(i)(c) of this paragraph, will merely express an opinion on whether the amendment in and of itself, affects the existing status of the plan's qualification under section 401 of the Code and the exempt status of the related trust under section 501(a). In no event should such a determination letter be construed as an opinion on the qualification of the plan as a whole and the exempt status of the related trust as a whole.

(iii) Except as otherwise provided in this subparagraph, determination letters

referred to in (i) and (ii) of this subparagraph are governed, generally, by the provisions of paragraphs (l) and (m) of this section.

(iv) The prior qualification of a pension, annuity, profit sharing, or stock bonus plan will not be considered to be adversely affected by the publication of a Revenue Ruling where (*a*) the plan was the subject of a favorable determination letter and the request for that letter contained no misstatement or omission of material facts, (*b*) the facts subsequently developed are not materially different from the facts on which the determination letter was based, (*c*) there has been no change in the applicable law, and (*d*) the employer that established the plan acted in good faith in reliance on the determination letter. However, all such plans must be amended to comply with the published Revenue Ruling for subsequent years. The conforming amendment must be adopted before the end of the first taxable year that begins after the Revenue Ruling is published and must be effective, for all purposes, not later than the first day of the first taxable year beginning after the Revenue Ruling is published.

(v) Where an employer has merely adopted a master or prototype plan that provides benefits for self-employed individuals, the prior qualification of the plan will not be adversely affected by the publication of a Revenue Ruling if (*a*) the master or prototype plan was the subject of an opinion letter that held the plan to be acceptable as to form, (*b*) the employer has observed the provisions of the plan, and (*c*) the eligibility requirements and contributions or benefits under the plan are not more favorable for owner-employees than for other employees, including any employees required to be covered under plans of all businesses controlled by such owner-employees.

(vi) Regardless of whether a master or prototype plan is of the corporate or self-employed type, the required conforming amendment can be made by the individual employer (in which case the employer's plan would cease to be a master or prototype plan) or by the sponsor of the plan on behalf of all adopting employers. Where a master or prototype plan has been adopted by several employers with taxable years beginning on different dates, the adopting employers will be protected if the conforming amendment by the sponsor is made within 1 year after the publication of the Revenue Ruling that necessitates the amendment, and is effective, for all purposes, with the first taxable year of the employer beginning after the Revenue Ruling is published.

(vii) While a favorable determination letter may serve as a basis for determining deductions for employer contributions thereunder, it is not to be taken as an indication that contributions are necessarily deductible as made. Such determinations can be made only upon an examination of the employer's tax return, in accordance with the limitations and subject to the conditions of section 404 of the Code.

* * * * *

(q) *Corporate Master and prototype plans.* * * *

(3) *Rulings, determination letters, and opinion letters.* * * *

(vi) Where master or prototype plans involve integration with Social Security benefits, it is impossible to determine in advance whether in an individual case a particular restrictive definition of the compensation (such as basic compensation) on which contributions or benefits are based would result in discrimination in contributions or benefits in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees. See Revenue Ruling 69-503 C.B. 1969-2, 94. Accordingly, opinion letters relating to master or prototype plans that involve integration with Social Security benefits will not be issued except for those plans where annual compensation, for the purposes of §§ 3.01, 5.02, 6.02, 6.03, 13.01, 13.02, and 14.02 of Revenue Ruling 69-4 C.B. 1969-1, 118, is defined to be all of each employee's compensation that would be subject to tax under section 3101(a) of the Code without the dollar limitation of section 3121(a)(1) of the Code.

(4) *Request by sponsoring organizations and employers.* * * *

(ii) Each district director, in whose jurisdiction there are employers who adopt the form of plan, must be furnished a copy of the previously approved form of plan and related documents by the sponsoring organization. The sponsoring organization must also furnish such district director a copy of all amendments subsequently approved as to form by the National Office.

* * * * *

(6) *Effect on other plans.* Determination letters previously issued by district directors specified in paragraph (o)(2)(viii) of this section are not affected by these procedures even though the plans covered by the determination letters were designed by organizations described in subparagraph (1)(i) of this paragraph. However, such organizations may avail themselves of these procedures with respect to any subsequent action regarding such plans if they otherwise come within the scope of this paragraph.

PAR. 8. Section 601.202 is amended by revising paragraph (c) (1), (2), and (4) to read as follows:

§ 601.202 Closing agreements.

* * * * *

(c) *Approval.* (1) Closing agreements relating to alcohol, tobacco, and firearms taxes (other than the manufacturers excise tax on firearms arising from application of sections 4181 and 4182 of the Internal Revenue Code of 1954) in respect of any prospective transactions or completed transactions affecting returns to be filed may be entered into and approved by the Director, Bureau of Alcohol, Tobacco, and Firearms.

(2) Closing agreements relating to taxes other than those taxes covered in subparagraph (1) of this paragraph in respect of any prospective transactions or completed transactions affecting returns to be filed may be entered into and approved by the Assistant Commissioner (Technical).

* * * * *

(4) Regional commissioners, assistant regional commissioners (appellate), assistant regional commissioners (audit), district directors, the Director of International Operations, and chiefs, associate chiefs, assistant chiefs, and conferee-special assistants of appellate branch offices may enter into and approve closing agreements on cases under their jurisdiction (but excluding cases docketed before the U.S. Tax Court) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

* * * * *

PAR. 9. Section 601.204 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 601.204 Changes in accounting periods and in methods of accounting.

(a) *Accounting periods.* A taxpayer who changes his accounting period shall, before using the new period for income tax purposes, comply with the provisions of the income tax regulations relating to changes in accounting periods. In cases where the regulations require the taxpayer to secure the consent of the Commissioner to the change, the application for permission to change the accounting period shall be made on Form 1128 and shall be submitted to the Commissioner of Internal Revenue, Washington, D.C. 20224, within the period of time prescribed in such regulations. See section 442 of the Code and regulations thereunder. If the change is approved by the Commissioner, the taxpayer shall thereafter make his returns and compute his net income upon the basis of the new accounting period. A request for permission to change the accounting period will be considered by the Income Tax Division.

(b) *Methods of accounting.* A taxpayer who changes the method of accounting employed in keeping his books shall, before computing his income upon such method for purposes of income taxation, comply with the provisions of the income tax regulations relating to changes in accounting methods. The regulations require that, in the ordinary case, the taxpayer secure the consent of the Commissioner to the change. See section 446 of the Code and the regulations thereunder. Application for permission to change the method of accounting employed shall be made on Form 3115 and shall be submitted to the Commissioner of Internal Revenue, Washington, D.C., 20224, within 180 days after the beginning of the taxable year in which it is desired to make the change. Permission to change the method of accounting will not be granted unless the

taxpayer and the Commissioner agree to the terms and conditions under which the change will be effected. The request will be considered by the Income Tax Division. However, in certain instances, Form 3115 may be filed with the District Director of Internal Revenue. See, for example, Rev. Proc. 64–51, C.B. 1964–2, 1003, Rev. Proc. 67–10, C.B. 1967–1, 585, and Rev. Proc. 67–40, C.B. 1967–2, 674.

(c) *Verification of changes.* Written permission to a taxpayer by the National Office consenting to a change in his annual accounting period or to a change in his accounting method is a "ruling." Therefore, in the examination of returns involving changes of annual accounting periods and methods of accounting, district directors must determine whether the representations upon which the permission was granted reflect an accurate statement of the material facts, and whether the agreed terms, conditions, and adjustments have been substantially carried out as proposed. An application, Form 3115, filed with the District Director of Internal Revenue is also subject to similar verification.

PAR. 10. The title to Subpart C is revised to read as follows:

Subpart C—Provisions Relating to Distilled Spirits, Wines, Beer, Cigars, Cigarettes, Cigarette Papers and Tubes and Certain Firearms and Explosives.

PAR. 10a. Section 601.301 is amended by revising paragraph (b), by revising that portion of paragraph (c) as precedes subparagraph (1), by deleting the "and" at the end of paragraph (c)(2)(vi), by deleting the period at the end of paragraph (c)(2)(vii) and by substituting "; and", by adding a new paragraph (c)(2)(viii), and by revising paragraph (c) (26) and (28). The revised and added provisions read as follows:

§ 601.301 Imposition of taxes, qualification requirements, and regulations.

* * * * *

(b) *Qualification requirements.* Distillers, winemakers, brewers, warehousemen, rectifiers, bottlers, liquor bottle manufacturers, dealers in specially denatured alcohol, users of tax-free and specially denatured alcohol, and wholesalers and importers of liquors, are required to qualify with the Bureau of Alcohol, Tobacco and Firearms, usually by filing notice or application and bond with, and procuring permit from, the Regional Director, Bureau of Alcohol, Tobacco and Firearms of the ATF region in which operations are to be conducted. Detailed information respecting such qualification, including the forms to be used and the procedure to be followed, is contained in the respective regulations described in paragraph (c) of this section.

(c) *Regulations.* The procedural requirements with respect to matters relating to distilled spirits, wines, and beer which are within the jurisdiction of the Bureau of Alcohol, Tobacco and Firearms are published in the regulations described in this paragraph. These regulations contain full information as to the general course and method by which the functions concerning liquors are channeled and determined, including the nature and requirements of formal and informal procedures, the forms, records, reports, and other documents required, and the contents of applications, notices, registrations, permits, bonds, and other documents. Supplies of prescribed forms may be obtained from the office of Regional Directors, Bureau of Alcohol, Tobacco and Firearms, except that Forms 52–A, 52–B, 122, 133, 338, 2051, 2056–2060, 2621, and 2637 must be provided by the users at their own expense. Users and commercial printers may procure specimen copies of such forms from such offices. Publication No. 480, which contains a listing of alcohol, tobacco and firearms public-use forms, may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The following is a brief description of the several regulations arranged according to the principal subjects and operations concerned:

* * * * *

(2) *Miscellaneous liquor transactions.* * * *

(viii) Regulations pertaining to spirits brought into the United States from Puerto Rico and the Virgin Islands in bulk containers, and providing for the transfer of such spirits to internal revenue bond, their storage in and withdrawal from bond, the determination of tax, the application of certain loss provisions in the filing of returns, reports, and claims, and the keeping of records.

* * * * *

(26) *Liquors and articles from Puerto Rico and the Virgin Islands.* Part 250 of this chapter contains the regulations relating to the production, bonded warehousing, and withdrawal of distilled spirits, and denatured spirits, and the manufacture of articles in Puerto Rico and the Virgin Islands to be brought into the United States free of tax and the collection of internal revenue taxes on taxable alcoholic products coming into the United States from Puerto Rico and the Virgin Islands. Regulations respecting spirits produced in Puerto Rico or the Virgin Islands and brought into the United States and transferred from customs custody to internal revenue bond are contained in Part 170 of this chapter.

(28) *Exportation of liquors.* Part 252 of this chapter contains the regulations

* * * * *

relating to exportation including, where applicable, lading for use on vessels and aircraft, transfer to a foreign-trade zone, or transfer to a manufacturing bonded warehouse, Class 6, of distilled spirits (including specially denatured spirits), beer (including beer concentrate), and wine, and transfer of distilled spirits for deposit in a customs bonded warehouse, whether without payment of tax, free of tax, or with benefit of drawback. It includes requirements with respect to removal, shipment, lading, deposit, evidence of exportation, losses, claims, and bonds. Certain claim requirements relating to export with benefit of drawback of domestic distilled spirits products that contain spirits from Puerto Rico or the Virgin Islands are also contained in Part 170 of this chapter.

PAR. 10b. Section 601.303 is amended by revising paragraphs (c)(2) and (d), to read as follows:

§ 601.303 Claims.

* * * * *

(c) *Claims for refund.* * * *

(2) *Taxes on liquors lost, destroyed, returned to bond, or taken as samples by the United States.* A taxpayer may, subject to the conditions in the appropriate regulations, file claim on Form 843 with the Regional Director, Bureau of Alcohol, Tobacco, and Firearms for refund of tax paid on (i) spirits returned to bonded premises, lost in rectification or bottling operations (including taxpaid spirits returned to the bottling premises from which removed), lost by accident or disaster, or taken as samples by the United States, or (ii) wine returned to bond as unmerchantable, or lost by disaster, or (iii) beer returned to a brewery or voluntarily destroyed, or lost, whether by theft or otherwise, or destroyed or otherwise rendered unmerchantable by fire, casualty, or act of God. If the claim is allowed, a notice of allowance with a check for the amount of the refund is forwarded to the claimant; except, that where there are any unpaid taxes outstanding against the claimant, the refund may be applied to the outstanding taxes and a check for the balance, if any, forwarded to the claimant. If the claim is rejected, a notice giving the reasons for rejection is forwarded to the claimant.

(d) *Claims for allowance, credit, or relief.* A qualified permittee, manufacturer, or proprietor may, subject to the conditions in the appropriate regulations, file claim on Form 2635 with the Regional Director, Bureau of Alcohol, Tobacco, and Firearms for allowance of loss, credit of tax, or relief from tax liability, as applicable, on (1) spirits returned to bonded premises, lost or destroyed on bonded premises or in transit thereto, lost in rectification or bottling operations (including taxpaid spirits returned to the bottling premises from which removed), or lost by accident or disaster; (2) wine lost or destroyed on bonded premises or in transit thereto and unmerchantable domestic wine returned to bond; (3) beer returned to a brewery or voluntarily destroyed, or lost, whether by theft or otherwise, or destroyed or otherwise rendered unmerchantable by fire, casualty, or act of God; (4) denatured spirits lost or destroyed in bond, or lost on the premises of a qualified dealer or user or in transit to such premises; and (5) tax-free spirits lost on the premises of a qualified user or in transit to such premises.

* * * * *

PAR. 10c. Section 601.304 is amended by revising paragraphs (a), (e), and (f), to read as follows:

§ 601.304 Preparation and filing of claims.

(a) *Distilled spirits at distilled spirits plants.* Procedural instructions in respect of claims for remission, abatement, credit, or refund of tax on spirits (including denatured spirits) lost or destroyed on or lost in transit to, or on spirits returned to, the premises of a distilled spirits plant are contained in Part 201 of this chapter or, as applicable, in Parts 170 and 201 of this chapter for Puerto Rico or Virgin Islands spirits lost in internal revenue bond. It is not necessary to file a claim for credit of tax on tax-paid samples taken by ATF officers from distilled spirits plants, as the regional director will allow credit, without claim, for tax on such samples.

* * * * *

(e) *Beer.* Procedural instructions in respect of claims for refund or credit of tax which has been paid (or allowance, credit, or relief of tax liability if the tax has not been paid) on domestic beer returned to a brewery or voluntarily destroyed; or lost, whether by theft or otherwise, or destroyed or otherwise rendered unmerchantable by fire, casualty, or act of God are contained in Part 245 of this chapter.

(f) *Distilled spirits, wines, or beer for export.* Procedural instructions in respect of claims for (1) drawback of internal revenue tax on distilled spirits, wines, or beer for export, use as supplies on certain vessels or aircraft, or deposit in a foreign-trade zone, or deposit of distilled spirits in a customs bonded warehouse, and (2) remission of tax on distilled spirits, specially denatured spirits, wines, or beer, withdrawn without payment or free of tax and lost during transportation to the port of export, customs bonded warehouse (distilled spirits only), manufacturing bonded warehouse, vessel or aircraft, or foreign-trade zone, as applicable, are contained in Part 252 of this chapter. Procedural instructions as to claims respecting export with benefit of drawback of tax on domestic distilled spirits products containing spirits from Puerto Rico or the Virgin Islands are contained in Parts 170 and 252 of this chapter.

* * * * *

PAR. 11. The undesignated centerheading immediately preceding § 601.319 is revised to read as follows:

FIREARMS AND EXPLOSIVES

PAR. 12. Section 601.319 is revised to read as follows:

§ 601.319 Applicable laws.

(a) Chapter 53 of the Internal Revenue Code (26 U.S.C. 5801–5872), the provisions of which are chiefly derived from the National Firearms Act amendments of 1968 (82 Stat. 1227), imposes a tax on the manufacture and transfer in the United States of machine guns, destructive devices, and certain other types of firearms, and an occupational tax upon every importer and manufacturer of, and dealer in, such firearms. Section 1(b)(2) of the act of August 9, 1939 (53 Stat. 1291; 49 U.S.C. 781–788), makes provision for the seizure and forfeiture of vessels, vehicles, and aircraft which are used to transport, carry, or possess, or to facilitate the same, any firearm with respect to which there has been committed any violation of the National Firearms Act or any regulations issued pursuant thereto.

(b) Title 1, State Firearms Control Assistance (18 U.S.C., Chapter 44), of the Gun Control Act of 1968 (82 Stat. 1213), provides for the licensing of importers and manufacturers of, and dealers in, firearms and ammunition, and of collectors of firearms and ammunition curios and relics, and establishes controls for firearms and ammunition acquisitions and dispositions.

(c) Title VII, Unlawful Possession or Receipt of Firearms (82 Stat. 236; 18 U.S.C., appendix), of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197), as amended by title III of the Gun Control Act of 1968 (82 Stat. 1236), prohibits the receipt, possession, or transportation of firearms by felons (as that term is defined in that title), veterans who are discharged under dishonorable conditions, mental incompetents, aliens who are illegally in the country, and former citizens of the United States who have renounced such citizenship; and also prohibits the same by any employee of such persons in the course of his employment.

(d) Executive Order 11432, dated October 22, 1968, transferred from the Secretary of State to the Secretary of the Treasury control over the importation of arms, ammunition, and implements of war pursuant to section 414 of the Mutual Security Act of 1954, as amended (22 U.S.C. 1934). The order authorizes the Secretary of the Treasury to control, in furtherance of world peace and the security and foreign policy of the United States, the import of articles enumerated on the U.S. Munitions Import List.

(e) Title XI, Regulation of Explosives (18 U.S.C. chapter 40) of the Organized Crime Control Act of 1970 (84 Stat. 922) provides for the licensing of manufacturers, importers and limited manufacturers of, and dealers in, explosives in interstate or foreign commerce, and for issuance of permits for users who buy or transport explosives in interstate or foreign commerce.

PAR. 13. The following new section is added immediately after § 601.321a.

§ 601.321b Commerce in explosives.

Part 181 of this chapter contains the regulations relative to (a) licensing of manufacturers, importers, and limited manufacturers of, and dealers in, explosives, (b) permits for users who buy or transport explosives in interstate or foreign commerce, (c) construction of different types of storage facilities for three classes of explosive material, (d) the identification of explosives, (e) the acquisition and disposition of explosives, (f) the records required to be kept by licensees and permittees, (g) the forfeiture and disposition of seized explosive material, under the provision of Title XI of the Organized Crime Control Act of 1970, (h) operations by licensees or permittees and hearings procedure after denial or revocation of license or permit, and also (i) restrictions regarding the receipt, possession, or transportation of explosives by certain persons under the provisions of Title XI of the Organized Crime Control Act of 1970.

PAR. 14. Section 601.322 is revised to read as follows:

§ 601.322 Rulings.

The procedure for rulings in matters in the firearms and explosives area is set forth in § 601.328.

PAR. 15. Section 601.326 is revised to read as follows:

§ 601.326 Seizure and forfeiture of personal property.

Part 172 of this chapter contains the regulations relative to the personal property seized by officers of the Internal Revenue Service or the Bureau of Alcohol, Tobacco and Firearms as subject to forfeiture as being used, or intended to be used, to violate certain Federal laws; the remission or mitigation of such forfeiture; and the administrative sale or other disposition, pursuant to forfeiture, of such seized property other than firearms seized under the National Firearms Act and firearms and ammunition seized under title 1 of the Gun Control Act of 1968. For disposal of firearms under the National Firearms Act, see 26 U.S.C. 5872(b). For disposal of firearms and ammunition under title 1 of the Gun Control Act of 1968, see 18 U.S.C. 924(d). For disposal of explosives under title XI of Organized Crime Control Act of 1970, see 18 U.S.C. 844(c).

PAR. 16. Section 601.328 is amended by revising paragraphs (a) and (b) to read as follows:

§ 601.328 Rulings.

(a) *Requests for rulings.* Any persons who is in doubt as to any matter arising in connection with: (1) Operations or transactions in the alcohol tax area or under the Federal Alcohol Administration Act, (2) operations or transactions in the tobacco tax area, or (3) the taxes relating to machine guns, destructive devices, and certain other firearms imposed by chapter 53 of the Code; the registration by importers and manufacturers of, and dealers in, such firearms; the registration of such firearms; the licensing of importers and manufacturers of, and dealers in, firearms and ammunition, and collectors of firearms and ammunition curios and relics under chapter 44 of title 18 of the United States Code; the licensing of manufacturers, importers, limited manufacturers of, and dealers in, explosives and issuance of permits for users of explosives under chapter 40 of title 18 of the United

States Code; and registration of importers of, and permits to import, arms, ammunition, and implements of war, under section 414 of the Mutual Security Act of 1954, may request a ruling thereon by addressing a letter to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, or to the regional director, Bureau of Alcohol, Tobacco and Firearms of the ATF region in which the inquirer's business is located. Since a ruling can issue only from the Bureau headquarters, any such request made to a regional director will be referred by him to the Director, Bureau of Alcohol, Tobacco and Firearms for reply unless the issues involved are clearly covered by currently effective rulings or come within the plain intent of the statutes or regulations. If a request for a ruling is signed by a representative, or if the representative is to appear before the Bureau of Alcohol, Tobacco and Firearms, such representative must present a tax information authorization or a power of attorney, signed by the taxpayer, authorizing him to receive or inspect confidential information in the matter (see Subpart E of this part). All rulings will be published in the Alcohol, Tobacco and Firearms Bulletin as provided in § 601.601.

(b) *Routine requests for information.* Routine requests for information should be addressed to the regional director, Bureau of Alcohol, Tobacco, and Firearms of the region in which the inquirer is located.

PAR. 17. Section 601.401 is amended by revising paragraphs (a)(3) and (5)(ii) and (iii) to read as follows:

§ 601.401 Employment taxes.

(a) *General.* * * *

(3) *Collection methods.* Employment taxes are collected by means of returns and by withholding by employers. Except as provided in the case of tips, employee tax must be deducted and withheld by employers from "wages" or "compensation" paid to employees, and the employer is liable for the employee tax whether or not it is so deducted. Employee representatives (as defined in the Railroad Retirement Tax Act) are required to file returns. Employment tax returns must be filed with the district director or, if so provided in instructions applicable to a return, with the service center designated in the instructions. The return of the Federal unemployment tax is required to be filed annually on Form 940 with respect to wages paid during the calendar year. All other returns of Federal employment taxes (with the exception of returns filed for agricultural employees) are required to be filed for each calendar quarter except that if pursuant to regulations the district director so notifies the employer, returns on Form 941 are required to be filed on a monthly basis. In the case of certain employers required to report withheld income tax but not required to report employer and employee taxes imposed by chapter 21 (for example, state and local government employers), Form 941E is prescribed for reporting on a quarterly basis. The employer and employee taxes imposed by chapter 21 (other than the employer and employee taxes on wages paid for agricultural labor) and the tax required to be deducted and withheld upon wages by chapter 24 are combined in a single return on Form 941. In the case of wages paid by employers for domestic service performed in a private home not on a farm operated for profit, the return of both the employee tax and the employer tax imposed by chapter 21 is on Form 942. However, if the employer is required to file a return for the same quarter on Form 941, he may at his election include the taxes with respect to such domestic service on Form 941. The employer and employee taxes imposed by chapter 21 with respect to wages paid for agricultural labor are required to be reported annually on Form 943. Under the Railroad Retirement Tax Act, the return required of the employer is on Form CT–1, and the return required of each employee representative is on Form CT–2. An employee is not required to file a return of employee tax, except that he must include in his income tax return (as provided in the applicable instructions) any amount of employee tax (i) due with respect to tips that the employee failed to report to the employer or (ii) shown on the employee's Form W–2 as "Uncollected Employee Tax on Tips".

* * * * *

(5) *Use of Federal Reserve banks and authorized commercial banks in connection with payment of Federal employment taxes.* * * *

(ii) *Quarter-monthly period deposits.* With respect to wages paid after January 31, 1971 (March 31, 1971, in the case of wages paid for agricultural labor), if at the close of any quarter-monthly period (that ends on the 7th, 15th, 22d, or the last day of any month) the aggregate amount of undeposited taxes, exclusive of taxes reportable on Form 942, is $2,000 or more, the employer shall deposit such taxes within 3 banking days after the close of such quarter-monthly period.

(iii) *Monthly deposits.* With respect to employers not required to make deposits under subdivision (i) or (ii) of this subparagraph, if after January 31, 1971 (March 31, 1971, in the case of income tax withheld from wages paid for agricultural labor) (a) during any calendar month, other than the last month of a calendar quarter, the aggregate amount of the employee tax deducted and the employer tax under chapter 21 and the income tax withheld at source on wages under chapter 24, exclusive of taxes reportable on Form 942, exceeds $200 ($100 prior to February 1, 1971), or (b) at the end of any month or period of 2 or more months and prior to December 1 of any calendar year, the total amount of undeposited taxes imposed by chapter 21, with respect to wages paid for agricultural labor, exceeds $200, it is the duty of the employer to deposit such amount within 15 days after the close of such calendar month.

* * * * *

PAR. 18. Section 601.402 is amended by revising paragraph (a)(2)(i) to read as follows:

§ 601.402 Sales taxes collected by return.

(a) *General.* * * *

(2) The manufacturers excise taxes imposed by chapter 32 of the Code, with respect to the following items:

(i) Motor vehicles and related items: Certain heavy-duty trucks, buses, trailers; truck parts and accessories; tires, tubes, and tread rubber; gasoline and lubricating oil.

* * * * *

PAR. 19. Section 601.403 is amended by revising paragraph (a)(6) and adding a new paragraph (a)(11), and by revising paragraph (c)(1) and (3) to read as follows:

§ 601.403 Miscellaneous excise taxes collected by return.

(a) *General.* * * *

(6) *Civil aircraft use.* Subchapter E of chapter 36 of the Code imposes a minimum annual tax for each taxable year (commencing after June 30, 1970, and ending before July 1, 1980) upon the use, at any time during the taxable year, in navigable airspace of the United States of any taxable civil aircraft. An Additional tax based upon weight is imposed on turbine and nonturbine engine powered aircraft. With respect to a turbine powered aircraft, this tax applies to each pound of its maximum certificated takeoff weight. With respect to a nonturbine powered aircraft for taxable period beginning before July 1, 1971, the additional tax applies to each pound of the aircraft's maximum certificated takeoff weight if the aircraft has a maximum certificate takeoff weight of more than 2,500 pounds. With respect to a nonturbine powered aircraft for taxable periods beginning on or after July 1, 1971, the additional tax applies only to each pound of the aircraft's maximum certificated takeoff weight in excess of 2,500 pound.

* * * * *

(11) *Investment Income.* Under chapter 42 of the Code a tax of 4 percent is imposed each taxable year on the net investment income of a domestic private foundation which is exempt from tax under section 501(a).

* * * * *

(c) *Collection of tax*—(1) *Imposed taxes.* The tax on the manufacture of sugar and the tax on the issuance of foreign insurance policies are collected in the same manner as manufacturers' sales taxes. See § 601.402. Returns of the tax on wagers are required to be filed monthly; returns of interest equalization tax and of tax on foreign insurance premiums are required to be filed quarterly; returns of the tax on circulation other than of national banks are required to be filed on June 1 and December 1 each year, and returns of the taxes on hydraulic mining, investment income, and on the use of highway motor vehicles

and civil aircraft are required to be filed annually.

* * * * *

(3) *Depository procedures.* Depository procedures similar to those prescribed in § 601.401(a)(5), except for quarter-monthly deposits, are prescribed for miscellaneous excise taxes (except the taxes on the use of highway motor vehicles, the use of civil aircraft, wagers, hydraulic mining, and circulation other than of national banks) referred to in paragraph (a) of this section. For information relating to the use of the Form 504, Federal Tax Deposit, Excise Taxes, see the instructions on Form 720, Quarterly Federal Excise Tax Return.

* * * * *

PAR. 20. Section 601.404 is amended by revising the title to paragraph (b), by deleting paragraph (c) (4), (5), and (6), by revising paragraph (f) (1), (2), and (3), by revising the title to paragraph (h), by deleting paragraph (j)(2), and by revising paragraph (k).

§ 601.404 Miscellaneous excise taxes collected by sale of revenue stamps.

* * * * *

(b) *Excise tax on cotton futures.* * * *

(c) *Commodity stamp taxes.* * * *

(4) [Deleted]

(5) [Deleted]

(6) [Deleted]

* * * * *

(f) *General procedure.* (1) The documentary and commodity stamp taxes are paid by having affixed to the document, package, container, etc., an internal revenue adhesive stamp or stamps, in an amount equal to the tax due and by thereafter canceling such stamps in the manner prescribed. Payment of occupational taxes (except taxes on wagering and coin-operated devices) is evidenced by the posting or displaying of a special occupational tax stamp on the premises where the business is operated. If the taxpayer required to display the special occupational tax stamp has no fixed place of business, the stamp must be kept on his person. The stamps used for such purposes are prepared by the Internal Revenue Service and distributed through the district director of internal revenue.

(2) Revenue stamps are used to pay the tax on cotton futures imposed by section 4851(a) of the Code. Commodity stamp taxes are payable with respect to the manufacture, importation, or transfer, as the case may be, of the contents of each package or container. Occupational taxes are payable annually for the privilege of doing business beginning with July 1 of each year, when the taxpayer is in business on that date, or from the beginning of the month in which the business is commenced on a pro rata basis.

(3) Revenue stamps may be purchased from district directors of internal revenue. Commodity and occupational tax stamps may be purchased only from district directors and duly authorized internal revenue agents. Such purchases may be made only upon the filing of the prescribed requisition, application, or other form and from an official authorized by law to sell such stamps.

* * * * *

(h) *Administrative remedies available to taxpayers after purchase of revenue, commodity, or occupational tax stamps or after assessment or payment of tax.* * *

(j) *Provisions special to commodity stamp taxes.* * *

(2) [Deleted]

* * * * *

(k) *Provisions applicable to special or occupational stamp taxes.* Every person liable to pay any occupational tax imposed under subtitle D of the Code is required to register with the District Director of Internal Revenue his name or style, place of residence, trade or business, and the place where such trade or business is caried on. In the case of a partnership the names of the partners and their place of residence must be so registered. See section 7011 of the Code. The following forms are prescribed for registration: Form 11 (relating to adulterated and process or renovated butter and filled cheese), Form 11-B (relating to the occupational tax for coin-operated gaming devices), Form 11-C (relating to occupational tax with respect to wagering).

PAR. 21. Section 601.505 is amended by revising paragraph (b) to read as follows:

§ 601.505 Requirements for changing representation.

* * * * *

(b) *Cases where taxpayer may be contacted directly.* Where a taxpayer's representative has unreasonably delayed or hindered an examination or investigation by failing to furnish, after repeated request, nonprivileged information necessary to the examination or investigation, the Revenue Service representative conducting the examination or investigation may report the situation to the Chief of Audit, Chief of Collection, or Chief of Intelligence for the District and request permission to contact the taxpayer directly for such information. The Chief of Audit, Chief of Collection, or Chief of Intelligence will carefully consider the situation and make a determination as to whether such permission should be granted. If such permission is granted, the case file will be documented with sufficient facts to show how the examination or investigation was being delayed or hindered, and written notice of such permission, briefly stating the reason why it was granted, will be given to the representative and the taxpayer. Moreover, if he deems it advisable, the district director may refer the matter to the Director of Practice for possible disciplinary proceedings under section 10.23 of Department Circular No. 230.

* * * * *

PAR. 22. Section 601.601 is amended by revising paragraph (a) (1) and (2), by redesignating paragraph (d) as paragraph (d)(1), by entitling paragraph (d)(1), *"General"*, and by adding a new paragraph (d) (2) and (3).

§ 601.601 Rules and regulations.

(a) *Formulation.* (1) Internal revenue rules or alcohol, tobacco, and firearms rules take various forms. The most important rules are issued as regulations and Treasury decisions, prescribed by the Commissioner or the Director, Bureau of Alcohol, Tobacco, and Firearms, as applicable, and approved by the Secretary or his delegate. Other rules may be issued over the signature of the Commissioner or the Director, as applicable, or the signature of any other official to whom authority has been delegated. The channeling of rules varies with the circumstances. Regulations and Treasury decisions, except those relating to alcohol, tobacco, and certain firearms, are prepared in the Office of the Chief Counsel. Alcohol, tobacco, explosives, and certain firearms regulations and Treasury decisions are prepared in the Office of the Regulations and Procedures Division and reviewed in the Office of the Chief Counsel, Bureau of Alcohol, Tobacco, and Firearms. After approval by the Commissioner or the Director, as applicable (and, in the case of regulations relating to narcotics and certain regulations relating to alcohol and tobacco taxes, the approval of the Commissioner of Narcotics or the Commissioner of Customs, as the case may be), regulations and Treasury decisions are forwarded to the Secretary or his delegate for further consideration and final approval.

(2) Where required by 5 U.S.C. 553 and in such other instances as may be desirable, the Commissioner or the Director, as applicable, publishes in the FEDERAL REGISTER general notice of proposed rules (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law). This notice includes (i) a statement of the time, place, and nature of public rule-making proceedings; (ii) reference to the authority under which the rule is proposed; and (iii) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

* * * * *

(d) *Publication of rules and regulations*—(1) *General.* * * *

(2) *Objectives and standards for publication of Revenue Rulings and Revenue Procedures in the Internal Revenue Bulletin*—(i) (a) A "Revenue Ruling" is an official interpretation by the Service that has been published in the Internal Revenue Bulletin. Revenue Rulings are issued only by the National Office and are published for the information and guidance of taxpayers, Internal Revenue Service officials, and others concerned.

(b) A "Revenue Procedure" is a statement of procedure that affects the rights or duties of taxpayers or other members of the public under the Code and related statutes or information that, although not necessarily affecting the rights and

duties of the public, should be a matter of public knowledge.

(ii) (*a*) The Internal Revenue Bulletin is the authoritative instrument of the Commissioner of Internal Revenue for the publication of official rulings and procedures of the Internal Revenue Service, including all rulings and statements of procedure which supersede, revoke, modify, amend, or affect any previously published ruling or procedure. The Service also announces in the Bulletin the Commissioner's acquiescences and nonacquiescences in decisions of the U.S. Tax Court (other than decisions in memorandum opinions), and publishes Treasury decisions, Executive orders, tax conventions, legislation, court decisions, and other items considered to be of general interest. The Assistant Commissioner (Technical) administers the Bulletin program.

(*b*) The Bulletin is published weekly. In order to provide a permanent reference source, the contents of the Bulletin are consolidated semiannually into an indexed Cumulative Bulletin. An Index-Digest Supplement System provides a research and reference guide to all matters appearing in the Cumulative Bulletins. These materials are sold by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(iii) The purpose of publication of Revenue Rulings and Revenue Procedures in the Bulletin is to promote uniform application of the tax laws by Service employees and to assist taxpayers in attaining maximum voluntary compliance by informing Service personnel and the public of National Office interpretations of the internal revenue laws, related statutes, and regulations, and statements of Service procedures affecting the rights and duties of taxpayers.

(iv) It is the policy of the Service to publish in the Bulletin all rulings and other communications to taxpayers or field offices involving substantive tax law, procedures affecting taxpayers' rights or duties, or industry regulation, except those involving—

(*a*) Issues specifically and clearly covered by statute or regulations;

(*b*) Issues specifically covered by rulings, procedures, opinions, or court decisions previously published in the Bulletin;

(*c*) Issues not likely to arise again because of unique or specific facts;

(*d*) Determinations of fact rather than interpretations of law;

(*e*) Acceptability under the law and regulations of containers, labels, and advertising involving alcoholic beverages or tobacco products;

(*f*) Tobacco operations, such as the disposition of abandoned, seized, or condemned tobacco products;

(*g*) Informers and informers' rewards; or

(*h*) Disclosure of secret formulas, processes, business practices, and other similar information.

(v) (*a*) Rulings and other communications involving substantive tax law published in the Bulletin are published in the form of Revenue Rulings. The conclusions expressed in Revenue Rulings will be directly responsive to and limited in scope by the pivotal facts stated in the revenue ruling. Revenue Rulings arise from various sources, including rulings to taxpayers, technical advice to district offices, studies undertaken by the Office of the Assistant Commissioner (Technical), court decisions, suggestions from tax practitioner groups, publications, etc.

(*b*) It will be the practice of the Service to publish as much of the ruling or communication as is necessary for an understanding of the position stated. However, in order to prevent unwarranted invasions of personal privacy and to comply with statutory provisions, such as 18 U.S.C. 1905 and 26 U.S.C. 7213, dealing with disclosure of information obtained from members of the public, identifying details, including the names and addresses of persons involved, and information of a confidential nature are deleted from the ruling.

(*c*) Revenue Rulings, other than those relating to the qualification of pension, annuity, profit-sharing, stock bonus, and bond purchase plans, apply retroactively unless the Revenue Ruling includes a specific statement indicating, under the authority of section 7805(b) of the Internal Revenue Code of 1954, the extent to which it is to be applied without retroactive effect. Where Revenue Rulings revoke or modify rulings previously published in the Bulletin the authority of section 7805(b) of the Code ordinarily is invoked to provide that the new rulings will not be applied retroactively to the extent that the new rulings have adverse tax consequences to taxpayers. Section 7805(b) of the Code provides that the Secretary of the Treasury or his delegate may prescribe the extent to which any ruling is to be applied without retroactive effect. The exercise of this authority requires an affirmative action. For the effect of Revenue Rulings on determination letters and opinion letters issued with respect to the qualification of pension, annuity, profit-sharing, stock bonus, and bond purchase plans, see paragraph (o) of § 601.201.

(*d*) Revenue Rulings published in the Bulletin do not have the force and effect of Treasury Department Regulations (including Treasury decisions), but are published to provide precedents to be used in the disposition of other cases, and may be cited and relied upon for that purpose. No unpublished ruling or decision will be relied on, used, or cited, by any officer or employee of the Service as a precedent in the disposition of other cases.

(*e*) Taxpayers generally may rely upon Revenue Rulings published in the Bulletin in determining the tax treatment of their own transactions and need not request specific rulings applying the principles of a published Revenue Ruling to the facts of their particular cases. However, since each Revenue Ruling represents the conclusion of the Service as to the application of the law to the entire state of facts involved, taxpayers, Service personnel, and others concerned are cautioned against reaching the same conclusion in other cases unless the facts and circumstances are substantially the same. They should consider the effect of subsequent legislation, regulations, court decisions, and revenue rulings.

(*f*) Comments and suggestions from taxpayers or taxpayer groups on Revenue Rulings being prepared for publication in the Bulletin may be solicited, if justified by special circumstances. Conferences on Revenue Rulings being prepared for publication will not be granted except where the Service determines that such action is justified by special circumstances.

(vi) Statements of procedures which affect the rights or duties of taxpayers or other members of the public under the Code and related statutes will be published in the Bulletin in the form of Revenue Procedures. Revenue Procedures usually reflect the contents of internal management documents, but, where appropriate, they are also published to announce practices and procedures for guidance of the public. It is Service practice to publish as much of the internal management document or communication as is necessary for an understanding of the procedure. Revenue Procedures may also be based on internal management documents which should be a matter of public knowledge even though not necessarily affecting the rights or duties of the public. When publication of the substance of a Revenue Procedure in the FEDERAL REGISTER is required pursuant to 5 U.S.C. 552, it will usually be accomplished by an amendment of the Statement of procedural Rules (26 CFR Part 601).

(vii) (*a*) The Assistant Commissioner (Technical) is responsible for administering the system for the publication of Revenue Rulings and Revenue Procedures in the Bulletin, including the standards for style and format.

(*b*) In accordance with the standards set forth in subdivision (iv) of this subparagraph, each Assistant Commissioner is responsible for the preparation and appropriate referral for publication of Revenue Rulings reflecting interpretations of substantive tax law made by his office and communicated in writing to taxpayers or field offices. In this connection, the Chief Counsel is responsible for the referral to the appropriate Assistant Commissioner, for consideration for publication as Revenue Rulings, of interpretations of substantive tax law made by his Office.

(*c*) In accordance with the standards set forth in subdivision (iv) of this subparagraph, each Assistant Commissioner and the Chief Counsel is responsible for determining whether procedures established by any office under his jurisdiction should be published as Revenue Procedures and for the initiation, content, and appropriate referral for publication of such Revenue Procedures.

(3) All Bureau of Alcohol, Tobacco and Firearms regulations and Treasury decisions are published in the FEDERAL REGISTER and in the Code of Federal Regulations. The Treasury decisions are

also published in the monthly Alcohol, Tobacco and Firearms Bulletin. The Alcohol, Tobacco and Firearms Bulletin is the authoritative instrument of the Director, Bureau of Alcohol, Tobacco and Firearms, for announcing official rulings and procedures of the Bureau and for publishing Treasury decisions, legislation, administrative matters, and other items of general interest. The Bulletin incorporates, into one publication, all matters of the Bureau which are of public record. It is the policy of the Bureau to publish in the Bulletin all substantive rulings necessary to promote a uniform application of all laws administered by the Bureau as well as all rulings that supersede, revoke, modify, or amend any of those previously published in the Bulletin (including those published prior to July 1, 1972, in the Internal Revenue Bulletin). Procedures relating solely to matters of internal management are not published; however, industry regulations appearing in internal management documents and statements of internal practices and procedures that affect the rights and duties of the public are published. Rulings and procedures reported in the Bulletin do not have the force and effect of Treasury Department Regulations, but they may be used as precedents. In applying published rulings and procedures, the effect of subsequent legislation, regulations, court decisions, rulings, and procedures must be considered. Concerned parties are cautioned against reaching the same conclusions in other cases unless the facts and circumstances are substantially the same. The Bulletin is published monthly and may be obtained from the Superintendent of Documents on a subscription basis. Bulletin contents of a permanent nature are consolidated each calendar year into cumulative issues, which are sold on a single-copy basis.

* * * * *

§ 601.602 Forms and instructions.

(a) *Tax return forms and instructions.* Forms and instructions are developed by the Internal Revenue Service and the Bureau of Alcohol, Tobacco, and Firearms to explain the requirements of the internal revenue laws and regulations and are issued for the assistance of taxpayers in exercising their rights and discharging their duties under the internal revenue laws. All internal revenue taxes which are not collected by stamps are assessed and collected through the self-determination and self-application of the law and the regulations by taxpayers. The tax return forms are the instruments through which this is accomplished.

(b) *Other forms and instructions.* In addition to the forms and instructions for the return of internal revenue taxes, the Internal Revenue Service and the Bureau of Alcohol, Tobacco, and Firearms provide other necessary or appropriate forms for assisting the public in complying with the technical requirements of the internal revenue laws and regulations. The material contained in the forms and instructions, and the arrangements thereof, is carefully considered and is designed to lead the taxpayer step-by-step through an orderly accumulation of data to an accurate report of the information required.

(c) *Procurement of forms and instructions.* Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from district directors or directors of service centers or where appropriate, from regional directors, Bureau of Alcohol, Tobacco, and Firearms. Descriptions of many of the forms and publications of the Internal Revenue Service or the Bureau of Alcohol, Tobacco, and Firearms for public use are contained in Publication No. 480, Alcohol, Tobacco and Firearms Public Use Forms and Publication No. 481, *Description of Principal Federal Tax Returns, Related Forms, and Publications.* Publication No. 480 and Publication No. 481 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.

PAR. 23. Section 601.701 is amended by deleting paragraph (b)(2)(ii), (iii), (vi), and (x) and by redesignating paragraph (b)(2)(iv), (v), (vii), (viii), and (ix) as paragraph (b)(2)(ii), (iii), (iv), (v), and (vi) respectively. The redesignated provisions read as follows:

§ 601.701 Publicity of information.

* * * * *

(b) *Exemptions.* * * *

(2) *Matters specifically exempted from disclosure by statute.* For purposes of subparagraph (1)(iii) of this paragraph, statutory provisions which either specifically exempt certain matters from disclosure by officers or employees of the Internal Revenue Service or specifically provide for disclosure under appropriate circumstances include the following sections of the Code and the regulations thereunder:

(i) Section 4102, relating to inspection by certain State or local government officers of records with respect to taxes on petroleum products;

(ii) Section 6103, relating to publicity of certain returns and disclosure of information as to persons filing income tax returns;

(iii) Section 6104, relating to publicity of information required from certain exempt organizations and certain trusts;

(iv) Section 6106, relating to publicity of unemployment tax returns;

(v) Section 6108, relating to the publication of statistics of income; and

(vi) Section 7213, relating to penalties for unauthorized disclosure of information by Federal officers or employees or other persons.

* * * * *

PAR. 24. Section 601.702 is amended by—

1. Revising that portion of paragraph (a)(1) which follows (v) thereof,

2. Revising paragraph (b)(1)(i) and (3)(i) and (iii),

3. Revising paragraph (c)(5) and (6)(ii),

4. Revising paragraph (d)(5), (6), (7), and (8), deleting paragraph (d)(9), (10), (11), (12), and (13), and redesignating paragraph (d)(4), (5), (6), (7), (8), and (14) as paragraph (d)(3), (4), (5), (6), (7), and (8) respectively.

As revised, the provisions read as follows:

§ 601.702 Publication and public inspection.

(a) *Publication in the* FEDERAL REGISTER—(1) Requirement. * * * Pursuant to the foregoing requirements, the Commissioner publishes in the FEDERAL REGISTER from time to time a statement, which is not codified in this chapter, on the organization and functions of the Internal Revenue Service, and such amendments as are needed to keep the statement on a current basis. In addition, there are published in the FEDERAL REGISTER the rules set forth in this part (Statement of Procedural Rules), such as those in Subpart E of this part, relating to conference and practice requirements of the Internal Revenue Service; the regulations in Part 301 of this chapter (Procedure and Administration Regulations); and the various substantive regulations under the Internal Revenue Code of 1954, such as the regulations in Part 1 of this chapter (Income Tax Regulations), in Part 20 of this chapter (Estate Tax Regulations) and, in Part 31 of this chapter (Employment Tax Regulations).

* * * * *

(b) *Public inspection and copying*—(1) *In general.* * * *

(i) Final opinions, including concurring and dissenting opinions, and orders, if such opinions and orders are made in the adjudication of cases;

* * * * *

(3) *Public reading rooms*—(i) *In general.* The National Office and each regional office of the Internal Revenue Service will provide a reading room or reading area where the matters described in subparagraph (1)(i) through (iii) of this paragraph which are required by such subparagraph to be made available for public inspection or published, and the current indexes to such matters, will be made available to the public for inspection and copying. In addition, the reading rooms will contain other matters determined to be helpful for the guidance of the public, including a complete set of the rules and regulations (except those pertaining to alcohol, tobacco, firearms, and explosives) contained in this title, any internal revenue matters which may be incorporated by reference in the FEDERAL REGISTER pursuant to paragraph (a)(2)(i) of this section, a set of Cumulative Bulletins, and copies of various Internal Revenue Service publications, such as the description of forms or publications contained in Publication No. 481. Fees will not be charged for the use of the materials in the reading rooms, but fees will be charged for copying and certification services, as provided in subdivision (iii) of this subparagraph. The public will not be allowed to remove any record from a reading room.

* * * * *

(iii) *Copying facilities.* The National Office and each regional office will provide facilities whereby a person may obtain copies of material which is on the shelves of the reading room. Certification services with respect to copies will also be provided. The fees in respect of material on the shelves of the reading rooms are as follows:

Photocopies; each page	$0.10
Certification of photocopies by appropriate official; each certification	1.00
Sale of unpriced printed material; each 25 pages or fraction thereof	.25
Minimum charge applicable when one or more of the above charges is assessed	1.00

Generally, forms and instructions described in § 601.602 which may be obtained from district directors will not be available in the reading rooms. However, where such forms or instructions are available for distribution in the reading rooms, the fee listed in this subdivision for the sale of unpriced printed material will not apply. While certain relevant publications which are available for sale through the Government Printing Office will be placed on the shelves of the reading rooms, such publications will not be available for sale in the reading rooms. Persons desiring to purchase such publications, for example, Internal Revenue Bulletins and Cumulative Bulletins, should contact the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. However, copies of pages of such publications on the reading room shelves may be obtained at the reading rooms in accordance with the schedule of fees set forth in this subdivision.

* * * * *

(c) *Specific requests for other identifiable records.* * * *

(5) *Fees.* A schedule of fees for the services and costs required of the Internal Revenue Service in locating, making available, copying, and certifying records pursuant to this paragraph is as follows:

Record search; each hour or fraction thereof	$3.50
Photocopies; each page	.10
Certification of photocopies by appropriate official; each certification	1.00
Minimum charge with respect to photocopies	1.00

If the Internal Revenue Service estimates that the total fees for costs incurred in complying with the request will amount to $50 or more, the person making the request may be required to enter into a contract for the payment of actual fees with respect to the request before the Service will undertake actions necessary to comply with the request.

(6) *Processing a request.* * * *

(ii) *Determination by National Office.* Except in a case described in subdivision (iii) of this subparagraph, a request sufficiently identifying records will be immediately transmitted to the Assistant Commissioner (Compliance), Attention: CP:D for prompt consideration. A copy of the requested records or a description thereof will also be transmitted to the Assistant Commissioner (Compliance) for consideration in connection with the request. The Assistant Commissioner (Compliance) will notify the requester in writing of his determination with respect to the request.

* * * * *

(d) *Rules for disclosure of certain specified matters* * * *

(3) *Record of seizure and sale of real estate.* Record 21, "Record of seizure and sale of real estate", is open for public inspection in offices of district directors and copies are furnished upon application, as provided in § 301.9000–1(e) of this chapter. However, Record 21 does not list real estate seized for forfeiture under the internal revenue laws (see sec. 7302).

(4) *Public lists of employers making returns under the Federal Unemployment Tax Act.* Information as to whether an employer has made an annual return on Form 940 under the Federal Unemployment Tax Act (chapter 23 of the Code) will be furnished to an inquirer. See sections 6103(f) and 6106.

(5) *Information returns of certain tax-exempt organizations and certain trusts.* Information furnished on Form 990, Form 1041–A, and on the annual report by private foundations pursuant to sections 6033, 6034, and 6056, which are filed after December 31, 1969, is available for public inspection for a 4-year period. This information shall be available for public inspection in the office of the Director, Public Affairs Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, as well as in the office of a district director or Director of the Mid-Atlantic Regional Service Center. See section 6104(b) and § 301.6104–2 of this chapter.

(6) *Applications of certain organizations for tax exemption.* Applications, and certain papers submitted in support of such applications, filed by organizations described in section 501 (c) or (d) and determined to be exempt from taxation under section 501(a) are open to public inspection in the Office of the Director, Public Affairs Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224. Copies of such applications filed after September 2, 1958, are open to public inspection in the offices of district directors. See section 6104(a) and § 301.6104–1 of this chapter.

(7) *Accepted offers in compromise.* For a period of 1 year, a copy of the Abstract and Statement for each accepted offer in compromise in respect of income, profits, capital stock, estate, or gift tax liability is made available for inspection (*a*) in the Office of the Director, Public Affairs Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, when the offer covers a liability of $5,000 and over, and (*b*) in the office of the appropriate district director when the offer covers a liability of less than $5,000. See § 301.6103(a)–1(j) of this chapter and section 10 of Rev. Proc. 64–44 (C.B. 1964–2, 974, 979).

Information will not be disclosed, however, concerning any trade secrets, processes, operations, style of work, or apparatus, or confidential data or any other matter within the prohibition of 18 U.S.C. 1905.

(8) *Publication of statistics of income.* Statistics with respect to the operation of the income tax laws are published annually in accordance with section 6108 and § 301.6108–1 of this chapter.

* * * * *

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

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco & Firearms.

[FR Doc.73–3340 Filed 2–16–73;1:02 pm]

Title 30—Mineral Resources

CHAPTER I—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

Electric Equipment and Safeguards for Mechanical Equipment

Pursuant to the authority vested in the Secretary of the Interior under section 101 of the Federal Coal Mine Health and Safety Act of 1969, as amended (30 U.S.C. 811), and as a result of operating experience gained under the Act, there was published in the FEDERAL REGISTER for June 14, 1972 (37 FR 11777), a notice of proposed revisions of several mandatory standards for electric equipment, additional mandatory standards for electric equipment, and new mandatory standards which prescribed safeguards for the use of mechanical equipment.

Interested persons were afforded a period of 45 days within which to submit written comments, suggestions, or objections to the proposed standards.

In light of the written comments, suggestions, and objections submitted, several changes have been made in the standards as proposed and an explanation of the reasons for and purposes of such changes is set forth below.

A. As was noted in the notice of the proposed revisions, section 305(a)(12) of the Act (restated as 30 CFR 75.504) requires that replacement and rebuilt electric face equipment be permissible in all underground coal mines on and after March 30, 1971. The clear intent of this provision is to prevent the introduction of nonpermissible electric face equipment into any underground coal mine on and after March 30, 1971, and the provision has been interpreted and enforced accordingly. In order to clarify this intent, it was proposed to revise 30 CFR 75.504 so as to require that all replacement electric face equipment and additional electric face equipment acquired for use in an underground coal mine on and after March 30, 1971, be permissible and maintained in a permissible condition. Upon reviewing this

proposed revision, however, it became apparent that confusion still might arise regarding the phrase "* * * replacement equipment and additional equipment acquired for use * * *", since, in fact (1) the crux of the provision is use in a coal mine and not acquisition for use, and therefore an operator would not be permitted to use nonpermissible electric face equipment in an underground coal mine merely because it had been acquired before March 30, 1971; and (2) the term "additional", standing alone, might lend itself to a narrow interpretation. Consequently, as promulgated below 30 CFR 75.504 will prohibit the use of any nonpermissible new, replacement, used, reconditioned, and additional electric face equipment in any underground coal mine.

B. In order to prevent unintentional energization of communication wires and cables, a new § 75.516–1 was proposed which required all communication wires and cables to be supported on insulated hangers or insulated J-hooks, and which provided that all communication wires and cables (1) be installed on the side of the entry opposite to trolley and trolley feeder wires, and (2) have additional insulation at points where they passed over or under any power conductor. Upon considering comments, suggestions, and objections regarding this new standard it has been determined that effective protection against unintentional energization of communication cables will be provided if properly insulated cables are permitted to be buried, or supported on insulated or uninsulated hangers or J-hooks, or securely attached to messenger lines, or otherwise protected against mechanical damage in a manner approved by the Secretary or his authorized representative.

C. Several new standards prescribing mandatory safeguards for mechanical equipment were proposed in order to prevent, to the greatest extent possible, accidents in the use of such equipment. In light of comments, suggestions, and objections received, some revisions have been made concerning these standards.

Paragraph (b) of 30 CFR 75.1725 provided that machinery and equipment could only be operated by persons trained in the use of and authorized to operate such machinery or equipment. For the present time the training requirement has been omitted from this provision since the Bureau intends in the very near future to propose more comprehensive training requirements for machine and equipment operators in coal mines.

Paragraph (d) of 30 CFR 75.1725 prohibited the lubrication of machinery while in motion where a hazard exists, unless extended fittings or cups were available on the machinery. Since a significant amount of machinery self-lubricates while in operation, the provision has been revised so as to prohibit manual lubrication of machinery while in motion unless the machinery is equipped with extended fittings or cups.

Finally, paragraph (e) of 30 CFR 75.1730 has been revised so as to permit the use of automatic cutoff valves, as well as safety chains or suitable locking devices at high pressure hose line connections, and high pressure has been specified as pressure of 100 p.s.i. or more.

Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, is hereby amended as set forth below, and these amendments shall be effective on March 31, 1973.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

FEBRUARY 16, 1973.

1. Section 75.504 is revised as follows:

§ 75.504 Permissibility of new, replacement, used, reconditioned, additional, and rebuilt electric face equipment.

On and after March 30, 1971, all new, replacement, used, reconditioned, and additional electric face equipment used in any mine referred to in §§ 75.500, 75.501, and 75.503 shall be permissible and shall be maintained in a permissible condition, and in the event of any major overhaul of any item of electric face equipment in use on or after March 30, 1971, such equipment shall be put in, and thereafter maintained in, a permissible condition, unless in the opinion of the Secretary, such equipment or necessary replacement parts are not available.

2. A new § 75.507–1 is added as follows:

§ 75.507–1 Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements.

(a) All electric equipment, other than power-connection points, used in return air outby the last open crosscut in any coal mine shall be permissible except as provided in paragraphs (b) and (c) of this section.

(b) Notwithstanding the provisions of paragraph (a) of this section, in any coal mine where nonpermissible electric face equipment may be taken into or used inby the last open crosscut until March 30, 1974, such nonpermissible electric face equipment may be used in return air outby the last open crosscut.

(c) Notwithstanding the provisions of paragraph (a) of this section, in any coal mine where a permit for noncompliance is in effect, nonpermissible electric face equipment specified in such permit for noncompliance may be used in return air outby the last open crosscut for the duration of such permit.

3. A new § 75.516–2 is added as follows:

§ 75.516–2 Communication wires and cables; installation; insulation; support.

(a) All communication wires shall be supported on insulated hangers or insulated J-hooks.

(b) All communication cables shall be insulated as required by § 75.517–1, and shall either be supported on insulated or uninsulated hangers or J-hooks, or securely attached to messenger wires, or buried, or otherwise protected against mechanical damage in a manner approved by the Secretary or his authorized representative.

(c) All communication wires and cables installed in track entries shall, except when a communication cable is buried in accordance with paragraph (b) of this section, be installed on the side of the entry opposite to trolley wires and trolley feeder wires. Additional insulation shall be provided for communication circuits at points where they pass over or under any power conductor.

(d) For purposes of this section, communication cable means two or more insulated conductors covered by an additional abrasion-resistant covering.

4. Section 75.521 is revised as follows:

§ 75.521 Lightning arresters; ungrounded and exposed power conductors and telephone wires.

Each ungrounded, exposed power conductor and each ungrounded, exposed telephone wire that leads underground shall be equipped with suitable lightning arresters of approved type within 100 feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface which shall be separated from neutral grounds by a distance of not less than 25 feet.

5. Section 75.802 is revised as follows:

§ 75.802 Protection of high-voltage circuits extending underground.

(a) Except as provided in paragraph (b) of this section, high-voltage circuits extending underground and supplying portable, mobile, or, stationary high-voltage equipment shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit.

(b) Notwithstanding the requirements of paragraph (a) of this section, the Secretary or his authorized representative may permit ungrounded high-voltage circuits to be extended underground to feed stationary electric equipment if:

(1) Such circuits are either steel armored or installed in grounded, rigid steel conduit throughout their entire length; or,

(2) The voltage of such circuits is nominally 2,400 volts or less phase-to-phase and the cables used in such circuits are equipped with metallic shields around each power conductor, and contain one or more ground conductors having a total cross sectional area of not less than one-half the power conductor; and,

(3) Upon a finding by the Secretary or his authorized representative that the use of the circuits described in paragraph (b) (1) and (2) of this section does not pose a hazard to the miners.

(c) Within 100 feet of the point on the surface where high-voltage circuits enter the underground portion of the

mine, disconnecting devices shall be installed and so equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected, except that the Secretary or his authorized representative may permit such devices to be installed at a greater distance from such area of the mine if he determines, based on existing physical conditions, that such installation will be more accessible at a greater distance and will not pose any hazard to the miners.

6. Section 75.804 is revised as follows:

§ 75.804 Underground high-voltage cables.

(a) Underground high-voltage cables used in resistance grounded systems shall be equipped with metallic shields around each power conductor with one or more ground conductors having a total cross sectional area of not less than one-half the power conductor, and with an insulated external conductor not smaller than No. 8 (A.W.G.) or an insulated internal ground check conductor not smaller than No. 10 (A.W.G.) for the ground continuity check circuit.

(b) All such cables shall be adequate for the intended current and voltage. Splices made in such cables shall provide continuity of all components.

7. A new § 75.1002–1 is added as follows:

§ 75.1002–1 Location of other electric equipment; requirements for permissibility.

(a) Electric equipment other than trolley wires, trolley feeder wires, high-voltage cables, and transformers shall be permissible, and maintained in a permissible condition when such electric equipment is located within 150 feet from pillar workings, except as provided in paragraphs (b) and (c) of this section.

(b) Notwithstanding the provisions of paragraph (a) of this section, in any coal mine where nonpermissible electric face equipment may be taken into or used inby the last open crosscut until March 30, 1974, such nonpermissible electric face equipment may be located within 150 feet from pillar workings.

(c) Notwithstanding the provisions of paragraph (a) of this section, in any coal mine where a permit for noncompliance is in effect, nonpermissible electric face equipment specified in such permit for noncompliance may be located within 150 feet from pillar workings for the duration of such permit.

8. New §§ 75.1722 through 75.1730 are added as follows:

§ 75.1722 Mechanical equipment guards.

(a) Gears; sprockets; chains; drive, head, tail, and takeup pulleys; flywheels; couplings, shafts; sawblades; fan inlets; and similar exposed moving machine parts which may be contacted by persons, and which may cause injury to persons shall be guarded.

(b) Guards at conveyor-drive, conveyor-head, and conveyor-tail pulleys shall extend a distance sufficient to prevent a person from reaching behind the guard and becoming caught between the belt and the pulley.

(c) Except when testing the machinery, guards shall be securely in place while machinery is being operated.

§ 75.1723 Stationary grinding machines; protective devices.

(a) Stationary grinding machines other than special bit grinders shall be equipped with:

(1) Peripheral hoods (less than 90° throat openings) capable of withstanding the force of a bursting wheel.

(2) Adjustable tool rests set as close as practical to the wheel.

(3) Safety washers.

(b) Grinding wheels shall be operated within the specifications of the manufacturer of the wheel.

(c) Face shields or goggles, in good condition, shall be worn when operating a grinding wheel.

§ 75.1724 Hand-held power tools; safety devices.

Hand-held power tools shall be equipped with controls requiring constant hand or finger pressure to operate the tools or shall be equipped with friction or other equivalent safety devices.

§ 75.1725 Machinery and equipment; operation and maintenance.

(a) Mobile and stationary machinery and equipment shall be maintained in safe operating condition and machinery or equipment in unsafe condition shall be removed from service immediately.

(b) Machinery and equipment shall be operated only by persons authorized to operate such machinery or equipment.

(c) Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery motion is necessary to make adjustments.

(d) Machinery shall not be lubricated manually while in motion, unless equipped with extended fittings or cups.

§ 75.1726 Performing work from a raised position; safeguards.

(a) Men shall not work on or from a piece of mobile equipment in a raised position until it has been blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile work platforms.

(b) No work shall be performed under machinery or equipment that has been raised until such machinery or equipment has been securely blocked in position.

§ 75.1727 Drive belts.

(a) Drive belts shall not be shifted while in motion unless the machines are provided with mechanical shifters.

(b) Belt dressing shall not be applied while belts are in motion except where it can be applied without endangering a person.

§ 75.1728 Power-driven pulleys.

(a) Belts, chains, and ropes shall not be guided onto power-driven moving pulleys, sprockets, or drums with the hands except on slow-moving equipment especially designed for hand feeding.

(b) Pulleys of conveyors shall not be cleaned manually while the conveyor is in motion.

(c) Coal spilled beneath belt conveyor drives or tail pieces shall not be removed while the conveyor is in motion, except where such coal can be removed without endangering persons.

§ 75.1729 Welding operations.

Welding operations shall be shielded and the area shall be well ventilated.

§ 75.1730 Compressed air; general; compressed air systems.

(a) All pressure vessels shall be constructed, installed, and maintained in accordance with the standards and specifications of Section VIII "Unfired Pressure Vessels," of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (1971), which is hereby incorporated by reference and made a part hereof. This document may be purchased for $25 from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017; and it is available for examination in every Coal Mine Health and Safety District and Subdistrict Office.

(b) Compressors and compressed-air receivers shall be equipped with automatic pressure-relief valves, pressure gages, and drain valves.

(c) Repairs involving the pressure system of compressors, receivers, or compressed-air-powered equipment shall not be attempted until the pressure has been relieved from that part of the system to be repaired.

(d) At no time shall compressed air be directed toward a person. When compressed air is used, all necessary precautions shall be taken to protect persons from injury.

(e) Safety chains, suitable locking devices, or automatic cut-off valves shall be used at connections to machines of high-pressure hose lines of three-fourths of an inch inside diameter or larger, and between high-pressure hose lines of three-fourths of an inch inside diameter or larger, where a connection failure would create a hazard. For purposes of this paragraph, high-pressure means pressure of 100 p.s.i. or more.

(Sec. 101 Federal Coal Mine Health and Safety Act of 1969; 83 Stat. 745; 30 U.S.C. 811)

NOTE: Incorporation by reference provisions in § 75.1730, approved by the Director of the Federal Register on February 1, 1973.

[FR Doc.73-3464 Filed 2-22-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 72-159R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Alabama River, Ala.

This amendment changes the regulations for the Gulf, Mobile and Ohio (Illinois Central Gulf) railroad bridge across the Alabama River at Mile 277.8 to require that the draw open on signal if at least 24-hours notice is given. This amendment was circulated as a public notice dated August 18, 1972, by the Commander, Eighth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CG 72-159P) on August 22, 1972 (37 FR 16878). Two comments were received. One objected on the grounds that 24 hours was too great a time. The other objected to any advance notice requirement. In view of the facts that this draw has not been required to open for the passage of vessels since 1927 and alteration of this bridge is now in progress and should be completed in approximately 12 months, a requirement for 24-hours notice appears reasonable.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new subparagraph (12-a) immediately after subparagraph (12) of paragraph (i) of § 117.245 to read as follows:

§ 117.245 **Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.**

* * * * *

(i) * * *

(12-a) Alabama River, Ala.; Gulf, Mobile and Ohio Railroad Co. Bridge, Mile 277.8 near Montgomery. The draw shall open on signal if at least 24-hours notice is given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on March 26, 1973.

Dated: February 14, 1973.

J. D. MCCANN,
Captain, U.S. Coast Guard, Acting Chief, Official Marine Environment and Systems.

[FR Doc.73-3453 Filed 2-22-73;8:45 am]

[CGD 72-212R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Middle Branch, Patapsco River, Md.

This amendment changes the regulations for the Western Maryland Railroad Co.'s drawbridge across the Middle Branch, Patapsco River to require at least 6 hours notice on holidays occurring Monday through Friday. This amendment was circulated as a public notice dated November 9, 1972, by the Commander, Fifth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 72-212P) on October 31, 1972 (37 FR 23191). One comment was received from the Maryland Department of Transportation. It was requested that pollution control vessels be accorded the same passage as that proposed for fireboats (draw to open as soon as possible but in no event more than 15 minutes after notification that such an opening is required). This request appears reasonable and is incorporated in the amended change.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising subparagraph (5-b) of paragraph (f) of § 117.245 to read as follows:

§ 117.245 **Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.**

* * * * *

(f) * * *

(5-b) Middle Branch, Patapsco River (Spring Garden Channel) Baltimore, Md., Western Maryland Railway bridge. The draw shall open promptly on signal from 7 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, except on legal holidays. At all other times including legal holidays at least 6 hours' notice is required except for marine firefighting equipment and pollution control vessels which shall be passed as soon as possible but in no event more than 15 minutes after notification that such an opening is required.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on March 26, 1973.

Dated: February 14, 1973.

J. D. MCCANN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environmental and Systems.

[FR Doc.73-3454 Filed 2-22-73;8:45 am]

[CGD 73-30R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

White River, Ark.

This amendment changes the regulations for the (Benzal) Missouri Pacific Railroad bridge across the White River to permit a swing span to be replaced by a vertical lift span. The period July 1, 1973, through November 30, 1973, has been selected as being least disruptive to navigation. Commercial navigation interests have concurred in these dates.

The Coast Guard has found that good cause exists for granting this change without notice of proposed rule making on the basis that it would be contrary to the public interest to delay this work.

Therefore, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding the following statement at the end of paragraph (b) of § 117.556 to read as follows:

§ 117.556 **Arkansas and White Rivers, automated railroad bridges.**

* * * * *

(b) * * * Missouri Pacific Railroad bridge (Benzal). Effective July 1, 1973, through November 30, 1973, the movable span of this bridge shall be immobilized to permit the removal of the swingspan, the removal of the pivot pier, and the installation of a new vertical lift span in the same location.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2) 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.49(c)(5), 33 CFR 1.05-1(c)(4))

Dated: February 14, 1973.

J. D. MCCANN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.73-3455 Filed 2-22-73;8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 231—GRAZING

Livestock Advisory Boards

Pursuant to the authority contained in the Act of June 4, 1897 (30 Stat. 35, as amended; 16 U.S.C. 551), and the Act of April 24, 1950 (sec. 18, 64 Stat. 87; 16 U.S.C. 580k), Part 231 of Title 36, Code of Federal Regulations, is hereby amended. The purpose of this amendment is to give a more accurate, definitive title to the boards and to extend the time allowed for reconstitution of certain of these boards.

1. Change the title of § 231.10 and revise paragraph (e) to read as follows:

§ 231.10 **Grazing advisory boards.**

* * * * *

(e) *Reconstitution of boards established under previous authority.* (1) Any advisory board established pursuant to § 231.7 (16 FR 12620, Dec. 14, 1951, as amended at 17 FR 3654, Apr. 24, 1952) may be recognized by the forest supervisor as an advisory board under this section if it can be shown to the satisfaction of the forest supervisor that:

(i) The board represents a majority of the grazing permittees on the area for which the board was established.

(ii) The board consists of not less than three (3) nor more than twelve (12) members who are National Forest System grazing permittees in the area which the board represents.

(iii) The board gives the State Game Commission, or the corresponding public body of the State in which the board is located, the opportunity to appoint a wildlife representative as a nonvoting member of the board.

(iv) The board members equitably represent all National Forest System grazing permittees in the area for which the board was established.

(v) The board is not prevented or limited by its constitution and/or bylaws, if any, from complying with the provisions and the purposes of this part.

(2) Section 14 of the Act of October 6, 1972, the Federal Advisory Committee Act (86 Stat. 770, 776), provides that advisory committees in existence on the effective date of that Act, January 5, 1973, shall terminate not later than the expiration of the 2-year period following such effective date unless such advisory committee is renewed prior to the expiration of such 2-year period. Any advisory board established pursuant to § 231.7 (16 FR 12620), Dec. 14, 1951, as amended, at 17 FR 3654, Apr. 24, 1952) which does not reconstitute in accordance with the foregoing provisions of this paragraph (e)(2) by January 5, 1975, shall terminate: *Provided*, That the continued existence of such advisory board, prior to reconstitution or termination, under the provisions of § 231.7 is subject to compliance with the provisions of the Federal Advisory Committee Act.

(30 Stat. 35, as amended; 16 U.S.C. 551; sec. 18, 64 Stat. 87, 16 U.S.C. 580k)

Findings and determination. In accordance with the exceptions to rule making procedures in 5 U.S.C. 553 and USDA policy (36 FR 13804), it has been found and determined that advance notice and request for comments would be unnecessary on this amendment since it involves only a simple clarification in the title of these boards and allows an extension of time for their reconstitution.

Effective date. This amendment takes effect March 1, 1973.

T. K. COWDEN,
Assistant Secretary of Agriculture.

FEBRUARY 20, 1973.

[FR Doc.73-3493 Filed 2-22-73;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 18—RECREATION FEES

Golden Eagle Program; Correction

In FR Doc. 73-2249, appearing at page 3385 in the issue for Tuesday, February 6, 1973, the following changes should be made in Part 18:

1. In § 18.1 at the end of the fourth line after "86 Stat. 459", enter "16 U.S.C.".

2. In the last sentence of § 18.13 insert a comma between the words "part" and "except".

CHARLES G. EMLEY,
Deputy Assistant Secretary of the Interior.

FEBRUARY 16, 1973.

[FR Doc.73-3418 Filed 2-22-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Ravalli National Wildlife Refuge, Mont.

The following special regulation is issued and is effective February 23, 1973.

§ 33.5 **Special regulations; sport fishing, for individual wildlife refuge areas.**

MONTANA

RAVALLI NATIONAL WILDLIFE REFUGE

Sport fishing using only a single line and hook or hooks, with or without a pole, is permitted throughout the year on a portion of the Ravalli National Wildlife Refuge. The open area is approximately 4 miles of the Bitterroot River, which borders the refuge on the west, and the Burnt Fork Creek and its related oxbow (Francois Slough). Sport fishing shall be in accordance with all applicable State regulations.

The fishing area is designated by signs and delineated on maps available at refuge headquarters, No. 5 Third Street, Stevensville, Mont., and from the Area Manager, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Billings, MT.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through November 30, 1973.

R. C. TWIST,
Refuge Manager, Ravalli National Wildlife Refuge, Stevensville, Montana.

FEBRUARY 14, 1973.

[FR Doc.73-3417 Filed 2-22-73;8:45 am]

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

Agricultural Marketing Service

[7 CFR Part 905]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Proposed Handling Limitation

This proposal would extend current grade and size limitations for the period March 26, 1973, through September 30, 1973, applicable to oranges, including Navel, Temple, and Murcott Honey oranges, handled between the production area in Florida and any point outside thereof in the continental United States, Canada, or Mexico. Domestic shipments of Florida oranges are currently regulated through March 25, 1973, pursuant to Orange Regulation 71. The proposed extension of the period of regulation of Florida oranges is designed to continue in effect the current quality and size requirements for such fruits consistent with the objective of the act of promoting orderly marketing, maintaining grower returns, and protecting the interest of consumers.

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, pursuant to the applicable provisions of 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 Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment was proposed by the Growers Administrative Committee established under said amended marketing agreement and order, as the agency to administer the terms and provisions thereof.

The proposal is as follows:

Order. In § 905.545 (Orange Regulations 71; 37 FR 21799, 24432, 25036, 27619, 28606; 38 FR 3396, 4569) the provisions of paragraph (a) preceding subparagraph (1) thereof are amended to read as follows:

§ 905.545 **Orange Regulation 71.**

(a) During the period March 26, 1973, through September 30, 1973, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico.

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than March 15, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: February 16, 1973.

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

[FR Doc.73-3492 Filed 2-22-73;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE FACILITIES

Flexible and Semirigid Polyvinyl Chloride Raw Material

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 345–58 to announce changes in REA Specification PE–220 for flexible and semirigid polyvinyl chloride raw material. On issuance of REA Bulletin 345–58, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the changes to the specification may submit written data, views, or comments, to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, DC 20250, on or before March 26, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the changes in REA Specification PE–220 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 345–58 announcing the changes in the specification is as follows:

REA BULLETIN 345–58

REVISED PAGES OF REA SPECIFICATION PE–220

As a result of revisions of other REA specifications, it has been found necessary that certain requirements in REA Specification PE-220 entitled "Flexible and Semirigid Polyvinyl Chloride Raw Material," be changed to assure compliance of the final wire product with its applicable performance requirements.

These changes involve: (1) A greater allowance for modification of formulation and proportion of the polyvinyl chloride compounds, and (2) establishing a provision for marginal noncompliance of the requirements for dielectric constant and elongation after aging, in Appendix I and Appendix II of the subject specification.

The revised requirements are reflected in the enclosed sheets consisting of pages 1, 2, 7, and 8. These changes become effective immediately. Pages 1 and 2 of REA Specification PE-220 dated June 1969 and pages 7 and 8 issued June 1970 to this specification should be destroyed and replaced by the enclosed pages. Each of the enclosed pages bears a revision date for February 1973.

Copies of the revised pages will be furnished by REA upon request. Questions concerning the changes may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202—447-3827.

Dated: February 15, 1973.

E. F. RENSHAW,
Assistant Administrator, Telephone.

[FR Doc.73-3442 Filed 2-22-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[S-73-2]

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Proposed Increase in Maximum Length of Certain Small Fire Hose and Acceptance of Hose Reels

Pursuant to authority in section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) and in 29 CFR 1910.4, it is proposed to amend § 1910.158 (b) (3) and (4) of Title 29, Code of Federal Regulations, in the manner and for the reasons as set forth below. The changes have been requested by interested persons.

The present rule in § 1910.158(b) (3) is that small fire hose provided for the use of building occupants shall not be more than 75 feet in length, and preferably that the length not be more than 50 feet. The proposed amendment would distinguish between unlined small fire hose and rubber-lined small fire hose. It would permit unlined hose to be a maximum total length of 75 feet, and rubber-lined hose to be a maximum total length of 100 feet. A petitioner has represented

that a differentiation should be made between unlined and rubber-lined hose as the loss of pressure due to friction for rubber-lined hose is about one-half that of unlined hose.

The present rule in § 1910.158(b)(4) requires an approved hose rack at each station provided with small hose. The proposed rule would require either an approved hose rack or an approved hose reel at each station provided with small hose. It has been asserted by several petitioners that approved hose reels perform as well as approved hose racks.

Interested persons are invited to submit prior to March 25, 1973, written data, views, and arguments concerning the proposed changes to the Office of Standards, Room 500, 400 First Street NW., Washington, DC 20210. Interested persons may also file, during the same period ending March 25, 1973, written objections to the proposed changes and request an informal hearing on the objections. The filing of objections and requests for a hearing shall comply with the conditions in 29 CFR 1911.11(c).

In § 1910.158, paragraph (b) (3) and (4) are proposed to be revised to read as follows:

§ 1910.158 Standpipe and hose systems.

* * * * *

(b) *Hose outlets* * * *

(3) *Hose.* Each hose outlet provided for the use of building occupants (Class II and III services) shall be equipped with approved small fire hose attached and ready for use. The maximum total length of unlined hose shall be 75 feet. The maximum total length of rubber-lined hose shall be 100 feet.

(4) *Hose racks or reels.* Each station provided with small hose shall be equipped with an approved rack or an approved reel securely fastened in position.

* * * * *

(Sec. 6(b), 84 Stat. 1593; 29 U.S.C. 655; 29 CFR 1910.4)

Signed at Washington, D.C., this 16th day of February 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-3466 Filed 2-22-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-EA-4]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Hazleton, Pa., control zone (38 FR 384) and Transition Area (38 FR 500).

A review of the Hazleton, Pa., terminal area indicates a need to alter the control zone and transition area so as to conform to the criteria of the Terminal Instrument Procedures (TERPS).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before March 26, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Hazleton, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Hazleton, Pa. control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center (40°59'13" N., 75°59'36" W.) of Hazleton Municipal Airport, Hazleton, Pa.; within a 5.5-mile radius of the center of the airport, extending clockwise from a 040° bearing to a 090° bearing from the airport; within 1.5 miles each side of the Hazleton VOR 082° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Hazleton VOR 084° radial, extending from 7 miles east of the VOR to 13.5 miles east of the VOR; within 2 miles each side of a 276° bearing from the Weatherly RBN (40°58'47" N., 75°53'52" W.), extending from the 5-mile radius zone to the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Hazleton, Pa., transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (40°59'13" N., 75°59'36" W.) of Hazleton Municipal Airport, Hazleton, Pa.; within 3.5 miles each side of the Hazleton VOR 262° radial, extending from the 8.5-mile radius area to 11.5 miles west of the VOR; within 4.5 miles each side of the Hazleton VOR 084° radial, extending from the 8.5-mile radius area to 19 miles east of the VOR; within 4.5 miles each side of a 071° bearing from the Weatherly RBN (40°58'47" N., 75°53'52" W.), extending from the 8.5-mile radius area to 10 miles east of the RBN; within 3.5 miles each side of a 076° bearing from the Weatherly RBN, extending from the 8.5-mile radius area to 11.5 miles east of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749, 49 U.S.C. 1348; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 8, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-3440 Filed 2-22-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-EA-5]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Parkersburg, W. Va., control zone (38 FR 410) and Transition Area (38 FR 552).

A review of the terminal area indicates a need to alter the control zone and transition area to conform to the criteria of the Terminal Instrument Procedures (TERPS).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before March 26, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Parkersburg, W. Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Parkersburg, W. Va. control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center 39°20'44" N., 81°26'16" W. of Wood County

(Gill Robb Wilson Field) Airport, Parkersburg, W. Va.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Parkersburg, W. Va. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 39°20'44" N., 81°26'16" W. of Wood County (Gill Robb Wilson Field) Airport, Parkersburg, W. Va.; within 5-miles each side of the Wood County (Gill Robb Wilson Field) Airport ILS localizer south course, extending from the 9-mile radius area to 10 miles south of the OM; and within 5-miles each side of a 086° bearing from a point 39°09'38" N., 81°38'35" W., extending from said point to 5 miles east of the Wood County (Gill Robb Wilson Field) Airport ILS localizer south course.

(Sec. 307(a) Federal Aviation Act of 1958 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c) Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 9, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-3439 Filed 2-22-73;8:45 am]

[14 CFR Parts 71, 75]

[Airspace Docket No. 73-WE-2]

VOR FEDERAL AIRWAYS AND AREA HIGH ROUTES

Notice of Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would revoke Victor Airway 264 between Parker, Calif., and Prescott, Ariz., and alter J-4, J-10, J-50, J-104, and J-134 in the Los Angeles and Albuquerque Air Route Traffic Control Centers' areas.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 1500 Aviation Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received on or before March 26, 1973, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendments would:

1. Delete *V-264* between Parker, Calif., and Prescott, Ariz. The elimination of V-264 in this area will allow military aircraft to perform air combat maneuvers below 18,000 feet MSL. Peak day traffic for CY 1971 and 1972 on this portion of V-264 was approximately a total of five aircraft.

2. Alter *J-4* from Los Angeles, Calif., via INT of Los Angeles 083° T (068° M) and Twentynine Palms, Calif., 269° T (254° M) radials to Twentynine Palms; INT of Twentynine Palms 103° T (088° M) and Casa Grande, Ariz., 299° T (285° M) radials to Casa Grande;

3. Alter *J-10* from Los Angeles, Calif., via INT Los Angeles 083° T (068° M) and Twentynine Palms, Calif., 269° T (254° M) radials to Twentynine Palms; INT of Twentynine Palms 075° T (060° M) and Prescott, Ariz., 261° T (247° M) radials to Prescott;

4. Extend *J-50* from San Simon, Ariz., direct Casa Grande, Ariz., direct Gila Bend, Ariz., via INT of Gila Bend 299° T (285° M) and Blythe, Calif., 096° T (082° M) radials to Blythe; INT of Blythe 282° T (268° M) and Ontario, Calif., 093° T (078° M) radials to Ontario; direct Los Angeles, Calif.;

5. Alter *J-104* to extend from Los Angeles, Calif., via INT Los Angeles 083° T (068° M) and Twentynine Palms, Calif., 269° T (254° M) radials to Twentynine Palms; INT Twentynine Palms 103° T (088° M) and Gila Bend, Ariz., 310° T (296° M) radials to Gila Bend;

6. Alter *J-134* from Los Angeles, Calif., via INT of Los Angeles 083° T (068° M) and Twentynine Palms, Calif., 269° T (254° M) radials to Twentynine Palms; INT of Twentynine Palms 075° T (060° M) and Parker, Calif., 062° T (047° M) to Chapman INT; direct Winslow, Ariz.; direct Gallup, N. Mex.;

Several Los Angeles Standard Terminal Arrival Routes (STARs) originate in the Albuquerque Center's flight advisory area. Realigning the above jet routes, to coincide with the Los Angeles terminal inbound routings will relieve the Albuquerque controllers from having to issue the STAR clearances. This action will eliminate many transmissions made daily in rerouting aircraft landing in the Los Angeles area.

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

Issued in Washington, D.C., on February 15, 1973.

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

[FR Doc.73-3441 Filed 2-22-73;8:45 am]

CIVIL SERVICE COMMISSION

[5 CFR Part 900]

TERMINATION OF GRANTS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority of sections 503 and 507 of the Intergovernmental Personnel Act of 1970 (Public Law 91-648, 84 Stat. 1909) (hereafter referred to as the Act), the Civil Service Commission proposes to add §§ 900.204 and 900.205 to Subpart B of Part 900 of Title 5 of the Code of Federal Regulations to implement section 507 of the Act. Interested persons may submit written comments, objections, or suggestions to the Bureau of Intergovernmental Personnel Programs, U.S. Civil Service Commission, 1900 E Street NW., Washington, DC 20415, on or before March 26, 1973. Written comments, objections, or suggestions submitted will be available for public inspection at the address given in this notice, during the regulator business hours of the Commission (8:15 a.m. to 4:45 p.m., Monday through Friday). The proposed §§ 900.204 and 900.205 read as follows:

§ 900.204 Termination of grants for cause.

(a) Whenever the Commission, after giving reasonable notice and opportunity for a hearing to the grantee concerned, finds: (1) That a program or project has been so changed that it no longer complies with the provisions of the Act, the regulations of this part or the terms of the grant; (2) that in the operation of the program or project there is a failure to comply substantially with any provision; or (3) that the continuation of the program or project would produce results of insufficient value in furthering the purposes of the Act, the Commission shall notify the grantee of its findings and no further payments will be made to the grantee by the Commission until it is satisfied that the noncompliance has been, or will promptly be, corrected. An action brought under this section shall be limited in its effect to the particular program or project or part thereof, in which the noncompliance or lack of sufficient value has been found.

(b) *Notice.* (1) The notice required by paragraph (a) of this section shall be sent to the affected grantee by registered or certified mail, return receipt requested. This notice shall advise the grantee of the action proposed to be taken, the specific provision of law, regulations, or grant agreement under which the proposed action against it is to be taken, the matters of fact or law asserted as the basis for this action, and (i) fix a date not less than 20 calendar days after the date of notice within which the grantee may request of the Commission that the matter be scheduled for a hearing, or (ii) advise the grantee that the matter in question has been set down for a hearing at a stated time and place. The time and place so fixed shall be reasonable and subject to change for cause.

(2) Upon receipt of a notice of a proposed action under this section the grantee shall discontinue new commitments of grant funds that relate to the program or project against which the proposed action is to be taken.

(c) *Waiver of hearing.* The parties may mutually agree to waive a hearing and submit written information and argument for the record. The failure of a grantee to request a hearing under this section or to appear at a scheduled hearing may be deemed a waiver of the right to a hearing under section 507 of the Act,

and consent to making of a decision on the basis of the available information.

(d) *Time and place of hearing.* (1) Hearings shall be held at the office of the Commission which awarded the grant at a time fixed by the Commission, unless the Commission determines that the convenience of the grantee or of the Commission requires that another place be selected.

(2) Hearings may be held before the Commission, or at its discretion, before an Administrative Law Judge appointed in accordance with section 3105 of title 5, United States Code, or detailed under section 3344 of title 5, United States Code.

(e) *Right to counsel.* In all proceedings under this section, the grantee and the Commission have the right to be represented by counsel.

(f) *Procedures, evidence, and record.* (1) The hearing, decision, and an administrative review thereof shall be conducted in conformity with sections 551 through 559 of title 5, United States Code, and in accordance with the rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (b) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Commission and the grantee are entitled to introduce relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this section, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where determined reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. Documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. Each party is to bear its own transcript costs. Decisions shall be based on the hearing record and written findings shall be made.

(g) *Decisions and notices.* (1) If the hearing is held by an Administrative Law Judge, the Administrative Law Judge shall make an initial decision, and shall mail a copy of the initial decision to the grantee and certify a copy of the record to the Commission. When a hearing is waived pursuant to paragraph (c) of this section, an initial decision shall be made by an Administrative Law Judge on the basis of information submitted by the parties and a written copy of the initial decision shall be sent to the grantee and a copy of the initial decision certified to the Commission.

(2) The grantee may, within 30 days after the mailing of a notice of initial decision, file with the Commission his exceptions to the initial decision with his reasons therefor. In the absence of exceptions, the Commission may, on its own motion, within 45 days after the initial decision, serve on the grantee a notice that it will review the decision. On the filing of the exceptions or of notice of review, the Commission shall review the initial decision and issue its own decision thereon including the reasons therefor, or may adopt the initial decision. In the absence of either exceptions or a notice of review, the initial decision, subject to paragraph (g)(5) of this section, shall constitute the final decision of the Commission.

(3) When the Commission reviews the decision of an Administrative Law Judge pursuant to paragraph (g)(2) of this section, or when the Commission conducts the hearing, the grantee shall be given reasonable opportunity to file with it briefs or other written statements of the grantee's contentions, and a written copy of the final decision of the Commission will be sent to the grantee.

(4) Each decision of an Administrative Law Judge or the Commission shall set forth a ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements with which the grantee failed to comply.

(5) A final decision by an official of the Commission, other than by the Commissioners, providing for the suspension or termination of IPA financial assistance, or the imposition of other sanctions available under this part, shall promptly be transmitted to the Commission, which may approve the decision, vacate it, or remit or mitigate a sanction imposed.

(6) The final decision may provide for suspension or termination of IPA financial assistance, in whole or in part, under the program involved, and for terms and conditions as are consistent with and will effectuate the purposes of the IPA and this part. The final decision may include provisions designed to assure that IPA financial assistance will not thereafter be extended to the grantee determined by the decision to be in default in its performance or to have otherwise failed to comply with this part.

(h) *Post-termination proceedings.* (1) A grantee adversely affected by a decision issued under paragraph (g)(6) of this section may have IPA financial assistance restored if it satisfies the terms and conditions of the decision.

(2) A grantee adversely affected by a decision made pursuant to paragraph (g)(6) of this section may at any time request the Commission to restore its IPA financial assistance. A request shall be supported by information showing that the grantee has met the requirements of paragraph (h)(1) of this section. If the Commission determines that those requirements are satisfied, it may restore the IPA financial assistance.

(3) If the Commission denies a request, the grantee may submit a request for a hearing in writing, specifying why it believes the Commission is in error. The grantee shall be given an expeditious hearing, with a decision on the record in accordance with these regulations. The grantee shall be restored to eligibility if it proves at the hearing that it satisfied the requirements of paragraph (h)(1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (g)(6) of this section remain in effect.

§ 900.205 Termination for convenience.

The Commission may terminate a grant in whole or in part when both the Commission and the grantee agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Commission shall allow full credit to the grantee for the Federal share of the noncancellable obligations, properly incurred by the grantee prior to termination.

(Secs. 503 and 507 Intergovernmental Personnel Act of 1970; (Public Law 91-648, 84 Stat. 1909))

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

[FR Doc.73-3510 Filed 2-22-73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 544]

[Docket No. 73-5]

SECTION 15 AGREEMENTS

Notice of Proposed Rule Making

Section 15 of the Shipping Act, 1916, requires every common carrier by water, or other person subject to the Act, to file immediately with the Commission a true copy, or if oral, a true and complete memorandum, of every agreement with another such carrier or other person subject to the Act, to which it may be a party or conform in whole or in part. This proposed rule pertains to terminal conference agreements, terminal agreements covering use of terminal facilities, and agreements between or among common carriers by water. Such agreements include those which:

1. Fix or regulate transportation rates;

2. Give or receive special rates, accommodations, or other special privileges or advantages;

3. Control, regulate, prevent, or destroy competition;

4. Pool or apportion earnings, losses, or traffic;

5. Allot ports or restrict or otherwise regulate the number and character of sailings between ports;

6. Limit or regulate in any way the volume or character of freight traffic to be carried;

7. Provide in any manner for an exclusive, preferential, or cooperative working arrangement;

8. Establish terminal conferences; and

9. Provide for the lease, license, assignment, or use of terminal property.

Subsequent to the enactment of Public Law 87-346 (75 Stat. 762) by the 87th Congress of the United States on October 3, 1961, amending section 15 of the 1916 Shipping Act, the Commission promulgated the following rules:

General Order:
- 6 Rules Governing the Right of Independent Action in Agreements (46 CFR Part 529).
- 7 Self-Policing Systems (46 CFR Part 528).
- 9 Admission, Withdrawal and Expulsion Provisions of Steamship Conference Agreements (46 CFR Part 523).
- 14 Shippers' Requests and Complaints (46 CFR Part 527).
- 17 Time for Filing and Commenting on Certain Agreements (46 CFR Part 521).
- 18 Conference Agreements Provisions Related to Concerted Activities (46 CFR Part 537).
- 23 Exemption of Nonexclusive Transshipment Agreements from the Approval Requirements of section 15, Shipping Act, 1916 (46 CFR Part 524).
- 24 Filing of Agreements Between Common Carriers of Freight By Water in the Foreign Commerce of the United States (46 CFR Part 522).

As the General Orders noted hereinbefore were adopted by the Commission under individual rule making proceedings during the years 1962 to the present, it is now deemed appropriate to coordinate all present rules and guidelines into one comprehensive rule and to make such changes and additions as appear necessary to cover all aspects of the filing and modification requirements of section 15 agreements.

From the beginning, plenary jurisdiction over agreements and concerted actions was intended for the Commission. "The Alexander Report, House Committee on Merchant Marine and Fisheries Report on Steamship Agreements and Affiliations," H.R. Doc. No. 805, 63d Cong., 2d Sess., at page 418 (1914) sets forth the following:

> On the other hand * * * witnesses * * * were in the great majority of instances favorable to a comprehensive system of government supervision * * * [and] the approval of contracts, agreements, and arrangements, and the general supervision of all conditions of water transportation which vitally affect the interests of shippers.

In Isbrandtsen Co. v. United States, 211 F. 2d 51 (D.C. Cir. 1954); cert. denied sub nom. Japan-Atlantic & Gulf Conf. v. United States, 347 U.S. 990 (1954); the Court held:

> [T]he Shipping Act specifically provides machinery for legalizing that which would otherwise be illegal under the anti-trust laws. The condition upon which such authority is granted is that the agency entrusted with the duty to protect the public interest scrutinize the agreement to make sure the conduct thus legalized does not invade the prohibitions of the anti-trust laws any more than is necessary to serve the purposes of the regulatory statute.

In the Mediterranean Pools Investigation, 9 FMC 264 at 290 (1966), the Commission stated:

> Thus, the question of approval under section 15 requires (1) consideration of the public interest in the preservation of the competitive philosophy embodied in the anti-trust laws insofar as consistent with the regulatory purpose of the Shipping Act and (2) a consideration of the circumstances and conditions existing in the particular trade involved which the anticompetitive agreement seeks to remedy or prevent. The weighing of these two factors determines whether the agreement is to be approved. The essential ingredient in this process is, of course, information or data for without it no intelligent judgment as to the probable future impact of the particular agreement upon our commerce would be possible. Almost uniformly, the kind of information necessary to this judgment is in the hands of those seeking approval of the agreement and the resultant exemption of the proposed anticompetitive combination from the operation of the anti-trust laws; and it is incumbent upon those in possession of such information to come forward with it.

In FMC v. Svenska Amerika Linien, 390 U.S. 238, 243 (1968), the Court in its interpretation of the new authority granted pursuant to the 1961 amendments of the Shipping Act, 1916, which permitted disapproval under section 15 of any agreement found to be "contrary to the public interest," said:

> The Commission has formulated a principle that conference restraints which interfere with the policies of antitrust laws will be approved only if the conferences can "bring forth such facts as would demonstrate that the * * * rule [restraint] was required by a serious transportation need, necessary to secure important public benefits or in furtherance of a valid regulatory purpose of the Shipping Act." See 10 F.M.C. at 45 * * *. By its very nature an illegal restraint of trade is * * * "contrary to the public interest," and the Commission's antitrust standard, involving an assessment of the necessity for this restraint in terms of legitimate commercial objectives, simply gives understandable content to the broad statutory concept of "the public interest."

The Court concluded that the antitrust test formulated by the Commission was an appropriate refinement of the statutory "public interest" standard.

Thus, the Commission must carefully scrutinize an agreement to make sure that the conduct legalized by its approval does not invade the prohibitions of the antitrust laws any more than necessary to serve the purposes of the Shipping Act. Therefore, a memorandum of justification will be required to be submitted with each agreement (except terminal agreements covering leases, licenses, or the use of terminal property and transshipment agreements) filed for Commission action to provide a basis for its evaluation under the antitrust test vis-a-vis the public interest standard. Such memorandum shall demonstrate that the agreement is required by serious transportation considerations.

With these exemplifications of the broad reach of the Shipping Act through decisions of the United State Supreme Court and the rules and regulations of the Commission implementing the statutory requirements of section 15, notice is hereby given in accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 15 and 43 of the Shipping Act, 1916 (46 U.S.C. 814 and 841a), that the Federal Maritime Commission is considering amending the rules as now provided in Parts 521, 522, 523, 524, 527, 528, 529, and 537 of Title 46 CFR and to incorporate them into a new Part 544 which would read as set forth hereinafter.

The more substantive changes and reasons for them of sections 1 to 11 inclusive of the new Part 544 are summarized below.

1. In § 544.1 *Statement of policy*, no substantive change.

2. In § 544.2 *Definitions*, agreement is defined to clearly include domestic offshore commerce of the United States and persons other than common carriers, including in this change, such agreements as terminal leases, licenses, assignments, or use of terminal property and facilities.

3. In § 544.3 *Filing of agreements and modifications*, clarification has been made so that provisions which are required by this rule to be included in an agreement may not be incorporated in the agreement by mere reference to the rule or General Order.

4. In § 544.4 *Modifications of approved agreements*, changes have been made as follows: In paragraph (a), no change; in paragraph (b), the Commission will require in its order of approval of the fourth modification of any agreement that the parties file a certified restatement of the entire approved agreement including the most recent approval within ninety (90) days after service of the Commission's order. Failure to file such certified statement within the required time shall subject the parties to a penalty of $100 a day under section 21 of the Act.

5. In § 544.5 *Time for filing applications for extension or modification of approved agreements and notices of cancellation*, General Order 17 requirements now in effect require the filing of requests for extension, modification, and cancellation of agreements not less than sixty (60) days ahead of the effective date. This has been increased to ninety (90) days for extensions and modifications so as to assure adequate time for Commission consideration. Notice of the cancellation of an agreement must be filed prior to the effective date of such cancellation.

6. In § 544.6 *Notice to interested persons*, no change.

7. In § 544.7 *Memorandum of justification of agreement*, the provision has been changed by listing those factors by which the Commission will be guided in determining the approvability of agreements pursuant to section 15 of the Act, and by detailing the information which the proponents of the various types of

agreements will be required to file as part of their memorandum of justification. The memorandum of justification may also be made available for public inspection upon request to the Secretary, Federal Maritime Commission, pursuant to the Public Information Act.

8. In § 544.8 *Required provisions*, paragraph (a) *Right of independent action*, no substantive change from General Order 6. In paragraph (b) *Self-policing systems*. Public Law 87-346 (75 Stat. 764) was enacted by the 87th Congress in 1961. One of the important changes in the section 15 language was to require that the Commission disapprove "any * * * agreement, after notice and hearing, on a finding of inadequate policing of the obligations under it." The legislative history and the Celler Committee Hearings which preceded these amendments to the 1916 Act are eminently clear that Congress intended the carriers and other persons subject to the Act to vigorously and actively police their concerted activities carried out pursuant to Commission approval of agreements.

To implement the self-policing statutory language, the Commission first adopted General Order 7 in 1963. It was completely revised in October 1970, at which time the reporting requirements regarding self-policing activities were strengthened to require that initial complaints be reported in the first instance even though subsequent investigation may establish that no violation had occurred.

However, from the first semiannual reports submitted by the conferences and the carriers to the present date, only an insignificant number of reports have shown any violations and policing actions. Meanwhile, the Commission has available to it the whole history of the South American trades—particularly Brazil—and the more recent experiences of the various carriers engaged in the North Atlantic-European trades. Indeed, virtually every pooling arrangement submitted for approval or approved by the Commission in recent years has had as its justification the elimination of malpractices which were incapable of being controlled by the various self-policing systems. One reason for this may well be that in most instances self-policing is essentially the responsibility of the conferences' chairmen/secretaries, who have a multitude of other duties to perform with limited staffs to assist them.

This failure overall of the self-policing systems currently in effect makes it necessary that stricter rules be imposed. To this end we have expanded § 544.8(b)(1) to require that every self-policing system "* * * must provide for an individual or body who is directed to constantly police the activities of the members, through inspection of books and records, surprise audits * * * investigations of rumors of malpractices * * *." In this connection it is necessary to require the unqualified agreement of the members that all material information, wherever located, be available to the self-policing body, upon demand. Further, we have required that a copy of all records of self-policing activities be maintained in the United States regardless of location of the headquarters of the conference or of the rate agreement parties.

No changes were made in § 544.8(b)(2) regarding the guarantees of fundamental procedural fairness to an accused member as adopted in revised General Order 7 in 1970.

In § 544.8(b)(3), covering Reporting Requirements, we have expanded this to require disclosure, after final disposition of the self-policing matter, the identity of the party or parties complained against or found to have committed the violation.

In paragraph (c) *Admission, withdrawal and expulsion provisions of conference agreements between common carriers by water*, no changes were made in General Order 9 language except to delete the words "between the ports" from the provisions regarding admissions and expulsions from conferences. This will permit "maintenance of common carrier service within the scope of the agreement" even where the parties may operate to and from inland points.

In paragraph (d) *Shippers' requests and complaints*, changes have been made to General Order 14 to enlarge the procedures to include practices, and the failure to perform the obligations of common carriers or other persons subject to the Act. Also changes have been made therein to require that reports filed pursuant thereto identify with specificity the commodity, rule or practice involved, reports involving rates will indicate the amount of the rate requested and, in the case of denials of requests, the furnishing of a specific (not general) reason for the denial.

In paragraph (e) *Minutes of meetings*, conference and rate-making agreement provisions relating to concerted activities as adopted in General Order 18 have been changed as follows:

In § 544.8(e)(2), the present General Order 18 requirement that minutes be filed with the Commission within 30 days after occurrence of the action reported has been changed to 10 days (and 20 days where the parties are domiciled outside the continental limits of the United States). It is the responsibility of the Commission to insure that the parties to section 15 agreements are at all times complying with the Act and with their approved agreement and that their operations are not detrimental to the commerce of the United States, contrary to the public interest or otherwise in violation of the Shipping Act, 1916.

In order to discharge properly this responsibility, the Commission must be fully and currently apprised of the manner in which operations are being and will be carried out and must require that meaningful and timely reports on such activities be furnished the Commission.

New provisions have been added to the reporting of minutes requiring (1) a summary describing in complete detail all matters discussed or taken up at such meeting including the actions taken with respect to each such matter, (2) reports of activities of ad hoc committees or other designated bodies, (3) certification by the chairman, secretary, or other authorized official as being a true and complete record of all matters discussed and the action taken, and (4) the showing of the number of parties voting for and against any matter voted on.

An easier method of identification of minutes being filed is added to require assignment of a number to minutes of each meeting when submitted to the Commission. Minutes of each successive meeting shall bear the next consecutive number.

Paragraph (f) *Voting and single membership provisions*, is a new provision designated to limit voting rights of joint service members when they become members of conference and rate-making agreements. Mutuality of interest of such members minimizes any inducement to compete in conference rate-fixing matters. If they are permitted, with Commission approval, to join conferences as independent carriers with separate votes while still retaining their mutuality of interest through joint service arrangements, they enjoy unfair advantage in conference voting. This we believe to be "unjustly discriminatory or unfair as between carriers" in violation of section 15.

Paragraph (g) *Cargo tonnage and revenue statistics*, is a new requirement designed to obtain cargo and revenue statistical data from conferences and/or common carriers operating pursuant to agreements, especially rate-making, approved by the Commission. The Commission's staff should have available such data in order to maintain a continuing and constructive surveillance of concerted activities of carriers and conferences. Statistics of this type would also be of infinite value in determining the impact of an agreement submitted for approval under section 15. In many past instances, the type of information sought here has been furnished only after a pending agreement has been set for investigation and hearing.

The Commission is the only regulatory agency extant which is unable to clearly ascertain the impact and effect of the operations of parties subject to its jurisdiction, particularly those engaged in rate-making activities under arrangements immunized from the application of the antitrust laws.

This requirement will not prove burdensome to most of the conferences as they already compile such statistics and use the information in reaching their decisions. For those who may protest the furnishing of this data to a government agency, we can provide that the information will be received on a confidential basis and that the Commission will not release any data except upon specific justifiable request after clearance by the Secretary of the Commission.

9. In § 544.9 *suggested language for agreements between common carriers by water in the foreign commerce of the United States:* In paragraph (a) *freight conference agreement*, substantive

changes in the language of the conference agreement are: (1) A provision under Voting Rights which would prohibit a member from voting "on a self-policing matter" if such member is a parent, subsidiary or associated company of the member complained against; (2) a provision under Meetings that matters not on the agenda shall only be considered upon the unanimous consent of the parties present; (3) a provision under Voting Rights that any member who does not have a sailing for 60 consecutive days will not be entitled to vote on any matter. In paragraph (b) *rate agreement*, footnotes 1 and 4 concerning conference and rate agreements, respectively, provide that "All tariffs filed pursuant to section 18(b) of the Act and General Order 13 shall state on the title page thereof the applicable Agreement No. and the approval date of such agreement."

In paragraph (c) *Pooling agreement*, footnote 7 provides "The Commission will normally place a time limit of three years on its approval of Pooling Agreements."

In paragraph (d) *Joint service agreement*, footnote 9 provides that the Commission will normally place a time limit on its approval of Joint Service Agreements of (1) three (3) years on normal joint services; and (2) ten (10) to fifteen (15) years on such agreements which entail large capital expenditures for new ships and related equipment.

In paragraph (e) *Sailing agreement*, no substantive change. In paragraph (f) *Transshipment agreement*, the "variance clause" under paragraph 9 of the transshipment agreement form in General Order 24 has been deleted as an antiquity not to be perpetuated. In fact, under current Commission policy, variance clauses probably would not be approvable.

A new clause 10 has been added providing "This agreement and/or any additions or modifications thereto shall become effective as soon as but not until the same shall have been approved by the Governmental Agency charged with the administration of section 15 of the Shipping Act, 1916." In paragraph (g) *Cooperative working agreement*, no change.

10. In § 544.10 *Conditional approvals*, no change.

11. In § 544.11 *Exemption of nonexclusive transshipment agreements from approval under section 15*, no change.

PART 544—SECTION 15 AGREEMENTS

Sec.

544.1 Statement of policy.
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544.12 Effective date of this and time limit within which agreements must comply therewith.

§ 544.1 Statement of policy.

(a) Section 15 of the Shipping Act, 1916, is a grant of limited legislative permission for common carriers by water operating in the foreign and domestic commerce of the United States or other persons subject to this Act, to engage in certain forms of concerted activity which would otherwise be unlawful under the antitrust laws and/or the Shipping Act, 1916, but which activity is lawful only if and to the extent approved by the Commission and only so long as approved by it.

(b) Section 15 expressly confers on the Commission the power of disapproval of any agreement "whether or not previously approved by it."

(c) It is the responsibility of the Commission to insure that the parties to section 15 agreements are at all times complying with the Act and with their approved agreements and that their operations are not detrimental to the commerce of the United States, contrary to the public interest or otherwise in violation of the Shipping Act, 1916.

(d) In order to discharge properly this responsibility, the Commission must be fully apprised of the manner in which operations are being and will be carried out and must require that meaningful reports on such activities be furnished to the Commission. The Commission is aware that many conferences and rate-making groups engaged in our foreign trade now devote considerable time and effort to compiling and disseminating cargo statistics relating to the trading activities of the member lines. The Commission considers this laudable to the extent that it contributes to the decision-making process of the conferences and parties to other agreements in a constructive manner. Information of this type will also materially assist the Commission in its consideration of proposed agreements filed for approval under section 15 and in expediting formal administrative proceedings concerning approved agreements.

§ 544.2 Definitions.

For the purposes of the provisions in this part, the following definitions of terms used therein shall apply.

(a) *Agreement.* A formal document or written memorandum which reflects an understanding, arrangement, or undertaking, between two or more common carriers by water in the foreign or domestic offshore commerce of the United States and/or other persons subject to the Shipping Act, 1916, which, because of the nature of the understanding, arrangement, or undertaking, is required by the provisions of section 15 of said Act to be filed with the Commission for approval. Such agreements include but are not limited to the following general types:

(1) *Conference agreement.* An agreement which is denominated as a "conference" by the parties; or an agreement which will or could reasonably be expected to cause the parties to become a dominant force in the trade and/or port areas covered by the arrangement. Such agreements usually contain provisions for:

(i) The fixing and adherence to uniform rates, charges, and practices;

(ii) The filing in the name of the group of a common tariff or tariffs in which all members participate;

(iii) The appointment of a chairman or secretary to conduct the administrative affairs of the parties;

(iv) Such other matters as the parties may agree upon or as may from time to time be required by statute or by general orders of the Commission.

(2) *Rate agreement.* An agreement which does not, will not, or cannot reasonably be expected to cause the parties to become a dominant factor in the commerce of the United States in the trade covered by the arrangement. Such agreements usually contain provisions for:

(i) The fixing and adherence to uniform rates, charges, and practices;

(ii) The filing in the name of the group of a common tariff or tariffs in which all members participate;

(iii) Such other matters the parties may agree upon or as may from time to time be required by statute or by general orders of the Commission.

(3) *Pooling agreement.* An agreement which provides for the division of the carryings or earnings and/or losses among the parties in accordance with a fixed formula.

(4) *Joint service agreement.* An agreement which establishes a new and separate line or service to be operated by the parties as a joint venture. The new and separate service fixes its own rates, publishes its own tariffs, issues its own bills of lading or tickets, and acts generally as a single carrier.

(5) *Sailing agreement.* An agreement which establishes a schedule of ports which each carrier will serve and the frequency of each carrier's calls at those ports.

(6) *Transshipment agreement.* An agreement between a common carrier of freight by water serving a port of origin and a common carrier of freight by water serving a port of destination to establish a joint through rate and route in which both participate between such ports.

(7) *Cooperative working agreement.* An agreement which establishes exclusive, preferential, or cooperative working relationships which are subject to section 15 of the Shipping Act, 1916, but which do not fall precisely within any of the arrangements in paragraph (a) (1) through (6) of this section.

(8) *Terminal agreement.* An agreement which provides for leases, licenses, assignments, or use of terminal property and facilities.

(b) *Modification.* An understanding, arrangement, or undertaking between

parties to an approved agreement which changes the terms of the agreement.

§ 544.3 Filing of agreements and modifications.

An original or certified true copy and 15 additional reproducible copies of all agreements and modifications of approved agreements, filed for approval pursuant to section 15 of the Act, shall be submitted to the Federal Maritime Commission, Washington, D.C. 20573, accompanied by a letter of transmittal which states that such agreements are filed pursuant to section 15 of the Shipping Act and specifically requests Commission approval of the agreement or agreements submitted. The original or certified true copy of the agreement so submitted shall be personally signed by each of the parties or by a representative authorized to act for each such party. The name and title of each of the individuals so signing shall be typed beneath their signatures. Evidence of authority to execute and file the agreement shall be set forth in the letter of transmittal. In cases where the agreement is executed by one individual on behalf of several carriers, the names of all such carriers shall be listed in the signatory portion of the agreement. The 15 copies may be made by any permanent process of duplication. Those provisions in such agreements as are required by rules of this part to be included in the agreement may not be incorporated by reference.

§ 544.4 Modifications of approved agreements.

(a) Every modification of an approved agreement, when submitted for filing and approval, shall indicate the page and restate the portion of the agreement for which modifications are contemplated. The portions of the agreement to be modified or excised shall be struck through, but not obliterated, and the substituted language, if any, shall be inserted directly following that which is to be modified or excised. The new or changed language shall be underscored. If the modification consists of new material that is not a complete substitute for approved provisions, the page or pages on which the proposed modifications will appear shall be restated with the proposed modifications underscored and placed in proper sequence on the page.

(b) Whenever an approved agreement shall have been modified by three approved consecutive modifications in the manner stated in paragraph (a) of this section, the Commission shall require in its order of approval of the next succeeding modification, i.e., the fourth, that the parties file a certified restatement of the entire approved agreement incorporating all prior modifications including the most recently approved changes within ninety (90) days after service of the Commission's order of approval of the fourth modification. Failure to file such a certified restatement within the prescribed time shall subject the parties to the penalties of section 21 of the Shipping Act, 1916.

§ 544.5 Time for filing applications for extension or modification of approved agreements and notices of cancellation.

(a) Applications for extension of an approved agreement due to terminate by its own terms or limited to a specified term in the Commission's order of approval, shall be filed so that the Commission will receive the application not less than ninety (90) days prior to the date on which the approved agreement would otherwise terminate. Such applications shall be accompanied by a modification to the agreement specifically stating the time period for which such extension is requested.

(b) Modification of an approved agreement, other than as designated in paragraph (a) of this section shall be filed not less than ninety (90) days prior to the date it is intended that action will begin, change or cease as a result of the provision(s) of the modification.

(c) Notice of cancellation of an approved agreement shall be filed prior to the effective date of such cancellation.

(d) Failure to file, at least ninety (90) days in advance of the termination date, an application for the extension of an approved agreement due to terminate by its own terms or pursuant to the Commission's order of approval, may result in the approved agreement terminating prior to Commission action on the filed amendment.

(e) The Commission may, for good cause shown by the applicant, reduce the time required by this section.

§ 544.6 Notice to interested persons.

Notice to interested persons of the filing of agreements and modifications shall be given by publication in the FEDERAL REGISTER of the applicant's name and address, appropriate identification by Federal Maritime Commission number, and a statement setting forth in general terms the provisions of the agreements and modifications, together with a statement establishing a time limit within which comments, protests and requests for hearing must be filed by interested persons.

§ 544.7 Justification of agreements filed for approval under section 15.

(a) In determining whether agreements (except terminal agreements covering leases, licenses or the use of terminal property) are approvable under section 15, the Commission will be guided by the following considerations to the extent applicable:

(1) Will approval result in improved services, both quantitatively and qualitatively?

(2) Is approval desirable to maintain existing services, both quantitatively and qualitatively?

(3) Absent approval, what is the foreseeable impact upon services, both quantitatively and qualitatively?

(4) Will approval serve to remedy any over-or-undertonnaging of the trade involved?

(5) Will shippers' service requirements be met, including those arising in time of cyclical cargo imbalance?

(6) Is approval desirable in order to maintain or improve carriers' revenue positions?

(7) Absent approval, what is the foreseeable impact upon carriers' earnings?

(8) Will approval of the agreement as filed serve to achieve carriers' stated objectives?

(9) Are there alternative means of achieving the carriers' stated objectives other than in the manner filed?

(10) If several means of realizing carriers' legitimate objectives are feasible, which has the lesser impact upon the national antitrust policy?

(11) To what extent will approval increase "monopoly" or "oligopoly" (e.g., are all the carriers in the trade, or all the major carriers in the trade, participants in the agreement?)

(12) What influences, if any, are present within the trade which can affect participant lines' services and rates? e.g., nonparticipant competition, economic policies of foreign nations or of the United States, proprietary carriage of major commodities, declining demand for major commodities, etc.)

(13) What extraneous influences, if any, can affect participant lines' services and rates? (e.g., major commodities commodities compete with the same or compete with the same or substitute commodities from other areas.

(14) Will approval likely result in differing treatment as between carriers, shippers, importers, or ports, or between exporters from the United States and their foreign competitors? Have proponents explained satisfactorily the reasons for the differing treatment?

(15) Are there any "public interest" issues above and beyond the shipping statutes and the national antitrust policy? Is the agreement in harmony with these policies?

(b) While the criteria enumerated in paragraph (a) of this section are designed to be as comprehensive as foresight and experience will permit, they are by no means intended to be exclusive. Should other elements warrant consideration, such will be brought to the attention of those requesting section 15 action. Conversely, proponents are at liberty to submit other factors as they deem appropriate in any circumstance for the Commission's consideration.

(c) In order to lend substance to the guide contained in paragraph (a) of this section, the Commission will require that statements of justification accompany all agreements (except terminal agreements covering leases, licenses or the use of terminal property) filed for approval under section 15. These statements shall, as a minimum, contain the information described in § 544.7 (d), (1), (2), (3), and (4) depending upon the type of agreement filed. Proponents are at liberty to furnish any other materials or statements dealing with other matters which they deem relevant and which, in their opinion, serve to justify approval.

Conversely, the Commission is not precluded from attempting to develop other information which it deems relevant in the circumstances.

(d) A failure to file the information called for in this paragraph will result in the Commission ordering an investigation and hearing to determine whether the agreement is justified or not as well as to determine whether it meets the criteria of approvability required by section 15.

(1) *Conference, rate, and revenue pooling agreements.* (i) Each Conference or Rate Agreement intending to supplant existing tariffs of its participants with a joint tariff shall file a *pro forma* tariff setting forth its proposed schedule of rates for the 10 leading commodities in the trade, as well as the proposed tariff rules and regulations governing the carriage of all cargoes. The purpose of this provision is to ensure that all tariff provision are adequately and properly reflected in the basic agreement and that these tariff provisions do not contravene the criteria of approvability required by section 15 hence rendering the agreement unapprovable under the Act. The staff will also determine what tariff provisions should be reflected in the basic agreement and what can be considered "interstitial" and properly routine. In those instances where the members of a proposed Conference or Rate Agreement decide to retain their individual tariffs at the outset, and then decide to enter into a joint tariff, all tariff rules and regulations must be furnished the staff ninety (90) days before implementation for its review.

(ii) Each participating line shall submit the following information which shall be attested to as being complete and accurate:

(a) *Service.* (*1*) Type of service offered—e.g., break bulk; full containership; roll-on-roll-off, unitized; combination (describe). Number of vessels to be employed in the service, number of round voyages intended to be scheduled per annum, and average capacity per vessel (e.g., cubic feet and cargo deadweight for break bulk, container slots in 20-foot equivalents for container vessels, etc.)

(2) Describe service over past 2 years; e.g., origin, ports of call, destination, whether direct or via other areas, whether direct or substituted (or via transshipment); transit times, last port of call to first port of destination; average duration of voyage.

(3) Describe proposed service as per paragraph (d)(1)(ii)(*a*)(2) of this section.

(*b*) *Performance.* (*1*) Total revenue tonnage lifted in the trade encompassed by the agreement during the 2 years preceding the date of filing;

(2) Identify the top 10 commodities (in terms of revenue tons) carried during the preceding 2 years, providing a revenue tonnage breakdown for each;

(3) The average revenue tonnage lifted per voyage of the top 10 commodities over the past 2 years;

(4) The average revenue tonnage per voyage of the remaining commodities lifted over the past 2 years;

(*5*) The average vessel utilization per voyage over the past 2 years in terms of (*i*) cubic capacity and (*ii*) cargo deadweight capacity;

(*6*) Average space remaining per voyage during the past 2 years in terms of (*i*) cubic capacity and (*ii*) cargo deadweight;

(*7*) Average revenue per voyage over the past 2 years for service encompassed by the proposed agreement; and

(*8*) Average gross costs per voyage over the past 2 years in terms of

(*i*) Direct vessel operating expenses (specify what is included)

(*ii*) Cargo handling costs (specify what is included) and

(*iii*) Overhead and administrative expenses (specify what is included).

(iii) General: (May be submitted severally, jointly, or individually)

(*a*) Is the trade cyclical and/or imbalanced? Describe.

(*b*) Where will the agreement's office be domiciled?

(*c*) Detail competitive factors which will influence rates and services within the foreseeable future (e.g., major commodities shipped are also shipped from another area; major commodities must compete with substitute materials, political environment, etc.)

(*d*) Identify any shipper/importer associations concerned with the transportation of the 10 major commodities. How has business been conducted with them in the past? How is it proposed that business will be conducted with them in the future?

(2) *Commodity pooling agreements (e.g., arrangements similar to the Gulf/Japan Cotton Pool).* (i) Each participating line shall submit the following which shall be attested to as being complete and accurate:

(*a*) *Service.* As per paragraph (d)(1)(ii)(*a*) of this section.

(*b*) *Performance.* As per paragraph (d)(1)(ii)(*b*) of this section except that where reference is made to the "top ten commodities," this shall be substituted by the words "pooled commodity(ies)."

(ii) As per paragraph (d)(1)(iii) of this section except that where reference is made to the "top ten commodities" this shall be substituted by the words "pooled commodity(ies)".

(3) *Joint service and sailing agreements.* Each participating line shall submit the following which shall be attested to as being complete and accurate:

(i) *Service.* As per paragraph (d)(1)(ii)(*a*) of this section.

(ii) *Performance.* As per paragraph (d)(1)(ii)(*b*) (*1*), (*5*), (*6*), (*7*), and (*8*) of this section plus average revenue tons lifted per voyage over the past 2 years.

(iii) *General.* As per paragraph (d)(1)(iii) (*a*) and (*c*) of this section.

(4) *Transshipment agreements.* Proponents will be required to file a statement detailing the reasons why approval under section 15 is requested and why a filing and acceptance of the arrangement pursuant to § 544.11 is not an acceptable alternative. A statement to the effect that the filing of such agreements for approval under section 15 is company or corporate policy is unacceptable.

§ 544.8 Required provisions.

(a) *Right of independent action.* All agreements between carriers not members of the same conference or conferences of carriers serving trades that would otherwise be naturally competitive shall contain provisions substantially as follows:

> The parties hereto (either carriers or conferences as the case may be) agree that with respect to any actions to be taken or procedures to be followed under this agreement, after (insert here a period of time not to exceed ten days) may take action or follow procedures independent of those agreed upon.

The parties may stipulate in the agreement whatever event should commence the running of the notice period, and the manner of communicating the decision to take independent action.

(b) *Self-policing systems.* (1) The conference agreements and other rate-fixing agreements between common carriers by water in the foreign and domestic offshore commerce of the United States or other persons subject to the Shipping Act, 1916, shall contain agreement provisions describing the method or system used by the parties in policing the obligations under the agreement, including the procedure for handling complaints and the function and authority of every person having responsibility for administering the system.

(i) Every self-policing procedure or system must provide for an individual or body that is directed to constantly police the activities of the members, through inspection of books and records, surprise audits, inspection of billings, classifications, bills of lading and other documents, investigations of rumors of malpractices and through use of any other method of surveillance that would tend to affirmatively disclose whether members are adhering to the letter and spirit of the agreement and the tariffs of the members. Inherent in such a requirement is the necessity for unqualified agreement by the members to make all such information, wherever located, available to the individual or body selected to perform such policing, upon demand with or without notice.

(ii) Also, it is necessary that a copy of all records of self-policing activities be maintained in the United States regardless of the location of the conference and rate agreement offices. Without records readily available in the United States for Commission inspection, and subject to subpoena powers, surveillance of self-policing activities will be little improved over the present ineffective means at the Commission's disposal.

(2) Every self-policing system shall, as a minimum, contain specific realistic guarantees against arbitrary and injurious action and other provisions as follows:

(i) *Offenses (general).* A statement that any malpractice or breach of any provision(s) of the agreement, the tariff, or the rules and regulations thereunder will be subject to self-policing sanctions;

(ii) *Permissible penalties (liquidated damages).* A statement specifying the maximum penalties or range of penalties or the method by which such penalties shall be calculated which may be assessed against a member upon finding that such member has committed an offense. The statement may specify penalties for specific offenses and/or a general category of offenses and may relate to each and every offense, or to the number of times the member has previously been found guilty of an offense;

(iii) *Impartial adjudication.* A statement designating or which describes the manner of designating a totally disinterested person or body unaffiliated with the conference or ratemaking agreement or any member thereof or a statement providing for the selection, on an ad hoc basis, of a panel of arbitrators in accordance with the traditional rules of commercial arbitration and vesting such person, body, or panel with the final authority to adjudicate disputes and assess penalties within the scope of the self-policing system. Such person, body, or panel shall not perform any other duties under the self-policing system including investigation and/or prosecution. Depending upon the type of self-policing system used by the conference, this person, body, or panel may be the tribunal before which self-policing disputes are adjudicated solely and finally or may be designated as an appellate tribunal limited to the function of reviewing an initial determination of guilt and/or assessment of penalties made by the conference itself or by any other body designated by it to so act. In the latter event, the person, body, or panel shall independently review the record of the initial proceeding upon demand of the accused, the conference or the complainant and shall have full authority to affirm, modify, or set aside any finding of fact, conclusion of law, or level of penalties assessed and shall not be bound by the results of any prior determination;

(iv) *Procedural guarantees to accused member.* A statement incorporating the following elements of fundamental procedural fairness to an accused member:

(*a*) A member accused of an offense, malpractice, or breach shall be charged in writing a reasonable time prior to the initial hearing and such charges shall fairly apprise the accused member of the nature of the charges so as to permit it to frame an adequate defense: *Provided*, That such charges need not reveal the identity of the complainant;

(*b*) The accused member shall be furnished with all evidence a reasonable time prior to the initial hearing: *Provided*, That evidence developed thereafter shall also be furnished to the accused and a delay granted, if necessary, to allow the accused to frame an adequate defense, and provided that evidence which would reveal the identity of the complainant may be deleted or summarized;

(*c*) The person, body, or panel required under paragraph (b)(2)(iii) of this section shall be furnished only such evidence as is furnished to the accused under paragraph (b)(2)(iv)(*b*) of this section and such evidence as the accused may wish to furnish;

(*d*) The accused member shall be given a full and fair opportunity to rebut or explain any evidence or material and to present evidence of mitigating or extenuating circumstances; and

(*e*) The person, body, or panel required under paragraph (b)(2)(iii) of this section may consider only such evidence and material properly furnished to it pursuant to this section in reaching its decision and assessing penalties.

(3) *Reporting requirements.* (i) Twice each year, once during the month of January and once during the month of July, there shall be filed with the Commission by the conferences and carriers subject to these rules, or by any person to whom they have delegated the self-policing authority, a report showing the nature of each complaint received during the preceding 6-month period; the action taken on the complaint or on the volition of any person responsible for policing; and with respect to violations found, the nature thereof and the penalty or other sanction imposed. After final disposition has been made of any self-policing matter, the identity of the party found to have violated the agreement, the tariff or any other matter in connection therewith shall be disclosed in the self-policing report to the Commission.

(ii) For the purpose of this subparagraph any initial complaint received by the conferences and carrier members or by any person to whom they have delegated the self-policing authority, shall be reported in the first instance on the semiannual report to the Commission. Such report must be made even though subsequent investigation during the reporting period may establish that no violation has occurred. In the event that no initial complaints were received during the 6-month period, or no actions were taken on complaints reported in the previous 6-month period, a negative report so stating shall be filed.

(4) Any group with rate-fixing authority under an approved agreement which has no more than two signatory parties to the agreement shall be excepted from the requirements of self-policing.

(c) *Admission, withdrawal and expulsion provisions of conference agreements between common carriers by water.* Conference agreements shall contain provisions substantially as follows:

(1) Any common carrier by water which has been regularly engaged as a common carrier in the trade covered by this agreement, or who furnishes evidence of ability and intention in good faith to institute and maintain such a common carrier service within the scope of this agreement, and who evidences an ability and intention in good faith to abide by all the terms and conditions of this agreement, may hereafter become a party to this agreement by affixing its signature thereto.

NOTE: The above provision will not preclude the conference from imposing legitimate conditions on membership, including but not necessarily limited to, the payment of an admission fee, payment of any outstanding financial obligations arising from prior membership, or the posting of a security bond or deposit. All such conditions must be made express terms of the conference agreement, filed with and approved by the Commission pursuant to section 15 of the Shipping Act, 1916.

(2) Every application for membership shall be acted upon promptly.

(3) No carrier which has complied with the conditions set forth in paragraph (c)(1) of this section shall be denied admission or readmission to membership.

(4) Prompt notice of admission to membership shall be furnished to the Federal Maritime Commission and no admission shall be effective prior to the postmark date of such notice.

(5) Advice of any denial of admission to membership, together with a statement of the reasons therefor, shall be furnished promptly to the Federal Maritime Commission.

(6) Any party may withdraw from the conference without penalty by giving at least 30 days' written notice of intention to withdraw to the conference: *Provided, however*, That action taken by the conference to compel the payment of outstanding financial obligations by the resigning member shall not be construed as a penalty for withdrawal.

(7) Notice of withdrawal of any party shall be furnished promptly to the Federal Maritime Commission.

(8) No party may be expelled against its will from this conference except for failure to maintain a common carrier service within the scope of this agreement (said failure to be determined according to the minimum sailing requirements set forth in this agreement) or for failure to abide by all the terms and conditions of this agreement.

(9) No expulsion shall become effective until a detailed statement setting forth the reason or reasons therefor has been furnished the expelled member and a copy of such notification submitted to the Federal Maritime Commission.

(d) *Shippers' requests and complaints.*—(1) *Procedures.* The phrase "shippers' requests and complaints" as used in these rules means any communication requesting a change in practices, tariff rates, rules, or regulations; the protesting of, or objecting to, existing practices, tariff rates, rules, or regulations; objecting to rate increases or other tariff changes; and protests against alleged erroneous billings due to an incorrect commodity classification, incorrect weight or measurement of cargo, or other implementation of the tariff or failure to perform the obligations of common carriers or other persons subject to

the Act. Routine requests for rate information, sailing schedules, space availability, and the like are not included in the foregoing.

(2) *Reports.* By January 31, April 30, July 31, and October 31 of each year, each conference and each other body with rate-fixing authority under an approved agreement shall file with the Commission, a report covering all shippers' requests and complaints received during the preceding 3-month period or pending at the beginning of such period, including those received by a duly designated resident representative of a conference or other body with rate-fixing authority. Such report shall include the following information in connection with each request or complaint:

(i) Date request or complaint was received.

(ii) Name and address of the person or firm submitting the request or complaint.

(iii) Nature of request or complaint, i.e., rate reduction, rate establishment, classification, overcharge, undercharge, measurement, etc. The commodity, rule or practice involved must be specified. In cases where the request or complaint involves a rate, the amount of the rate sought shall also be specified.

(iv) If final action was taken, date and nature thereof.

(v) If final action was not taken, an identification of the request or complaint as "pending."

(vi) If denied, a detailed explanation of the reason or reasons for such denial.

Any group with rate-fixing authority under an approved agreement which has only two signatory parties to the agreement shall be required to file annual reports under this subparagraph in lieu of quarterly reports. Such annual reports shall be filed by January 31 of each year covering all shippers' requests and complaints received during the preceding calendar year or pending at the beginning of such calendar year.

(3) *Resident representative.* Conferences and other rate-making groups domiciled outside the United States shall designate a resident representative in the United States with whom shippers situated in the United States may lodge their requests and complaints. The resident representative shall maintain for a period of 2 years a complete record of requests and complaints filed with him by shippers and consignees situated in the United States and its territories.

(4) *Tariff Provision.* Tariffs issued by or on behalf of conferences and other rate-making groups shall contain full instructions as to where and by what method shippers may file their requests and complaints, together with a sample of the rate request form, if one is used, or, in lieu thereof, a statement as to what supporting information is considered necessary for processing the request or complaint through conference channels. All changes made in such instructions shall be published in said tariffs, supplements thereto, or reissues thereof, in accordance with the tariff filing requirements of the Commission.

(e) *Minutes of meetings.* (1) All conference agreements, agreements between or among conferences, and agreements whereby the parties are authorized to fix rates (except two-party rate-fixing agreements and leases, licenses, assignments or other agreements of similar character for the use of marine terminal property or facilities) shall contain a provision stating the manner in which the joint business of the parties may be carried out; i.e., full conference meeting, agents' meeting, principals' meeting, owners' meeting, through committees or subcommittees, telephone or oral polls, or through any other procedure by which the business of the joint parties may be conducted. This provision shall also include quorum requirements and the types of vote necessary to take various actions; i.e., majority, majority plus one, two-thirds, three-fourths, and unanimous.

(2) A record of all activities and a summary of discussions thereon by any or all of the parties to an agreement, their principals or their authorized agents, including meetings of any number of parties, polls taken by any means of communication, reports by ad hoc committees or other designated bodies, or any other action within the scope of the agreement, describing in complete detail all matters discussed or taken up at such meeting including the action taken with respect to each such matter, shall be reduced to writing and a true and complete copy thereof, subscribed to and certified by the Chairman, Secretary or other authorized official, as being a true and complete record of all matters discussed and the action taken. The record shall be furnished to the Federal Maritime Commission at Washington, D.C., within 10 days (or 20 days if the agreement parties are domiciled outside the continental limits of the United States) after the discussion and/or action which is the basis for the report. If a vote is taken on any matter the record shall show the number of parties voting for and against the matter voted on.

(3) Each record reported to the Commission shall show thereon the date on which the discussion and/or action reported occurred, the parties present or involved, the subject discussed and the decision or decisions reached with respect thereto. The record should be sufficiently detailed and specific to insure that it is an accurate and full account of the discussion and/or action, and that it will enable the Commission to be fully apprised of the matters reported. A number should be assigned to minutes of each meeting when submitted to the Commission and the minutes of each successive meeting should bear the next consecutive number.

(f) *Voting and single membership provisions.* All conference and rate-fixing agreements shall provide that common carriers who are members of a joint service shall be admitted to such agreements as a single entity, and their participation in such conference or rate-making agreements shall be limited to one vote in all matters.

(g) *Cargo tonnage and revenue statistics.* (1) Conferences and rate agreements required to compile cargo statistics as part of their normal operations shall file with the Commission not later than March 31 annually, composite cargo statistics concerning the total cargo carrier by member lines for the entire preceding calendar year. Such filings shall be certified by the chairmen/secretaries of such conferences and rate agreements as being true and complete.

(2) Member lines of conferences and rate agreements not normally compiling cargo statistics shall file with the Commission not later than March 31 annually composite cargo statistics for the entire preceding calendar year. Member lines may file their cargo statistics with the Commission directly or via the agreement chairman or secretary. Such filings shall be certified by a responsible corporate officer of the member line as being true and complete.

(3) The following information concerning composite cargo statistics shall be furnished:

(i) Tariff item or reference number of each commodity;

(ii) Tariff commodity description of each commodity;

(iii) For each commodity where total movement exceeds 100 revenue tons, the revenue tonnage lifted to each country or range of destination and/or from each country or each range of origin;

(iv) Total revenue tonnage of all commodities lifted to each country or range of destination and/or from each country or range of origin.

(4) Filing may be accomplished by a document limited to the information required by paragraph (a) (3) (i) through (3) (iv) of this section, or by submission of a copy of the conference's or member line's normal work product so long as the information required by the Commission is contained therein.

(5) The filing by delivering member lines of cargo statistics relating to commodities moved pursuant to transshipment agreements approved under section 15 of the Shipping Act, 1916, or exempted from approval under section 35 of the Act, is not required.

§ 544.9 Suggested language for agreements.

(a) *Freight conference agreement.*[1]

Agreement No. —

(Name of Conference)

This agreement was entered into by and between the parties on _____. The undersigned, common carriers of freight by water in the foreign commerce of the United States (hereinafter referred to as "Members"), in consideration of the benefits, advantages and privileges to be severally and collectively derived from this agreement, hereby associate themselves in a conference to be known as _____ (hereinafter referred to as "the Conference") to govern their transportation of freight from _____

[1] All tariffs filed pursuant to section 18(b) of the Shipping Act, 1916, and General Order 13 (46 CFR Part 536) shall state on the title page thereof the applicable Agreement Number and the approval date of such agreement.

to _____ (or between _____ and _____).[2]

AUTHORITY UNDER THIS AGREEMENT

Subject to applicable provisions of law, the Conference is authorized to:

1. Agree upon and establish rates and charges for the carriage of cargo and rules and regulations governing the application thereof and defining the service to be rendered therefor;

2. Declare rates for specified commodities to be "open," with or without agreed minimum, and thereafter declare the rates for such commodities to be "closed";

3. Agree upon and establish tariffs, tariff amendments, and supplements;

4. Make rules and regulations for the handling and carriage of cargo;

5. Provide for use of a contract/noncontract rate system for filing with the Commission for approval pursuant to section 14b of the Shipping Act, 1916;

6. Agree on amounts of brokerage and/or compensation to forwarders and the conditions for the payment thereof as permitted by applicable law; and

7. Keep such records and statistics as may be required by the parties or deemed helpful to their interests.

Admission, Withdrawal and Expulsion (Provisions substantially as set forth under § 544.8 *Required provisions.*)

ABANDONMENT OF SERVICE

Membership in the Conference shall cease when service is abandoned. A Member's failure to have a sailing in the trade for a period of _____ consecutive months shall be regarded as an abandonment. If war, strikes, force majeure, or other circumstances beyond its control compel a Member to suspend service, it may apply for inactive status: *Provided,* That application is made prior to termination of membership. Notice of termination of membership shall be furnished promptly to the Federal Maritime Commission.

OFFICERS, ORGANIZATION, AND ADMINISTRATION

The Members shall select a Chairman and/or Secretary to serve for _____. The Chairman (or Secretary), when available, shall preside at Conference meetings. He (or she) shall have full authority to carry out the decisions of the Conference and perform such duties and appoint such committees as may be directed by the Conference. In the absence of the Chairman (or Secretary) at any meeting, an Acting Chairman may be selected by the Members present to conduct the meeting. The Chairman (or Secretary) shall keep a record of the proceedings of all Conference meetings, whether formal or otherwise, and of the actions taken by the Conference. Information and statistics required by the Chairman (or Secretary) in making or carrying out decisions of the Conference shall be made available by the Conference members.

The members may select a Vice Chairman (or Assistant Secretary) and such other assistants as may be required to assist the Chairman (or Secretary) in the performance of his (or her) duties.

The Conference office shall be located at _____. This office shall compile cargo statistics required or necessary to the carrying out of Conference decisions; compile data relating to rate applications; issue dockets for meetings; maintain contract lists and files of all conference tariffs (copies of such tariffs shall be filed with the Federal Maritime Commission in conformity with the provisions of section 18(b) of the Shipping Act, 1916); and perform such other duties as are prescribed by this Agreement, directed by the Members and specifically recorded in the minutes of Confernce meetings.

The expense of annual Conference maintenance, as determined by the Conference members or by a committee established or appointed for the purpose, shall be divided among the members of the Conference in a manner to be agreed upon. Bills for such expenses shall be paid promptly upon receipt thereof.

MEETINGS

Regular Conference meetings shall be held _____ upon not less than _____ notice from the Chairman (Secretary) unless such notice is unanimously waived. Advance notice of all matters requiring Conference action shall be given each member. Matters not on the agenda shall only be considered upon the unanimous consent of the parties present.

Special Conference meetings may be requested by any member upon application to the Conference office together with an explanation of the reason or reasons therefor. The special meeting shall be called by the Chairman (Secretary), and adequate notice thereof shall be given all members. The notice shall indicate the subject matter and reason for the meeting.

If it is required or necessary that the Conference take emergency action with respect to rates or other matters, and there is not time to convene a special meeting, the members may be polled by the Chairman (Secretary) by telephone, and such action authorized by the consent of _____ of the members. All such telephone calls, the subject matter thereof, and the action taken by the Conference shall be reported in the Minutes of the next regular Conference meeting.

Meetings of such committees as are appointed by the Conference in the conduct of its affairs shall be held at times and places as may be decided by such committees and a record shall be made of proceedings of all such committee meetings, whether formal or otherwise including the results of all actions taken.

VOTING RIGHTS

Each member shall be entitled to vote with the following exceptions:

1. Any member who has given notice of withdrawal shall not, while such notice is outstanding, be entitled to vote on any Conference matter, rate, rule, or regulation which is to continue in effect or become effective after the effective date of such withdrawal;

2. Any member who does not have a sailing for sixty (60) consecutive days shall not be entitled to vote on any matter; and

3. No member shall be entitled to vote on the expulsion of another member or on a self-policing matter if it is a parent, subsidiary or associated company of the member complained against.

A quorum at any meeting shall consist of _____, and no meeting shall be held unless a quorum is present. Voting on any matter regularly before the Conference shall be by those present (or by proxy) and entitled to vote.

All Conference action shall be authorized by the affirmative vote of not less than _____ of the members.

OTHER PROVISIONS[3]

(b) *Rate agreement.*[4]

Agreement No. ——

(Name of Agreement—if any)

This agreement was entered into by and between the parties on _____. The undersigned, common carriers of freight by water in the foreign commerce of the United States (hereinafter referred to as "parties"), hereby associate themselves in a Rate Agreement to be known as the (_____ Rate Agreement) to govern their transportation of freight from _____ to _____ (or between _____ and _____).[5]

AUTHORITY UNDER THIS AGREEMENT

Subject to applicable provisions of law, the parties to this Agreement are authorized to:

1. Agree upon and establish rates and charges for the carriage of cargo and rules and regulations governing the application thereof and defining the service to be rendered therefor;

2. Agree upon and establish tariffs, tariff amendments, and supplements;

3. Make rules and regulations for the handling and carriage of cargo;

4. Agree on amounts of brokerage and/or compensation to forwarders and the conditions for the payment thereof as permitted by applicable law;

5. Provide for the use of a contract/noncontract rate system for filing with the Commission for approval pursuant to section 14b of the Shipping Act, 1916; and

6. Keep such records and statistics as may be required by the parties or deemed helpful to their interests.

OTHER PROVISIONS[6]

(c) *Pooling agreement.*[7]

Agreement No. ——

(Name of Agreement—if any)

This agreement was entered into by and between the parties on _____. The undersigned, common carriers of freight by water in the foreign commerce of the United States (hereinafter referred to as "parties") agree that in the trade from _____ to _____ (or between _____ and _____), they will pool (or apportion) the revenues earned by, or losses of, each

[2] If the intention is that the conference rates should apply whether the service is direct or with transshipment, the following provision should be included: "To the extent that rates established under this agreement include service by way of transshipment as well as direct service by the members, approval of this agreement does not encompass approval of any transshipment arrangement which would otherwise require section 15 approval."

[3] All these agreements shall contain certain applicable required provisions (see § 544.8) and they may contain such other provisions permitted by law and not inconsistent with those indicated above, as may be deemed necessary by the parties.

[4] All tariffs filed pursuant to section 18(b) of the Shipping Act, 1916, and General Order 13 (46 CFR Part 536) shall state on the title page thereof the applicable Agreement Number and the approval date of such agreement.

[5] If the intention is that the rates should apply whether the service is direct or with transshipment, the following provision should be included: "To the extent that rates established under this agreement include service by way of transshipment as well as direct service by the members, approval of this agreement does not encompass approval of any transshipment arrangement which would otherwise require section 15 approval."

[6] All these agreements shall contain certain applicable required provisions (see § 544.8) and they may contain such other provisions permitted by law and not inconsistent with those indicated above, as may be deemed necessary by the parties.

[7] The Commission will normally place a time limit on its approval of Pooling Agreements of three (3) years.

party for the carriage of (all cargoes, specific commodities, etc.) (if the pool is for traffic only, so specify).

1. The pool to be established pursuant to this agreement will operate as follows:

(List in lettered subparagraphs the exact method or procedure under which the pool will operate. Show percentage formula for division of revenue; deductions prior to division; expenses to be shared, with share to each party; division of carryings, if any; allocation by each party of space and/or vessels; etc.)

OTHER PROVISIONS [8]

(d) *Joint service agreement.*[9]

This agreement was entered into by and between the parties on _____. The undersigned, common carriers of freight by water in the foreign commerce of the United States (hereinafter referred to as "parties") agree that in the trade from _____ to _____ (or between _____ and _____), they will establish and maintain a joint cargo service to be known as _____ (Insert name of new service.)

1. The joint service may become a member of, and may resign, or withdraw from any lawful conference, pooling arrangement or other agreement subject to the Shipping Act, 1916, as amended, that may operate in the whole or any portion of the trades covered hereby. The joint service shall act as a single member or party to such agreements and shall be represented for such conference, pooling or other purposes by _____ which (or who) shall have full authority with respect to all matters coming before the conference. The signature to such conference, pooling or other arrangements shall be in the following form:

_____
(Name of new service)

By _____
_____
(Title or authority)

2. In the case of any trades or traffic within the scope of this agreement where the rates, charges, and practices are not prescribed by any conference of which the joint service is a member, the new service shall establish and maintain its own rates, charges and practices covering such trades or traffic. The joint service shall file a tariff containing such rates, rules and regulations with the Federal Maritime Commission in accordance with the provisions of section 18(b) of the Shipping Act, 1916, as amended;

3. The parties shall cooperate to supply tonnage for this joint service as their owned or chartered vessels are available (or _____). It is intended to have a sailing approximately at least _____;

4. The parties shall contribute to and share in any and all deposits, costs, expenses, profits, and losses incurred by and derived from this joint service in the following proportions _____;

5. Copies of bills of lading of the joint service, showing the name of the new service and the names of the companies which are parties to this agreement, shall be furnished promptly to the Federal Maritime Commission;

6. The parties shall establish and maintain at (_____) an office from which the operations of the joint service will be directed; and

7. This agreement may be canceled by any party giving _____ months' written notice to the other party, and to the Federal Maritime Commission. Notice of resignation or withdrawal from every conference, pooling or other agreement of which the joint service is a member or party shall also be given, so that such resignations or withdrawals shall become effective simultaneously or as near thereto as possible, with the termination of this agreement: *Provided, however,* That this agreement shall remain in full force and effect until all such resignations and withdrawals become effective.

(e) *Sailing agreement.*

Agreement No. ——

(Name of Agreement—if any)

This agreement was entered into by and between the parties on _____. The undersigned, common carriers of freight by water in the foreign commerce of the United States (hereinafter referred to as the "parties") agree that in the trade from _____ to _____ (or between _____ and _____), they will space their sailings in accordance with the following provisions of this agreement.

1. This agreement shall apply to the berth services operated or to be operated by the parties in the above-named trade(s);

2. Each of the parties hereto will furnish equivalent tonnage as regards type and capacity, and will maintain alternate (or specify other arrangement) sailings in the trade mentioned above, with a minimum of _____ sailings each annually, so far as practicable and subject to such changes as may be instituted by cargo requirements or other factors. The parties will cooperate to arrange advertising and sailing schedules so as to avoid conflicting sailing dates;

3. There shall be no pooling or sharing of profits or losses. Revenues earned by the vessels employed under this agreement shall accrue to the operator thereof;

4. Each party shall manage and operate its own vessels at its own risk and expense, each party being responsible for the manning, navigation, etc., of its own vessels, the solicitation and booking of cargoes, collection of freight, appointment and removal of agents, settlement of cargo claims and all other activities required in the maintenance of service and sailings covered by this agreement;

5. The parties may advertise their respective services separately but in the event that such services are advertised in a single newspaper advertisement, or other medium, the full corporate or trade name of each party shall be shown in a manner to reflect their separate interests. (For example: XYZ Line, Inc.) (For example: ABC Lines);

ALTERNATE SERVICES

6. Each of the parties hereto shall, as a member of any conference exercise its rights, independent of the other, in voting on freight rates or on any other matter or thing within the scope of the agreement of such conference;

7. This agreement shall continue in effect until:

a. Canceled by mutual consent to be evidenced in writing; or

b. By the giving of _____ ( ) months' written notice by either party to the other; and

8. If in the opinion of a party to this agreement one of the parties hereto has committed a breach of this agreement, the matter of whether such breach has occurred shall be left to the determination of three (3) arbitrators, one to be nominated by the complaining party within thirty (30) days after his giving written notice to the party charged of demand for arbitration, a second to be nominated by the party charged within thirty (30) days after receipt by him of notice of demand for arbitration, and the third to be appointed by agreement of the two so nominated or, failing agreement thereon, by (a recognized body). The arbitrators so chosen shall, after hearing both parties, make their award in writing. The decision of the arbitrators shall be final and binding on the parties hereto and there shall be no appeal against the award of the arbitrators. All expenses in connection with any complaint made under this agreement shall be borne equally by all parties hereto. Nothing contained in this agreement shall interfere with the rights of any party hereto under the provisions of the Shipping Act of 1916, as amended.

(f) *Transshipment agreement.*

Agreement No. ——

(Name of Agreement—if any)

This agreement was entered into by and between the parties on _____. The undersigned are common carriers of freight by water in the foreign (or domestic) commerce of the United States.

1. This agreement, between _____ (hereinafter referred to as the initial carrier) and _____ (hereinafter referred to as the delivering carrier) covers and is restricted to transportation of cargo under through bills of lading from ports of call of the initial carrier in _____ to ports of call of the delivering carrier in _____ with transshipment at _____;

2. The parties to this agreement shall establish through rates, rules and regulations and shall file a tariff containing such rates, rules and regulations with the Federal Maritime Commission in accordance with the provisions of sections 18(b) (or 18(a), domestic) of the Shipping Act, 1916, as amended;

3. Accessorial and port charges (not including loading and discharging) shall be in addition to the through rates and will accrue to the initial carrier or to the delivering carrier, as appropriate, over and above its proportion of the through rate;

4. The through rates shall be apportioned on the basis of — percent to the initial carrier and — percent to the delivering carrier;

5. The expenses of transshipment on such cargo shall be absorbed on the basis of __ percent by the initial carrier and __ percent by the delivering carrier;

6. Each carrier will indemnify and hold the other harmless from all liabilities and expenses incurred by the latter which in any way arise from or are connected with any loss, damage, delay or misdelivery of the goods while in the possession or custody of the indemnifying carrier under this agreement, except where the indemnifying carrier can establish that such loss, damage, delay or misdelivery was directly attributable to the neglect or willful misconduct of the

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[8] 1. If a pool secretary is to be appointed, his duties must be specified; 2. Provision should be made for the method of settling any disputes that may arise among the parties in the operation of the pool; 3. A limitation on the duration of the agreement should be shown; 4. Provision should be made for periodic (at least yearly) reports to the Commission showing at least the carryings, total earnings and divisions for each party to the pool.

[9] The Commission will normally place a time limit on its approval of Joint Service Agreements of three (3) years and of ten (10) to fifteen (15) years on such agreements which entail large capital expenditures for new ships and related equipment.

other carrier, its agents, servants or employees;

7. Nothing in this agreement shall bind the delivering carrier to transship exclusively from vessels employed in the initial carrier's service;

8. Cargo shall be carried on the terms of either the initial or delivering carrier's bill of lading, as the parties may deem necessary;

9. Either party to this agreement may terminate its participation herein by giving __ ( ) days' written notice to the other. A copy of such notice shall be promptly furnished to the Federal Maritime Commission; and

10. This agreement and/or any additions or modification thereto shall become effective as soon as but not until the same shall have been approved by the Governmental Agency charged with the administration of section 15 of the Shipping Act, 1916.

(g) *Cooperative working agreement.*

Agreement No.——

(Name of Agreement—if any)

This agreement was entered into by and between the parties, _____ and _____ (hereinafter referred to as the "parties"), on _____, common carriers of freight by water in the foreign commerce of the United States, who agree:

1. (Set forth in numbered paragraphs the exact extent of the agreement between the parties which establishes the exclusive, preferential, or cooperative relationship betwen the parties, including the method by which the matters agreed upon will be carried out.)

§ 544.10 Conditional approvals.

(a) In expediting the procedures involved in processing section 15 agreements, the Commission may grant approval of the agreement conditioned upon the acceptance by the parties of certain changes in the filed agreement. If the parties accept the Commission's changes within the time specified in the order of conditional approval by submitting a complete revised agreement signed by the parties, the agreement as revised will stand approved from the date of receipt by the Commission of the signed revised agreement. Notice of such date shall be given the parties or their representatives by the Commission. In instances in which the time specified in the order of conditional approval expires without the above-stated acceptance, the approval shall be null and void and the agreement, as filed, will be terminated without further notice to the parties.

(b) It is unlawful to carry out the provisions of a conditionally approved agreement prior to acceptance by the parties of the conditions stated in the order of conditional approval in the manner specified in paragraph (a) of this section.

§ 544.11 Exemption of nonexclusive transshipment agreements from approval under section 15.

(a) *Statement of policy and purpose.* Section 35 of the Shipping Act, 1916, provides that the Commission, upon application or on its own motion, may by order or rule exempt for the future any class of agreements between persons subject to the Act, or any specified activity of such persons from any requirement of the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, where it finds that such exemption will not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory, or be detrimental to commerce.

(b) *Definition.* A nonexclusive transshipment agreement for the purpose of this part is an agreement between a carrier serving a port of origin and a carrier serving a port of destination to establish a through rate between such ports, which agreement does not prohibit either carrier from entering into similar agreements with other carriers.

(c) *Conditions to be met to obtain exemption from the requirements of Commission approval.* (1) Conference agreements shall be modified, where necessary, to provide for transshipment arrangements within the scope of the applicable conference.

(2) Connecting carrier agreements shall be executed between the parties to the transshipment arrangement in the form set forth in § 544.9(d) of this part and filed with the Commission for information but not for approval, or one party to the agreement may set forth a memorandum of rates and terms in substantially the same form as that provided below. In such case, the signature of the other carrier is not required. Two (2) copies shall be required for information purposes.

(3) The applicable tariff or tariffs shall provide:

(i) The through rate;

(ii) The routings (origin, transshipment and destination ports); additional charges, if any (i.e., port arbitrary and/or additional transshipment charges; and participating carriers); and

(iii) A tariff provision substantially as follows: The rules, regulations, and rates in this tariff apply to all transshipment arrangements between the publishing carrier or carriers and the participating connecting or feeder carrier. Participating connecting or feeder carriers, party to transshipment arrangements, have agreed to observe the rules, regulations, rates and routings established herein as evidenced by a connecting carrier agreement on file with the Commission.

(d) *Form of connecting carrier agreement.* Form of connecting carrier agreement which must be filed with the Commission is as follows:

Connecting Carrier Agreement No.——

Agreement between _____ (herein referred to as the publishing carrier), and _____ (herein referred to as the connecting carrier).

1. This agreement covers and is restricted to the transportation of _____ (General cargo or specified commodities) under through bills of lading issued by the _____carrier in the trade from/between ports in _____ to/and ports in _____ with transshipment at _____.

2. The connecting carrier insofar as its functions under this agreement are concened, concurs in and shall comply with all the terms, conditions, rates, rules, regulations and transshipment routes of the applicable tariff(s) published by _____: identified (Carrier) as _____; and filed with the Commission pursuant to section 18(a) or (b) of the Shipping Act, 1916, or

2. The carriers party to this agreement shall comply with all terms, conditions, rates, rules and regulations of their respectively applicable tariffs filed with the Commission pursuant to section 18(a) or (b) of the Shipping Act, 1916, or section 2 of the Intercoastal Shipping Act, 1933, and identified in paragraph 3 hereunder.

3. The through rate shall be apportioned on the basis of __ percent to the publishing carrier and __ percent to the connecting carrier.[10]

4. The expenses of transshipment of such cargo shall be absorbed on the basis of __ percent by the publishing carrier and __ percent by the connecting carrier.[11]

5. This agreement does not bind any of the parties hereto to transship exclusively with the other.

6. Any party to this agreement may terminate its participation herein by giving thirty (30), sixty (60), or ninety (90) days' written notice to the other. A copy of such notice shall be promptly dispatched to the Commission.

7. This agreement shall terminate concurrently with the cancellation of the tariff referred to in clause 2 above, unless such tariff is superseded by a tariff containing the same terms, conditions, rules, and regulations and transhipment routes as the tariff which it supersedes and cancels.

8. This agreement and/or any modification thereof shall not be effective prior to the effective date of the applicable tariff(s).[12]

9. (Optional) Each carrier will indemnify and hold the other carrier harmless from all expenses and liabilities it may incur which in any way may arise from or be connected with any loss, damage, delay or misdelivery of goods while in the possession or custody of such other carrier under this agreement except such loss, damage, delay or misdelivery which is directly attributable to the neglect or willful misconduct of the other carrier, its agents, servants or employees.

Dated at ____ this ____ day of _____, 19__

Publishing-Carrier

By _____

(Name and title)

Connecting Carrier

By _____

(Name and title)

(e) *Termination of approved transshipment agreements.* Approved transshipment agreements now on file with the Commission may be terminated and the transshipment operations continued pursuant to the requirements of this exemption.

(f) *Compliance with the filing and approval requirements of section 15.* Notwithstanding the above exemption provisions, persons subject to section 15 who nevertheless desire Commission approval of transshipment agreements may con-

[10] Variable—paragraphs 3 and 4 may be modified or expanded to show more detail or minimum revenue to one party and, in the case of a combination of local rates, paragraph 3 shall identify the tariffs of each party by tariff name.

[11] Variable—paragraphs 3 and 4 may be modified or expanded to show more detail or minimum revenue to one party and, in the case of a combination of local rates, paragraph 3 shall identify the tariffs of each party by tariff name.

[12] Whenever an agreement supersedes a previously approved agreement, the following sentence shall be added at the end of paragraph 8:

This agreement supersedes approved Federal Maritime Commission Agreement No. ——

tinue to file such agreements with the Commission for section 15 determination and approval in accordance with currently applicable procedures. Such filings must be accompanied by a statement detailing the reasons why approval under section 15 is requested as required by § 544.7(d)(4) herein.

§ 544.12 Effective date of this part and time limit within which agreements must comply therewith.

Any completely new modified agreement filed on or after the effective date of these rules must comply in all respects with this part. Any modification made on and after the effective date of these rules, to an approved agreement on file with the Commission prior to that date may be filed in the same format as used in such approved agreement: *Provided however*, That such aggrements and modifications thereto must on and after the effective date hereof include the required matter otherwise prescribed in this part. Within 12 months from said effective date, all agreements and modifications thereto must be made to conform in all respects with this part.

Interested persons may participate in this rule making proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 20, 1973, an original and 15 copies of their views or arguments pertaining to the proposed amended rules. However, comments should not be addressed to matters previously published and approved by the Federal Maritime Commission in formal rules (i.e. General Orders 6, 7, 9, 14, 17, 18, 23, and 24) except where further changes to such rules are proposed in this rule making proceeding. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements and arguments in support thereof.

The Federal Maritime Commission, Bureau of Hearing Counsel, shall participate in the proceeding and shall file Reply to Comments on or before May 18, 1973, serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before June 8, 1973.

By Order of the Federal Maritime Commission.

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

[FR Doc.73-3420 Filed 2-22-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33-5366]

CERTAIN WRITINGS AND ENDORSEMENTS OF PUT OR CALL OPTIONS

Proposed Exemption

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed new Rule 238 (17 CFR 230.238) under the Securities Act of 1933 (Act). The rule is to afford an exemption under section 3(b) of the Act for certain securities written or endorsed in connection with put or call options. The Commission recognizes that put or call options have been written and traded for many years without registration under the Act and that the Commission has not promulgated a special form for such registration nor generally taken enforcement action to cause registration.

The Commission's action in this matter is taken in conjunction with the proposal for adoption of Rule 9b-2 (17 CFR 240.9b-2) under the Securities Exchange Act of 1934. (Securities Exchange Act Release No. 9994 (February 8, 1973)) (38 FR 4994) That proposed rule specifies standards of suitability for customers who deal in options, requires disclosure to customers by brokers and dealers of the nature of options and the risks associated therewith, and requires endorsers of options to report their transactions and maintain a certain minimum level of net capital.

Section 3(b) authorizes the Commission to exempt from the registration requirements of the Act, any issue of securities if the aggregate amount at which such issue is offered to the public does not exceed $500,000. Proposed Rule 238 exempts from registration options, and endorsements thereof, which provide that the holder thereof may purchase from (call) or sell to (put) the writer of the option a specified amount of securities at a specific price, on or prior to a specified date or the occurrence of a specified event, provided all the conditions of the rule are met. The conditions of the proposed rule are as follows:

(1) The security underlying the put or call option shall be registered on a national securities exchange or, at the time the option is sold, shall be on the list of OTC margin stocks published by the Board of Governors of the Federal Reserve System;

(2) Neither the gross proceeds received by the writer from the sale of the option being sold and all related options written by such writer, nor the gross proceeds received by all writers from the sale of the option being sold and all related options that are endorsed by the same endorser exceed $500,000. An option is deemed related to an option being sold: (a) Either if both such options are puts for the same security, or if both such options are calls for the same security; and (b) if both such options have a last possible expiration date in the same calendar month: *Provided however*, That for purposes of the rule, a call shall not be deemed to be related to a put, whether or not they are sold separately or as a component of combinations of puts and calls, such as strips, straps and straddles. This condition of the proposed rule establishes the means by which put or call options are aggregated, to determine whether the $500,000 limitation of section 3(b) is met. To determine the options aggregated, three elements initially must be met: (1) The option being written or endorsed, and other options to be aggregated, each must be either puts or calls; (2) such options must relate to the purchase or sale of the same security; and (3) such options must have a last possible expiration date in the same calendar month. Gross proceeds of all options meeting the above three criteria and written by the same writer shall be aggregated to determine whether the $500,000 limitation is met. Also, gross proceeds received by all writers from the sale of options meeting the above three criteria and endorsed by the same endorser shall be aggregated to determine whether such limitation is met. The effect of the proposed rule is to impose two separate standards, simultaneously applied, for determining the availability of the exemption. Accordingly, an endorser would be responsible for assuring that any writer for whom it endorses, will not receive gross proceeds on related options in excess of the limit. Also a writer would be responsible for assuring that gross proceeds on related options written by him, regardless of the identity of the endorser, do not exceed the $500,000 limit;

(3) The writer of the option is not the issuer of the security underlying the option, nor an affiliate of such issuer, nor an underwriter with respect to such security; and

(4) The endorser of the option must be registered as a broker-dealer under section 15 of the Securities Exchange Act of 1934 (Exchange Act). In addition, the nature of the endorsement must be such that the endorser agrees to carry out all obligations of the writer of the option in accordance with the terms and conditions thereof, in the event the option is exercised in accordance with such terms and conditions.

Commission action. Pursuant to authority in sections 3(b) and 19(a) of the Securities Act of 1933, as amended, the Securities and Exchange Commission proposes to amend Part 230 of Chapter II of Title 17 of the Code of Federal Regulations by adding thereunder new § 230.238 as set forth below:

§ 230.238 Option exemption.

Subject to the terms of this rule, options, and endorsements thereof, which provide that the holder thereof may purchase (call) from or sell (put) to the writer of the option a specified amount of securities at a specific price on or prior to a specified date or the occurrence of a specified event shall be exempt from registration under the Act, provided all of the following conditions are met:

(a) The security which may be purchased or sold upon exercise of the option (1) is registered, or deemed registered pursuant to section 12(f)(6) of the Securities Exchange Act of 1934, on a national securities exchange or (2) is on the list of OTC Margin Stocks published by the Board of Governors of the Federal Reserve System at the time the option is written and endorsed;

(b) Neither the gross proceeds received by the writer from the sale of the

option being sold and all related options written by such writer, nor the gross proceeds received by all writers from the sale of the option being sold and all related options that are endorsed by the same endorser, exceed $500,000. An option shall be deemed to be related to the option being sold only if such other option: (1) Is a put, if the option being sold is a put, or is a call, if the option being sold is a call, for the purchase or sale of the same security; and (2) has a last possible expiration date in the same calendar month as the last possible expiration date of the option being sold:

NOTE: For purposes of this rule a call shall not be deemed to be related to a put whether or not they are sold separately or as a component of combinations of puts and calls such as strips, straps, and straddles.

(c) The writer of the option is not (1) the issuer of the security which may be purchased or sold upon exercise of the option, nor (2) an affiliate, as defined in Rule 405, of such issuer, nor (3) an underwriter with respect to such security; and

(d) The option is endorsed by a broker-dealer who is registered as such under section 15 of the Securities Exchange Act of 1934. An option shall not be deemed to be endorsed unless thereby such broker-dealer agrees that it will carry out all of the obligations of the writer of the option in accordance with the terms and conditions thereof in the event the option is exercised in accordance with such terms and conditions.

All interested persons are invited to submit their views on the proposed rule, in writing, to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, to be received on or before March 30, 1973. All such communications will be available for public inspection and should refer to File No. S7-477.

(Secs. 3(b), 19(a), 48 Stat. 75, 85, sec. 209, 48 Stat. 908, 59 Stat. 167, 84 Stat. 1480, 15 U.S.C. 77c(b), 77s(a))

By the Commission.

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

FEBRUARY 8, 1973.

[FR Doc.73-3316 Filed 2-22-73;8:45 am]

[17 CFR Part 240]

[Release No. 34-9994; File No. S7-478]

BROKER-DEALERS EFFECTING TRANSACTIONS IN OPTIONS

Standards of Suitability

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a rule under sections 9 (b) and (c), 15(c) (2) and (3), 17(a) and 23(a) of the Securities Exchange Act of 1934 (the Act) specifying standards of suitability for customers dealing in options, requiring the disclosure by brokers and dealers to customers of the nature and risks involved in options, and requiring endorsers of options to report their transactions and maintain a certain minimum level of net capital.

BACKGROUND OF PROPOSAL

The proposed rule is an outgrowth of a number of significant recent developments. First, it appears that securities industry activity in the trading of puts, calls and similar types of option contracts has been increasing markedly in the past few years and there are now plans being made by the Chicago Board Options Exchange, Inc., to provide an exchange market for options. Others have also been studying the possibility of participating in this increased activity. Second, the complexities of these markets and long-recognized potential abuses related to option trading[1] have led the Commission to reassess the adequacy of the legal protections now available to public investors participating or being invited to participate in these markets. In this vein, for example, the Commission has had under consideration the question as to whether and to what extent the registration requirements of the Securities Act of 1933 should be applied to the public offering of options. In this latter connection, the Commission today published a release and proposed rule for a conditional exemption from these registration requirements for such offerings.[2] The Commission believes that the basic purposes of both the 1933 and 1934 Acts could best be served by the imposition, without registration, of special requirements in the form of conditions for a 1933 Act exemption and new regulatory provisions applicable to brokers or dealers doing business in such securities. Proposed Rule 9b-2 (17 CFR 240.9b-2) under the Securities Exchange Act, which is the subject of this release, is a part of that contemplated program.

SUMMARY OF PROPOSED RULE 9b-2[3]

1. Under subsection (a), the proposed section would require all brokers and dealers to give to their customers, prior to the execution of customers' initial option transactions with that broker or dealer, a disclosure statement explaining the nature and extent of the customers' obligations under, as well as the risks of writing, selling, or purchasing an option. Thereafter that broker or dealer would also be required to furnish its option customers any supplementary statements updating its written statements previously furnished before effecting any further transactions for such customers. In order to facilitate compliance by brokers or dealers with this requirement and to issue a maximum degree of uniformity in the preparation of these statements, the Commission is considering a joint program to be implemented by the exchanges concerned and the National Association of Securities Dealers, Inc., under which these self-regulatory organizations would prepare and enforce appropriate guidelines for such a disclosure statement. The Commission would appreciate receiving public comment on the desirability and feasibility of such a program. It would also be noted that while the proposed section does not contain any specified minimum period prior to a transaction when delivery of the disclosure statement must be made, the Commission has under consideration the feasibility of providing for such a period, say, 48 hours.[4] The Commission therefore invites public comments on the appropriateness of a specified time requirement.

2. In the area of suitability, the proposed section, in subsection (b)(1), would, in general, require the broker or dealer to have a reasonable basis for believing, after reasonable inquiry and before recommending any transaction in options to a customer, that the transaction is not unsuitable for the customer. In addition to the general suitability requirement of the proposed section, subsection (b)(2) would provide that the broker or dealer could not recommend the purchase of a limited price option—i.e., an option which expires prior to the stated expiration date because of the occurrence of certain conditions—until he obtains from the customer information so that he has reasonable grounds to believe that the customer understands the special characteristics of these options. Such information would normally include the nature and extent of the customer's knowledge and experience in financial matters. It should be noted that, unlike the general suitability requirement, this provision on limited price option recommendations does not call merely for a reasonable inquiry of the customer; would require the broker or dealer to obtain the infor-

[1] See House Committee on Interstate and Foreign Commerce, Securities Exchange Bill of 1934, H.R. Rept. No. 1383, 73d Cong., 2d sess. (1934) at pp. 10-11, 21; Senate Committee on Banking and Currency, Federal Securities Exchange Act of 1934, S. Rept. No. 792, 73d Cong., 2d sess. (1934) at pp. 9, 17; Senate Committee on Banking and Currency, Stock Exchange Practices, S. Rept. No. 1455, 73d Cong., 2d sess. (1934) at p. 55; 78 Cong. Rec. 7922 (1934) remarks of Representative Mapes. The term "option" as used in this release and proposed rule (as defined in subsection (f)) includes any put, call, spread, straddle or other option or privilege of buying a security from or selling a security to another without being bound to do so, but such term shall not include any such option or where the writer or endorser is: the issuer of the security may be purchased or sold upon exercise of the option; or is a person that directly, or indirectly through one or more intermediaries, controls, or is under common control with issuer.

[2] See Release No. 33-5366 proposing exemptive Rule 238.

[3] Although for reasons of administrative convenience, the rule will be numbered 9b-2, it is being proposed under the rule-making authority granted to the Commission under the several sections of the Act cited in this release. The Commission expects that it will generally use the 9b number series to identify the various rules it adopts dealing with puts and calls.

[4] The Commission believes that this question may involve considerations similar to those underlying the 48-hour delivery requirements in the Commission's 1933 Act acceleration policy (see Securities Act of 1933, Release No. 4968, Apr. 24, 1969) and to the proposed amendment to Rule 236 (see Securities Act of 1933, Release No. 5277, July 26, 1972).

mation relative to the customer's sophistication that is needed in order for him (the broker or dealer) to make a reasonable judgment in that regard.

3. The broker or dealer would also be required, under subsection (c) of the proposed section, to have a reasonable basis for believing that a customer is capable of evaluating, carrying, and bearing the financial risks of uncovered options before effecting a transaction in such options for that customer. Unhedged calls (i.e. where the customer does not own the security underlying a call he has sold) and puts "hedged" by a customer with a short position in the underlying security both expose the customer (and also the endorsing broker or dealer) to unlimited upside loss. In view of this similarity we refer to both types of transactions as "uncovered" options. Three aspects of this provision should be emphasized. First, as in the case of subsection (b)(2), it would require that the broker or dealer actually obtain the necessary information for making the judgments involved. Second, the kind of information he should obtain may vary with the particular circumstances of the customer; but, generally speaking, such information would include the extent of the customer's available financial resources and the nature and degree of the customer's knowledge of or experience in financial matters. Third, in view of the dangers to customers and brokers inherent in this more complex and high risk form of option trading, this provision would apply whether or not the broker or dealer recommends the transaction.

4. Subsection (d) of proposed section 9b-2 would apply to all broker-dealers who endorse options, including those firms who register and those who would be exempt from the registration requirements of the Securities Act of 1933. Under this subsection, endorsing broker-dealers would be required to report to the Commission certain information concerning the type and volume of options they endorse, including such information as the volume of "uncovered" options, and the volume of puts and calls endorsed on each underlying security. One report would be required weekly and another, more detailed report would be required monthly.[5] The Commission is considering, as an additional aspect of the joint program previously described, having endorsers who are members of self-regulatory organizations file their reports with these organizations. The latter would compile the information received and make aggregate and, where necessary, individual firm data available to the Commission and other interested self-regulatory bodies.

It is intended that the reported information will be used for surveillance and enforcement purposes. However, the Commission invites public comment on the question of whether and to what extent data compiled under the reporting provisions of section 9b-2 should be made public.

[5] The proposed reporting forms (X-9B-1 and X-9B-2) are attached hereto.

5. Finally, in view of the special financial risks in writing and endorsing options, the proposed section (subsection (e)) would require brokers and dealers engaged in such activities to maintain net capital of not less than $50,000.[6]

STATUTORY BASIS

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 9(b), 9(c), 15(c)(2), 17(a) and 23(a) thereof (except for subsection (e) of section 9b-2 which would be adopted pursuant to section 15(c)(3) of said Act), and deeming it necessary and appropriate in the public interest and for the protection of investors, proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adopting § 240.9b-2 and accompanying Forms X-9B-1 and X-9B-2 as set forth below.

§ 240.9b-2. Requirements for brokers and dealers in options transactions.

(a) *Option disclosure.* It shall constitute a "fragment, deceptive or manipulative act or practice" as used in section 15(c)(2) of the Act, and it shall be unlawful under subsections (b) and (c) of section 9 of the Act for any broker or dealer, directly or indirectly, to effect any transaction in an option with or for a customer of such broker or dealer unless, prior to execution of such customer's order for the purchase or sale of any such option, such broker or dealer has delivered to the customer a written statement setting forth the nature and extent of the obligations under, as well as the risks attendant to, the purchase or sale of such options generally and any supplemental written statement necessary to make current the disclosures respecting the obligations and risks attendant to such purchase or sale.

(b) *Option suitability.* No broker or dealer shall recommend to any customer—

(1) Any transaction in any option unless the broker or dealer has reasonable grounds to believe that the entire recommended transaction is not unsuitable for such customer on the basis of information furnished by such customer after reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other information known by such broker or dealer;

(2) The purchase of a call which provides that the holder loses his right to exercise it if the market price of the underlying security should, prior to the stated expiration date, reach a specified level below the exercise price, or a put which provides that the holder loses his right to exercise it if the market price of the underlying security should, prior to the stated expiration date, reach a specified level above the exercise price, unless, in addition to complying with the requirements of paragraph (b)(1) of this section, the broker or dealer obtains from the customer such information as to have reasonable grounds to believe, at the time of making the recommendation, that the customer understands the special characteristics of such option.

(c) *Uncovered options.* No broker or dealer shall effect with or for any customer of such broker or dealer any transaction whereby such customer writes—

(1) A call upon a security which is not long in the customer's account with the broker or dealer or is not concurrently purchased by such customer such account; or

(b) A put upon a security in which the customer has a short position or has effected concurrently or proposes to effect a short sale of the security to which such option relates.

unless, on the basis of information obtained by such broker or dealer, after reasonable inquiry, he has a reasonable basis for believing that the customer, at the time of the transaction, is capable of evaluating, carrying and bearing the financial risks of the proposed position in such put or call and the security relating thereto.

(d) *Reporting requirement.* (1) It shall be unlawful for any broker or dealer to endorse an option unless such broker or dealer files with the Commission such reports and at such times as is prescribed in Forms X-9B-1 and X-9B-2.

(2) This subsection shall not apply to any option transaction executed on a registered national securities exchange on which such options are registered.

(e) *Net capital requirement.* It shall be unlawful for any broker or dealer to endorse or write an option unless such broker or dealer has net capital as defined in Rule 15c3-1 (§ 240.15c3-1) of not less than $50,000.

(f) *Certain terms defined.* For the purposes of this rule—

(1) The term "customer" shall mean a person other than a broker or dealer; and

(2) The term "option" shall include any put, call, spread, straddle or other option or privilege of buying a security from or selling a security to another without being bound to do so, but such term shall not include any such option where the writer is: The issuer of the security which may be purchased or sold upon exercise of the option; or is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with such issuer; and

(3) A broker or dealer shall be deemed to "endorse" an option if such broker or dealer agrees or guarantees that in the event of the exercise of such option by the holder thereof that such broker or dealer shall, in accordance with the terms and conditions of such option, carry out all the obligations of the writer

[6] In this regard, the Commission notes that on December 6, 1972, it released for public comment proposed comprehensive amendments to Rule 15c3-1 (Release No. 34-9891) which would establish, among other things, a similar capital requirement for broker-dealers who write or endorse options. The adoption of either section would, of course, not affect the authority of a self-regulatory organization to impose appropriately higher financial responsibility requirements on members who write or endorse options.

thereof, and a broker or dealer shall also be deemed to "endorse" an option where he writes an option and sells it without an endorsement by another broker or dealer.

(Secs. 9(b), 9(c), 15(2), and (3), 17(a), 23 (a); 48 Stat. 889, 895, 897, 901; as amended 52 Stat. 1075, 84 Stat. 1653, 52 Stat. 1076, 49 Stat. 1379; 15 U.S.C. 78i(b), 78i(c), 78o(c), 78q(a), 78w(a))

All interested persons are invited to submit their views and comments on the proposed rule and forms. Written statements of views and comments should be addressed to Ronald F. Hunt, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549, on or before March 30, 1973. Reference should be made to file number S7-478. All such communications will be available for public inspection.

By the Commission.

RONALD F. HUNT,
Secretary.

FEBRUARY 8, 1973.

FORM X-9B-1

WEEKLY REPORT OF OPTION ENDORSEMENTS

(See instructions on reverse before preparing form)

Name of broker-dealer: _____ Week ended: _____, 19__

	Number of options			
	Calls endorsed	Calls acquired for conversion	Puts endorsed	Puts acquired for conversion
	(1)	(2)	(3)	(4)
Total, all options				
Length of option:				
35 days				
65 days				
95 days				
6 months, 10 days				
Longer options				
Name of stock:				

Certification: The broker-dealer submitting this report certifies that it has not endorsed more than $500,000 of put options, or more than $500,000 of call options, on the same underlying security and with a last possible expiration date in the same calendar month in violation of Rule 9b-2 under the Securities Act of 1933.

_____
(Signature of sole proprietor, general partner or principal officer)

FORM X-9B-1

INSTRUCTIONS

Every registered broker-dealer who has endorsed or guaranteed any put, call or similar option, pursuant to Rule 9b-2 of the Securities Exchange Act of 1934, shall file a report containing the information required by this Form X-9B-1 within 5 business days after the close of each week. The report should be filed with the Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549.

The Form should include all options which were endorsed during the week based on the actual trade date on which the option was sold. Straddles should be counted as both a put and a call.

Show the total number of options of each type which were endorsed, not the number of underlying shares, e.g. calls endorsed on 200 shares of Stock A would appear as "2 calls."

If a call was endorsed in connection with the conversion of a put, show the endorsement of the call in column (1) and also show the acquisition of the put in column (4). Similarly if a call is converted to a put, entries should be made in column (2) and column (3). If you are not the converter, you should make no entries in columns (2) or (4).

Options written for a term greater than 5 days more than a standard term of 35 days, 65 days, etc, should be included in the next higher standard term. Options of less than 35 days should be included in the group of 35-day options.

When listing options by name of underlying stock, show only the total number of puts or calls for each stock.

Do not forget to sign the certification at the bottom of the Form.

FORM X-9B-2

MONTHLY REPORT OF OPTION POSITIONS OF ENDORSERS

(See instructions on reverse before preparing form)

Name of broker-dealer: _____ Month of report: _____, 19__

Net capital (as defined in Rule 15c3-1 of the Securities Exchange Act) as of month-end or nearest available date thereto:

Date _____, 19__ Amount of net capital $_____

Number of Endorsed Options Outstanding as of Month-End

Name of stock	Month of expiration	Hedged calls endorsed	Unhedged calls endorsed	Total calls endorsed	Hedged puts endorsed	Unhedged puts endorsed	Total puts endorsed

_____
(Signature of sole proprietor, general partner or principal officer)

FORM X-9B-2

INSTRUCTIONS

Every registered broker-dealer who has endorsed or guaranteed any put, call or similar option, pursuant to Rule 9b-2 of the Securities Exchange Act of 1934, must file a report containing the information required by this Form X-9B-2 within 20 calendar days after the close of each month. The report should be filed with the Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549.

The Form should include all options which the reporting firm has endorsed at any time and which remain outstanding and unexpired at the month-end. The report should cover all puts and calls endorsed by the firm for its own account or for the account of others. Options on securities listed on the New York Stock Exchange and on securities traded on other exchanges or over the counter are to be included.

Do not list each option separately but show totals for each stock for each expiration month. Straddles should be counted as both a put and a call.

Show the total number of options of each type which were endorsed, not the number of underlying shares, e.g. calls endorsed on 200 shares of Stock A would appear as "2 calls."

An "unhedged call" is a call in which the writer does not own the stock underlying the option which he has written. A "hedged put" is a put in which the writer has assumed a short position in the underlying stock.

[FR Doc.73-3301 Filed 2-22-73;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 THE TREASURY

Office of the Secretary

ALUMINUM INGOT FROM CANADA

Withholding of Appraisement Notice

Correction

In FR Doc. 73-3233, appearing at page 4677 for the issue of Tuesday, February 20, 1973, the effective date in the last paragraph should be February 20, 1973, instead of January 20, 1973.

DEFORMED CONCRETE REINFORCING BARS OF NONALLOY STEEL FROM MEXICO

Withholding of Appraisement Notice

FEBRUARY 16, 1973.

Information was received on June 8, 1972, that deformed concrete reinforcing bars of nonalloy steel from Mexico were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of July 8, 1972, on page 13485. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price or exporter's sales price, as applicable (sections 203 and 204 of the Act; 19 U.S.C. 162 and 163), of deformed concrete reinforcing bars of nonalloy steel from Mexico is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau tends to indicate that the probable basis of comparison for fair value purposes will be between the purchase price or exporter's sales price, as appropriate, and the home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated on the basis of a Mexican explant price or a delivered Mexican border price, with appropriate deductions for inland freight charges. Adjustments will probably be made for the appropriate Mexican taxes and import duties which have been rebated or which have not been collected by reason of the exportation of the merchandise to the United States.

Exporter's sales price will probably be calculated on the basis of a delivered U.S. customer's premises or a delivered U.S. border price, with appropriate deductions for inland Mexican and U.S. freight, Mexican and U.S. brokerage charges, U.S. duty, handling and switchover expenses, commissions and selling expenses. Adjustment will probably be made for the appropriate Mexican taxes which have been rebated by reason of the exportation of the merchandise to the United States.

The home market price will probably be based on a price list point of sale price of such or similar merchandise sold in Mexico with appropriate deductions for discounts, credit, selling, and freight expenses.

Using the above criteria, there are reasonable grounds to believe or suspect that the purchase price or exporter's sales price, as appropriate, will be lower than the home market price.

Customs officers are being directed to withhold appraisement of deformed concrete reinforcing bars of nonalloy steel from Mexico in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20229, in time to be received by his office not later than March 5, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than March 26, 1973.

This notice, which is published pursuant to § 153.34(b), Customs regulations (19 CFR 153.34(b)), shall become effective on February 23, 1973. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-3525 Filed 2-22-73;8:45 am]

DEPARTMENT OF DEFENSE

Air Force

USAF SCIENTIFIC ADVISORY BOARD C-5 ADVISORY GROUP

Notice of Meeting

FEBRUARY 16, 1973.

The USAF Scientific Advisory Board C-5 Advisory Group will hold a closed meeting on February 24, 1973, from 8 a.m. until 5 p.m., at Lockheed-Georgia Co., Marietta, Ga.

The agenda will include final review of detailed technical plans of the C-5 independent structural review team.

For additional information on this meeting, telephone 697-4648.

HAROLD R. VAGUE,
Brigadier General, USAF, The Assistant Judge Advocate General, United States Air Force.

[FR Doc.73-3409 Filed 2-22-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S5264]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 16, 1973.

The Forest Service, U.S. Department of Agriculture, has filed an application Serial No. S5264 for the withdrawal of the national forest lands described below from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The lands are located within the Klamath National Forest and have been open to entry under the general mining laws. The lands contain developed campsites and administrative sites and any disturbance to these areas would adversely affect their value for public purposes. The Forest Service has made application to withdraw the lands from mining in order to protect their value for present and future public purposes.

On or before March 28, 1973, all persons who wish to submit comments, suggestions, or objections with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825

The Department's regulations provide that the authorized officer of the Bureau

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

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

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

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

The lands involved in the application are:

HUMBOLDT MERIDIAN

KLAMATH NATIONAL FOREST

FORKS OF SALMON FIRE STATION

T. 10 N., R. 7 E. (Unsurveyed)
Sec. 13, portion thereof described as:

Beginning at a point located on the down river wing wall of the north abutment to the bridge crossing the North Fork of the Salmon River; thence north 132 feet; thence north 60° E., 132 feet; thence north 50° E., 277.2 feet to an existing telephone pole; thence east 158.4 feet to the waters edge of the North Fork of the Salmon River; thence in a southwesterly direction along the river edge to the point of beginning.

MOUNT DIABLO MERIDIAN

KLAMATH NATIONAL FOREST

IDLEWILD CAMPGROUND

T. 40 N., R. 10 W. (Unsurveyed)
Sec. 18, portion thereof described as:

Beginning at corner No. 2 of the Herbert Finley Homestead Patent No. H.E.S. 44; thence north 0°47' E., 1320 feet; thence east 660 feet; thence south 0°47' W., 660 feet; thence east 660 feet; thence south 0°47' W., 1304 feet; thence south 89°26' W., 329 feet to corner No. 4 of Finley Homestead Patent; thence north 45° W., 923 feet to corner No. 3 of Finley Homestead Patent; thence west 330 feet to point of beginning.

EDDY GULCH LOOKOUT

T. 39 N., R. 11 W. (Unsurveyed)
Sec. 15, portion thereof described as:

Beginning at the northwest corner foundation supporting the northwest leg of the existing lookout tower; thence north 50 feet; thence west 50 feet; thence south 300 feet; thence east 200 feet; thence north 300 feet; thence west 150 feet to the point north 50 feet from the northwest foundation.

SAWYERS BAR ADMINISTRATIVE SITE

T. 40 N., R. 11 W.
Sec. 29,

Beginning at the C.E. ¼₀ section corner of section 29; thence south 89°19' W., 949 feet; thence north 330 feet; thence north 89°19' E., 949 feet; thence south 300 feet to the point of beginning.

BACON RIND CAMPGROUND

T. 39 N., R. 11 W. (Unsurveyed)
Sec. 21, portion thereof described as:

Beginning at a point of the Bacon Rind County Road 2E001, located at the inlet end of the 18" CMP culvert through which drains the Bacon Rind Stream; thence north 54.0° E., 97 feet; thence north 29.5° W., 139 feet; thence north 47.0° W., 100 feet; thence north 57.5° W., 200 feet; thence south 89.0° W., 200 feet; thence south 9.5° W., 138 feet; thence south 45.0° E., 248 feet; thence south 72.0° E., 210 feet; thence north 69.0° E., 728 feet to the point of beginning.

BLUE RIDGE LOOKOUT

T. 39 N., R. 12 W. (Unsurveyed)
Sec. 11, portion thereof described as:

Beginning at the northeast corner foundation supporting the northeast leg of the existing lookout tower; thence east 50 feet; thence north 200 feet; thence west 300 feet; thence south 300 feet; thence east 300 feet; thence north 100 feet to the point E. 50 feet from the northeast corner foundation.

The areas described aggregate 56.3 acres of land in Siskiyou County.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73-3461 Filed 2-22-73;8:45 am]

[M12792]

MONTANA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 13, 1973.

Notice of a Forest Service application, Montana 12792, for withdrawal and reservation of lands for public campground was published as FR Doc. 69-6819, on page 9222 of the issue for June 11, 1969. The applicant agency has canceled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR, Part 2300, such lands, at 10 a.m., on March 22, 1973, will be relieved of the segregative effect of the above-mentioned application.

LEIGH W. FREEMAN,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.73-3419 Filed 2-22-73;8:45 am]

Office of the Secretary

[INT DES 73-10]

PROPOSED WILDERNESS AREA, WHITE RIVER NATIONAL WILDLIFE REFUGE, ARK.

Notice of Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for a proposed wilderness area, located in Desha County, Ark., and invites written comments within 45 days of this notice.

Under this proposal, a 1,000-acre unit of White River National Wildlife Refuge would be designated as wilderness within the National Wilderness Preservation System. The statement examines the environmental impacts of the proposed designation.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323.
Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, Room 2246, 18th and "C" Streets, Washington, DC 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Please refer to the statement number above.

WILLIAM W. LYONS,
Deputy Assistant Secretary, Program Policy.

FEBRUARY 15, 1973.

[FR Doc.73-3463 Filed 2-22-73;8:45 am]

[INT DES 73-11]

PROPOSED WILDERNESS CLASSIFICATION FOR POINT REYES NATIONAL SEASHORE, CALIF.

Notice of Availability of Revised Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a "Revised" draft environmental statement for Proposed Wilderness Classification for Point Reyes National Seashore, Calif., and invites written comment within forty-five (45) days of this notice. Written comment should be addressed to the Director, Western Region or the Superintendent, Point Reyes National Seashore at the addresses given below.

The revised draft environmental statement considers the designation of 10,600 acres within Point Reyes National Seashore as wilderness.

Copies are available from or for inspection at the following locations:

Office of the Director, Western Region, National Park Service, 450 Golden Gate Avenue, Box 36036, San Francisco, CA 94102.
Office of the Superintendent, Point Reyes National Seashore, Point Reyes, Calif. 94956.

Dated: February 16, 1973.

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

[FR Doc.73-3462 Filed 2-22-73;8:45 am]

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and

Ohio Canal National Historical Park Commission will be held on Saturday, March 10, 1973, at 10 a.m. at the Stephen Mather Training Center, Harpers Ferry, W. Va.

The Commission was established by Public Law 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman), Glen Echo, Md.
Mrs. Caroline Freeland, Bethesda, Md.
Hon. Vladimir A. Wahbe, Baltimore, Md.
Mr. Thomas W. Richards, Arlington, Va.
Mr. John C. Lewis, Hamilton, Va.
Hon. Louise Leonard, Harpers Ferry, W. Va.
Hon. Joseph H. Manning, Annapolis, Md.
Mr. Burton C. English, Berkeley Springs, W. Va.
Mr. James G. Banks, Washington, D.C.
Mr. Joseph H. Cole, Washington, D.C.
Mr. Ronald A. Clites, La Vale, Md.
Mrs. Mary Miltenberger, Cumberland, Md.
Dr. James H. Gilford, Frederick, Md.
Dr. K. R. Bromfield, Frederick, Md.
Mr. Grant Conway, Brookmont, Md.
Mr. Edwin F. Wesely, Chevy Chase, Md.
Mr. John C. Frye, Gapland, Md.
Mr. Justice Douglas (Special Consultant).
Mr. Rome F. Schwagel, Keedysville, Md.
Mr. Donald Frush, Hagerstown, Md.

The matters to be discussed at this meeting include:

1. A review of the requirements and procedures for developing National Park Service historical studies and further discussions relating to the content and objectives of the draft master plan for the Chesapeake and Ohio Canal National Historical Park.

2. The two superintendents' reports on their major activities since the last Commission meeting.

The meeting 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 15 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 Richard L. Stanton, Assistant Director, Cooperative Activities, National Capital Parks, at area code 202—426-6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting, at the office of National Capital Parks, Room 208, 1100 Ohio Drive SW., Washington, DC.

Dated: February 15, 1973.

IRA WHITLOCK,
Acting Associate Director, National Park Service.

[FR Doc.73-3416 Filed 2-22-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CHALLIS NATIONAL FOREST LIVESTOCK ADVISORY BOARD

Notice of Meeting

The Challis National Forest Livestock Advisory Board will meet at 1 p.m. February 27, 1973, at the Challis National Forest Supervisor's Office, Challis, Idaho.

The purpose of this special meeting is to discuss proposed Secretary of Agriculture Regulations which might affect grazing permits or the administration of the grazing resource.

The meeting will be open to the public. Persons who wish to attend should notify Bill Paddock, secretary, at the Challis National Forest Supervisor's Office (208—879-2285).

Any member of the public who wishes to do so shall be permitted to file a written statement with the committee, before or after the meeting.

To the extent that time permits, interested persons may be permitted by the committee chairman to present oral statements at the meeting.

RICHARD O. BENJAMIN,
Forest Supervisor.

FEBRUARY 14, 1973.

[FR Doc.73-3459 Filed 2-22-73;8:45 am]

OREGON DUNES NATIONAL RECREATION AREA ADVISORY COUNCIL AND SIUSLAW NATIONAL FOREST ADVISORY COMMITTEE

Notice of Meeting

Both the Siuslaw National Forest Advisory Committee and the Oregon Dunes National Recreation Area Advisory Council will meet during the month of March.

The Oregon Dunes National Recreation Area Advisory Council will meet at 9:30 a.m., on Saturday, March 17, 1973, at the Sea Cliff Restaurant, Highway 101, Reedsport, Oreg.

The purpose of this meeting is to review the Dunes City Water permit issue; the Neuberger Memorial question; financing of the Dunes Administration and planning team progress. The Advisory Council's involvement in management alternatives and the development of procedures for public participation in advisory council meetings will also be discussed.

The meeting will be open to the public. Persons wishing to attend should notify Pamela Wilson, Siuslaw National Forest, Post Office Box 1148, Corvallis, OR 97330. The telephone number is 503—752-4211, ext. 502.

The Siuslaw National Forest Advisory Committee will meet at 9 a.m. on Friday, March 23, 1973, in the Supervisor's Office, 545 SW. Second Street, Corvallis, OR.

The purpose of this meeting is to discuss the Forest's "Inform and Involve" program, bring the Advisory Committee up to date on current land use studies, gather their ideas about public involvement processes and to reach agreement on procedures for public participation in advisory committee meetings.

The meeting will be open to the public. Persons wishing to attend should notify Pamela Wilson, Siuslaw National Forest, Post Office Box 1148, Corvallis, OR 97330. The telephone number is 503—752-4211, ext. 502.

SPENCER T. MOORE,
Forest Supervisor.

FEBRUARY 16, 1973.

[FR Doc.73-3460 Filed 2-22-73;8:45 am]

OKANOGAN NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Okanogan National Forest Grazing Advisory Board will meet at 1:30 p.m. on Thursday, March 1, in the conference room at the Conconully Ranger District Office, Okanogan Post Office Building, Okanogan, Wash. 98840.

The purpose of this meeting is to discuss three proposed revisions to the Secretary of Agriculture Regulations concerning grazing permits and administration of grazing resources.

The meeting will be open to the public. The Board will accept comment from the public during the meeting and public members are encouraged to speak up at any time to express their views on the proposed revisions. Written statements may be filed with the Board until March 10, 1973. Send them to Okanogan National Forest Supervisor, Post Office Box 950, Okanogan, WA 98840.

Dated: February 15, 1973.

GERHART H. NELSON,
Forest Supervisor.

[FR Doc.73-3456 Filed 2-22-73;8:45 am]

SHOSHONE NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Shoshone National Forest Multiple Use Advisory Committee will meet at 8 a.m., March 9, 1973, at the District Ranger's Office in Dubois, Wyo.

The purpose of this meeting is to familiarize the committee with site planning and snowmobile administration.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor Ted Russell, Cody, Wyo., telephone 587-4297.

Dated: February 16, 1973.

TED RUSSELL,
Forest Supervisor.

[FR Doc.73-3458 Filed 2-22-73;8:45 am]

Soil Conservation Service

BANKLICK CREEK WATERSHED PROJECT, KENTUCKY

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Banklick Creek Watershed Project, Kenton and Boone Counties, Ky., USDA-SCS-ES-WS (ADM)-72-11-(F).

The environmental statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment throughout the watershed, supplemented by (1) three multiple-purpose structures for flood prevention—one with public recreation and associated recreation facilities, and two with fish and wildlife water; and (2) a single purpose floodwater retarding structure.

The final environmental statement was transmitted to CEQ on

Copies are available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, 333 Waller Avenue, Room 300, Lexington, KY 40504.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please order by name and number of statement. The estimated cost is $3.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

EUGENE C. BUIE,
Acting Deputy Administrator for Watersheds, Soil Conservation Service.

FEBRUARY 16, 1973.

[FR Doc.73-3494 Filed 2-22-73;8:45 am]

PRICKETT CREEK WATERSHED PROJECT, WEST VIRGINIA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, Department of Agriculture has prepared a final environmental statement for the Prickett Creek Watershed Project, Marion and Taylor Counties, W. Va., USDA-SCS-ES-WS-(ADM)-72-23(F).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, one single-purpose floodwater retarding structure with incidental recreation provided, and 7,030 feet of channel work to include levees, floodwalls, and stream channel improvement.

The final environmental statement was transmitted to the Council on Environmental Quality on ——

Copies are available for inspection during regular working hours at the following locations:

USDA, Soil Conservation Service, Washington Office, South Agricultural Building, Room 5105A, 12th and Independence Avenue SW., Washington, DC 20250.

USDA, Soil Conservation Service, 13 South High Street, Post Office Box 365, Morgantown, WV 26505.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3.25 each. Please order by name and number of statement.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

EUGENE C. BUIE,
Acting Deputy Administrator for Watersheds, Soil Conservation Service.

FEBRUARY 16, 1973.

[FR Doc.73-3495 Filed 2-22-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

CONSTRUCTION OF CERTAIN TANKERS

Notice of Intent Regarding Computation of Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board to compute the estimated foreign cost of the construction of tankers of about 380,000 d.w.t., 265,000 d.w.t. and 90,000 d.w.t. pursuant to the provisions of section 502 (b) of the Merchant Marine Act, 1936, as amended.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on March 16, 1973, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235.

Dated: February 20, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-3481 Filed 2-22-73;8:45 am]

CONSTRUCTION OF CERTAIN BULK CARRIERS

Notice of Intent Regarding Computation of Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board to compute the estimated foreign cost of the construction of bulk carriers of about 51,000 d.w.t. pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on March 16, 1973, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235.

Dated: February 20, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-3482 Filed 2-22-73;8:45 am]

CONSTRUCTION OF CERTAIN LIQUEFIED NATURAL GAS (LNG) VESSELS WITH ALL TYPES OF TANK SYSTEM DESIGNS

Notice of Intent Regarding Computation of Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b), of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost of the construction of 125,000 cubic meter liquefied natural gas (LNG) vessels with all types of tank system designs, with a view to establish a single construction differential subsidy rate.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on March 16, 1973, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235.

Dated: February 20, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-3483 Filed 2-22-73;8:45 am]

CONSTRUCTION OF CERTAIN ORE/BULK/OIL CARRIERS

Notice of Intent Regarding Computation of Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board to compute the estimated foreign cost of the construction of ore/bulk/oil carriers of about 80,000 d.w.t. pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on March 16, 1973, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235.

Dated: February 20, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES E. DAWSON, Jr.,
Secretary.

[FR Doc.73-3484 Filed 2-22-73;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE OF THE AMERICAN STATISTICAL ASSOCIATION

Notice of Public Meeting

The Census Advisory Committee of the American Statistical Association will convene on March 8, 1973, at 10 a.m., and March 9, 1973, at 9 a.m. The committee will meet in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Md.

The Census Advisory Committee of the American Statistical Association was established in 1919 to advise the Director, Bureau of the Census in all aspects of the Bureau's statistical programs, and to respond to the Bureau's requests for opinions and judgments in the whole area of its operations.

The committee is composed of 16 members appointed by the President of the American Statistical Association.

The agenda for the March 8 meeting is: (1) General review of programs and budget, staff changes, and other topics, (2) agriculture census plans, (3) progress report on consumer expenditure survey, (4) issues in conducting surveys for outside agencies, and (5) preliminary results from the decennial evaluation program.

The agenda for the March 9 meeting, which will adjourn at 12:30 p.m. is: (1) Progress report on the industrial directory, (2) survey of manufacturing capacity, and (3) use of census data for revenue-sharing programs.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside on March 9 for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Mr. Thomas B. Jabine, Chief, Statistical Research Division, Bureau of the Census, Room 3573, Federal Building, 3, Suitland, Md. (Mail address: Washington, D.C. 20233.) Telephone (301) 763-5350.

JOSEPH R. WRIGHT, Jr.,
Acting Administrator, Social and Economic Statistics Administration.

[FR Doc.73-3446 Filed 2-22-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PULMONARY-ALLERGY AND CLINICAL IMMUNOLOGY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the following public advisory committee meeting and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the Act.

Committee name	Date, time, place	Type of meeting and contact person
Pulmonary-Allergy and Clinical Immunology Advisory Committee.	February 28, 9 a.m., Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m. Closed after 10 a.m., David Lidd, M.D., Room 16B-20, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4731.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the treatment of pulmonary disease and diseases with allergic and/or immunologic mechanisms.

Agenda. Followup in Cromolyn Na, investigative aspects of Daroil, adrenergic agents and autoimmune phenomena, and manufacturing aspects of adrenergic aerosols.

Agenda items are subject to change as priorities dictate.

During the open session shown above, interested persons may present relevant information or views orally to the committee for its consideration. Information or views submitted to the committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve: and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis. the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the

Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b) which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portion of the advisory committee meeting designated in this notice as closed to the public involves discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), on matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portion of such meeting to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portion of such meeting which relate to trade secrets and confidential information or to committee deliberations.

Dated: February 20, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-3500 Filed 2-22-73;8:45 am]

Office of the Secretary

EMERGENCY SCHOOL AID

Notice of Acceptance of Applications

The Assistant Secretary for Education hereby gives notice that pursuant to title VII of Public Law 92-318, the Emergency School Aid Act, applications are being accepted from local educational agencies and from other public and private applicants for basic grants or contracts under section 706(a) of the Act, pilot projects under section 706(b) of the Act, projects to be carried out by public or nonprofit private applicants under section 708(b) of the Act, metropolitan area projects under section 709 of the Act, bilingual/bicultural projects under section 708(c) of the Act, educational television projects under section 711 of the Act, evaluation contracts under section 713 of the Act, and special reading projects under section 708(a) of the Act.

Basic grants or contracts, pilot projects, and public or nonprofit private projects. Submission of applications under section 706(a), 706(b), and 708(b) after March 5, 1973, may not permit sufficient time for the necessary processing and review of such applications prior to announcement of the batch of grant or contract awards scheduled for April 20, 1973. Applications for assistance under such sections of the Act must be submitted no later than May 2, 1973, in order to be considered for the batch of grant or contract awards scheduled to be announced on June 15, 1973. Not less than 30 per centum of the funds allotted to each State under each of such sections of the Act will be reserved for the batch of grant or contract awards to be announced on June 15, 1973. Applications for assistance under sections 706(a), 706(b), and 708(b) of the Act should be submitted to the appropriate Regional Office of Education.

Metropolitan area projects. Applications for assistance under section 709 of the Act must be submitted by March 30, 1973, in order to be considered for grant or contract awards scheduled to be announced on April 30, 1973. Such applications should be submitted to ESAA Special Projects Branch, Bureau of Equal Educational Opportunity, U.S. Office of Education, Room 2029, 400 Maryland Avenue SW., Washington, DC 20202.

Bilingual/bicultural projects. Submission of applications under section 708(c) of the Act after March 5, 1973, may not permit sufficient time for the necessary processing and review of such applications prior to announcement of the batch of grant or contract awards scheduled for April 20, 1973. Applications for assistance under section 708(c) of the Act must be submitted no later than May 2, 1973, in order to be considered for the batch of grant or contract awards scheduled to be announced on June 15, 1973. Not less than 40 per centum of the funds available for grants or contracts pursuant to section 708(c) of the Act will be reserved for the batch of grant or contract awards scheduled to be announced on June 15, 1973. Applications for assistance under section 708(c) of the Act should be submitted to the appropriate Regional Office of Education.

Educational television projects. Submission of applications under section 711 of the Act after March 5, 1973, may not permit sufficient time for the necessary processing and review of such applications prior to announcement of the batch of grant awards scheduled for April 20, 1973. Such applications should be submitted to Dr. Robert F. Filep, Associate Commissioner for Educational Technology, ESAA-TV, Code 525, 300 Seventh Street SW., Washington, DC 20202.

Evaluation contracts. Contracts under section 713 of the Act will be solicited through Requests for Proposals and other appropriate means.

Special reading projects. Applications for special reading projects under section 708(a) of the Act must be submitted by March 30, 1973, in order to be considered for the batch of grant or contract awards scheduled to be announced on May 31, 1973. Such applications should be submitted to Dr. Ruth Love Holloway, Director, Right to Read Program, ESAA Special Reading Projects, Room 2131, 400 Maryland Avenue SW., Washington, DC 20202.

Project periods. Funds will be awarded on the above mentioned dates (except for educational television projects and evaluation contracts) for authorized activities commencing no earlier than July 1, 1973, and terminating no later than June 30, 1974.

Applicable regulations. Awards under sections 706(a), 706(b), and 708(b) will be subject to 45 CFR Part 185, as such part appeared in the FEDERAL REGISTER on February 6, 1973 (38 FR 3450). Other awards will be subject to 45 CFR Part 185, as such part is subsequently amended and upon such amendments becoming effective.

Effective date. This notice shall be effective on March 26, 1973.

Dated: February 7, 1973.

S. P. MARLAND, Jr.,
Assistant Secretary for Education.

Approved: February 17, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education and Welfare.

[FR Doc.73-3517 Filed 2-22-73;8:45 am]

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 FR 15953, October 30, 1968), as amended, is hereby amended with regard to section 3-20, *Organization and functions*, as follows:

Within the chapter alphabetically coded 3G-00—Center for Disease Control (3G00)—insert after Office of the Director (3G01) the following sidehead and succeeding paragraph:

Office of Biosafety (3G09). (1) Develops and implements a centerwide program for the control of biological, chemical, and physical hazards for the protection of CDC employees and the surrounding community; (2) issues permits for importation and distribution of etiologic agents and vectors, and regulates packaging of etiologic agents in interstate commerce; and (3) conducts the center's laboratory, environmental, and industrial safety program.

WAYNE M. WILSON,
Acting Deputy Assistant Secretary for Management.

FEBRUARY 16, 1973.

[FR Doc.73-3475 Filed 2-22-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-32N]

COAST GUARD ACADEMY ADVISORY COMMITTEE

Notice of Open Meeting

This is to give Notice pursuant to Public Law 92-463, section 10(a), approved October 6, 1972, that the Coast Guard Academy Advisory Committee will hold their spring meeting at the U.S. Coast Guard Academy on 9 through 11 April 1973 inclusive.

Members of the Committee and their positions are:

Rear Adm. William A. Brockett, USN (Ret.), President, Webb Institute of Naval Architecture.
Dean Lindsey Cowen, the Franklin Thomas Backus School of Law, Case Western Reserve University.
Dr. Richard H. Fleming, Department of Oceanography, University of Washington.
Dr. William W. Hagerty, Chairman, President, Drexel Institute of Technology.
Dr. Luna I. Mishoe, President, Delaware State College.
Rear Adm. John F. Thompson, USCG, Executive Director, Superintendent, U.S. Coast Guard Academy.

Agenda items to be discussed at the various sessions are:

1. U.S. Coast Guard Academy's institutional research.
(a) Dean's academic deficiency computer program.
(b) Computerized analysis of prospective cadet athletes.
(c) Junior Faculty Committee's study of time utilization.
2. Report on curriculum study (Hum RRO).
3. Report on ECPD visit and evaluation.
4. Report on admissions, Class of 1977.
5. Report of the faculty.
(a) Faculty promotion.
(b) Report on five permanent faculty members and their Ph. D. programs.
(c) Workload analysis.
(d) Faculty research.
6. Programs, Personnel and Physical Plant.

The Coast Guard Academy Advisory Committee was established by Commandant, U.S. Coast Guard on April 16, 1937, to advise on the status of the curriculum and faculty of the Academy and to make recommendations as necessary. Public members of the Committee serve voluntarily with compensation for their travel and per diem. Interested persons may seek additional information by writing Commandant (GPTP), U.S. Coast Guard, 400 Seventh Street SW., Washington, DC 20590 or by calling 202—426-1381.

Dated: February 15, 1973.

L. D. HIGH,
Captain, U.S. Coast Guard, Chief, Training and Procurement Division, by direction of the Commandant.

[FR Doc.73-3452 Filed 2-22-73;8:45 am]

ATOMIC ENERGY COMMISSION

FUELS AND MATERIALS FACILITIES; REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued four new guides, Regulatory Guide 3.1, "Use of Borosilicate-Glass Raschig Rings as a Neutron Absorber in Solutions of Fissile Material," Regulatory Guide 3.2, "Efficiency Testing of Air-Cleaning Systems Containing Devices for Removal of Particles," Regulatory Guide 3.3, "Quality Assurance Program Requirements for Fuel Reprocessing Plants", and Regulatory Guide 3.4, "Nuclear Criticality Safety in Operations with Fissionable Materials Outside Reactors". These guides are part of a series that 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 of postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 3, "Fuels and Materials Facilities Guides," of the Regulatory Guide series. Regulatory Guide 3.1 describes an acceptable method of using borosilicate-glass raschig rings as a neutron absorber for criticality control in plants processing special nuclear materials. Regulatory Guide 3.2 describes an acceptable method of assessing the overall efficiency of air-cleaning systems containing devices for removal of particles. Regulatory Guide 3.3 describes an acceptable method of complying with the Commission's regulations with regard to overall quality assurance program requirements for fuel reprocessing plants. Regulatory Guide 3.4 describes acceptable procedures for the prevention of criticality accidents in the handling, storing, processing, and transporting of fissionable materials outside of nuclear reactors.

Comments and suggestions in connection with improvements in the guides are encouraged and shoud 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 3 Regulatory Guides currently being developed include the following:

1. Guide to the Contents of Technical Specifications for Fuel Reprocessing Plants.
2. Guide to the Contents of Applications for Uranium Milling Licenses.
3. Guide to the Preparation of Environmental Reports for Uranium Mills.
4. Seismic Design Classification for Plutonium Processing and Fuel Fabrication Plants.
5. Monitoring and Combustible Gases and Vapors in Plutonium Processing and Fuel Fabrication Plants.
6. Design of Embankment Retention Systems for Uranium Mills.
7. Stabilization, Maintenance and Long Term Control of Uranium Mill Tailings Retention Systems.
8. Ventilation Systems Criteria for Plutonium Processing and Fuel Fabrication Plants.

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

Dated at Bethesda, Md., this 8th day of February 1973.

For The Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-3410 Filed 2-22-73;8:45 am]

[Docket No. PRM-32-1]

JOHNSTON LABORATORIES, INC.

Notice of Filing of Petition for Rule Making

Notice is hereby given that the Johnston Laboratories, Inc., 3 Industry Lane, Cockeysville, MD, by letter dated January 24, 1973, has filed with the Atomic Energy Commission a petition for rule making to amend § 32.19(a) of 10 CFR Part 32.

Section 32.19 includes a number of conditions applicable to licenses issued under § 32.18 which authorize the licensee to manufacture, process, produce, package, repackage, import, or transfer quantities of byproduct material for commercial distribution to persons exempt pursuant to § 30.18 of 10 CFR Part 30 or equivalent regulations of an Agreement State.

The petitioner requests that the words "or shipment" be added at the end of the first sentence of § 32.19(a) so that it would read: "No more than 10 exempt quantities set forth in § 30.71 *Schedule B* of this chapter shall be sold or transferred in any single transaction or shipment."

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy of the petition may be obtained by writing the Rules and Proceedings Branch at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Rules and Proceedings Branch, Office of Administration-Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, by April 24, 1973.

Dated at Germantown, Md. this 16th day of February 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-3406 Filed 2-22-73;8:45 am]

[Docket No. PRM-70-2]

PANAMETRICS; WALTHAM, MASS.

Notice of Withdrawal of Petition for Rule Making

Notice was published in the FEDERAL REGISTER on December 24, 1969 (34 FR 20226), that the Atomic Energy Commission had received from Panametrics, 221 Crescent Street, Waltham, MA, a petition for rule making, PRM-70-2, to amend the Commission's regulation "Special Nuclear Material," 10 CFR Part 70. The petitioner had requested that the Commissioner amend 10 CFR Part 70 to provide a general license for not more than 15 millicuries of plutonium-238 in an X-ray spectrochemical analyzer for elemental analysis of materials.

Notice is hereby given that Panametrics, by letter of January 31, 1973, has withdrawn its petition for rule making PRM-70-2 from further considera-

tion by the Commission. The petitioner states that commercial experience over the past 3 years indicates that plutonium-238 can be satisfactorily replaced by americium-241.

Dated at Germantown, Md., this 16th day of February 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-3405 Filed 2-22-73;8:45 am]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO. ET AL.

Notice of Receipt of Application for Facility Operating License; Consideration of Issuance of Facility License and Opportunity for Hearing

Notice is hereby given that the Atomic Energy Commission (the Commission) has received an application for facility operating license from Portland General Electric Co., the city of Eugene, Oreg., acting by and through the Eugene Water and Electric Board, and Pacific Power & Light Co. (the applicants) to possess, use, and operate the Trojan Nuclear Plant, a pressurized water nuclear reactor (the facility), located on the applicants' site in Columbia County, Oreg., at steady-state power levels not to exceed 3,423 megawatts thermal.

The Commission will consider the issuance of a facility operating license to Portland General Electric Co., the city of Eugene, Oreg., acting by and through the Eugene Water and Electric Board, and Pacific Power & Light Co. which would authorize the applicants to possess, use, and operate the Trojan Nuclear Plant, in accordance with the provisions of the license and the technical specifications appended thereto, upon the completion of a favorable safety evaluation on the application by the Commission's Directorate of Licensing, the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D, the receipt of a report on the applicants' application for a facility operating license by the Advisory Committee on Reactor Safeguards, and a finding by the Commission that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facility was authorized by Construction Permit No. CPPR-79, issued by the Commission on February 8, 1971.

Prior to issuance of any operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Construction Permit No. CPPR-79. In addition, the license will not be issued until the Commission has made the findings, reflecting its review of the application under the Act which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicants will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

The facility is subject to the provisions in 10 CFR Part 50, Appendix D, for notice of opportunity for filing petitions for leave to intervene and requests for a hearing on environmental considerations related to issuance of the facility operating license.

On or before March 26, 1973, the applicants may file a request for a hearing, with respect to issuance of the facility operating license and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an atomic safety and licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated atomic safety and licensing board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required in 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than March 26, 1973. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545, and to Mr. H. H. Phillips, 621 Southwest Alder Street, Portland, OR 97205, attorney for the applicants.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the atomic safety and licensing board designated to rule on the petition and/or request determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR 2.714(a)(1)-(4) and 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating license, dated December 18, 1972, as amended, which was docketed on February 9, 1973, and the applicants' environmental report, dated May 29, 1970, as supplemented, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the office of Mr. Richard Hogan, Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oreg. As they become available, the following documents may be inspected at the above locations: (1) The safety evaluation prepared by the Directorate of Licensing; (2) the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D; (3) the Commission's final detailed statement on environmental considerations; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating license; (5) the proposed facility operating license; and (6) the technical specifications, which will be attached to the proposed facility operating license.

Copies of items (1), (3), (4), and (5), when available, may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 16th day of February 1973.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Pressurized Water Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.73-3474 Filed 2-22-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 21866-9; Order 73-2-76]

DELTA AIR LINES, INC.

Order of Suspension Regarding Domestic Passenger Fare Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of February 1973.

By tariff revisions[1] marked to become effective on February 22, 1973, Delta Air Lines, Inc. (Delta) proposes to cancel its existing second-level fares (applicable via Miami) between several northeast points[2] and West Palm Beach, to permit the use of direct fares for travel via Miami. At the present time the fare to Miami applies to this backhaul service.

National Airlines, Inc. (National) has requested suspension and investigation of the proposal, alleging that Delta is proposing to charge direct fares even though its "best authority" requires routings over the higher rated point of Miami; that this is nothing less than an attempt to penetrate markets which Delta does not have authority to serve by giving unduly preferential fare treatment to West Palm Beach passengers; and that these passengers should be charged, at minimum, the Miami fare.

In answer to the complaint and in support of its proposal, Delta alleges that the major premise of National's complaint is in error; that its best authority to West Palm Beach is via Jacksonville or Tampa; that the proposal was made to improve the quality of New England service as foreseen by the Board in permitting the Northeast merger; that the new routing via Miami involves circuity of only 2.7 percent over the present routing via Jacksonville for which the direct fares are now charged; that there is ample Board precedent for permitting direct fares over such minimally circuitous routings; that National itself publishes many direct fares applicable over higher rated intermediate points, which further indicates the propriety of Delta's filing; and that the imminence of decision in Phase 9 of the "DPFI," in which the general subject of fares and circuity is at issue, is an added ground for refusal to suspend the proposal.

Upon consideration of the proposal, the complaint and answers thereto, and all other relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be suspended. The proposed fares are already included in the "Domestic Passenger-Fare Investigation," Docket 21866-9.

Although the amount of circuity involved over the direct mileage (about 10 percent) is within the range previously permitted by the Board in other markets, the circumstances found here are different. The three carriers serving the Boston-West Palm Beach market now provide five through flights a day, including a nonstop flight by Eastern. The availability of such flight frequency is, we believe, an important distinction between this proposal and the example involving American Airlines, Inc. (American), in the Little Rock-Los Angeles market Delta cites as precedent (Order 71-4-119, April 19, 1971). There, the Board permitted American over a complaint to apply the direct fare between Little Rock and Los Angeles on service via the more distant point Memphis. However, American was reducing its through transcontinental service in the Little Rock market to one flight a day because of insufficient traffic volume, and passengers were left with no service alternative other than connecting schedules at Dallas. In those circumstances, it did not seem equitable that travelers should be required to pay for the added trip circuity and flight time involved in traveling via Memphis. In the present case, however, there appears to be adequate direct service in the markets involved and we are not persuaded that Delta's proposal is warranted, notwithstanding that the circuity per se is not excessive.

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

It is ordered, That:

1. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including May 22, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. Except to the extent granted herein, the complaint in Docket 25139 is hereby dismissed; and

3. Copies of this order be filed with the aforesaid tariff and be served upon Delta Air Lines, Inc., and National Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

APPENDIX A

TARIFF CAB NO. 136 ISSUED BY AIRLINE TARIFF PUBLISHERS, INC., AGENT

On fourth revised page 258-B, all fares between Bangor and West Palm Beach.

On sixth revised page 262-B, all fares between Boston and West Palm Beach via Routing No. 78 and the cancellation of the fares between Boston and West Palm Beach via Routing No. 530.

On fifth revised page 264-A, all fares between Burlington, Vt., and West Palm Beach.

On 27th and 28th revised pages 277, all fares between Hartford and West Palm Beach via Routing No. 78 and the cancellation of the fares between Hartford and West Palm Beach via Routing No. 531.

On 20th revised page 288, all fares between Manchester/Concord and West Palm Beach.

On 14th and 15th revised pages 295, all fares between Nantucket and New Bedford, on the one hand, and West Palm Beach, on the other.

On 17th and 18th revised pages 301, all fares between Presque Isle/Houlton and West Palm Beach.

[FR Doc.73-3485 Filed 2-22-73;8:45 am]

[1] Revisions to Airline Tariff Publishers, Inc., Agent Tariff CAB No. 136.

[2] Bangor, Boston, Hartford, Manchester/Concord, New Bedford, Nantucket, Presque Isle/Houlton.

[Docket No. 24899; Order 73-2-71]

HUGHES AIRWEST

Order to Show Cause Regarding Amendment of Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 16th day of February 1973.

Hughes Airwest (Airwest) has filed a petition for issuance of an order to show cause why the Board should not grant Airwest's application, Docket 24899, for amendment of its certificate of public convenience and necessity for route 76 so as to modify condition (4) (ii), a long-haul restriction on Los Angeles-San Francisco[1] service. The restriction currently requires all flights operating nonstop between Los Angeles and San Francisco to serve Portland, Oreg. Airwest requests a modification of the restriction so that it would require the Los Angeles-San Francisco flights to serve either Eureka-Aracata, Calif., or a point north thereof; with a proviso that if said flights serve Eugene or Medford, Oreg., they shall also serve Portland, or a point north thereof.

No objections to Airwest's petition have been filed.

Upon consideration of the pleadings and all the relevant facts, we have decided to grant Airwest's request for an order to show cause and we tentatively find and conclude that the public convenience and necessity require the proposed modification of condition (4) (ii) of Airwest's certificate.

In support of our ultimate finding, we tentatively find and conclude that the proposed modification of the long-haul restriction will afford the carrier increased operational flexibility without impairing service to the public and without any significant impact on other carriers; and that Airwest is fit, willing, and able properly to perform the proposed transportation and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder.

Interested persons will be given 10 days following service of this order to show cause why the tentative findings conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

[1] When served through the Los Angeles International Airport.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Hughes Airwest's certificate of public convenience and necessity for route 76 by amending condition (4) (ii) to read as follows:

Provided, That the holder may schedule nonstop service

(i) * * *

(ii) between San Francisco and Los Angeles-Ontario, Calif. (When served through the Los Angeles International Airport), on flights which also serve Eureka-Arcata, Calif. or a point north thereof; *Provided, further*, That if said flights serve Eugene or Medford, Oreg., they shall also serve Portland or a Point north thereof, and

(iii) * * *

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 10 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon all persons served with Hughes Airwest's petition.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-3486 Filed 2-22-73;8:45 am]

[Docket No. 24961 etc.; Order 73-2-74]

PHOENIX AIRLINE, INC. ET AL.

Order to Show Cause Regarding Certificates of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of February 1973.

Application of Phoenix Airline, Inc., and Edward M. Walsh, receiver of Universal Airlines, Inc., for approval pursuant to sections 401, 408, and 801 of the Federal Aviation Act, as amended, Docket 24961; petition of World Airways, Inc., for the issuance of an order to show cause, Docket 24965; Transatlantic Supplemental Charter Authority Renewal Case, Docket 20569; Universal Airlines, Inc., certificates of public convenience and necessity for supplemental air transportation, Docket 24512.

By application filed on November 27, 1972, as amended on December 6, 1972, Phoenix Airline, Inc. (Phoenix), and Edward M. Walsh, receiver of Universal Airlines, Inc. (Universal), request approval of an agreement whereby Phoenix will acquire the dormant operating certificates of Universal,[1] and a $300,000 security deposit given by Universal to McDonnell Douglas Aircraft Co. The agreement essentially provides that Phoenix will pay $750,000 to acquire Universal's operating rights and the aforementioned security deposit, subject to certain conditions, and contingent upon approval by both the U.S. District Court for the Northern District of California—which court has jurisdiction over Universal's Chapter XI bankruptcy proceedings—and the Board, and reactivation of the dormant certificates.

In support of their application, Phoenix and Walsh allege that the agreement has already been approved by the bankruptcy court; that approval by the Board is consistent with the public interest in that it will allow for the resumption of supplemental air services which have been found warranted by prior Board actions; that employees and creditors of Universal, as well as the traveling public, stand to benefit; and that the Board traditionally accords expedited consideration to applications of this nature.

World Airways, Inc. (World), has filed an answer opposing expedited treatment or any further consideration of the application until the Board has first dealt with World's motion to reopen the record in the "Transatlantic Supplemental Charter Authority Renewal Case," Docket 20569,[2] and World's petition in Docket 24965[3] for the issuance of an order to show cause, discussed below.

Trans International Airlines, Inc., and Saturn Airways, Inc., jointly answered the application in Docket 24961 and, in the same document, moved to defer consideration of the application pending decision on World's petition in Docket 24965 or, alternatively, pending action on World's motion in Docket 20569.

In its petition in Docket 24965, World requests that the Board issue an order to show cause why the certificates of public convenience and necessity held by Universal should not be revoked, pursuant to section 401(n) of the Federal Aviation Act, for failure to comply with the continuing requirement to be fit, willing, and able properly to perform the transportation authorized by its certificates. In support thereof World submits that Universal's financial position is such that the carrier is beyond redemption; that revocation is mandated in these circumstances by the Federal Aviation Act; that, as a matter of policy, the Board should not approve the transfer of Universal's dormant certificates; and that dispatch of the fitness question through the show cause procedure is more appropriate and equitable than through the holding of a full evidentiary hearing.

Answers in support of World's petition have been filed by certain trunkline carriers,[4] and by Trans International Airlines and Saturn Airways, jointly. Phoenix and Walsh have answered in opposition to World and to Trans International and Saturn.[5]

Upon consideration of the foregoing pleadings and all the relevant facts, we have decided to set for hearing the joint application in Docket 24961 and to consolidate therewith an investigation to determine whether the certificates of public convenience and necessity held by Universal should be further suspended, modified, or revoked for failure to comply with the continuing fitness requirements imposed by section 401(n) of the Act.

As we noted in Order 72-5-104, May 30, 1972, Universal has experienced extreme financial difficulties which have culminated in bankruptcy. Consistent with prior Board action involving similar circumstances,[6] we are instituting a consolidated proceeding to permit contemporaneous consideration of the related issues of whether Phoenix should be authorized to acquire Universal's certificates and whether further action should be taken with regard to Universal's certificates under section 401(n) of the Act.[7]

While we intend to consider whether or not Universal's certificate authority (including the transatlantic authority) should be terminated or made effective, we reject World's request that we reexamine the question of the need for a sixth transatlantic supplemental carrier by reopening the "Transatlantic Supplemental Charter Authority Renewal

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[1] Issued pursuant to Order E-24655, January 19, 1967, and 71-5-132, May 27, 1971. By Orders 72-8-129 and 72-8-130, July 18, 1972, the Board suspended the foregoing certificates. In addition, by Order 72-5-9, Apr. 20, 1972, Universal was granted a certificate renewing its transatlantic supplemental authority. This authority was subsequently stayed pending further Board order by Order 72-6-144, June 30, 1972.

[2] Filed on Nov. 28, 1972. In its motion World urges the Board to reconsider whether the public convenience and necessity require the renewal of Universal's transatlantic certificate. See Supplemental Opinion and Order 72-5-9, Apr. 20, 1972.

[3] Filed on Nov. 28, 1972.

[4] American, Braniff, Delta, Eastern, National, Pan American, TWA, and Western have joined in the answer.

[5] Overseas National Airways, Inc. (ONA) filed a motion requesting the Board to decide the matters raised in Docket 24965 prior to resolving the issues raised in Docket 24961, together with a motion for leave to file the foregoing motion. Phoenix and Walsh have answered in opposition. We will grant ONA's request for leave to file its motion, but for the reasons stated herein we will deny the motion on the merits.

[6] See Orders 71-7-107, July 20, 1971; 72-10-94, October 30, 1972; and 72-12-34, December 11, 1972.

[7] In view of our decision to examine the question of revocation of Universal's certificates in a full evidentiary hearing (and since Universal's operations are currently suspended) we shall deny World's request that we resolve the revocation issue by means of expedited Show Cause procedures.

Case."[2] As a general matter, the Board does not reappraise prior determinations regarding operating authority in a subsequent proceeding involving a transfer of such operating authority from one carrier to another. See, e.g., "Delta-Northeast Merger Case," Orders 72-5-73/74, served May 19, 1972, at 17, and "Airlift-Slick Route Transfer," Order E-26810, May 20, 1968, at 2. In the Charter case, the President directed

> * * * that all transatlantic supplemental charter certificates should be renewed for a temporary period, but not over 3 years * * *

These certificates will expire on June 4, 1975, and a new examination of the need for transatlantic charter will be undertaken at the appropriate time. In these circumstances, we see no necessity for reopening the Charter case, or for considering in this consolidated proceeding the question of need for supplemental carrier service as opposed to questions relating to the impact that operations by a carrier other than Universal will have upon the public interest. As noted, however, we will consolidate for decision herein the question of what disposition should be made of Universal's certificate which was issued pursuant to Order 72-5-9—e.g., whether the certificate should be terminated if the transfer agreement is denied.

Accordingly, it is ordered, That:

1. The joint application of Phoenix Airline, Inc., and Edward M. Walsh, receiver of Universal Airlines, Inc., for approval of the transfer of Universal's certificates of public convenience and necessity to Phoenix in Docket 24961 be and it hereby is set for hearing before an Administrative Law Judge of the Board at a time and place to be hereafter designated;

2. An investigation in Docket 24512 is consolidated with Docket 24961 to determine whether the certificates of public convenience and necessity for supplemental air transportation of Universal Airlines, Inc., should be further suspended, modified, revoked, declared to be ineffective, or otherwise disposed of, for failure to comply with the requirements of section 401(n) of the Act;[3]

3. The petition and requests of World Airways, Inc., in Dockets 20569, 24961, and 24965 be and they hereby are denied;

4. The motion of Overseas National Airways, Inc., for leave to file an otherwise unauthorized document in Dockets 24961 and 24965 be and it hereby is granted;

5. The motion of Trans International Airlines, Inc. and Saturn Airways, Inc., in Docket 24961 be and it hereby is is denied; and

6. The motion of Overseas National Airways filed in Dockets 24961 and 24965 on December 11, 1972, be and it hereby is denied; and

7. Copies of this order shall be served on Universal Airlines, Inc.; Phoenix Airline, Inc.; Edward M. Walsh, receiver of Universal Airlines, Inc.; Honorable Robert L. Hughes, referee in bankruptcy of the U.S. District Court for the Northern District of California; each certificated supplemental air carrier; American Airlines, Inc.; Braniff Airways, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; National Airlines, Inc.; Pan American World Airways, Inc.; Trans World Airlines, Inc.; and Western Air Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-3487 Filed 2-22-73;8:45 am]

[2] In light of this decision, we shall deny, as moot, World's request in Docket 24961 that we defer disposition of the transfer request pending a reopening of the Charter case.

[3] This paragraph formally consolidates for decision in Docket 24961 the question of the appropriate disposition of Universal's certificate for transatlantic authority which was issued pursuant to Order 72-5-9 but whose effectiveness was stayed pursuant to Order 72-6-144.

COMMISSION ON CIVIL RIGHTS

NEW YORK STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New York State Advisory Committee will convene at 4 p.m. on Wednesday, February 28, 1973, in Room 1639 at 26 Federal Plaza, New York, NY 10007. This meeting shall be open to the public and the press.

The purpose of this meeting shall be to plan followup in connection with the New York Committee's recent Open Meeting on Problems in State Prisons.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February, 23, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-3509 Filed 2-22-73;9:56 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE FEDERATIVE REPUBLIC OF BRAZIL

Entry or Withdrawal From Warehouse for Consumption

FEBRUARY 22, 1973.

On October 23, 1970, the U.S. Government, in furtherance of the objectives of, and under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of the Federative Republic of Brazil concerning exports of cotton textiles and cotton textile products from the Federative Republic of Brazil to the United States over a 5-year period beginning on October 1, 1970, and extending through September 30, 1975. On May 9, 1972, the bilateral agreement was amended, inter alia, to extend its duration through September 30, 1977.

Among the provisions of the agreement, as amended, are those establishing a consultation level of 551,250 square yards equivalent for cotton textile products in each category not having a specific limit in Categories 1-38 and Category 64 (other than terry) for the third agreement year which began on October 1, 1972. The U.S. Government has decided to control imports in Category 64 (other than terry) for the remainder of the agreement year. The level of restraint contained in the letter published below has been adjusted to reflect entries charged against such level through December 31, 1972.

Accordingly, there is published below a letter of February 22, 1973, from the chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in Category 64 (other than terry), produced or manufactured in the Federative Republic of Brazil, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning October 1, 1972, and extending through September 30, 1973, be limited to the designated adjusted level.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Director, Office of Textiles.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

FEBRUARY 22, 1973.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of October 23, 1970, as amended, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible and for the period extending through September 30, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 64 (other than TSUSA 366.6500 and 386.2500), produced or manufactured in the Federative Republic of Brazil, in excess of an adjusted level of restraint of 82,054 pounds.[1]

[1] The adjusted level of restraint reflects entries made through Dec. 31, 1972. The level has not been adjusted to reflect any entries made after Dec. 31, 1972.

Entries of cotton textile products in the above category, produced or manufactured in the Federative Republic of Brazil, and which have been exported to the United States prior to October 1, 1972, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the cotton textile categories in terms of TSUSA numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

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

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textile products from the Federative Republic of Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Director, Office of Textiles.

[FR Doc.73-3617 Filed 2-22-73;11:22 am]

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THAILAND

Entry or Withdrawal from Warehouse for Consumption

FEBRUARY 16, 1973.

On March 31, 1972, there was published in the FEDERAL REGISTER (37 FR 6605), a letter dated March 27, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the bilateral Cotton Textile Agreement of March 16, 1972, between the Governments of the United States and Thailand, establishing levels of restraint for those categories of cotton textiles and cotton textile products having specific levels of restraint for the agreement year beginning April 1, 1972. The bilateral agreement also contains provisions establishing a level of restraint for those categories not having specific levels of restraint. The Government of Thailand has requested an increase in three such categories, i.e., Categories 31, 41 and 42; and decreases in the levels applicable to four categories having specific levels of restraint, i.e., Categories 54, 60, 62 and 64.

Accordingly, there is published below a letter of February 16, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to cotton textile products in Categories 54, 60, 62, and 64 for the 12-month period which began on April 1, 1972.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

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

FEBRUARY 16, 1973.

DEAR MR. COMMISSIONER: On March 27, 1972, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the 12-month period beginning April 1, 1972, of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Thailand, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1] The directive of March 27, 1972, has been subsequently amended in part.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of March 16, 1972, between the Governments of the United States and Thailand, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the levels of restraint established in the aforesaid directive of March 27, 1972, for cotton textile products in Categories 54, 60, 62, and 64, produced or manufactured in Thailand, as set forth below:

Category		*Amended 12 month level of restraint*
54	dozen	809
60	do	39,801
62	pounds	52,733
64	do	14,631

The actions taken with respect to the Government of Thailand and with respect to imports of cotton textiles and cotton textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

[FR Doc.73-3527 Filed 2-22-73;8:45 am]

[1] The term "adjustment" refers to those provisions of the bilateral cotton textile agreement of Mar. 16, 1972, between the Governments of the United States and Thailand which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental Impact Statements received by the Council from February 5 through February 9, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—447-7803.

FOREST SERVICE

Final, February 8

Crystal Lake Planning Unit, Lewis and Clark N. F., Montana, County: Fergus. The statement is concerned with implementation of a revised multiple-use plan for the Crystal Lake Planning Unit, in the Lewis and Clark National Forest. About 10,300 acres of national forest lands are involved. There will be adverse impacts to soil and water quality, and esthetic values. The inroad of humans may adversely affect the mountain goat. (81 pages) Comments made by: EPA. (ELR Order No. 00212) (NTIS Order No. EIS 73 0212-F)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693-7168.

Final, February 5

Gathright Lake, Virginia, Counties: Bath and Alleghany. The statement refers to the completion of construction of a multipurpose reservoir project on the Jackson River. A cold water trout stream will accompany the project. The reservoir will require the acquisition of 12,360 acres and will permanently inundate 2,530 acres; 1,700 acres of the Gathright Wildlife Management Area will be taken from production; the highly scenic Kincaid Gorge will be significantly altered. (Approximately 500 pages.) Comments made by: USDA, DOC, EPA, and HEW. (ELR Order No. 00178) (NTIS Order No. EIS 73 0178-F)

DEPARTMENT OF HEW

Contact: Mr. Robert Lanza, Office of the Assistant Secretary for Health and Scientific Affairs, Room 4062 HEWN, Washington, D.C. 20202, 202—962-2241.

Final, February 6

Martha's Vineyard Hospital, Massachusetts, County: Dukes. The statement refers to the proposed construction of additional facilities for an existing hospital, including a one story structure with 40 general and 40 long-term beds, a central sterile supply area, a new lobby, parking areas, and a new sewage disposal plant. The proposed facility would be located in one of the least accessible, and most residential areas of the county. A draw bridge between Vineyard Haven and the hospital represents potential hinderance to vehicular access; the site does not lend itself to future expansion, nor does it conform to the county plan. (77 pages) Comments made by: EPA, DOI, OEO, and DOT. (ELR Order No. 00184) (NTIS Order No. EIS 72 0184-F)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202—343-3891.

BUREAU OF RECLAMATION

Final, February 6

Long Draw Dam, Colo., County: Larimer. The proposed project involves the raising of an existing dam on La Poudre Pass Creek from 60' to 83.4' in order to increase the storage capacity from 4,400 to 11,000 acre-feet. The Grand River Ditch will also be lined as a part of the project, the purpose of which is to increase the supply of water available for irrigation. One-half mile of La Poudre Pass Creek and 106 acres of wildlife habitat will be lost in the action. (136 pages) Comments made by: USDA, EPA, DOI, and DOT. (ELR Order No. 00183) (NTIS Order No. EIS 72 0183-F)

NATIONAL PARK SERVICE

Final, February 6

Haleakala National Park, Hawaii. The statement refers to the proposed designation of 19,270 acres as wilderness and 5,500 acres as potential wilderness. The Haleakala Crater is included in the tract. The statement discusses cultural, social, and scientific aspects of the proposal. (88 pages) Comments made by: AEC, USDA, DOD, DOI, and DOT. (ELR Order No. 00181) (NTIS Order No. EIS 73 0181-F)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202—466-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft, February 9

CR-6 over Sandusky River, Ohio, County: Seneca. The statement refers to the proposed replacement of the existing bridge over the Sandusky River. Other improvements include widening CR-6 and relocating 600 feet of TR-131. Propect length is 0.28 mile. (38 pages) (ELR Order No. 00224) (NTIS Order No. EIS 73 0224-D)

Draft, February 8

Spur 232, Texas, County: Lubbock. The project involves construction of a six lane facility with a 20-foot raised median and construction of a diamond type interchange between Spur 232 and U.S. 82. Project length is 1 mile. Approximately 11.5 acres of land will be committed to highway use; one family will be displaced by the action. (36 pages) (ELR Order No. 00195) (NTIS Order No. EIS 73 0195-D)

Final, February 8

U.S. 50—Olathe, Colo., County: Montrose. The statement refers to the proposed design and construction of a 4.8-mile segment of U.S. 50 in the rural community of Olathe. The favored alternate for this project will bypass Olathe on the east and require approximately 35 acres of agricultural land for right-of-way. Adverse effects of the action include temporary disruption during construction and relocation of one residence. (65 pages) Comments made by: USDA, COE, DOI, DOT, and State agencies. (ELR Order No. 00200) (NTIS) Order No. FIS 73 0200-F)

S.R. 207, Florida, County: Putnam. The project is the construction of 4 miles of four-lane access highway from the intersection of SR 15-20-100 to the intersection of S-207A. Water quality in Dog Branch will be degraded. An unspecified number of residences and businesses and one nonprofit organization will be displaced. Noise and air pollution will increase; agricultural activities will be disrupted. (67 pages) Comments made by: USDA, 2DOI, 2EPA, 2. (ELR Order No. 00198) (NTIS Order No. EIS 73 0198-E)

U.S. 80—Georgia, Georgia, County: Chatham. The proposed project is the ultimate design and construction of a four-lane facility. The facility consists of Project U-009-2(21), and Project F-041-2(15). Total length is 7.5 miles. The number of families and businesses to be relocated will depend upon the alternate chosen. There will be an increase in noise pollution. (90 pages) Comments made by: DOI, EPA, HEW, HUD, and State agencies. (ELR Order No. 00202) (NTIS Order No. EIS 73 0202F)

Iowa 21, Iowa, Counties: Benton and Tama. The statement is concerned with the proposed widening of Iowa 21 from 22 to 24 feet, providing new pavement, 10-foot stabilized shoulders and a channelized intersection. An unspecified amount of agricultural land will be committed to transportation uses. One family will be displaced. (30 pages) (ELR Order No. 00206) (NTIS Order No. EIS 73 0206-F)

Missouri Route 71, Mississippi, Counties: Nodaway and Andrew. The proposed project is the addition of two-lanes on 23.8 miles of SR 71. An unspecified number of families and businesses will be displaced; 430 acres of land will be required for right-of-way. The project will require bridge foundation work along the White Cloud Creek causing disturbance to fish habitat. Other adverse effects will include loss of wildlife and increases in air and noise pollution levels. (18 pages) Comments made by: USDA, DOI, EPA, HEW, and State agencies. (ELR Order No. 00209) (NTIS Order No. EIS 73 0209-F)

Route 63, Missouri, County: Macon. The proposed project is the relocation of 8.7 miles of Route 63 to the east of Macon. Initial construction will provide a two-lane limited access facility with provisions for an ultimate four-lane divided highway. Approximately 355 acres of agricultural land will be acquired for right-of-way; 11 families and one business will be displaced. Adverse effects of the action include loss of tax base and increases in noise and air pollution during construction. (21 pages) Comments made by: USDA, EPA, HUD, DOI, and State agencies. (ELR Order No. 00203) (NTIS Order No. EIS 73 0203-F)

Route 36, Missouri, County: Linn. The statement refers to the proposed construction of 5.7 miles of four-lane roadway, including bridges, interchanges and dual paving. Approximately 200 acres would be acquired for right-of-way; nine residences and four businesses would be displaced. (20 pages) Comments made by: USDA, DOI, DOT, EPA, HEW, and HUD. (ELR Order No. 00204) (NTIS Order No. EIS 73 204-F)

I-90, Lodge Grass, Mont. The proposed project is the construction of a segment of I-90. Length is 15.14 miles. While the total amount of land needed for right-of-way is not specified, 40 percent of it lies within the Crow Indian Reservation. The project will cause an increase in noise pollution levels to area residents and an increase in road kills of wildlife. (44 pages) Comments made by: COE, DOI, and State and local agencies. (ELR Order No. 00208) (NTIS Order No. EIS 73 0208-F)

Dekalb Street Extension, U.S. 1509, N.C., County: Cleveland. The statement refers to the proposed construction of a 4-lane extension to Dekalb Street, with an underpass of the Seaboard Coast Line Railroad. The 0.7 mile project will require 8 acres of urban residential land for right-of-way. Approximately 45 residences and one business will be displaced. The project will traverse a neighborhood of low quality rental residences. Comments made by: USDA, COE, EPA, GSA, HEW, HUD, DOI, OEO, and State and local agencies. (ELR Order No. 00207) (NTIS Order No. EIS 73 0207-F)

NS 7, Vermont, County: Bennington. The three related projects encompassed in this statement comprise a major portion of the proposed arterial U.S. 7 alinement between Bennington and Manchester. The corridor study area for the project is 20 miles in length. Twenty-five residences will be displaced; 1,452 acres will be taken for right-of-way. Comments made by: EPA, COE, FPC, HEW, HUD, DOI, and DOT. (ELR Order No. 00199) (NTIS Order No. EIS 73 0199-F)

TREASURY DEPARTMENT

Contact: Mr. Richard E. Slitor, Assistant Director, Office of Tax Analysis, Room 4205, Washington, D.C. 20220, 202—964-2797.

Final, February 5

U.S. Mint, Denver, Colo. The statement considers the construction of several buildings (totaling 700,000 square feet), comprising the new Denver Mint. The buildings will displace four businesses and 20 residences. The proposed site is on a floodplain, which would have serious implications if the Chatfield Dam on the South Platte River were not completed as scheduled. (54 pages) (20 pages) Comments made by: USDA, DOC, and COE. (ELR Order No. 00180) (NTIS Order No. EIS 73 0180-F)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-3488 Filed 2-22-73;8:45 am]

DELAWARE RIVER BASIN COMMISSION

PROPOSED AMENDMENT OF COMPREHENSIVE PLANS

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, February 28, 1973, in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia, beginning at 2 p.m. The subject of the hearing will be a proposal to amend the Comprehensive Plan so as to include therein the following water resources projects:

1. *Pocono Farms, Inc.* A well-water supply project to provide water service to a vacation residential development in Coolbaugh Township, Monroe County, Pa. Three wells would be utilized to provide approximately 185,000 gallons per day.

2. *Community Concepts, Inc.* A sewage treatment plant to serve a 264-unit condominium housing project in Chester Heights Borough, Delaware County, Pa. About 95 percent removal of BOD_5 would be provided to a sewage flow of about 72,000 gallons per day. Treated effluent

would discharge to the West Branch Chester Creek.

3. *Pike and Monroe County Commissioners.* Revision of the Broadhead Creek watershed work plan for Pike and Monroe Counties, Pa. Proposed revision involves modifications of a multipurpose project and elimination of certain facilities in the plan. The project is cosponsored by the Pike and Monroe County Soil Conservation Districts and the Pike and Monroe County Commissioners.

4. *Central Delaware County Authority.* Upgrading of the Authority's sewage treatment plant in Ridley Township, Delaware County, Pa. The level of treatment will be increased to 73 percent removal of BOD_5 on an interim basis pending tie-in with the Philadelphia Southwest Treatment Plant. Treatment will be provided to a sewage flow of approximately 11 million gallons per day.

5. *Falls Township Authority.* Modification of the Authority's sewage treatment plant serving Falls Township, Bucks County, Pa. Capacity would be increased to 3.2 million gallons per day. Project will remove about 85 percent BOD_5. Wastewater will discharge to Neshaminy Creek.

6. *Hedgerow, Inc.* A sewage treatment facility to serve the "Hedgerow" apartment project in East Brandywine Township, Chester County, Pa. About 95 percent removal of BOD_5 will be provided for a sewage flow of about 53,000 gallons per day. Effluent will discharge to Culbertson Run, a tributary of East Branch Brandywine Creek.

7. *Pennsylvania General State Authority.* A sewage collection and treatment system to serve Nockamixon State Park in Bucks County, Pa. About 98 percent removal of BOD_5 will be provided to an estimated 1990 sewage flow of 200,000 gallons per day. Treated effluent will discharge to Tohickon Creek.

8. *West Goshen Sewer Authority.* A sewage collection system to serve the northern portion of West Goshen Township, Chester County, Pa. Sewage will be conveyed to the Authority's treatment plant discharging into Chester Creek. About 85 percent removal of BOD_5 would be provided to an estimated 1995 sewage flow of 1.3 million gallons per day.

9. *Florence Township.* A well-water supply project to augment public water supplies in Florence Township, Burlington County, N.J. The volume of permissible withdrawal from four existing water supply wells would be increased to 2 million gallons per day during any 30-day period.

10. *Pemberton Township.* A well-water supply project to augment public water supplies in Pemberton Township, Burlington County, N.J. The volume of permissible withdrawal would be increased to 1.3 million gallons per day during any 30-day period.

11. *Lehigh County Authority.* A well-water project to augment public water supplies in Upper Macungie Township, Lehigh County, Pa. Designated as Well No. 6, the new facility is expected to yield about 1 million gallons per day.

12. *Delaware County Regional Water Quality Control Authority.* Expansion of the city of Chester sewage treatment plant in Delaware County, Pa. Expansion is required to serve several adajacent municipal and industrial waste sources. About 91 percent removal of BOD_5 would be provided to a sewage flow of about 40 million gallons per day.

13. *Pocono International Raceway, Inc.* A sewage treatment plant to serve Pocono International Raceway in Tunkhannock Township, Monroe County, Pa. About 95 percent BOD_5 and suspended solids will be removed from an average wasteload of 78,000 gallons per day. Treated effluent will discharge to Tunkhannock Creek, a tributary of Tobyhanna Creek.

14. *Delmarva Power & Light Co.* Expansion of the Edge Moor Electric generating station located at the confluence of Shellpot Creek and the Delaware River in Wilmington, New Castle County, Del. Proposed development includes the construction of Unit 5, a new oil-fired steam-electric generating unit with a capacity of 400 megawatts alongside an existing plant. Also involved are relocation and reconstruction of intake and systems, replacement of the four existing coal-fired units with oil-fired units, two new oil storage tanks, dredging and an on-site domestic waste system. (A draft environmental impact statement on this project was prepared by the Commission and released for public review and comment on February 2, 1973. The statement will be included as part of the subject matter of the hearing.)

Documents relating to the above items may be examined at the Commission offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

FEBRUARY 15, 1973.

[FR Doc.73-3457 Filed 2-22-73;8:45 am]

FEDERAL MARITIME COMMISSION

RAFAEL J. GONZALES, SR. ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Rafael J. Gonzales, Sr., East Pier, Gulfport, Miss. 39501.

Ann T. Thompson, doing business as Thompson International Shipping (TIS), 911 South Rimpau Boulevard, Los Angeles, CA 90019.

BN Transport Inc., 796 South Pearl Street, Galesburg, IL 61401.

OFFICERS

E. L. McCormick, president.
C. L. Luetger, vice president.
J. W. Murray, vice president.
H. L. Napier.
G. N. Page.
R. M. O'Kelly, secretary.
D. L. Robbins, assistant secretary.

Anderson Brothers Corp., 3141 North Sheffield Avenue, Chicago, IL 60657.

OFFICERS

Mary Jane Miller, chairman and owner.
Judson L. Porter, president.
Richard Roessel, vice president.
Diane Miller, secretary/treasurer.

Dated: February 16, 1973.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-3422 Filed 2-22-73;8:45 am]

REARDON SMITH LINE LTD. AND IRISH SHIPPING LINE LTD.

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 15, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed by:

Roy R. Sumner, Office Manager, International Tariff Service, Inc., 815 15th Street NW., Suite 538, Bowen Building, Washington, DC 20005.

Agreement No. 10035 is an agreement between the above-named parties to establish a joint service to be known as "Celtic Bulk Carriers" to operate in the

trade from ports in Continental Europe to U.S. Pacific coast ports.

Dated: February 15, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-3421 Filed 2-22-73;8:45 am]

FEDERAL POWER COMMISSION

[Docketa Nos. RI73-206, etc.]

RATE CHANGES

Order Providing for Hearing on and Suspension of Proposed Changes, and Allowing Changes To Become Effective Subject to Refund [1]

FEBRUARY 14, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX "A"

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI73-206	Austral Oil Co., Inc.	21	[1] 5	El Paso Natural Gas Co. (Huerfanito Field, San Juan County, N. Mex.).	----------	1-29-73	[2] 3-1-73	[18] Accepted	----------	----------	
	do		6	do	$20,000	1-29-73		8-1-73	[4] [23] 15.0 [4] [23] 15.0	[5] [23] 22.0 [6] [23] 28.0	RI70-216. RI70-216.
	do	22	[1] 3	do		1-29-73	[7] 3-1-73	[19] Accepted	----------	----------	
	do		4	do	182,000	1-29-73		8-1-73	[23] 14.0	[24] 22.0	RI70-216.
	do			do		1-29-73		8-1-73	[23] 14.0	[24] 28.0	RI70-216.
	do	24	[1] 4	do		1-29-73	[7] 3-1-73	[18] Accepted	----------	----------	
	do		5	do	99,000	1-29-73		8-1-73	[23] 14.0	[24] 22.0	RI70-216.
	do			do		1-29-73		8-1-73	[23] 14.0	[24] 28.0	RI70-216.
	do	26	[1] 7	do		1-29-73	[7] 3-1-73	[18] Accepted	----------	----------	
	do		8	do	55,000	1-29-73		8-1-73	[23] 14.0	[24] 22.0	RI70-216.
	do			do		1-29-73		8-1-73	[23] 14.0	[24] 28.0	RI70-216.
RI73-207	Amerada Hess Corp.	95	9	Montana-Dakota Utilities Co. (Nesson Anticline Area, Williams County, N. Dak.).	207,189	1-29-73		8-1-73	[22] 22.4167	[22] 24.1450	RI71-1061.
RI73-208	Phillips Petroleum Co.	306	9	Northern Natural Gas Co. (Emperor Field, Winkler County, Tex., Permian Basin).	----------	1-22-73	2-22-73	[18] Accepted	----------	----------	
	do		10	do	500,994	1-22-73		7-22-73	10.0713	27.3522	RI73-104.
RI73-209	Continental Oil Co.	160	6	West Texas Gathering Co. (Emperor Field, Winkler County, Tex., Permian Basin).	10,426	1-22-73		3-25-73	18.0675	19.0713	RI69-653.
	do	85	[10] 33	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex., Permian Basin).	1,284	[11] 1-23-73		7-23-73	30.0	31.7126	RI73-18.
RI73-210	Amerada Hess Corp.	67	[12] 9	West Texas Gathering Co. (Emperor Field, Winkler County, Tex., Permian Basin).	----------	1-26-73	2-26-73	[18] Accepted	----------	----------	
	do		10	do	82,633	1-26-73		7-26-73	13.0713	[13] 29.5103	RI73-142.
RI73-211	Atlantic Richfield Co.	229	9	do	27,332	1-24-73		7-24-73	21.0	28.105	RI73-177.
	do	452	7	do	44,155	1-24-73		7-24-73	21.0	28.105	RI73-177.
	do	457	9	El Paso Natural Gas Co. (Brown Bassett Field, Terrell County, Tex., Permian Basin).	206,483	1-24-73		7-24-73	21.0	[14] 28.105	RI73-169.
	do	511	18	do	376,567	1-24-73		7-24-73	21.0	[14] 28.105	RI73-169.
RI73-212	Rimco Royalty Co.	2	[1] 12, 13	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.).	----------	1-15-73	2-15-73	[18] Accepted	----------	----------	
	do		14	do	[15] 376	1-15-73		3-18-73	[16] [23] 12.0495	[23] 21.33	
	do			do	4,671	1-15-73		3-18-73	[16] 14.0536	[17] 21.33	RI64-551.
RI73-213	Amoco Production Co.	411	6	El Paso Natural Gas Co. (Ute Dome Paradox Field, San Juan County, N. Mex.).	179,556	1-26-73		3-29-73	15.3448	21.33	RI69-324.
RI73-214	Sohio Petroleum Co.	153	[1] 3, 4	Colorado Interstate Gas Co. (Madden Field, Fremont County, Wyo.).	----------	1-29-73	3-1-73	[18] Accepted	----------	----------	
	do		5	do	45,900	1-29-73		4-1-73	15.1125	[17] [20] 22.3463	RI71-349.
RI73-215	King Resources Co.	17	7	El Paso Natural Gas Co. (Monahans Field, Winkler County, Tex., Permian Basin).	415	[21] 1-29-73		4-1-73	14.12	16.8618	

* Unless otherwise stated, the pressure base if 14.65 p.s.i.a.
[4] Contract amendment.
[2] For gas delivered from wells completed prior to June 1, 1970.
[3] For gas delivered from wells completed on or after June 1, 1970.
[4] Inclusive of 1 cent minimum guarantee for liquids.
[5] Present effective rate shown on applicant's current filing is 14 cents exclusive of liquid adjustment.
[6] Subject to B.t.u. adjustment, proportionally up or down from 1,000 B.t.u. per cubic foot.
[7] 30 days after filing.
[8] Increase due to rise in U.S. Department of Labor all commodities wholesale price index.
[9] Letter Agreement providing for renegotiated rate.
[10] Applicable to production from the San Andres Formation.
[11] Correction filed on February 8, 1973.
[12] Revises pricing provisions.
[13] Includes quality adjustment.
[14] Subject to a maximum treating charge of 4.5 cents per Mcf by buyer.
[15] Pictured Cliffs Gas.
[16] Blanco Mesa Verde and Basin Dakota Fields—Includes 1 cent minimum guarantee for liquids.
[17] Subject to B.t.u. adjustment.
[18] Accepted for filing to be effective on the date shown in the "Effective date" column.
[19] Not used.
[20] Applies only to flowing gas.
[21] Correction filed February 6, 1973.
[22] The pressure base is 14.73 p.s.i.a.
[23] The pressure base is 15.025 p.s.i.a.

The proposed increase to 24.1450 cents of Amerada Hess Corp. under its FPC Gas Rate Schedule No. 95 is for a sale of gas in North Dakota where there is no announced increased rate ceiling. The proposed rate, however, does exceed the rate limit for a 1-day suspension period and therefore is suspended for 5 months.

The proposed increases of Continental Oil Co., Rimco Royalty Co., Amoco Production Co., Sohio Petroleum Co., and King Resources Co. do not exceed the rate limit for a 1-day suspension and are suspended for 1 day.

The remaining proposed increases exceed the rate limit for a 1-day suspension, and are, therefore, suspended for 5 months.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56).

The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization Act of 1970 as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FR Doc.73–3374 Filed 2–22–73;8:45 am]

[Docket No. E–8017]

CAROLINA POWER & LIGHT CO.

Notice of Filing of Interconnection Agreement

FEBRUARY 20, 1973.

Take notice that on February 5, 1973, Carolina Power & Light Co. filed with the Commission an Interconnection Agreement dated March 25, 1971, and amended June 10, 1971, pursuant to § 35.12 of the Regulations under the Federal Power Act. The Roxboro-Halifax Interconnection Agreement provides for the construction of a 230 kv. interconnection between Carolina Power & Light Co. and Virginia Electric and Power Co. Said line will be constructed from C.P. & L.'s Roxboro-Steam Electric Plant, near Roxboro, N.C., to VEPCO's Halifax 230 kv. Substation, near Halifax, Va. Service under said Agreement is proposed to begin on May 1, 1973, and it is requested that the rate schedule become effective March 7, 1973.

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, 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.73–3582 Filed 2–22–73;8:45 am]

[Docket No. E–7726]

PHILADELPHIA ELECTRIC CO. AND SUSQUEHANNA ELECTRIC CO.

Notice of Certification of Proposed Settlement Agreement

FEBRUARY 16, 1973.

Take notice that on December 20, 1972, Presiding Administrative Law Judge Levy certified to the Commission a proposed settlement of all issues in this proceeding. The proposed settlement encompasses the tripartite agreement among Philadelphia Electric Co. and The Susquehanna Electric Co. (Applicants) and Conowingo Power Co. executed on May 1, 1972, as modified by testimony filed by Applicants on December 18, 1972, which incorporates a revised fuel adjustment clause into the agreement.

The proposed settlement would also increase jurisdictional revenues for sales of power by Applicants to Conowingo by $1,215,428 based on sales for the 12-month period ended June 30, 1972, as per Applicants' original filing of May 1, 1972. The Commission staff agrees to the proposed settlement.

The proposed settlement is on file with the Commission and is available for public inspection. Comments with respect to the proposed settlement may be filed on or before February 23, 1973, with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–3583 Filed 2–22–73;8:45 am]

FEDERAL RESERVE SYSTEM

EL-TRONICS, INC.

Notice of Request for Determination and Order Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act (12 U.S.C. 1841(g)(3)), by El-Tronics, Inc., New York, N.Y., a registered bank holding company, for a determination that El-Tronics, Inc. is not in fact capable of controlling Muhammad Temple No. 2 of the Holy Nation of Islam (the "Temple"), an Illinois nonprofit corporation, or Abass Rassoull, trustee for the Temple. By an agreement dated December 20, 1972, El-Tronics, Inc. sold 33,688 shares of the common stock and 53,771 shares of the 7 percent cumulative convertible preferred stock of Guaranty Bank & Trust Co., Chicago, Ill., to Abass Rassoull acting as voting trustee for the Temple.

Inasmuch as section 2(g)(3) of the Act requires that any determination thereunder be made only after opportunity for hearing:

It is ordered, That, pursuant to section 2(g)(3) of the Act, an opportunity be and hereby is provided for filing a request for hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received on or before March 15, 1973. The request for hearing should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which said person wishes to give testimony at such hearing. The Board will subsequently designate a time and place for any hearing ordered, and will give notice of such hearing to the transferor, the transferees, and all persons who have requested a hearing. In the absence of a request for hearing, the Board will proceed with consideration of the requested determination on the basis of documentary evidence filed in connection with the application.

By order of the Board of Governors, February 14, 1973.

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

[FR Doc.73-3411 Filed 2-22-73;8:45 am]

PALMER BANK CORP.

Order Approving Acquisition of Bank

Palmer Bank Corp., Sarasota, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Gulf Gate Palmer Bank, Sarasota, Fla. (Bank), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the twenty-first largest banking organization in Florida, controls four subsidiary banks with aggregate deposits of $147.5 million representing 0.9 percent of total commercial bank deposits within Florida. (All banking data are as of June 30, 1972 adjusted to reflect bank holding company acquisitions and formations approved through December 31, 1972.) Acquisition of the proposed new Bank will have no immediate effect on Applicant's share of commercial bank deposits in the State.

Since Bank is a proposed new bank, no existing competition would be eliminated by consummation of the proposal nor would concentration be significantly increased in any relevant area. Bank would be located south of Sarasota and would be competing in the Sarasota banking market (approximated by the city of Sarasota and surrounding environs), in which market Applicant controls 37.3 percent of deposits. Applicant's four subsidiary banks are all located in the Sarasota area, the nearest being approximately 3.1 miles northeast of the Bank. At the present time, there are five banking organizations in the Sarasota market, including three multibank holding companies controlling nine banks, one banking group controlling two banks, and one independent bank. Although Applicant is the largest banking organization in the market, it does not appear that consummation of the proposal would confer a position of market dominance upon Applicant to the detriment of competing banks. The eighth and 11th largest banking organizations in Florida rank second and fourth in the Sarasota banking market and control 35.6 and 7.8 percent, respectively, of market deposits. It appears that approval of this proposal would not foreclose the opportunity for entry or growth by other banking organizations. The Board concludes that competitive considerations are consistent with approval.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as generally satisfactory. Bank, as a proposed new bank, has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable and are consistent with approval of the application. It apears that the major banking needs of the area are being adequately served at the present time. However, Bank would be able to provide an additional source of convenient banking services to the area. Considerations relating to the convenience and needs of the area to be served are consistent with approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.[1] The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after that date, and (c) Gulf Gate Palmer Bank, Sarasota, Fla., shall be opened for business not later than 6 months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective February 13, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-3412 Filed 2-22-73;8:45 am]

[1] Dissenting Statement of Governor Robertson filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Voting against this action: Governor Robertson.

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content

The Federal Trade Commission's laboratory has determined the "tar" (dry particulate matter) and total alkaloid (reported as nicotine) content of 134 varieties of domestic cigarettes. The laboratory utilized the Cambridge filter method with the specifications set forth in the Commission's announcement dated July 31, 1967 (32 FR 11178). The varieties are arranged in alphabetical order with tar values rounded to the nearest whole milligram and nicotine values rounded to the nearest tenth of a milligram.

TAR[1] AND NICOTINE[2] CONTENT OF ONE-HUNDRED THIRTY-FOUR (134) VARIETIES OF DOMESTIC CIGARETTES

FEDERAL TRADE COMMISSION, JANUARY 1973

Brand	Type	Milligrams per cigarette	
		TPM dry tar[1]	Nicotine[2]
Adam (white)[3]	King size, filter	19	1.3
Adam (brown)[3]	do	18	1.2
Alpine	King size, filter, menthol	15	1.0
Belair	do	16	1.2
Do	100 mm., filter, menthol	18	1.3
Benson & Hedges	Regular size, filter (hard pack)	10	0.7
Do	King size, filter (hard pack)	17	1.3
Benson & Hedges 100's	100 mm., filter	18	1.3
Do	100 mm., filter, menthol	18	1.3
Bull Durham	King size, filter	29	1.8
Camel	Regular size, nonfilter	25	1.6
Do	King size, filter	20	1.3
Carlton 70's[4]	Regular size, filter	1	0.1
Carlton	King size, filter	3	0.3
Do	King size, filter, menthol	3	0.3
Chesterfield	Regular size, nonfilter	25	1.5
Do	King size, nonfilter	29	1.8
Do	King size, filter	18	1.3
Do	King size, filter, menthol	18	1.2
Do	101 mm., filter	19	1.5
Domino	King size, nonfilter	27	1.5
Do	King size, filter	22	1.3
Doral	do	15	1.0
Do	King size, filter, menthol	15	1.1
Du Maurier	King size, filter (hard pack)	16	1.2
Edgeworth Export	do	19	1.3
Do	100 mm., filter	19	1.4
English Ovals	Regular size, nonfilter (hard pack)	23	1.8
Do	King size, nonfilter (hard pack)	30	2.3
Eve	100 mm. filter	17	1.3
Do	100 mm. filter, menthol	17	1.2
Fatima	King size, nonfilter	32	1.9
Frappe	King size, filter, menthol	9	0.4
Galaxy	King size, filter	19	1.4
Half & Half	do	24	1.7
Herbert Tareyton	King size, nonfilter	29	1.8
Home Run	Regular size, nonfilter	20	1.5
Iceberg 10	King size, filter, menthol	9	0.6
Kent	Regular size, filter	9	0.6
Do	King size, filter (hard pack)	16	1.0
Do	King size, filter	17	1.1
Do	King size, filter, menthol	19	1.2
Do	100 mm., filter	19	1.3
Do	100 mm., filter, menthol	18	1.2

Brand	Type	Milligrams per cigarette: TPM dry tar [1]	Milligrams per cigarette: Nicotine [2]
King Sano	King size, filter	6	0.3
Do	King size, filter, menthol [3]	7	0.3
Kool	Regular size, nonfilter, menthol [3]	22	1.4
Do	King size, filter, menthol [3]	17	1.4
Do	100 mm., filter, menthol [3]	17	1.3
L. and M.	King size, filter (hard pack) [3]	17	1.2
Do	King size, filter [3]	19	1.4
Do	100 mm., filter [3]	19	1.5
Do	100 mm., filter, menthol [3]	19	1.3
Lark	King size, filter [3]	17	1.2
Do	100 mm., filter [3]	18	1.3
Life	do [3]	10	0.6
Lucky Strike	Regular size, nonfilter [3]	20	1.6
Lucky Filters	100 mm., filter [3]	22	1.6
Lucky Ten	King size, filter [3]	9	0.7
Lyme	King size, filter, lime/menthol [3]	14	1.0
Mapleton	King size, filter [3]	24	1.3
Marlboro	King size, filter (hard pack) [3]	18	1.3
Do	King size, filter [3]	18	1.3
Do	King size, filter, menthol [3]	15	1.0
Do	100 mm., filter (hard pack)	18	1.4
Do	100 mm., filter	18	1.3
Marlboro Lights	King size, filter	14	1.1
Marvels	Regular size, nonfilter	21	0.8
Do	Regular size, filter	3	0.2
Do	King size, nonfilter	25	1.0
Do	King size, filter	5	0.3
Do	King size, filter, menthol	5	0.2
Maverick	King size, filter	20	1.6
Mermald	100 mm., filter, menthol	19	1.4
Montclair	King size, filter, menthol	19	1.4
Multifilter	King size, filter (plastic box)	14	1.1
Do	King size, filter, menthol (plastic box)	11	0.9
Newport	King size, filter, menthol (hard pack)	19	1.2
Do	King size, filter, menthol	19	1.3
Do	100 mm., filter, menthol	21	1.4
Newport [3]	King size, filter, menthol (hard pack)	20	1.5
Do	King size, filter, menthol	20	1.4
Do	100 mm., filter, menthol	23	1.7
Oasis	King size, filter, menthol	18	1.2
Old Gold Straights	Regular size, nonfilter	21	1.2
Do	King size, nonfilter	26	1.6
Old Gold Filters	King size, filter	20	1.3
Do	100 mm., filter	23	1.5
Pall Mall	King size, nonfilter	29	1.8
Pall Mall Extra Mild	King size, filter (hard pack)	10	0.7
Pall Mall	King size, filter	20	1.3
Do	100 mm., filter	20	1.4
Do	100 mm., filter, menthol	17	1.3
Parliament	King size, filter (hard pack)	15	1.0
Do	King size, filter	15	1.0
Parliament 100's	100 mm., filter	19	1.3
Parliament	King size, charcoal filter (hard pack)	16	1.1
Do	King size, charcoal filter	16	1.1
Peter Stuyvesant	King size, filter	20	1.5
Do	100 mm., filter	19	1.5
Philip Morris	Regular size, nonfilter	23	1.5
Philip Morris Commander	King size, nonfilter	29	1.9
Picayune	Regular size, nonfilter	19	1.5
Piedmont	do	25	1.5
Players	Regular size, nonfilter (hard pack)	34	2.3
Raleigh	King size, nonfilter	25	1.7
Do	King size, filter	16	1.2
Do	100 mm., filter	18	1.3
St. Moritz	do	20	1.5
Do	100 mm., filter, menthol	19	1.4
Salem	King size, filter, menthol	19	1.3
Do	100 mm., filter, menthol	21	1.5
Sano	Regular size, nonfilter	19	0.6
Do	Regular size, filter	3	0.2
Silva Thins	100 mm., filter	15	1.1
Do	100 mm., filter, menthol	15	1.1
Spring	do	20	1.2
Tareyton	King size, filter	19	1.3
Do	100 mm., filter	20	1.4
Tempo	King size, filter	11	0.9
True	do	12	0.7
Do	King size, filter, menthol	12	0.8
Vantage	King size, filter	11	0.8
Do	King size, filter, menthol	11	1.0
Viceroy	King size, filter	17	1.2
Do	100 mm., filter	18	1.3
Virginia Slims	do	17	1.2
Do	100 mm., filter, menthol	17	1.2
Vogue (black)	King size, filter (hard pack)	29	1.2
Vogue (colors) [4]	do	20	0.9
Winston	do	20	1.3
Do	King size, filter	20	1.4
Do	100 mm., filter	20	1.3
Do	100 mm., filter, menthol	20	1.4

[1] TPM dry (tar)—milligrams total particulate matter less nicotine and water.
[2] Milligrams total alkaloids reported as nicotine.
[3] Indicates color of cigarette paper.
[4] Limited availability based on reduced sampling from Washington, D.C. only.
[5] Test market cigarette with white overwrap.

By direction of the Commission dated February 9, 1973.

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

[FR Doc.73-3415 Filed 2-22-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

CERTAIN ADVISORY PANELS

Notice of Meetings

Pursuant to the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given of meetings of the following committees including the individuals to contact for further information respecting each committee. The purpose of each of these advisory bodies is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

ADVISORY PANEL FOR DEVELOPMENTAL BIOLOGY

Date and time of meeting: 9 a.m. on March 1 and 2, 1973.

Location of meeting: Room 511; 1800 G Street NW., Washington, DC 20550.

Agenda: The agenda will be devoted to the review and evaluation of research proposals.

For further information, contact: Dr. Edward W. Hanly, Program Director, Developmental Biology Program, Division of Biological and Medical Sciences, Room 320, 1800 G Street NW., Washington, DC 20550.

ADVISORY PANEL FOR ANTHROPOLOGY

Date and time of meeting: 9 a.m. on March 1, 2, and 3, 1973.

Location of meeting: Room 338; 1800 G Street NW., Washington, DC 20550.

Agenda: The agenda will be devoted to the review and evaluation of research proposals.

For further informaton, contact: Dr. John B. Cornell, Program Director, Anthropology Program, Division of Social Sciences, Room 205, 1800 G Street NW., Washington, DC 20550.

ADVISORY PANEL FOR SOCIAL PSYCHOLOGY

Date and time of meeting: 9 a.m. on March 3 and 4, 1973.

Location of meeting: Room 321, 1800 G Street NW., Washington, DC 20550.

Agenda: The agenda will be devoted to the review and evaluation of research proposals.

For further information, contact: Dr. Roland W. Radloff, Program Director, Social Psychology Program, Division of Social Sciences, Room 205, 1800 G Street NW., Washington, DC 20550.

ADVISORY PANEL FOR HISTORY AND PHILOSOPHY OF SCIENCE

Date and time of meeting: 9 a.m. on March 3, 1973.

Location of meeting: Room 203, 1800 G Street NW., Washington, DC 20550.

Agenda: The agenda will be devoted to the review and evaluation of research proposals.

For further information, contact: Dr. Vivien Shelanski, Assistant Program Director, History and Philosophy of Science Program, Division of Social Sciences, Room 205, 1800 G Street NW., Washington, DC 20550.

These meetings will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act.

T. E. JENKINS,
Assistant Director for Administration.

FEBRUARY 15, 1973.

[FR Doc.73-3476 Filed 2-22-73;8:45 am]

POSTAL RATE COMMISSION

[Docket No. MC 73-1]

MAIL CLASSIFICATION SCHEDULE

Notice of Request for a Recommended Decision on Establishment and Providing for Petitions for Leave To Intervene

PUBLICATION OF ATTACHMENT

Correction

An attachment to FR Doc. 73-1705 (38 FR 2800; January 30, 1973) was filed as part of the original document, and later published in its entirety on February 8, 1973, at 38 FR 3630. The following changes should be made in the attachment as it appeared in the FEDERAL REGISTER of February 8, 1973:

1. On page 3630, in the second line of the introductory paragraph, "1972" should read "1973".

2. In the tabulated material on page 3633 the last two entries under Zone 8, now reading "14.55" and "14.60", should read "14.50" and "14.65", respectively.

3. In Appendix C, which appears on page 3635, the second entry in column 2, reading "4.6", should read "4.8".

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CLINTON OIL CO.

Order Suspending Trading

FEBRUARY 15, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 3⅓ cents par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 16, 1973, through February 25, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-3426 Filed 2-22-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

FEBRUARY 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corporation, and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 19, 1973, through February 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-3427 Filed 2-22-73;8:45 am]

[File No. 500-1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

FEBRUARY 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Crystalography Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 18, 1973, through February 27, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-3428 Filed 2-22-73;8:45 am]

[File No. 500-1]

DCS FINANCIAL CORP.

Order Suspending Trading

FEBRUARY 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of DCS Financial Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 17, 1973, through Feruary 26, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-3433 Filed 2-22-73;8:45 am]

[File No. 500-1]

GOODWAY INC.

Order Suspending Trading

FEBRUARY 16, 1973.

The common stock, $0.10 par value of Goodway Inc., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 17, 1973, through February 26, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-3429 Filed 2-22-73;8:45 am]

[File No. 500-1]

MANAGEMENT DYNAMICS, INC.

Order Suspending Trading

FEBRUARY 15, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Management Dynamics, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

order to be effective for the period from February 16, 1973, through February 25, 1973.

By the Commission.

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

[FR Doc.73-3430 Filed 2-22-73;8:45 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

FEBRUARY 16, 1973.

It appearing to the Securities and Exchange Commision that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 20, 1973, through March 1, 1973.

By the Commission.

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

[FR Doc.73-3431 Filed 2-22-73;8:45 am]

[File No. 500-1]

MINUTE APPROVED CREDIT PLAN, INC.

Order Suspending Trading

FEBRUARY 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Minute Approved Credit Plan, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange, be summarily suspended, this order to be effective for the period from February 18, 1973, through February 27, 1973.

By the Commission.

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

[FR Doc.73-3432 Filed 2-22-73;8:45 am]

[Release Nos. AS-140, 34-9958, IC-7635, IA-140, File No. 4-164]

MUTUAL FUND SALES CHARGES

Development of Adequate Economic Data Base

On November 3, 1972, the Commission announced hearings on mutual fund distribution and the potential impact of the repeal of section 22(d) of the Investment Company Act of 1940 (Investment Company Act Rel. No. 7475; 37 FR 24449, Nov. 17, 1972). Section H of that release discussed the desirability of developing an adequate economic data base with respect to mutual fund sales charges. Such data could facilitate the Commission in monitoring trends in the industry's costs, profitability, and general economic structure. If this data were made publicly available by the Commission on a timely basis, it could provide mutual fund directors with information which would be of value to them in the discharge of their duty in evaluating investment advisory and principal underwriting contracts. A threshold question is whether it is necessary to develop procedures for the full allocation of expenses to revenue in order for the Commission and mutual fund directors to discharge their responsibilities. In this connection, particular attention is called to the December 29, 1972, report to the Commission by the Advisory Committee on Investment Companies and Advisers. Of course, in order to embark on any such program of data collection analysis and dissemination, the Commission would have to develop adequate staff resources and review capability.

This release is intended to provide a focal point for discussion during the hearings and to articulate some of the possible approaches in this area.

A. INVESTMENT ADVISERS AND PRINCIPAL UNDERWRITERS

I. *Information presently available.* Information currently available concerning the financial environment of mutual fund management companies is both incomplete and inconsistent in terminology and format. For example, Form 10-K's (17 CFR 249.310), which contain financial schedules, are filed by publicly-held investment advisers and principal underwriters, but most investment advisers and principal underwriters are not publicly held and therefore do not file such information. Furthermore, although the information contained in the Form 10-K's permits an evaluation of profitability, it does so only for total operations, which often include nonmutual fund operations such as real estate or insurance. The terminology used within the income statements is often inconsistent from one company to another. For example, "Management fees, etc." may include fees other than investment company advisory fees. Expense items are usually consolidated under accounting titles too general to permit an outsider to relate such expenses to a specific revenue source.

Form N-1R (17 CFR 274.101) filed by most registered management investment companies, provides information on the gross revenue received by an investment adviser and principal underwriter from advisory fees and from underwriting operations. Although in certain circumstances income statements of the investment adviser or principal underwriter are required in the report, a breakdown of expenses between underwriting and advisory functions is not required.

II. *Data base desirable*—A. *Background.* The "Economic Study of the Distribution of Mutual Funds and Variable Annuities" released by the NASD in May 1972 suggested that expenses were an unreliable element in determining the reasonableness of mutual fund sales charges. These expenses are difficult to measure precisely; past expenses are not necessarily a measure of future expenses; and expenses need not be functionally related to income since expenses in one area may be incurred to obtain revenue for an unrelated function. For example, expenses may be incurred in underwriting to obtain future revenue through increased advisory fees. While this may be presently the case, it may nevertheless be feasible to develop an income and expense reporting system for the industry which could facilitate future economic analyses.

B. *Functional breakdown*—(1) *Underwriting v. advisory expenses.* Is it feasible and desirable to account separately for the profitability of distributing and advising mutual funds? Would such a separation be helpful to management or to shareholders in measuring relative profitability of the advisers or underwriter's operations? What burdens on management would the requirement for separate accounting produce?

(2) *Areas of profitability.* One approach to constructing a data base to provide a meaningful delineation of profits would be to require separate identification of income and expenses for particular functions of investment companies such as:

(a) Sales charges (gross or net) from underwriting;

(b) Sales charges from retailing;

(c) Fees for investment advisory services;

(d) Fees for administrative services;

(e) Income from brokerage generated by an investment company's portfolio transactions; and

(f) Other income.

(3) *Components.* The components of each function could be accounted for separately to show (a) revenue items (b) direct expenses and (c) indirect expenses.

(a) *Revenue.* Can gross revenue be identified for each income area of concern?

(b) *Direct expenses.* Some expenses are directly attributable to specific revenue-producing functions and can be identified with them if records adequate for the purpose are maintained. Such expenses could include:

(i) Sales charges paid to dealers;

(ii) Sales representatives' compensation;

(iii) Salaries of other sales department personnel;

(iv) Sales promotional expense;

(v) Salaries of investment research personnel—analysts, economists, statisticians, etc., and

(vi) Cost of execution facilities for brokerage.

Is accounting or recordkeeping for direct expenses maintained in such a way

as to permit an accurate breakdown of such expenses among functions? If not, would it be practical and how costly would it be to do this?

(c) *Indirect expenses.* Various expenses cannot be assigned directly to a single function. These must be allocated, at least in part, among functions to arrive at separate profit figures. Such expenses could include:

(i) Salaries (for executives engaged in more than one function);

(ii) General administration expenses;

(iii) Occupancy and equipment expenses;

(iv) Depreciation and amortization;

(v) Dues, fees and assessments paid to exchanges, associations and regulatory agencies;

(vi) Interest expense;

(vii) Income taxes and other taxes, and

(viii) Other allocable expenses.

What is the most reasonable method for allocating these expenses? Since indirect expenses must be allocated with some discretion, there are various methods that could be considered. For example, could they reasonably be allocated on the basis of total direct expenses incurred by the various revenue-producing functions? Could direct labor hours, total payroll dollars or revenue dollars received from each function serve as a basis? Could a method of allocation be devised separately by each firm on the basis of "reasonableness," and sufficient consistency within the industry still be maintained? What approaches would result in a fair statement of profits among functions and a reasonable degree of consistency throughout the industry? Should such aproaches be subject to Commission or NASD approval?

(4) *Other expense considerations.* Is it relevant to break down expenses to the individual fund level? Certain management expenses are now allocated among funds in a complex based on each fund's assets relative to the total assets of the advisory complex. However, many complexes consist of funds of varying sizes and with different investment objectives, and management effort may not be actually expended in direct proportion to asset size. Under these circumstances, should some basis other than relative assets be devised?

III. *Reporting.* Would a periodic report by principal underwriters and advisers of investment companies, stating the revenues, expenses, and profits associated with each revenue-producing function be the most effective means of disclosure? What would be the least burdensome method of such disclosure? Revision of an existing report form to provide for the submission of additional financial information could be considered. The alternatives available are:

A. *Form N–1R (17 CFR 274.101).* This report is now submitted by most management investment companies and is generally reviewed by the directors of mutual funds. Also, the Form N–1R has been designed for computer entry and would thus lend itself to statistical study. However, is a report submitted by the funds a proper vehicle for reporting profit data of the management and principal underwriting organizations?

B. *Form 10–K (17 CFR 249.310).* This report, by its nature, lends itself most easily to the type of information required. However, it is filed by only a small percentage of mutual fund management and principal underwriting organizations and would thus provide only a limited sampling.

C. *Form ADV (17 CFR 279.1).* The registration statement of investment advisers would permit the management to report in a more direct fashion than a vehicle such as Form N–1R which is submitted by the funds. However, Form ADV is filed by all registered investment advisers, not just those which advise mutual funds. Further, Form ADV is required to be filed only once and updated only when any of the information becomes inaccurate. The Advisory Committee on Investment Companies and Advisers has recommended that this form be filed on an annual basis and revised and expanded to serve as the basic adviser reporting form. If the resources necessary for the monitoring and utilization of the data were available, would the recommended replacement report be a proper reporting instrument?

D. *Form X–17A–10 (17 CFR 249.618).* This report is the basic source of financial information concerning the operations of broker-dealers and is filed annually by all broker-dealers with at least $20,000 of gross securities income. The report requires the disclosure of details of income but does not allocate expenses. It is submitted for the calendar year on a nonpublic basis. Should this form be amended to include profit data for underwriting and managing mutual funds? Or, should such information be obtained more directly since the brokerage business may be only a small part of a larger mutual fund operation and may be organized separately?

In light of the limitations of each of these reports, should a new report format be devised which would be used only by the principal underwriter and adviser to mutual funds? In order to be useful to all concerned, the data must be reported in a timely manner. This would permit monitoring earlier in the development stage of new trends. Would an annual basis be the proper interval? Would fiscal year rather than calendar year be preferable?

B. BROKER-DEALERS

Many of the considerations in the foregoing discussion relating to the profitability of managing and underwriting mutual funds apply also to broker-dealers engaged in the retail sale of mutual fund shares.

The sale of mutual fund shares generally represents a relatively small percentage of the gross revenues of broker-dealers. However its relative significance to them cannot be evaluated since reported expenses are not allocated to this and other revenue sources. For example, is the profit per dollar of revenue or per transaction greater or less than the profit on other segments such as commission business or underwriting, particularly of such competing investment products as closed-end funds and certain real estate and tax shelter investments? Could the necessary allocation methods suggested in the instructions to the New York Stock Exchange revised Income and Expense Reporting Form be adopted for this purpose.

For those broker-dealers to whom from the sale of mutual funds constitutes a high percentage of gross revenue, there should not be a problem in ascertaining costs allocable to those sales; however, these represent only a relatively small fraction of the total number of brokers. Does allocation of expenses become more difficult in larger concerns which conduct a diversified securities business in which the sale of mutual fund shares is only one of several sources of revenue? For such a firm, can certain direct expenses, such as sales executives and employees compensation and sales promotion, be related to a revenue source? Is the current practice with respect to allocation sufficient to impart an appropriate understanding of the relative significance to such firms of the retail sales of mutual fund shares?

This discussion is not intended to represent a formal proposal for a rule amendment but rather only to stimulate additional comments during the forthcoming hearings.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JANUARY 18, 1973.

[FR Doc.73-3425 Filed 2-22-73;8:45 am]

[File No. 500-1]

STAR-GLO INDUSTRIES INC.

Order Suspending Trading

FEBRUARY 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Star-Glo Industries Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 18, 1973, through February 27, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-3434 Filed 2-22-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/07-5088]

ASCENDING CITIZEN'S INVESTMENT CO.

Notice of Issuance of License To Operate as a Limited Small Business Investment Company

On October 27, 1972, a notice was published in the FEDERAL REGISTER (37 FR 23023) stating that Ascending Citizen's Investment Co., 2000 State Street, East St. Louis, IL 62205, had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA rules and regulations governing Small Business Investment Companies (13 CFR 107.701 (1972)) for a license to operate as a limited small business investment company.

Interested parties were given to the close of business November 11, 1972, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 05/07-5088 to Ascending Citizen's Investment Co., pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended.

Dated: February 14, 1973.

DAVID A. WOLLARD,
Associate Administrator for Finance and Investment.

[FR Doc.73-3469 Filed 2-22-73;8:45 am]

[Notice of Disaster Loan Area 962]

CALIFORNIA

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of California as a major disaster area following severe storms and flooding which began on or about January 12, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in Marin, Solano, San Luis Obispo, and Santa Barbara Counties and the city of South San Francisco.

Applications may be filed at the:

Small Business Administration, Regional Office, 450 Golden Gate Avenue, San Francisco, CA 94102.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than April 10, 1973.

Dated: February 15, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-3470 Filed 2-22-73;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

LABOR RESEARCH ADVISORY COUNCIL

Committee on Industrial Safety

The Committee on Industrial Safety of the BLS Labor Research Advisory Council will meet at 10 a.m., March 9, 1973, in Room 2106 of the General Accounting Office Building, 441 G Street NW., Washington, DC.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The agenda for the meeting follows:

1. Report on Recordkeeping Revision Task Force.
2. Summary of the 1971 OSHS survey.
3. Progress report on the 1972 survey.
4. Status of the State grants program.

It is suggested that persons planning to attend these meetings as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council, on (Area Code 202) 961-2247.

Signed at Washington, D.C., this 16th day of February 1973.

BEN BURDETSKY,
Deputy Commissioner of Labor Statistics.

[FR Doc.73-3468 Filed 2-22-73;8:45 am]

Occupational Safety and Health Administration

WYOMING DEVELOPMENTAL PLAN

State Occupational Safety and Health Standards and Their Enforcement; Notice of Submission of Plan 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 § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of Wyoming has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan and hereby gives notice that the question of the approval of the plan is in issue before him.

The plan designates the Occupational Health and Safety Commission as the agency to be responsible for administering the plan throughout the State. It proposes to define the occupational safety and health issues covered by it as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). All occupational safety and health standards promulgated by the U.S. Secretary of Labor will be adapted under the plan as well as certain standards deemed to be "as effective as" the Federal standard, except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (ship repairing, shipbuilding, shipbreaking and longshoring). Moreover, the plan proposes to extend 29 CFR Part 1910 to include additional vertical standards not covered by the Federal Act. The plan covers all employees within the State including those of the State and its political subdivisions.

Within the plan there is the Wyoming Occupational Health and Safety Act which became law on March 7, 1969. The Act provides the Occupational Health and Safety Commission with the general statutory authority to develop a comprehensive program for the promotion of occupational health and safety. The plan also includes proposed amendments to the Wyoming Occupational Health and Safety Act, to be considered by the Wyoming Legislature during its 1973 session, and designed to bring the Act into conformity with the requirements of Part 1902. The Act with the proposed amendments thereto will provide for the inspection of workplaces and the issuance of notices of violations; employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; a prohibition against advance notice of inspections; protection of employees against discharge or discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets; a system of sanctions against employers for violations of standards; employer right of review and employee participation in review proceedings; prompt restraint of imminent danger situations; and procedures for the granting of variances.

The Act and the proposed amendments are accompanied by a statement of the Governor's support for them and an opinion from the Attorney General that the Act will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the constitution and other laws of the State.

Included within the plan are rules of procedure designed to interpret and to implement the plan. The plan is developmental within the terms of 29 CFR Part 1902(b) and there is set forth in it a timetable for bringing it into full conformity with Part 1902. The plan also contains a description of personnel to be employed under the State's merit system as well as its proposed budget and resources.

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 Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Post Office Box 3588, Federal Building, 1961 Stout Street, Denver, CO 80202; and the Occupational Health and Safety Department, 200 East Eighth Avenue, Post Office Box 2186, Cheyenne, WY 82001. Copies of the plan may be obtained at the expense of the person(s) requesting the copies.

3. *Public participation.* Interested persons are hereby given until March 26, 1973, to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305, 400 First Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed by March 26, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 20th day of February 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-3496 Filed 2-22-73;8:45 am]

Office of the Secretary

CHRYSLER CORP., COMMERCE, CALIF., ASSEMBLY PLANT

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301 (c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of the Commerce, Calif., assembly plant of the Chrysler Corp., Detroit, Mich. (TEA-W-165). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before February 26, 1973.

Signed at Washington, D.C., this 13th day of February 1973.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.73-3465 Filed 2-22-73;8:45 am]

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 621 (36 FR 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Anthracite Shirt Co., Shamokin, Pa; 12-1-72 to 11-30-73 (ladies' blouses and men's and boys' shirts).

Charles Meyers & Co., Belleville, Ill.; 1-28-72 to 11-27-73 (men's pants).

Franglo, Inc., Hazleton, Pa.; 12-6-72 to 12-5-73 (children's polo shirts).

Franklin Ferguson Co., Inc., Florala, Ala.; 12-19-72 to 12-18-73 (men's and boys' shirts).

The Hercules Trouser Co., Hillsboro, Ohio; 12-1-72 to 11-30-73 (men's and boys' pants).

The Hercules Trouser Co., Manchester, Ohio 12-1-72 to 11-30-73 (men's and boys' pants).

Industrial Garment Manufacturing Co., Erwin, Tenn.; 12-12-72 to 12-11-73 (men's work clothing).

Lismore Manufacturing Corp., Fall River, Mass.; 12-1-72 to 11-30-73 (women's and children's woven underwear and sleepwear).

McAdoo Manufacturing Co., Inc., McAdoo, Pa.; 12-6-72 to 12-5-73 (children's polo shirts).

Monroe Industries, Inc., Tellico Plains, Tenn.; 12-15-72 to 12-14-73 (men's and boys' shirts).

Roxobel Garment Co., Roxobel, N.C.; 12-14-72 to 12-13-73; 10 learners (children's dresses).

Samaria Garment Co., Inc., Middlesex, N.C.; 11-24-72 to 11-23-73; 10 learners (infants', children's, and juniors' dresses and pantsuits).

Shane Manufacturing Co., Inc., Evansville, Ind.; 12-9-72 to 12-8-73 (men's washable service apparel).

Spring City Manufacturing Corp., Spring City, Tenn.; 11-20-72 to 11-19-73 (men's and boys' shirts).

Steele Apparel Co., Inc., Steele, Mo.; 11-29-72 to 11-28-73 (ladies' dresses).

Warner's, Barbourville, Ky.; 11-21-72 to 11-20-73 (women's lingerie).

Warsaw Manufacturing Co., Kingstree, S.C.; 11-29-72 to 11-28-73 (ladies' capris, shorts, and jamaicas).

The following plant expansion certificate was issued authorizing the number of learners indicated.

Greenway Manufacturing Co., Nemacolin, Pa.; 12-4-72 to 6-3-73; 15 learners (infants' pants).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Barad & Co., Rolla, Mo.; 12-11-72 to 6-10-73; 15 learners for plant expansion purposes (ladies' sleepwear).

Lismore Manufacturing Corp., Fall River, Mass.; 12-1-72 to 11-30-73; 5 percent of the total number of factory production workers engaged in the production of women's and children's knitted underwear and sleepwear for normal labor turnover purposes (women's and children's knitted underwear and sleepwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

C. T. P. Division, General Cigar Co., Inc., Caguas, Puerto Rico; 10-23-72 to 10-22-73; 10 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.38 an hour (tobacco).

R. B. Tobacco Corp., Caguas, Puerto Rico; 10-27-72 to 10-26-73; 10 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.38 an hour (tobacco).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employement of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before March 12, 1973, pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 15th day of February 1973.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.73-3467 Filed 2-22-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 184]

ASSIGNMENT OF HEARINGS

FEBRUARY 20, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains propective 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.

RRA No. MC 1289, Aaacon Auto Transport, Inc., now assigned February 26, 1973, at Washington, D.C., is postponed to March 26, 1973, at New York, N.Y., in a hearing room to be later designated.

AB-5 Sub 91, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Duff Junction and Washington, Daviess County, Ind., now being assigned hearing April 23, 1973 (3 days), at Washington, Ind., in a hearing room to be later designated.

MC-C-7786, Eck Miller Transportation Corporation—Investigation and Revocation of Certificates, now being assigned hearing April 26, 1973 (2 days), at Louisville, Ky., in a hearing room to be later designated.

MC-F-11677, Brush Hill Transportation Company—Purchase (Portion)—Union Street Railway Co., now assigned February 28, 1973, at Boston, Mass., is postponed indefinitely.

MC 115654 Sub 19, Tennessee Cartage Co., Inc., now being assigned hearing April 30, 1973 (1 week), at Louisville, Ky., in a hearing room to be later designated.

AB 5 Sub 92, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment Marietta Branch between Marietta and Dexter City, Washington and Noble Counties, Ohio, now being assigned April 26, 1973 (2 days), at Marietta, Ohio, in a hearing room to be later designated.

MC 124174 Sub 91, Momsen Trucking Co., now being assigned April 30, 1973 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

MC 123613 Sub 9, Claremont Motor Lines, Inc., now assigned for continued hearing March 12, 1973, at Charlotte, N.C., will be held in the Bryant Room, Public Library, 310 North Tryon Street.

MC 120616 Sub 2, A. V. Dedmon Trucking, now assigned March 13, 1973, will be held in Room 505, Federal Building, 310 New Bern Avenue, Raleigh, NC.

MC-66886 Sub 34, Belger Cartage Service, Inc., now assigned February 26, 1973, at Columbus, Ohio, is cancelled and application dismissed.

MC 668 Sub 95, Inter City Transportation Co., Inc., Donald A. Robinson, trustee, now assigned March 12, 1973, at Newark, N.J., will be held in Room 730, Tax Court, Federal Office Building, 970 Broad Street.

MC-F-11644, Maplewood Equipment Co.—Control and Merger—Inter-City Transportation Co., Inc., et al., FD 27179, Maplewood Equipment Co., continued to March 13, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117119 Sub 448, Willis Shaw Frozen Express, Inc., now being assigned continued hearing March 27, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 101474 Sub 20, Red Top Trucking Co., Inc., now being assigned continued hearing March 28, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11232, Navajo Freight Lines, Inc.—Purchase—Ulrich Freight Lines, now being assigned hearing May 7, 1973 (1 week), at Chicago, Ill., in a hearing room to be later designated.

AB-10 Sub 2, Norfolk and Western Railway Co., abandonment between Waterville and Delphos, in Lucas, Wood, Henry, and Putnam Counties, Ohio, now being assigned hearing May 3, 1973 (2 days), at Napoleon, Ohio, in a hearing room to be later designated.

AB-5 Sub 113, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment portion Northern Branch between Bryan and North Paulding, in Williams, Defiance, and Paulding Counties, Ohio, now being assigned hearing April 30, 1973 (3 days), at Bryan, Ohio, in a hearing room to be later designated.

W-1265, Bigge Drayage Co., now assigned March 12, 1973, at Washington, D.C., is postponed indefinitely.

MC 136750 Sub 1, New England Finishing & Furniture Haulers, Inc., now assigned February 28, 1973, will be held at 150 Causeway Street, 5th floor, Boston, MA.

MC-66886 Sub 32, Belger Cartage Service, Inc., application is dismissed.

AB-5 Sub 107, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment portion Culver Secondary Track between Logansport and Culver, Marshall, Fulton, and Cass Counties, Ind., now being assigned hearing April 30, 1973 (2 days), at Logansport, Ind., in a hearing room to be later designated.

MC 114211 Sub 170, Warren Transport, Inc., and MC 117557 Sub 16, Matson, Inc., now being assigned continued hearing May 3, 1973 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 51146 Sub 246, Schneider Transport & Storage, Inc., now being assigned hearing May 7, 1973 (2 days), at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-3472 Filed 2-22-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 20, 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 an 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 12, 1973.

FSA No. 42626—*Livestock Within and Between Mountain-Pacific Territory and Points in Western Trunk Line and Southwestern Territories.* Filed by Trans-Continental Freight Bureau, agent (No. 478), for interested rail carriers. Rates on livestock, in carloads, as described in the application, between points within Mountain-Pacific territory and between Mountain-Pacific territory, on the one hand, and points in western trunk-line and southwestern territories, on the other.

Grounds for relief—Rate relationship.

Tariffs—Supplement 109 to Trans-Continental Freight Bureau, agent, tariff ICC 1764, and supplement 103 to Pacific Southcoast Freight Bureau, agent, tariff ICC 1766. Rates are published to become effective on March 22, 1973.

FSA No. 42627—*Joint Water-Rail Container Rates—Phoenix Container Liners Ltd.* Filed by Phoenix Container Liners Ltd. (No. 5), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Hong Kong, Korea, and Taiwan, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and Gulf seaboard, on the other.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-3471 Filed 2-22-73;8:45 am]

[Notice 214]

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 15, 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-74043. By order entered January 24, 1973, the Motor Carrier Board approved the transfer to Baker and Noel Transfer & Storage, Inc., Danville, Ill., of the operating rights set forth in Certificate No. MC-13119, issued September 20, 1966, to Baker Transfer & Storage Co., Danville, Ill., authorizing the transportation of household goods, as defined by the Commission, between points in Vermilion County, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Missouri, Ohio, and Wisconsin; malt beverages, from Milwaukee, Wis., to Danville and Westville, Ill.; and empty malt beverage containers, from Danville and Westville, Ill., to Milwaukee, Wis. John P. Meyer, 4 West Seminary

Street, Danville, IL 61832, attorney for applicants.

No. MC-FC-74130. By order of January, 26, 1973, the Motor Carrier Board approved the transfer to Manitou Express Co., Inc., Colorado Springs, Colo., of the operating rights in Certificate No. MC-136327 issued October 10, 1072, to Richard C. Powelson, doing business as Manitou Express Co., Colorado Springs, Colo., authorizing the transportation of used household goods between points in El Paso County, Colo., subject to certain restrictions. John H. Lewis, 1650 Grant Street Building, Denver, Colo. 80203, attorney for applicants.

No. MC-FC-74135. By order of January 26, 1973, the Motor Carrier Board approved the transfer to K. F. Crocker Trans. Co., Inc., Ashby, Mass., of Certificate No. MC-109725 issued August 7, 1957, to Dairy Transport Co., Medford, Mass., authorizing the transportation of milk and cream and liquid products thereof; molasses; and molasses for feeding purposes; all in bulk, in tank vehicles, from and to points in New Hampshire, Maine, Vermont, Massachusetts, Connecticut, and Rhode Island. Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043; applicants' attorney.

No. MC-FC-74195. By order of January 26, 1973, the Motor Carrier Board approved the transfer to Aplum, Inc., Sebastopol, Calif., of the operating rights in Certificates Nos. MC-77451 and MC-77451 (Sub-No. 1) issued March 14, 1942, and May 23, 1942, to Rodney Miller, doing business as Rodney Miller's Trucking Service, Sebastopol, Calif., authorizing the transportation of deciduous fruits, dried fruits, canned goods, wine, and vinegar, from points within 35 miles of Sebastopol, Calif., including Sebastopol, to San Francisco, Oakland, Alameda, and Richmond, Calif.; fertilizer and spray materials, from San Francisco, Oakland, Alameda, and Richmond, Calif., to points within 35 miles of Sebastopol, Calif., including Sebastopol; and coal and lumber, between Sebastopol, Calif., on the one hand, and, on the other, points within 15 miles of Sebastopol. Edward J. Hegarty, 100 Bush Street, San Francisco, CA 94104, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-3473 Filed 2-22-73;8:45 am]

[Notice 15]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 16, 1973.

The following applications (except as otherwise specifically noted, each applicant (in applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application) are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before March 26, 1973. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 263 (Sub-No. 204), filed January 10, 1973. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle: (A) Over regular routes, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Monticello, Utah, and Phoenix, Ariz., serving all intermediate points: From Monticello over U.S. Highway 163 to junction U.S. Highway 160 at Kayenta, Ariz., thence over U.S. Highway 160 to junction U.S. Highway 89, thence over U.S. Highway 89 to junction Interstate Highway 17, thence over Interstate Highway 17 to Phoenix, and return over the same route; (B) over irregular routes, transporting *frozen foods, potato products* (not frozen), *canned goods, and dairy products*, from points in Idaho south of the southern boundary of Idaho County, Idaho, and points in Cache County, Utah, to points in Arizona. NOTE: Common control may be involved. Applicant states that the requested authority in (B) above can be tacked with its existing authority at Twin Falls or Malad, Idaho, on traffic moving from points in Oregon, Washington, Idaho, and Montana. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Phoenix, Ariz.

No. MC 1759 (Sub-No. 31), filed January 8, 1973. Applicant: FROEHLICH TRANSPORTATION CO., INC., 31 Victory Street, Stamford, CT 06904. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Hauppauge, N.Y., to points in Connecticut, those in New Jersey within 25 miles of Newark, including Newark and Totowa, N.J., points in Bennington and Rutland Counties, Vt., Albany, Broome, Chenango, Columbia, Cayuga, Cortland, Chemung, Fulton, Delaware, Dutchess, Greene, Herkimer, Montgomery, Madison, Monroe, Nassau, Oneida, Orange, Otsego, Onondaga, Putnam, Rockland, Rensselaer, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, and Westchester Counties, N.Y., Massachusetts, Rhode Island, and Hillsborough County, N.H., and *stale, rejected, and returned bakery products and ingredients and supplies* used in the manufacture of bakery products on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Hartford, Conn.

No. MC 3854 (Sub-No. 21), filed October 30, 1972. Applicant: BURTON LINES, INC., Post Office Box 11306, East Durham Station, Durham, NC 27703. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, (a) between Danville,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Va., on the one hand, and, on the other, points in North Carolina; and (b) between Kinston, N.C., on the one hand, and, on the other, points in South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5470 (Sub-No. 71), filed January 19, 1973. Applicant: TAJON, INC., Rural Delivery 5, Box 146, Mercer, PA 16137. Applicant's representative: Donald E. Cross, 918 16th Street NW., Suite 700, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, from points in Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, to Calvert City, Ky. NOTE: Applicant states that the requested authority duplicates in part authority held in MC 5470 (Sub-Nos. 25 and 30). Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 11207 (Sub-No. 324), filed January 8, 1973. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and molding*, from Charleston, S.C.; New Orleans, La.; Norfolk, Va.; and Wilmington, N.C., to points in Manatee County, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 19227 (Sub-No. 180), filed January 8, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20 Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forklift trucks, forklift truck components, and forklift truck parts*, from points in Polk County, Oreg., to points in Louisiana and Texas. NOTE: Common control may be involved. Applicant states that the authority can be tacked to the extent that these forklifts are commodities that require special equipment. The commodity of the authority can be tacked to MC 19227, Sub 43 in Texas and the forklifts can be transported to Florida. In Florida it can be further tacked to paragraphs 2 and 4 of the lead docket, MC 19227, and transported to Alabama, Connecticut, Delaware, Illinois, Georgia, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Also in Texas, the authority can be tacked to the authority granted in Sub 57 for transportation into Kansas, Missouri, Nebraska, New Mexico, and Oklahoma; and Sub 88 into Arkansas and Louisiana. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 19227 (Sub-No. 181), filed January 26, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20 Street, Miami, FL 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NE., Washington, DC 29935. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except oilfield equipment and boats, which because of size or weight require the use of special equipment), between points in Texas, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that its requested authority can be tacked with its existing authority between points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under MC 19227, paragraph 2. Also between points in Florida, on the one hand, and, on the other, points in Texas. Applicant has performed through transportation by tacking these subs. to affiant's personal knowledge since prior to 1951, and by observing the Florida Gateway. The purpose of this instant application is to eliminate the Florida Gateway. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 25798 (Sub-No. 235), filed January 8, 1973. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Seabrook, N.J., to Chicago, Ill., Louisville, Ky., New Orleans, La., Kansas City, Mo., to points in St. Louis County, Mo., and points in Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at points in North Carolina or South Carolina to perform service to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 26396 (Sub-No. 70), filed January 8, 1973. Applicant POPELKA TRUCKING CO., doing business as THE WAGGONERS, Post Office Box 990, Livingston, MT 59047. Applicant's representative Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, forest, and wood products*, from points in Flathead and Missoula Counties, Mont., to ports of entry on the international boundary line between the United States and Canada in Idaho, Montana, and Washington; and (2) *ammonia nitrates*, in bulk and bag, from Clinton, Iowa, Military (Cherokee County), Kans. and Hastings, Nebr., to those points on and east of Interstate Highway 15 in Montana, those points west of the Missouri River in South Dakota, those points on and west of U.S. Highway 83 in North Dakota and points in Wyoming. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. Applicant has pending a motor contract carrier application in No. MC-136777 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 29642 (Sub-No. 9), filed January 29, 1973. Applicant: FIVE TRANSPORTATION COMPANY, a corporation, 1517 Grant Street, Brunswick, GA 31520. Applicant's representative: James M. Fiveash (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Savannah and Alamo, Ga., serving all intermediate points: From Savannah over U.S. Highway 80 to Blitchton, Ga., thence over U.S. Highway 280 to Alamo, and return over the same route; (2) between Savannah and Mt. Vernon, Ga., serving all intermediate points: From Savannah over Interstate Highway 16 to its junction with Georgia Highway 56 near Soperton, thence over Georgia Highway 56 to Mt. Vernon; (3) between Lyons, Ga., and junction of Interstate Highway 16 and Georgia Highway 152, serving all intermediate points: From Lyons over Georgia Highway 152 to its junction with Interstate Highway 16 and return over the same route; (4) between Brunswick and Claxton, Ga., serving all intermediate points: From Brunswick over U.S. Highway 25 to Claxton, and return over the same route; (5) between Lucowici, Ga., and junction of U.S. Highway 17 and U.S. Highway 82 approximately 1 mile south of Midway, Ga., serving all intermediate points: From

Ludowici over U.S. Highway 82 to junction of U.S. Highway 82 and U.S. Highway 17, and return over the same route; (6) between Brunswick and Waycross, Ga., serving all intermediate points: From Brunswick over U.S. Highway 84 to Waycross, and return over the same route; (7) between Jacksonville, Fla., Jesup, Ga., serving all intermediate points: From Jacksonville over U.S. Highway 1 to Waycross, Ga., thence over U.S. Highway 82 to Jesup, and return over the same route; and (8) points in Nassau County, Fla., and in Ware, Charlton, Wayne, Brantley, Pierce, Long, Tattnall, Evans, Bulloch, Toombs, Chandler, Montgomery, Wheeler, and Treutlen Counties, Ga., serving as off-route points in connection with carriers regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

No. MC 31389 (Sub-No. 161) (Correction), filed November 29, 1972, published FEDERAL REGISTER, issue of February 8, 1973, and republished as corrected this issue. Applicant: McLEAN TRUCKING COMPANY, 617 Waughtown Street, Post Office Box No. 213, Winston-Salem, NC 27102. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, DC 20036. NOTE: The purpose of this republication is to correct an error in the name of applicant, which listed Bruce E. Yankel, trustee in bankruptcy, in error. The rest of the notice remains as previously published.

No. MC 47791 (Sub-No. 5), filed January 8, 1973. Applicant: HAMILTON TRUCKING COMPANY, INC., 106 Carpenter Street, Blossburg, PA 16912. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from Barton, N.Y., to points in Bradford and Tioga Counties, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 49466 (Sub-No. 1), filed January 8, 1973. Applicant: EMPIRE VAN LINES, INC., 187 Florida Street, Farmingdale, NY 11735. Applicant's representative: Herbert Burstein, One World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage, and used automobiles* between points in Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia, restricted to shipments moving on through bills of lading of Empire Household Shipping Company of New York, Inc. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 55896 (Sub-No. 38), filed January 15, 1973. Applicant: R W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Attachments* for snowplows, salt spreaders, bulldozers, trucks, lift trucks, graders, and tractors from the plantsite of the Oracle Corp., Alpena, Mich., to points in the States of Illinois, Indiana, Ohio, and Wisconsin, and (2) *Materials, equipment and supplies* used in the manufacture of attachments for snowplows, salt spreaders, bulldozers, trucks, lift trucks, graders, and tractors, from points in Illinois, Indiana, Ohio, and Wisconsin, to the plantsite of the Oracle Corp. at Alpena, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 56679 (Sub-No. 72), filed December 13, 1972. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), between Knoxville, Tenn., and Augusta, Ga., from Knoxville, Tenn. over Interstate Highway 40 to Cove Creek, N.C., thence over U.S. Highway 276 to Dellwood, N.C., thence over U.S. Highway 19 to junction Interstate Highway 40 near Lake Junaluska, N.C., thence over Interstate Highway 40 to Asheville, N.C., thence over Interstate Highway 26 to junction U.S. Highway 25 near Hendersonville, N.C., thence over U.S. Highway 25 to Augusta, Ga., and return over the same route, serving no intermediate points as an alternate route for operating convenience only. NOTE: Common control may be involved. Applicant is not seeking any duplicating authority and is not herein seeking authority to transport any commodities or to serve any points that it is not now presently authorized to transport or to serve and is not seeking to serve any intermediate points over the aforesaid routes. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 61403 (Sub-No. 217), filed January 8, 1973. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11W, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox, Post Office Box 969, Kingsport, TN 37662. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sodium sulfate*, in bulk, in tank or hopper vehicles, from Lowland, Tenn., to points in Georgia, Kentucky, Ohio (except Sharonville), Indiana, Virginia, North Carolina, and South Carolina, and (2) *synthetic resins, dry*, in bulk, between Lowland, Tenn., on the one hand, and, on the other, Clemson, S.C., and Enka, N.C. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Nashville, Tenn., or Cincinnati, Ohio.

No. MC 70083 (Sub-No. 28), filed January 16, 1973. Applicant: DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill, NJ 08002. Applicant's representative: Herbert Burstein, One World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between the site of the Cherry Hill Industrial Park, N.J., on the one hand, and, on the other, Camden, N.J., restricted against the transportation of traffic originating at or destined to the Cherry Hill Industrial Park, N.J. NOTE: Applicant states the requested authority will be tacked with its existing authority under MC 70083 (Sub-No. 11) at Camden, N.J. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 70083 (Sub-No. 26), filed December 18, 1972. Applicant: DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill, NJ 08022. Applicant's representative: Herbert Burstein, One World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities dealt in by retail department stores*, from the plantsite of B. Altman Co., St. Davids, Radnor Township, Pa., to retail customers in New Jersey and Delaware, restricted to exclude articles weighing 50 pounds or less and having dimensions of 108 inches in length and girth combined, unless such packages or articles are part of a shipment to the same consignee which contains packages or articles weighing more than 50 pounds and having dimensions of more than 108 inches in length and girth combined. Return transportation over the same routes transporting returned, refused or rejected shipments. Possible duplication may exist as to service to Camden, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing

authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 72243 (Sub-No. 34), filed January 8, 1973. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Road, Warren, OH 44482. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and plywood panels* from New Orleans, La., to points in Mississippi, Alabama, Georgia, Florida, Arkansas, Tennessee, Kentucky, Missouri, Illinois, Indiana, and Ohio. NOTE: Applicant states it could possibly tack the authority sought in this application with its existing authority to transport contractor's supplies wherein the plywood and plywood panels would be considered contractor's supplies at points in Missouri and Illinois and serve points in Colorado, Iowa, Kansas, Minnesota, Nebraska, South Dakota, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 72442 (Sub-No. 39), filed January 8, 1973. Applicant: AKERS MOTOR LINES, INCORPORATED, 4101 South Interstate 85, Charlotte, NC 28208. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), (1) between Lemoyne, Pa. and Williamsport, Pa.; from Lemoyne over U.S. Highway 15 to Williamsport, and return over the same route, serving all intermediate points; (2) between Shamokin Dam, Pa. and Halls, Pa.; from Shamokin Dam over U.S. Highway 11 to Northumberland, thence over Pennsylvania Highway 147 to Halls, and return over the same route, serving all intermediate points; (3) between Hughesville, Pa. and Beech Creek, Pa.; from Hughesville over U.S. Highway 220 to Beech Creek, and return over the same route, serving all intermediate points; (4) between Milton, Pa. and Hughesville, Pa.; from Milton over Pennsylvania Highway 405 to Hughesville, and return over the same route, serving all intermediate points; (5) between Danville, Pa. and junction U.S. Highway 15 and Pennsylvania Highway 54 near Montgomery, Pa.; from Danville over Pennsylvania Highway 54 to junction U.S. Highway 15 near Montgomery, and return over the same route, serving all intermediate points; (6) between Bloomsburg, Pa. and Jersey Shore, Pa.; from Bloomsburg over Pennsylvania Highway 44 to Jersey Shore, and return over the same route, serving all intermediate points; (7) between Bloomsburg, Pa. and junction Pennsylvania Highways 442 and 405 near Muncy, Pa.; from Bloomsburg, over Pennsylvania Highway 42 to Millville, thence over Pennsylvania Highway 442 to junction Pennsylvania Highway 405 near Muncy, and return over the same route, serving all intermediate points;

(8) Between Mausdale, Pa. and Milton, Pa.; from Mausdale over Pennsylvania Highway 642 to Milton, and return over the same route, serving all intermediate points; (9) between Millville, Pa. and West Milton, Pa.; from Millville over Pennsylvania Highway 254 to West Milton, and return over the same route, serving all intermediate points; (10) between South Williamsport, Pa. and junction Pennsylvania Highways 654 and 44 near Collomsville, Pa.; from South Williamsport over Pennsylvania Highway 654 to junction Pennsylvania Highway 44 near Collomsville, and return over the same route, serving all intermediate points; (11) between South Williamsport, Pa. and Elimsport, Pa.; from South Williamsport over Pennsylvania Highway 554 to Elimsport, and return over the same route, serving all intermediate points; (12) between Mooresburg, Pa. and Mill Hall, Pa.; from Mooresburg over Pennsylvania Highway 45 to Lewisburg, thence over Pennsylvania Highway 192 to Livonia, thence over Pennsylvania Highway 477 to junction Pennsylvania Highway 64 near Cedar Springs, thence over Pennsylvania Highway 64 to Mill Hall, and return over the same route, serving all intermediate points; (13) between Loganton, Pa. and junction Pennsylvania Highways 880 and 44 near Antes Fort, Pa.; from Loganton over Pennsylvania Highway 880 to junction Pennsylvania Highway 44 near Antes Fort, and return over the same route, serving all intermediate points; (14) between junction U.S. Highway 15 and Pennsylvania Highway 104 near McKees Half Falls, Pa. and Lewisburg, Pa.; from junction U.S. Highway 15 and Pennsylvania Highway 104 near McKees Half Falls over Pennsylvania Highway 104 to junction Pennsylvania Highway 45 near Mifflinburg, thence over Pennsylvania Highway 45 to Lewisburg, and return over the same route, serving all intermediate points; and (15) between junction U.S. Highways 15 and 522 near Selinsgrove, Pa. and Beaver Springs, Pa.; from junction U.S. Highways 15 and 522 near Selinsgrove over U.S. Highway 522 to Beaver Springs, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Williamsport, Pa.

No. MC 83835 (Sub-No. 99), filed January 8, 1973. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Little Rock, Ark., on the one hand, and, on the other, points in Tennessee, Kentucky, Missouri, Louisiana, Oklahoma, Kansas, Illinois, Indiana, Iowa, Nebraska, and Texas. NOTE: Applicant states that it can tack the requested authority with its existing authority contained in Subs 54 and 61, but has no present intention of so doing. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 92633 (Sub-No. 21), filed December 1, 1972. Applicant: ZIRBEL TRANSPORT, INC., 420 28th Street North, Lewiston, ID 83501. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logging, mining, and contractors' material and supplies, petroleum products*, in containers, and *agricultural commodities*, between points in Washington west of the Cascade Mountains and points in Oregon, on the one hand, and, on the other, points in Idaho. NOTE: Applicant states that by utilizing its authority under Sub 2 and tacking certain portions therein, it has authority to transport logging, mining and contractors' material and supplies, petroleum products in containers, and agricultural commodities, from points in Oregon to points in Idaho, provided that the tacking point is within 100 miles of Lewiston and provided, further, that the combination of points does not violate the restriction against movement of traffic between incorporated cities and towns. The purpose of the present application is to remove the "gateway" requirement for movement between points in western Washington and points in Oregon, on the one hand, and, on the other, points in Idaho; to remove the requirement that operations between western Washington and Oregon and Idaho must enter through a gateway within 100 miles of Lewiston. In addition the purpose of this application is to remove the restriction in applicant's authority requiring that movements may not be made between incorporated cities and towns. If a hearing is deemed necessary, applicant requests it be held at either Spokane or Seattle, Wash., Boise, Idaho, or Portland, Oreg.

No. MC 95876 (Sub-No. 133), filed January 15, 1973. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Dover, Ohio, and Pittsburgh, Pa., to points in Minnesota, Wisconsin, and Iowa. NOTE: Common control may be involved. Applicant states that joinder is possible but not contemplated with its existing authority under MC 95876 Subs 34, 38, 50, 64, and 101 for movement of specific items such as cast iron pressure pipe. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 103051 (Sub No. 267), filed January 8, 1973. Applicant: FLEET

TRANSPORT COMPANY, INC., 934 44th Avenue North, Nashville, TN 37209. Applicant's representative: Gregory A. Presnell, 17th Floor, CNA Building, Post Office Box 231, Orlando, FL 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil, animal fats and blends* thereof, in bulk, in tank vehicles, from Chattanooga, Tenn., to points in West Virginia. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked at Chattanooga, Tenn., with its authority from points in Alabama and Mississippi, to serve points in Florida, Kentucky, and Arkansas. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Orlando, Fla., or Atlanta, Ga.

No. MC 106400 (Sub-No. 94), filed December 29, 1972. Applicant: KAW TRANSPORT COMPANY, a Corporation, Post Office Box 12628, North Kansas City, MO 64116. Applicant's representative: Robert L. Hawkins, Jr., Post Office Box 456, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from St. Joseph, Mo., to Oak Creek, Wis. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the applications may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107012 (Sub-No. 171), filed January 8, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, IN 46801. Applicant's representative: Michael L. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bomb handling systems*, from Costa Mesa, Calif., to points in the United States, except Alaska and Hawaii. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Denver, Colo.

No. MC 107515 (Sub-No. 832), filed January 8, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard, shortening, vegetable oil shortening, oleomargarine, and cooking oils in packages*, in vehicles equipped with mechanical refrigeration, from Chattanooga, Tenn., to points in Virginia, Maryland, West Virginia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Delaware, and the District of Columbia. NOTE: Dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107839 (Sub-No. 149) (Amendment), filed August 3, 1972, published in the FEDERAL REGISTER issue of September 7, 1972, and republished, as amended, this issue. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, CO 80216. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from points in Colorado (except La Junta), to points in Alabama, Florida, Georgia, Idaho, Kentucky, Louisiana, Mississippi, North Carolina, Montana, Oregon, South Carolina, Tennessee, Utah, Virginia, Washington, and Wyoming, restricted against the transportation of malt beverages, (a) from Golden, Colo., to points in Idaho, and (b) from Pueblo, Colo., to points in Montana and Washington; (2) *foodstuffs* (except canned goods and sugar) and *canned goods*, when moving in mixed shipments with other foodstuffs, (a) from points in Colorado (except Delta and La Junta), to points in Arkansas, California, Iowa, Kansas, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, and Texas, (b) from points in Colorado (except Delta, Fort Morgan, La Junta, and Sterling), to points in Arizona, restricted against the transportation of malt beverages, (a) from Golden, Colo., to points in California, and (b) from Pueblo, Colo., to points in Kansas, Missouri, New Mexico, and Oklahoma; (3) *such commodities as are usually dealt in, or used by wholesale or retail grocery and food business houses* (except foodstuffs), from points in Colorado, to points in New Mexico and Texas; (4) *cheese, pizza ingredients, and materials and supplies used in the production and sale of pizza pies*, from Denver, Colo., and Superior and Chappell, Nebr., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming, restricted from the origins of Superior and Chappell, Nebr., to the transportation of traffic originating at the plantsites and storage facilities utilized by Leprino Cheese Co. at Superior and Chappell, Nebr.; and (5) *pizza ingredients, and materials and supplies used in the production and sale of pizza pies* (except dairy products), from Hutchinson and Wichita, Kans., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming.

By the instant amendment, applicant seeks to restrictively modify its previous request for authority by: (A) Excepting service to La Junta, Colo., in (1), (2) (a) and (b) above; (B) adding the restrictions in (1), (2) (a), (b), and (4) above; (C) excluding *foodstuffs* from the commodities listed in (3) above; and (D) deleting *cheese and dairy products* from the named commodities to be shipped from Hutchinson and Wichita, Kans., in the separation of the requests in (4) and (5) above. Applicant states that the requested authority can be tacked at Denver, Colo., with the authority it presently holds in MC-107839 (Sub-No. 121) from Dallas and Fort Worth, Tex., to serve those points requested herein. The applicant further states that other tacking possibilities exist but that none of these are presently intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 109689 (Sub-No. 245), filed January 8, 1973. Applicant: W. S. HATCH CO., a Corporation, 643 South 800 West, Woods Cross, UT 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum*, crushed or ground, in bulk, from Fillmore, Utah, to points in Teton, Sublette, Lincoln, Uinta, and Sweetwater Counties, Wyo.; (2) *fluorspar*, in bulk, from Tonto Basin, Ariz., to Nichols, Calif.; (3) *sulfuric acid*, in bulk, from Nichols, Calif., to White City, Oreg. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or San Francisco, Calif.

No. MC 110420 (Sub-No. 671), filed January 8, 1973. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's

representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid*, spent, liquid in bulk, in tank vehicles, from Burns Harbor (Porter County), Ind., to points in Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110689 (Sub-No. 6), filed December 11, 1972. Applicant: AIRWAY TRUCKING CO., a corporation, 1605 Chapin Road, Montebello, CA Applicant's representative: Charles R. Hart, Jr., Kurlander, Solomon & Hart, 1255 Lincoln Boulevard, Suite 300, Santa Monica, CA 90401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Commodities* (except boats) which by reason of size or weight require special handling or the use of special equipment, and commodities which do not require special handling or the use of special equipment when moving in the same bill of lading; (2) *machinery and machines*; (3) *iron and steel articles* as described in Appendix V to the Commission's report in Descriptions in Motor Carrier Certificates ex parte, MC 45, 61 MCC 209 and 766; (4) *pipe* other than iron or steel, together with *fittings*; and (5) *construction materials* (other than commodities in bulk), between points in California, Utah, Nevada, and Arizona, over irregular routes. (B) In addition, applicant seeks a Certificate of Public Convenience and Necessity for those commodities, routes and areas presently covered by its Certificate of Registration, MC 110689 (Sub-No. 4), set out below in its entirety. NOTE: While it is realized that the Commission does not generally approve of the use of tariff items in commodity descriptions, it is felt that this is the only way in which applicant's existing authority and consequently the authority sought by this portion of the application, can be accurately described. Description of the transportation service authorized to be conducted solely within the State of California, in intrastate commerce, as a common carrier by motor vehicle, pursuant to Certificate of Public Convenience and Necessity granted in Decision No. 65700, dated July 9, 1963, issued by the Public Utilities Commission of the State of California:

Part I Transportation, as a highway common carrier, of property necessary or incidental to the establishment, maintenance, or dismantling of oil, gas, or water wells, pipe lines, refineries, and cracking or casing-head plants, equipment and material used in construction, and equipment used in farming, between all points and places on and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of 50 miles of such routes: U.S. Highway 101 and U.S. Highway 101 By-Pass between Oregon-California State line and California-Mexico line; U.S. Highways 99, 99-E and 99-W between Oregon-California State line and the Mexican border; U.S. Highway 299 between Redding and Alturas, Calif.; U.S. Highway 395 between the Oregon-California State line and the California-Nevada State line, via Alturas and Johnstonville; California Highway 36 between junction U.S. Highway 99-E near Red Bluff, Calif., and junction U.S. Highway 395 at Johnstonville; California Highway 20 between Marysville, Calif., and junction U.S. Highway 40; U.S. Highway 40 between San Francisco and California-Nevada State line; U.S. Highway 50 between Sacramento, Calif., and California-Nevada State line; U.S. Highway 395 between California-Nevada State line at Topaz Lake and junction U.S. Highway 55; U.S. Highway 66 between Los Angeles and Needles, Calif.; U.S. Highway 60 between Los Angeles, Calif., and California-Arizona State line; U.S. Highways 91 and 466 between Barstow and Nevada-California State line; U.S. Highway 80 between San Diego and California-Arizona State line; California Highway 127 between Baker and Nevada-California State line. That the foregoing oil well farm authority herein granted be subject to the following restriction: Transportation performed under the authority herein granted shall be limited to commodities originating at or destined to an oil-well site, construction site or farm or originating at or destined to a storage yard. Part II also, transportation of the following commodities: (1) *Conduits, pipe, smokestacks, tubing or fittings*, other than clay, concrete or earthen, as described in Items 29220 through 30440 (see note); (2) *electrical appliances or equipment, or parts named*, as described in Items 34020 through 35430 (see note); (3) *machinery or machines, or parts* named, as described in Items 58470 through 67390 (see note); (4) *metals or alloys* not named in other more specific groups, as described in Items 68110 through 68790 (see note); (5) *office or store equipment*, as described in Items 71140 through 71380 (see note); (6) *pipe or tubing or pipe fittings*, as described in Item 77790 (see note); (7) *plumbers' goods, or bathroom or lavatory fixtures*, as described in Items 77890 through 78770 (see note); (8) *restaurant or hotel kitchen equipment*, as described in Item 83310 (see note); (9) *any general commodity* sold in a general department store and shipped to or between its branch stores, wholesale customers or mail-order customers (see condition).

NOTE: The term "Items" as used above refers to the specific items published in Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof, including Supplements 9, 11, 15, 18, 22, and 25 thereto. Condition: Applicant shall not transport property sold at retail by a retail merchant and transported from a retail store or retail store warehouse to residences of retail customers, or transported from residences of retail customers to retail stores or retail store warehouses. Applicant is authorized to transport the commodities described in subparagraphs 1 through 9 above between points and places in the Los Angeles Basin territory as described in Part III set forth below, on the one hand, and the following, on the other hand: (1) All points and places in the San Francisco territory as described in Part IV set forth below. (2) All points and places in the San Diego territory as described in Part V set forth below. (3) All points and places on and within 10 miles laterally of the following routes: (a) U.S. Highways 101 and 101 Alternate between the northern boundary of the Los Angeles Basin territory and the southern boundary of the San Francisco territory; (b) U.S. Highways 101 and 101 Alternate between the southern boundary of the Los Angeles Basin territory and the northern boundary of the San Diego territory; (c) California Highway 4 between its junction with U.S. Highway 40 near Pinole and Stockton, inclusive; (d) U.S. Highway 99 between Stockton and the northern boundary of the Los Angeles Basin territory. Restriction: Applicant shall not provide local service between points of origin and destination both of which are within the Los Angeles Basin territory, the San Francisco territory, the San Diego territory, or on and laterally of the above highways. Lateral and radial miles referred to in this appendix are statute miles of 5,280 feet each, measured in a straight line without regard to terrain features. To the extent of any duplication of operative rights set forth in this appendix, such operative rights may not be separated to permit applicant to sell or transfer one certificate authority and retain another certificate authority to perform the same service.

Part III Los Angeles Basin territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately 2 miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the city of

Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly, and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly, and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Co.; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning.

Part IV San Francisco territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co., spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

Part V San Diego territory consists of the area bounded as follows: Beginning at the junction of Torrey Pines Road and U.S. Highway 101 (4 miles north of La Jolla); thence easterly to Miramar; thence southeasterly to Lakeside, located on State Highway 67; thence southerly to Bostonia; thence southeasterly to Jamul, located on State Highway 94; thence due south to the international boundary; thence westerly along the international boundary to the Pacific Ocean; thence along the Pacific coast to a point due west of the point of beginning; thence due east to the point of beginning. NOTE: This Certificate of Registration evidences a right to engage in operations, in interstate or foreign commerce, as described, only insofar as such operations do not duplicate those authorized in Certificate No. MC 110689 (Sub-No. 1) issued by the Interstate Commerce Commission. If a hearing is deemed necessary, applicant requests it be held at either (1) Los Angeles, or (2) San Francisco, Calif., or (3) Portland, Oreg.

No. MC 110878 (Sub-No. 35), filed December 17, 1972. Applicant: ARGO TRUCKING COMPANY, INC., Lower Heard Street, Elberton, GA 30635. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NW., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite and marble*, from points in Richland and Fairfield Counties, S.C., to Elberton, Ga. NOTE: Applicant states that it intends to tack the authority sought with its present authority contained in MC 110878 and Subs 10, 13, 20, 22, and 30, so as to provide service to all points in California, Nevada, Utah, Arizona, Colorado, New Mexico, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, North Carolina, Tennessee, South Carolina, Georgia, Alabama, Florida, and Mississippi. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 113545 (Sub-No. 9), filed January 15, 1973. Applicant: CORMETT FORWARDING CO., INC., Post Office Box 3057, Weehawken Branch, Union City, NJ 07087. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs and isotopes*, from South Plainfield, N.J., to Newark Airport, Newark, N.J., New York, N.Y., and points in Nassau, Suffolk, Westchester, Rockland, Orange, Ulster, Sullivan, Putnam, and Dutchess Counties, N.Y., Fairfield County and New Haven County, Conn., and Philadelphia, Bucks, Montgomery, and Delaware Counties, Pa., Silver Springs, Md., and Wilmington, Del., under contract with MediPhysics, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 113678 (Sub-No. 478), filed January 26, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, and *non-dairy coffee creamer*, from points in New York and Pennsylvania, to points in Colorado, Kansas, Kentucky, Minnesota, Missouri, and Nebraska. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Pittsburgh, Pa., or Denver, Colo.

No. MC 113678 (Sub-No. 479), filed January 29, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: (1) *Aquariums, aquarium accessories, supplies and equipment,* and *household pet cages,* (a) from Saginaw, Mich., to points in the United States (except Alaska and Hawaii), and (b) from Benicia, Calif., to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of aquariums and household pet cages, from the destination territory in (1) (a) above to Saginaw, Mich., and Benicia, Calif., restricted in all of the above to traffic originating at or destined to the plantsites or warehouse facilities of O'Dell Manufacturing, Inc. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Denver, Colo.

No. MC 113678 (Sub-No. 480), filed January 30, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods and nonfrozen foodstuffs,* from points in Idaho, Oregon, and Washington, to points in Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked at points in Oregon, Washington, and Idaho, with its frozen foods authority in No. MC-113678 (Sub-No. 203), from points in California to serve those points requested herein. Applicant further states that other tacking possibilities exist but indicates that it has no present intention to tack these. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant presently performs a service similar to that requested herein by tacking its presently held authority and interlining at points in Colorado. This application seeks to broaden, in part, the commodity description and eliminate the tacking and interlining through which applicant is presently performing a similar service. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 113678 (Sub-No. 481), filed January 17, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, and those requiring special equipment), which are at the time moving on bills of lading of freight forwarders under Part IV of the Interstate Commerce Act, from the facilities of Acme Fast Freight, Inc., at North Bergen, N.J., Philadelphia, Pa., North Haven, Conn., and Boston, Mass., to Denver, Colo., restricted to traffic originating at the named origins and destined to the above named destination. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Denver, Colo., or Scranton, Pa.

No. MC 113678 (Sub-No. 482), filed January 17, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, and those requiring special equipment), which are at the time moving on bills of lading of freight forwarders under Part IV of the Interstate Commerce Act, from the facilities of Acme Fast Freight, Inc., located at Boston, Mass., North Haven, Conn., North Bergen, N.J., Philadelphia, Pa., Baltimore, Md., Detroit, Mich., Syracuse, N.Y., Chicago, Ill., and St. Louis, Mo., to points in Dallas, Houston, Laredo, and San Antonio, Tex., restricted to traffic originating at the named origins and destined to the above named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Denver, Colo., or Scranton, Pa.

No. MC 113678 (Sub-No. 483), filed January 22, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, and those requiring special equipment), which are at the time moving on bills of lading of freight forwarders under Part IV of the Interstate Commerce Act, from the facilities of Acme Fast Freight, Inc. at North Bergen, N.J., North Haven, Conn., Philadelphia and Reading, Pa., Boston and Worcester, Mass., Cincinnati and Cleveland, Ohio, and Syracuse, N.Y., to points in California, restricted to traffic originating at the named origins and destined to points in the named destination State. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Denver, Colo., or Scranton, Pa.

No. MC 113678 (Sub-No. 484), filed January 29, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* from Salt Lake City, Utah, to points in Colorado, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Indiana, Kentucky, Mississippi, Alabama, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Pennsylvania, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Delaware, Texas, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 113678 (Sub-No. 486), filed December 5, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Candy and confectionery,* from Covington, Tenn., to points in Kansas, Oklahoma, Texas, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California. NOTE: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New York, N.Y., or Denver, Colo.

No. MC 113828 (Sub-No. 206), filed January 3, 1973. Applicant: O'BOYLE TANK LINES, INCORPORATED, Post Office Box 30006, Washington, DC 20014. Applicant's representatives: Michael A. Grimm (same address as applicant), and William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt cake,* in bulk, from Norfolk, Va., to points in Virginia and North Carolina. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113908 (Sub-No. 254), filed January 11, 1973. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Alcoholic liquors* (rum) in bulk, in tank vehicles, from Lake Alfred, Fla., to Cincinnati,

Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., St. Louis, Mo., or Chicago, Ill.

No. MC 114045 (Sub-No. 376), filed August 28, 1972. Applicant: TRANS COLD-EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate coating, chocolate syrup, candy, and confectionery products*, in vehicles equipped with mechanical refrigeration, from points in the Boston, Mass., commercial zone, as defined by the Commission, Mansfield, Mass., and points in Rhode Island, to points in Arizona, California, Colorado, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 114211 (Sub-No. 188), filed January 8, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels); (2) *equipment* designed for use in conjunction with tractors; (3) *agricultural, industrial, and construction machinery and equipment;* (4) *such merchandise as dealt in by lawn and garden dealers* (except chemicals and commodities in bulk); (5) *trailers* designed for the transportation of the above described commodities (except those trailers designed to be drawn by passenger automobiles); (6) *attachments* for the above described commodities; (7) *internal combustion engines;* (8) *accessories, parts and supplies* used in the manufacture, repair, and assembly of (1) through (7) above, from the plants, warehouse sites and storage facilities of the Sperry Rand Corp., New Holland Division located at Belleville, Mountville, and New Holland, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 136), filed January 8, 1973. Applicant: DART TRANSIT COMPANY, a Corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes* and *frozen potato products*, from the Minneapolis-St. Paul commercial zone as defined by the Commission, to points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Mississippi, Nebraska, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 116077 (Sub-No. 336), filed December 22, 1972. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, TX 77027. Applicant's representative: Pat H. Robertson, 401 First National Bank Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chromic sulfuric solutions and etchants*, in bulk, in tank vehicles, between Garland, Tex., on the one hand, and, on the other, Eau Claire, Wis., Reistertown, Md., and Tampa, Fla.; and (2) *chemicals*, dry, in bulk, from New Orleans, La., to points in Connecticut, Ohio, and Maryland. NOTE: Applicant states that the requested authority can be tacked with MC 116077 and Subs 6, 77, 257, and 293, from points in Texas and Louisiana to the destination States involved. However applicant has no present intention to tack. Applicant further states that it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 116763 (Sub-No. 236), filed January 2, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned juices, canned fruits, canned beverages, and canned beverage preparations*, from points in Florida, to points in Texas and Oklahoma, and those points in Mississippi and Lousiana south of U.S. Highway 80. NOTE: Applicant states that the requested authority duplicates that authority it presently holds in No. MC-116763 (Sub-Nos. 30 and 76) to transport the above-named commodities from the "citrus belt" of Florida to the northeast portion of Texas, however no duplicating authority is sought. The requested authority can be tacked with the applicant's existing authority but applicant states it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 117574 (Sub-No. 224), filed October 19, 1972. Applicant: DAILY EXPRESS, IC., Post Office Box 39, Carlisle, PA 17013. Applicant's representatives: E. S. Moore, Jr. (same address as applicant) and James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Transformers, and transformer parts and accessories*, loose or in skids or in packages, which because of size or weight require the use of special equipment, and (2) *articles* in (1) above which because of size or weight do not require the use of special equipment, when moving in mixed shipments with the commodities in (1) above, between South Boston, Va., on the one hand, and, on the other, points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming). NOTE: Common control may be involved. Applicant states that the requested authority duplicates the size and weight authority presently holds in MC-117574 (Sub-Nos. 57, 87, 124, and 161), between South Boston, Va., on the one hand, and, on the other, points in New York, New Jersey, Maryland, Delaware, Indiana, Illinois, Kentucky, North Carolina, South Carolina, Maine, New Hampshire, Vermont, Georgia, Florida, Michigan, Minnesota, Wisconsin, Connecticut, Massachusetts, Ohio, West Virginia, Pennsylvania, and the District of Columbia. Applicant further states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119441 (Sub-No. 31), filed January 8, 1973. Applicant: BAKER HIWAY EXPRESS, INC., Box 484, Dover, OH 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick* from points in Tuscarawas County, Ohio (except Newcomerstown, Port Washington, Stone Creek, and Sugarcreek), to points in Maryland, Virginia, and those in that part of Pennsylvania east of U.S. Highway 15, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119789 (Sub-No. 143), filed January 12, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*,

from Salem, Oreg., to points in California, Colorado, Illinois, Kansas, Louisiana, Oklahoma, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority at points in Louisiana, in Subs. 13, 22, 25, and 27. If a hearing is deemed necessary, applicant requests it be held at Salem, Oreg., or Dallas, Tex.

No. MC 119934 (Sub-No. 191), filed January 15, 1973. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cupric chloride*, in bulk, in tank vehicles, from Vincennes, Ind., to Elyria, Ohio. NOTE: Applicant also holds contract carrier authority under MC 128161 and sub, therefore dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 123048 (Sub-No. 244), filed January 15, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements, platforms, feeders, trailers, wagons, augers, spreaders, buckets, hoists, accessories, attachments and parts*, from Lester Prairie, Minn., to points in the United States (except Alaska and Hawaii), and (2) *equipment, materials, and supplies*, used in the manufacture or distribution of the above-described commodities (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Lester Prairie, Minn. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicated that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Chicago, Ill., or Washington, D.C.

No. MC 123255 (Sub-No. 31), filed January 19, 1973. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: N. E. Milford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Sayreville, N.J., to points in Indiana, Michigan, Ohio, Pennsylvania, and West Virginia. NOTE: Applicant holds motor contract carrier authority under MC 81968 and Subs thereunder, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority can be tacked with its existing authority, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124688 (Sub-No. 11), filed September 5, 1972. Applicant: INDEPENDENT DELIVERY, INC., 1000 South Weller Street, Seattle, WA 98104. Applicant's representative: John M. Delany, 2 Nevada Drive, Lake Success, NY 11040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed and unused checks, deposit slips, withdrawal forms, loan application forms, general ledger forms, and audit and accounting media*, between Portland, Oreg.; Centralia, Enumclaw, and Seattle, Wash.; and (2) *radiopharmaceuticals, radioactive drugs, medical isotopes and medical kits*, between points in Oregon and Washington, on the one hand, and, on the other, points in Oregon and Washington, on traffic having an immediately prior or subsequent movement by air. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 125522 (Sub-No. 6), filed January 8, 1973. Applicant: SUNBURY TRANSPORT, LIMITED, Hoyt, New Brunswick, Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Fencing*, from the ports of entry on the international boundary line located at or near Houlton, Vanceboro, and Calais, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia; and (2) *lumber*, from Windsor, N.C., to port of entry on the International boundary line between the United States and Canada located at or near Houlton, Vanceboro, and Calais, Maine. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 126312 (Sub-No. 4), filed October 23, 1972. Applicant: ROMAINE O. COOK, doing business as ABLE MOBILE HOME TRANSPORTERS, 111 West River Road, Oscoda, MI 48750. Applicant's representative: Herbert A. Rosenthal, 921 Cafritz Building, 1625 I Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated canoes*, between points in the United States including Alaska (but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Bay City, Mich.

No. MC 126389 (Sub-No. 3), filed January 15, 1973. Applicant: MARY KIRKPATRICK, doing business as KIRKPATRICK TRUCKING, 11317 Route 14 North, Harvard, IL 60033. Applicant's representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and offal*, from the plantsite and facilities of Big Foot Packing Co., Inc., at Big Food, Ill., to points in Green Bay, Madison, and Milwaukee, Wis., under contract with Big Foot Packing Co., Inc. NOTE: Applicant holds authority as a motor common carrier under MC 106594, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Madison, Wis., or Milwaukee, Wis.

No. MC 128404 (Sub-No. 8), filed December 29, 1972. Applicant: BLACKWOOD CRANE & TRUCK SERVICE, INC., Post Office Box 3037, Knoxville, TN 37917. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel*, and *iron and steel products*, from points in Knox and Loudon Counties, Tenn., to points in Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, and all States East thereof, including the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn., or Atlanta, Ga.

No. MC 128652 (Sub-No. 9), filed September 21, 1972. Applicant: LARSON TRANSFER & STORAGE CO., INC., 9450 Bloomington Freeway, Minneapolis, MN 55431. Applicant's representative: W. D. Larson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal stampings*, from North Branch, Minn., to Horicon, Wis., under contract with Branch Manufacturing Co., North Branch, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128866 (Sub-No. 46), filed January 19, 1973. Applicant: B & B TRUCKING, INC., Post Office Box 128, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, 1815 H Street, NW., Washington, DC 20006. Authority sought to operate as a *contract*

carrier, by motor vehicle, over irregular routes, transporting: *Aluminum food containers*, over irregular routes, from the plantsites of Penny Plate, Inc., at Cherry Hill, N.J.; Searcy, Ark.; and Deerfield, Ill., to Patterson, Calif., and Duncanville, Tex., under continuing contract with Penny Plate, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 129328 (Sub-No. 5), filed January 10, 1973. Applicant: PAL TEX TRANSPORT CO., a corporation, Post Office Box 296, Palestine, TX 75801. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures* thereof, from the storage facilities of Glass Containers Corp., at or near Jackson, Miss., to points in Texas, Oklahoma, Arkansas, Louisiana (except New Orleans and Opelousas, and points within their commercial zones as defined by the Commission), and the plantsite of Hunt-Wesson Foods, Inc., at Memphis, Tenn., under continuing contract with Glass Containers Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 129719 (Sub-No. 4), filed January 11, 1973. Applicant: BURRELL TRUCKING, INC., One Fifth Street, New Kensington, PA 15068. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from the warehouses of Standard Terminals, Inc., located in Westmoreland, Allegheny, Washington, and Fayette Counties, Pa., to points in New Jersey and Delaware, under continuing contract with Standard Terminals, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 133917 (Sub-No. 1), filed December 11, 1972. Applicant: CARTHAGE FREIGHT LINE, INC., Post Office Box 174, Carthage, TN 37030. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Carthage, Tenn., and Louisville, Ky., from Carthage over Tennessee Highway 25 to junction Tennessee Highway 109 at Gallatin, Tenn., thence over Tennessee Highway 109 to junction Interstate Highway 65 at or near Mitchell, Tenn., thence over Interstate Highway 65 to Louisville, Ky., and return over the same route, serving no intermediate points; (2) between Hartsville, Tenn., and Cave City, Ky., from Hartsville over U.S. Highway 231 to junction U.S. Highway 31-E at or near Bransford, Tenn., thence over U.S. Highway 31-E to Glasgow, Ky., thence over Kentucky Highway 90 to junction Interstate Highway 68 at or near Cave City, Ky., and return over the same route, serving no intermediate points, and serving Hartsville, Tenn., and Cave City, Ky., for purpose of joinder only; and (3) between the junction of Tennessee Highways 25 and 10, near Hartsville, Tenn., and Scottsville, Ky., from the junction of Tennessee Highways 25 and 10, near Hartsville, Tenn., over Tennessee Highway 10 to the Tennessee-Kentucky State line, thence from the Kentucky-Tennessee State line over Kentucky Highway 99 to its junction with Kentucky Highway 100 at or near Holland, Ky., thence over Kentucky Highway 100 to junction U.S. Highway 31-E at Scottsville, Ky., and return over the same route, serving no intermediate points, and serving the junction of Tennessee Highways 25 and 10 and Scottsville, Ky., for purpose of joinder only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 133928 (Sub-No. 6), filed January 8, 1973. Applicant: ANTHONY H. OSTERKAMP, JR., doing business as OSTERKAMP TRUCKING, 128 East Katella Street, Suite 22, Orange, CA 92667. Applicant's representative: Gerold von Pahlen Fedoroff, 9401 Wilshire Boulevard, 10th Floor, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, and/or dealt in and utilized by manufacturers of wire and wire products, and *building and construction paper and supplies*, between points in Arizona, California, Colorado, Nevada, New Mexico, Texas, and Utah, under a continuing contract with Davis Wire Corp. at Los Angeles, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134905 (Sub-No. 1), filed December 12, 1972. Applicant: P. INGERSOLL, INC., 605 North American Street, Philadelphia, PA 19123. Applicant's representative: Herbert Somerson, 2032 Land Title Building, Philadelphia, Pa. 19110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire smoked and water damaged merchandise, surplus, salvage, and closeout merchandise*, between Philadephia, Pa., and points in New York, Connecticut, New Jersey, Delaware, Maryland, Virginia, Ohio, and the District of Columbia. NOTE: Above request for authority duplicates, in part, authority held by applicant in MC 134905. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 135124 (Sub-No. 3), filed January 8, 1973. Applicant: DRESSING TRANSPORT, INC., Lake Street, Wilson, N.Y. 14172. Applicant's representative: Kenneth T. Johnson, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from Port Allegany, Pa., to Springfield, Mo., under contract with Pierce Glass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135903 (Sub-No. 7), filed January 8, 1973. Applicant: MID NEBRASKA TRUCKING, INC., Cornlea, Nebr. 68630. Applicant's representative: Patrick E. Quinn, Post Office Box 82082 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain storage systems*, from Columbus, Nebr., to points in Iowa, Illinois, Minnesota, Indiana, Michigan, Wisconsin, and Ohio; and *materials and supplies* utilized in the maufacturing or distribution of grain storage systems on return, under contract with Irrigation Pump Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 136250 (Sub-No. 2), filed December 27, 1972. Applicant: ROBERT A. LIDDYCOAT, 142 Elgin Street, Thorol, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 1708 Statler Hilton, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spun concrete poles and pole arms*, from ports of entry on the international boundary lines between the United States-Canada on the Niagara, Detroit, and St. Clair Rivers, to points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, New York, Ohio, Pennsylvania, and Wisconsin; and (2) *returned shipments* of the above-named commodities from the destinations States named in (1) to ports of entry on the international boundary lines between the United States-Canada on the Niagara, Detroit, and St. Clair Rivers, under contract with Barratt Spun Concrete Poles, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 136384 (Sub-No. 2), filed January 8, 1973. Applicant: PALMER MOTOR EXPRESS, INC., Post Office Box 103, Savannah, GA 31402. Applicant's representative: Guy H. Postell, 3384 Peachtree Road, Suite 713, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, those requiring special equipment because of size or weight, classes A and B explosives, and household goods as defined by the Commission), (1) between Savannah, Ga., and Hampton, S.C.; from Savannah, Ga., over U.S. Highways 17 and 17A to junction U.S. Highways 601 and 321 to junction U.S. Highway 601 near Robertville, S.C., thence over U.S. Highway 601 to Hampton, S.C., and return over the same route, serving all intermediate points; (2) between Savannah, Ga., and Hampton, S.C.; from Savannah over U.S. Highways 17 and 17A

to junction U.S. Highways 601 and 321 at or near Hardeeville, S.C., thence over U.S. Highways 601 and 321 to junction of said highways at or near Tarboro, Highways 601 and 321 to junction of said highways at or near Tarboro, S.C., thence over U.S. Highway 321 to Farnett, S.C., thence over U.S. Highway 321 to junction South Carolina Highway 363 at or near Luray, S.C., thence over South Carolina Highway 363 to junction U.S. Highway 278 near Hampton, S.C., thence over U.S. Highway 278 to Hampton, S.C., and return over the same route, serving all intermediate points; (3) between Savannah, Ga., and Canadys, S.C.; from Savannah, Ga., over U.S. Highways 17 and 17A to junction Interstate Highway 95, U.S. Highways 601 and 301 at or near Hardeeville, S.C., thence over Interstate Highway 95 and U.S. Highway 17 to Pocotaligo, S.C., thence over U.S. Highways 17, 17A, and South Carolina Highway 64 to Walterboro, S.C., thence over U.S. Highway 15 to Canadys, S.C., and return over the same route, serving all intermediate points;

(4) between Savannah, Ga., and Canadys, S.C.; from Savannah over U.S. Highways 17 and 17A to junction South Carolina Highway 170, thence over South Carolina Highway 170 to junction U.S. Highway 278, thence over U.S. Highway 278 to junction South Carolina Highway 462, thence over South Carolina Highway 462 to junction Interstate Highway 95, and U.S. Highway 17 at or near Coosawatchie, S.C., thence over Interstate Highway 95 and U.S. Highway 17A to Walterboro, S.C., thence over U.S. Highway 15 to Canadys, S.C., and return over the same route, serving all intermediate points; (5) between Hampton, S.C., and Cottageville, S.C.; from Hampton over South Carolina Highway 363 to junction South Carolina Highway 63, thence over South Carolina Highway 63 to junction U.S. Highway 17A at or near Walterboro, S.C., thence over U.S. Highway 17A to Cottageville, S.C., and return over the same route, serving all intermediate points; (6) between Savannah, Ga., and Hilton Head Island, S.C.; from Savannah, Ga., over U.S. Highways 17 and 17A to junction South Carolina Highway 170, thence over South Carolina Highway 170 to junction South Carolina Highway 46 at or near Pritchardville, S.C., thence over South Carolina Highway 46 to junction U.S. Highway 278, thence over U.S. Highway 278 to Forest Beach, S.C., on Hilton Head Island, S.C., and return over the same route, serving all intermediate points; (7) between Savannah, Ga., and Walterboro, S.C.; from Savannah over U.S. Highways 17 and 17A to junction South Carolina Highway 170, thence over South Carolina Highway 170 to junction U.S. Highway 278, thence over South Carolina Highway 170 and U.S. Highway 278 to junction South Carolina 170 (north of Jasper, S.C.), thence over South Carolina Highway 170 to junction U.S. Highway 21 at or near Beaufort, S.C., thence over U.S. Highway 21 to Gardens Corner, S.C., thence over U.S. Highway 17 to Jacksonboro, S.C., and return over the same route, serving all intermediate points; (8) between Hampton, S.C., and Beaufort, S.C.; from Hampton, S.C., over U.S. Highway 278 to junction South Carolina Highway 68, at or near Almeda, S.C., thence over South Carolina Highway 68 to junction U.S. Highways 17A and 21 at or near Yemassee, S.C., thence over U.S. Highways 17A and 21 to Gardens Corner, S.C., thence over U.S. Highway 21 to Beaufort, S.C., and return over the same route, serving all intermediate points; and (9) with authority to serve all points other than those described in (1) through (8) above in Beaufort, Hampton, Jasper, and Colleton Counties, S.C., as off-route points in connection with the above described regular routes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Savannah or Atlanta, Ga.

No. MC 136420 (Sub-No. 1), filed January 4, 1973. Applicant: OKLAHOMA BORDER EXPRESS, INC., 903 South Y Street, Fort Smith, AR 72901. Applicant's representative: Tom Harper, Jr., Post Office Box 43, Kelley Building, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Oklahoma City, Okla., and Portales, N. Mex., serving the intermediate points of Amarillo, Canyon, and Hereford, Tex., and Clovis, N. Mex.; from Oklahoma City, Okla., over U.S. Highway 66 to Amarillo thence over U.S. Highway 60 (and/or Interstate Highway 27 and U.S. Highway 80 to the intersection with U.S. Highway 60) to Clovis, N. Mex., thence over U.S. Highway 70 to Portales, N. Mex., and return over the same route; and (2) between Oklahoma City, Okla., and Clovis, N. Mex., serving the intermediate points of Amarillo, Canyon, Plainview, Lubbock, Littlefield, and Muleshoe, Tex.; from Oklahoma City, Okla., over U.S. Highway 66 to Amarillo thence over U.S. Highway 87 to Lubbock thence over U.S. Highway 84 to Clovis, N. Mex., and return over the same route. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark., Oklahoma City, Okla., or Amarillo, Tex.

No. MC 138326, filed December 29, 1972. Applicant: C. W. HAULAGE CORP., 2644 East Tioga Street, Philadephia, PA 19134. Applicant's representative: John Lawrence (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, Ex Parte MC–45, 61 MCC 209, from the facilities of Consolidated Warehouse Co., Inc., at Philadelphia, Pa., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia, under a continuing contract with Consolidated Warehouse Co., Inc., of Philadelphia, Pa. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C, or Philadelphia, Pa.

MOTOR CARRIERS OF PASSENGERS

No. MC 112559 (Sub-No. 4), filed December 1, 1972. Applicant: EASTON BUS SERVICE, INC., Route 2, Easton, Kans. 66020. Applicant's representative: Edward J. Chapman, Jr., 402 Shawnee Street, Leavenworth, KS 66048. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, in special and charter operations; between Leavenworth, Kans., and Kansas City, Mo.; from Leavenworth over Missouri Highway 92 to junction Interstate Highway I–29, thence over Interstate Highway I–29 to Kansas City, and return over the same route, serving the intermediate points of Platte City, Mo., and Kansas City International Airport. NOTE: If a hearing is deemed necessary, applicant requests it be held at either Topeka, Kans., Kansas City, Kans., or Kansas City, Mo.

No. MC 138348, filed January 12, 1973. Applicant: ATLAS TRAVEL TOURS LTD., Yukon Electrical Building, Box 4206, Whitehorse, YT, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, (1) in charter operations, round trip and one way, between ports of entry along the United States-Canada boundary line in Yukon Territory, Canada, and points in Alaska and return; (2) in special operations, one-way and round-trip sightseeing and pleasure tours, between ports of entry on the United States-Canada boundary line along the Yukon Territory, Canada, and Fairbanks, Skagway, Haines, Valdez, and Anchorage, Alaska. Restriction: The transportation authorized herein is in foreign commerce only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Anchorage, Alaska.

No. FF–328 (Sub-No. 1) (Davidson Forwarding Company Extension—Domestic Service) filed February 9, 1973. Applicant: DAVIDSON FORWARDING COMPANY, a Corporation, 698 Fairmont Avenue, Towson, MD 21204. Applicant's representative: H. E. Young (same address as applicant) and Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought under section 410, Part IV, of the Interstate Commerce Act, for a permit authorizing applicant to extend operation as a freight forwarder, in interstate or foreign commerce, in the forwarding of: *Used household goods and unaccompanied baggage*, between points in the United States (including Hawaii, but excluding Alaska).

APPLICATION FOR FILING FREIGHT FORWARDERS

No. FF-434 (Transconex, Inc. Freight Forwarder Application), filed February 8, 1973. Applicant: TRANSCONEX, INC., 990 Southeast 11th Street, Hialeah, FL 33010. Applicant's representative: Manuel Sola, Jr. (same address as applicant). Authority sought under section 410, Part IV, of the Interstate Commerce Act, for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through the use of the facilities of common carriers, by railroad, express, water, air, or motor vehicle in the transportation of: *General commodities* (except those of unusual value, class A and B explosives, household goods, automobiles, trucks, buses, commodities in bulk and commodities requiring special equipment) to be transported in containers or trailer vans having subsequent or prior movement by water, (1) to or from points in foreign countries, points in the U.S. territories or possessions, including the Commonwealth of Puerto Rico; (2) between points in Florida; Queens, Kings, New York, Bronx, Richmond, Nassau, Suffolk, Rockland, and Westchester Counties, N.Y.; Hudson, Passaic, Essex, Union, and Bergen Counties, N.J.; Chicago, Ill.; St. Louis, Mo.; Atlanta, Ga.; and points in foreign countries; U.S. territories and possessions; and the Commonwealth of Puerto Rico, for export or import via the ports of Florida; (3) between points in Queens, Kings, New York, Bronx, Richmond, Nassau, Suffolk, Rockland, and Westchester Counties, N.Y.; Hudson, Bergen, Essex, Passaic, and Union Counties, N.J., and points in foreign countries; U.S. territories and possessions; and the Commonwealth of Puerto Rico for export or import via the ports under the control of the Port Authority of New York and New Jersey.

No. FF-435 (National Forwarding Company, Inc. Freight Forwarder Application), filed February 9, 1973. Applicant: NATIONAL FORWARDING COMPANY, INC., National Plaza, Broadview, Ill. 60153. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006, and Mr. J. E. Branigan (same address as applicant). Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit authorizing operation as a freight forwarder, in interstate or foreign commerce, in the forwarding of: (a) *Used household goods*, (b) *unaccompanied baggage*, and (c) *used automobiles*, between points in the United States (including Hawaii but excluding Alaska), restricted in (c) to the transportation of export and import traffic.

APPLICATION FOR FILING BROKERAGE LICENSES

No. MC 130191, filed January 22, 1973. Applicant: AMERICAN PLAINS INDIAN TOURS, a corporation, Post Office Box 20383, 1425 Granite Avenue, Billings, MT 59102. For a license (BMC-5) to engage in operations as a *broker* at Billings, Mont., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in group tours, with an escort or guide if more than 25 persons, in special and charter operations, beginning and ending at Great Falls and Billings, Mont., and extending to points in Montana and Wyoming.

No. MC 130192, filed January 29, 1973. Applicant: ALKEN TRAVEL BUREAU, INC., 1661 Nostrand Avenue, Brooklyn, NY 11226. For a license (BMC 5) to engage in operations as a *broker* at Brooklyn, N.Y., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in groups and individuals traveling as groups, in special and charter operations, beginning and ending at New York, N.Y. (and its commercial zone as defined by the Commission), and extending to points in the United States (excluding Alaska and Hawaii).

No. MC 130193, filed January 31, 1973. Applicant: TRANS-AMERICA RECEPTION AND TOUR SERVICE, INC., 274 Madison Avenue, New York, NY 10016. Applicant's representative: David A. Sutherland, 2001 Massachusetts Avenue NW., Washington, DC 20036. For a license (BMC-5) to engage in operations as a *broker* at New York, N.Y., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in all expense tours for individuals and groups, in special and charter operations, between ports of entry in the United States (including Alaska and Hawaii), on the one hand, and, on the other, points in the United States (including Alaska and Hawaii), restricted to service provided for travel agents in foreign countries.

No. MC 130194, filed January 22, 1973. Applicant: CANTERBURY TRAILS, INC., 10 Bedford Court, Spring Valley, NY 10977. Applicant's representative: Irving Damast, 1 Elener Lane, Spring Valley, NY 10977. For a license (BMC-5) to engage in operations as a *broker* at Spring Valley, N.Y., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, as individuals or groups of teenagers enrolled in the Canterbury Trails, Inc. summer program, with counselors or supervisors, in special and charter operations, beginning at Rockland County, N.Y., extending to points in Georgia, North Carolina, South Carolina, Delaware, Rhode Island, and Vermont, and ending at points in Connecticut, Florida, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

No. MC 130195, filed January 22, 1973. Applicant: HOOSIER MOTOR CLUB, doing business as WORLD WIDE TRAVEL SERVICE, a corporation, 40 West 40th Street, Indianapolis, IN 46208. Applicant's representative: George B. Gavit, 10th Floor, 111 Monument Circle, Indianapolis, IN 46204. For a license (BMC-5) to engage in operations as a *broker* at Indianapolis, Ind., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in round trip tour groups, in special and charter operations, beginning and ending at points in Indiana, and extending to points in the United States (including Alaska and Hawaii).

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 2866 (Sub-No. 19), filed December 22, 1972. Applicant: EDWARDS MOTOR TRANSIT COMPANY, a corporation, 56 East Third Street, Williamsport, PA 17701. Applicant's representative: Robert H. Griswold, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers*, in the same vehicle with passengers, (A) between junction Tonnelle Avenue and New Jersey Turnpike approaches at or near North Bergen, N.J., and junction Interstate Highway 78 and U.S. Highway 22 at or near Still Valley, N.J., from junction Tonnelle Avenue and New Jersey Turnpike approaches over New Jersey Turnpike approaches to Toll Gate No. 16, thence over New Jersey Turnpike to Toll Gate No. 14, thence over Port Street and approaches to junction Interstate Highway 78, thence over Interstate Highway 78 to junction U.S. Highway 22 at or near Still Valley, N.J., and return over the same route; (B) between Newark, N.J., and junction Interstate Highway 78 and U.S. Highway 22 at or near Still Valley, N.J., from Newark, N.J., over Port Street to New Jersey Turnpike Toll Gate No. 14, thence over New Jersey Turnpike to junction Interstate Highway 287, thence over Interstate Highway 287 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction U.S. Highway 22 at or near Still Valley, N.J., and return over the same route. Access routes and connections with authorized service routes; (1) junction U.S. Highways 1 and 9, the Pulaski Skyway, and Toll Gate No. 15 of the New Jersey Turnpike; (2) from Newark, N.J., over Port Street to New Jersey Turnpike Toll Gate No. 14; (3) from Somerville, N.J., over New Jersey Highway 28 to junction Interstate Highway 287; (4) from Somerville, N.J., over U.S. Highway 202 to junction Interstate Highway 287; (5) junction Interstate Highway 78 and U.S. Highway 22 east of Clinton, N.J.; (6) junction Interstate Highway 78 and U.S. Highway 22 west of Clinton, N.J. NOTE: Applicant seeks authority under § 1042.1 of Part 1042—Superhighway and Deviation Rules, by this instant application.

APPLICATION FOR FILING POSTAL CERTIFICATE

Interstate Commerce Commission, No. MC-137022 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed January 31, 1973. Applicant: DANIELS TRANSPORTATION CO., INC., 91 Mechanic Street, Lebanon, NH 03766. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, MA 01960. By application filed January

31, 1973, applicant seeks a Postal Certificate of Public Convenience and Necessity to transport *mail* in the following territory: Between White River Junction, Vt., and Boston, Mass., from White River Junction, Vt., over U.S. Highway 4 to junction of U.S. Highway 3 at or near Boscawen, N.H., thence over U.S. Highway 3 to Boston, Mass., and return over the same route, serving all intermediate points. Appended to the application is a copy of a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 05016 relating to service between White River Junction, Vt., and Boston, Mass. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application on or before March 26, 1973. A copy of each such pleading should be served upon applicant's representative.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-3380 Filed 2-22-73;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

PUBLIC PARTICIPATION IN WATER POLLUTION CONTROL PROGRAMS

Proposed Rule Making

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 105]

PUBLIC PARTICIPATION IN WATER POLLUTION CONTROL PROGRAMS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Environmental Protection Agency. The proposed regulations specify minimum guidelines for public participation in certain processes under the Federal Water Pollution Control Act, as amended (Public Law 92-500; 86 Stat. 816; 33 U.S.C. 1251).

Section 101(e) of the Act requires the Administrator of the Environmental Protection Agency, in cooperation with the States, to develop and publish such regulations; and to provide for, encourage, and assist public participation in the development, revision, and enforcement of any regulation, standard, effluent limitation, plan, or program established by the Administrator or any State under the Act.

The proposed regulations set forth policy and objectives in regard to public participation, describe the provisions required in a minimum public participation program at State and Federal levels of governmental activity for water pollution control, call for a report on public participation efforts in relation to certain actions, and give minimum procedural guidelines for public hearings. Other regulations in Chapter 40 give more explicit requirements for public hearings and other procedures related to particular programs under the Act.

The proposed public participation regulations have been developed with informal participation of and suggestions from numerous persons, including representatives of several citizen and conservation groups, trade organizations, governments, and other interests. The States have had an opportunity to comment on the proposed regulations in draft form. Further participation and views are sought at this time in order to develop meaningful guidelines for fully effective public involvement in efforts to attain the objectives of the Act.

Prior to the adoption of the proposed regulations, consideration will be given to comments, suggestions, or objections which may be submitted in writing to the Director, Office of Public Affairs, U.S. Environmental Protection Agency, Washington, D.C. 20460, on or before April 24, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

FEBRUARY 16, 1973.

PART 105—PUBLIC PARTICIPATION IN WATER POLLUTION CONTROL

Sec.

105.1 Scope.
105.2 Policy and objectives.
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105.4 Guidelines for agency programs.
105.5 Guidelines for reporting.
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105.7 Guidelines for public hearings.
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§ 105.1 Scope.

This part sets forth minimum guidelines for public participation in the processes of development, revision and enforcement of any regulation, standard, effluent limitation, plan or program under the Federal Water Pollution Control Act, as amended (Public Law 92-500; 86 Stat. 816; 33 U.S.C. 1251), in accordance with section 101(e) of the Act. This part is applicable to all Environmental Protection Agency (EPA) components concerned with the Federal Water Pollution Control Act, including EPA Headquarters program units and EPA Regional Offices, and to States and interstate agencies. These guidelines contain general requirements applicable to regulations, standards, effluent limitations, plans and programs. More specific requirements applicable in specific areas are contained in existing regulations on public information (Part 2 of this chapter) and in other regulations that have been or will be issued pertaining to various specific programs under the Act, as well as State and local laws pertinent to the subject.

§ 105.2 Policy and objectives.

The opportunity for participation of the public is to be provided to the fullest extent practicable, consistent with other requirements of the Act, in Federal and State government water pollution control activities. The major objectives of such participation include greater responsiveness of governmental actions to public concerns and priorities, and improved popular understanding of official programs and actions. Although the primary responsibility for water quality decision-making is vested by law in public agencies at the various levels of government, active public involvement in and scrutiny of the intergovernmental decision-making process is essential to accomplish these objectives. Conferring with the public after an agency decision has been made will not meet the requirements of this part. The intent of these regulations is to foster a spirit of openness and a sense of mutual trust between the public and the State and Federal agencies in efforts to restore and maintain the integrity of the Nation's waters.

§ 105.3 Required program and reports.

Each agency cited in § 105.1 carrying out activities under the Act shall provide for and conduct a continuing program for public participation comprising substantially the elements listed in § 105.4. Staff responsibility and budgetary provisions shall be identified for such program in the annual State program submission under section 106 of the Act. Public participation activities shall be reported on annually and in relation to certain documents and actions as called for in § 105.5.

§ 105.4 Guidelines for Agency programs.

The continuing agency program for public participation shall contain mechanisms or activity for each of the elements listed in this section. The exact mechanism and extent of activity may vary in relation to resources available, public response, and the nature of issues involved.

(a) *Informational materials.* Each agency shall provide continuing policy, program, and technical information in forms and at times and places useful to interested or affected persons and organizations so that they can make informed and constructive contributions to governmental decisionmaking. News releases, newsletters, and other publications may be used for this purpose. Special efforts shall be made to summarize complex technical materials for public and media use.

(b) *Assistance to public.* Each agency shall have an arrangement for providing, insofar as possible, technical and informational assistance to public groups for citizen education, community workshops, training, and dissemination of relavant information to communities.

(c) *Consultation.* Each agency shall have standing arrangements for early consultation and exchange of views with interested or affected persons and organizations on development or revision of plans, programs, or other significant actions. Advisory groups, ad hoc committees, or workshop meetings may serve this purpose.

(d) *Notification.* Each agency, for its appropriate geographic area, shall develop and maintain a current list of interested persons and organizations, including any who ask to be on such list, for the periodic distribution of materials in paragraph (a) of this section. Legislators and other public officials shall be included. Each agency shall additionally comply, in connection with any public hearing or other proposed action, with any formal or specific requirements for public notice called for in the Act or in other regulations, to be supplemented wherever possible with informal notice to all interested persons or organizations having requested in advance such notice.

(e) *Access to information.* Each agency shall provide, either directly or through others, in an appropriate location, a central public collection or depository of water quality reports and data pertinent to the geographic area of the agency. Materials available for public reference shall include grant and permit applications, permits, effluent discharge information, compliance schedule reports and materials specified in section 308(b) of the Act. Copying facilities at reasonable cost shall be available.

(f) *Enforcement.* Each agency shall develop internal procedures for receiving and insuring proper consideration of information and evidence submitted by citizens. Public effort in reporting violations shall not be discouraged.

(g) *Legal proceedings.* Each agency shall provide full and open information on legal proceedings under the Act, to the extent not inconsistent with court requirements, and where such disclosure would not prejudice the conduct of the litigation.

(h) *Rule making.* In addition to providing an opportunity for public hearings on proposed regulations, where appropriate or required under applicable statutes and regulations, agencies shall

ordinarily invite, receive, and consider comments in writing from any interested or affected persons and organizations. All such comments shall be part of the public record, and a single copy of each comment shall be routinely available for public inspection. Notices of proposed rule making, as well as final rules and regulations, shall be distributed to interested or affected persons and organizations as quickly as possible after publication.

(i) *Other measures.* The listing of specific measures in this section shall not preclude additional techniques for obtaining, encouraging, or assisting public participation.

§ 105.5 Guidelines for reporting.

The annual report of each EPA unit or office, and the annual State program submission under section 106 of the Act as required under Part 35 of this chapter, shall include a general description of public participation provisions and activities. In addition, and in order that the public and reviewing or approving officials may be fully aware of the actual extent of public input and involvement, a "Summary of Public Participation" related to particular actions or documents shall be presented as follows.

(a) In the case of regulations, standards and, effluent limitations required to be published by the Administrator in the FEDERAL REGISTER or required to be published by a State agency in an official form, the Summary of Public Participation shall be published as part of the introductory material.

(b) In the case of statewide or areawide plans or portions thereof (including the continuing planning process under section 303(e) of the Act and plans developed under such process), or comparable matters required to be approved by the Administrator, the Summary of Public Participation shall be submitted as a part of the plan or of the public transmittal document.

(c) In the case of applications for grants for construction projects other than those under section 206 of the Act, or for planning or annual program grants (including grants under sections 102(c), 106, and 208 of the Act), the Summary of Public Participation shall be a part of the application.

(d) Each Summary of Public Participation shall describe the measures taken by the agency to provide for, encourage, and assist public participation in relation to the matter; the public response to such measures; and the disposition of significant points raised.

§ 105.6 Guidelines for evaluation.

The Administrator or other approving official shall review and evaluate each Summary of Public Participation in relation to the matter submitted. He may call for additional information, or for the records of meetings or hearings. If he finds that there has been inadequate public participation on the matter, he shall take measures, or require the sponsoring agency to take measures, to obtain additional public participation, prior to final action. In evaluation of the Summary of Public Participation, factors such as, but not limited to, the following shall be considered:

(a) Is the extent of public participation realized in reasonable scale with the significance of the matter?

(b) Has a suitable effort been made to seek out and involve the interested public both at the preliminary stage and during development of the matter?

(c) Have the measures taken been such as to facilitate rather than inhibit public understanding of and contribution to resolving the matter?

(d) Has adequate information been provided and has enough time been allowed for public understanding and response?

(e) Are there unusual time, cost, or technical constraints affecting public participation?

(f) Are there unresolved conflicts between the public and the agency remaining or anticipated?

(g) Have all foreseeable affected interests been given the opportunity for public participation?

§ 105.7 Guidelines for public hearings.

Any public hearing, whether mandatory or discretionary, to be held under the Act shall be in conformity with this section. If conflict exists between the minimum guidelines of this section and requirements of State or Federal law or other regulations pertaining to a particular hearing, the more stringent requirements shall be observed.

(a) *Purpose.* Generally, a public hearing gives persons and organizations a formal opportunity to be recorded on a matter prior to decisionmaking. Although public hearing testimony may focus on the prospective action to be taken, in the form of a tentative plan or decision, the final action shall benefit from and reflect consideration of the public hearing content.

(b) *Public meetings.* Formal public hearings are often not the best means of public participation. Agencies are encouraged to hold public meetings or workshops, jointly where feasible, on significant matters or proposed actions. Such meetings shall not supplant public hearings when such are required, and shall be informational in nature with opportunity for public response.

(c) *Discretionary hearings.* Where the opportunity for public hearing is called for in the Act, and in other appropriate instances, a public hearing shall ordinarily be held if requested by interested or affected parties or if the hearing official finds sufficient public interest or pertinent information to be gained.

(d) *Hearing notices.* In addition to any other formal legal requirements, a notice of each hearing or public meeting shall be well publicized and be mailed to interested or affected persons and organizations as soon as the hearing is scheduled by the agency and at least 30 days before the hearing or meeting is to take place.

(e) *Location and time.* In determining the locations and times for hearings, consideration shall be given to easing travel hardship and to facilitating attendance and testimony by a cross-section of interested or affected persons and organizations. Accessibility of hearing sites by public transportation shall be considered.

(f) *Documents.* Reports, documents and data to be discussed at the public hearing shall be available to the public at the hearing location, for a reasonable time prior to the hearing. For complex matters, a fact sheet outlining major issues, tentative staff determinations if appropriate, bibliography, and procedures for obtaining further information, for requesting a public hearing, and for other appropriate actions shall be prepared and its availability made known in the notice called for in paragraph (d) of this section.

(g) *Agenda.* The elements of the public hearing, proposed time schedule, and any constraints on statements shall be specified in the notice of the hearing.

(h) *Scheduling.* Witnesses shall be scheduled in advance in order to ensure maximum participation and allotment of adequate time for testimony, provided that such scheduling is not used as a bar to unscheduled testimony. Blocks of time shall be scheduled for major categories of witnesses. Evening and weekend schedules shall be considered.

(i) *Statements.* Public hearing procedures shall not inhibit free expression of views by requirements of more than one legible copy of any statement submitted, or for qualification of witnesses beyond that needed for identification.

(j) *Records.* Public hearing proceedings shall be promptly summarized, reproduced and copies made available to the public at cost. The record shall be held open for a reasonable time to receive supplementary statements.

§ 105.8 Coordination and nonduplication.

Public participation activities and materials required under the Federal Water Pollution Control Act or these regulations may be combined with related programs or activities of the agencies concerned, wherever such combination will enhance the economy, the effectiveness, or the timeliness of the effort, enhance the clarity of the issue and not be detrimental to participation by the widest possible public. Hearings and meetings may be held jointly by more than one agency or may deal with more than one related matter, where such procedure does not conflict with other provisions. Interstate agencies particularly are encouraged to develop combined proceedings with the States concerned.

[FR Doc.73-3394 Filed 2-20-73;3:00 pm]

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PART III

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 CONSTRUCTION

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 rulemaking 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 Decision No. AP–160 for the State of Georgia.

Modifications to Area Wage Determination Decisions for the following States (the number of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Alaska:	
AM–2506; AM–2507	Aug. 27, 1971.
AM–6726; AM–6727	May 5, 1972.
AP–251; AP–252	Nov. 25, 1972.
Arkansas:	
AP–365	Dec. 8, 1972.
Colorado:	
AP–232; AP–233; AP–234	Sept. 15, 1972.
Florida:	
AP–122	Oct. 6, 1972.
AP–123; AP–124; AP–125; AP–126; AP–127.	Nov. 17, 1972.
AP–121	Nov. 25, 1972.
AP–130; AP–131; AP–142	Dec. 22, 1972.
Georgia:	
AP–150	Feb. 2, 1973.
AP–155	Feb. 9, 1973.
Hawaii:	
AP–208	Aug. 4, 1972.
AP–247	Oct. 13, 1972.
Illinois:	
AP–615	Jan. 26, 1973.
Louisiana:	
AP–362; AP–363	Dec. 1, 1972.
AP–397; AP–398	Jan. 26, 1973.
Maryland:	
AP–443	Nov. 17, 1972.
Michigan:	
AP–80; AP–81; AP–82; AP–83; AP–84; AP–85; AP–86; AP–87; AP–88; AP–89; AP–90; AP–91; AP–92; AP–93; AP–94; AP–95; AP–96; AP–97; AP–98; AP–99; AP–600; AP–601.	Dec. 29, 1972.
Missouri:	
AP–505	Sept. 1, 1972.
New Mexico:	
AP–700	Feb. 9, 1973.
New York:	
AP–400	July 14, 1972.
Ohio:	
AP–34; AP–35; AP–37; AP–38; AP–39; AP–40; AP–41; AP–42; AP–43; AP–45; AP–47.	Nov. 17, 1972.
Oklahoma:	
AP–320	Sept. 1, 1972.
AP–702	Feb. 9, 1973.
Pennsylvania:	
AP–421; AP–422; AP–425	Sept. 29, 1972.
AP–429	Oct. 6, 1972.
Texas:	
AP–353; AP–354	Nov. 3, 1972.
AP–389; AP–390; AP–394; AP–395.	Jan. 26, 1973.
Virginia:	
AP–443	Nov. 17, 1972.
Washington, D.C.:	
AP–442	Nov. 17, 1972.
Wisconsin:	
AP–53; AP–54; AP–55; AP–56; AP–58; AP–59; AP–60; AP–63; AP–64; AP–65; AP–66; AP–67.	Dec. 1, 1972.

Supersedeas Decision No. AP–637 for the State of Illinois. This decision supersedes Decision No. AP–621 dated January 26, 1973.

Signed at Washington, D.C., this 16th day of February 1973.

BEN P. ROBERTSON,
Acting Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Georgia COUNTY: Ware
DECISION NO.: AP-160 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

148-B-GA-1-B

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air conditioning mechanics	$4.00					
Bricklayers	4.50					
Carpenters	3.45					
Carpenters' helpers	2.75					
Cement masons	4.00					
Electricians	5.00					
Electricians' helpers	2.75					
Laborers:						
Laborers	2.00					
Mason tenders	2.25					
Mortar mixers	2.25					
Lathers	4.50					
Painters, brush	3.00					
Plumbers	5.00					
Plumbers' helpers	2.50					
Roofers	3.00					
Sheet metal workers	3.00					
Sheet metal workers' helpers	2.00					
Soft floor layers	3.50					
Tile setters	4.00					
Tile setters' helpers	2.00					
Truck drivers	2.00					
Welders - Rate for Crafts.						
POWER EQUIPMENT OPERATORS:						
Bulldozers	4.00					
Cranes and draglines	4.00					
Mechanic	3.25					
Motor grader	3.00					

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-251 - Mod. #1 (37 FR 25118 - November 25, 1972) Area I, Alaska (North of the 63rd Parallel)						
Change:						
Carpenters:						
Carpenters	$9.99	.45	1.00		.15	
Millwrights	10.36	.45	1.00		.15	
Roofers	10.10	.45	.50		.10	
Sprinkler fitters	10.75	.30	.50		.05	
DECISION #AP-252 - Mod. #1 (37 FR 25124 - November 25, 1972) Area I, Alaska (North of the 63rd Parallel)						
Change:						
Carpenters:						
Carpenters	9.99	.45	1.00		.15	
Millwrights	10.36	.45	1.00		.15	
Roofers	10.10	.45	.50		.10	
Sprinkler fitters	10.75	.30	.50		.05	
DECISION #AM-2,506 - Mod. #5 (36 FR 17168 - August 27, 1971) Area II, Alaska (South of the 63rd Parallel and West of the 141st Meridian)						
Change:						
Roofers	9.75	.45	.50		.10	
Sprinkler fitters	10.75	.30	.50		.05	
DECISION #AM-2,507 - Mod. #5 (36 FR 17173 - August 27, 1971) Area III, Alaska (East of the 141st Meridian)						
Change:						
Roofers	9.75	.45	.50		.10	
Sprinkler fitters	10.75	.30	.50		.05	

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-6,726 - Mod. #5 (37 FR 9157 - May 5, 1972) Area II, Alaska (South of the 63rd Parallel and West of the 141st Meridian)						
Change:						
Roofers	$9.75	.45	.50		.10	
Sprinkler fitters	10.75	.30	.50		.05	
DECISION #AM-6,727 - Mod. #5 (37 FR 9160 - May 5, 1972) Area III, Alaska (East of the 141st Meridian)						
Change:						
Roofers	9.75	.45	.50		.10	
Sprinkler fitters	10.75	.30	.50		.05	
DECISION #AP-365 - Mod. #2 (37 FR 26203 - December 8, 1972) Pulaski County, Arkansas						
Change:						
Line Construction						
Linemen	$7.65		1%		1%	
Cable splicers	7.775		1%		1%	
Operator	7.65		1%		1%	
Groundman (advanced)	65%JR		1%		1%	
Groundman (1st 6 months)	49%		1%		1%	
Winch equipment	73%		1%		1%	

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-232 - Mod. #2						
(37 FR 18854 - September 15, 1972)						
Statewide, Colorado						
Change:						
Carpenters	$6.07	.45	.40	.30	.03	
Cement Masons:						
Denver Metropolitan Area	5.95	.30	.50	.30	.06	
Outside Denver Metropolitan Area	5.80	.30	.50	.30	.06	
DECISION #AP-233 - Mod. #2						
(37 FR 18861 - September 15, 1972)						
El Paso County, Colorado						
Change:						
Carpenters (Building Construction):						
Carpenters	6.37	.45	.40	.30	.03	
Carpenters (Heavy & Highway Const):						
Carpenters	6.07	.45	.40	.30	.03	
Underground Carpenters	6.22	.45	.40	.30	.03	
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen, continously assigned to 1½ HP saws at jobsite	6.32	.45	.40	.30	.03	
Cement Masons (Heavy & Highway Construction):	5.80	.30	.50	.30	.06	
Elevator Constructors	7.76	.345	.23	2%+a		
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a		
Painters:						
Brush & roller; Tapers; Texture	6.10	.40	.20		.02	
Paperhangers; Spray; Steel	6.60	.40	.20		.02	
Sprinkler Fitters	8.75	.30	.50		.05	

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-234 - Mod. #2						
(37 FR 18868 - September 15, 1972)						
Adams; Arapahoe; Boulder (Southeast portion incl. City of Boulder); Denver; Douglas (Northern portion); Elbert (Northern portion); Jefferson; Weld (Southwest portion) Counties, Colorado						
Change:						
Carpenters (Building Construction):						
Carpenters	$6.965	.45	.40	.30	.03	
Carpenters (Heavy & Highway Const):						
Carpenters	6.07	.45	.40	.30	.03	
Underground Carpenters	6.22	.45	.40	.30	.03	
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continously assigned to 1½ HP saws at jobsite	6.32	.45	.40	.30	.03	
Cement Masons (Heavy & Highway Construction)(Outside Denver Metropolitan Area)	5.80	.30	.50	.30	.06	
Cement Masons (Heavy and Highway Construction)(Denver Metropolitan Area)	5.95	.30	.50	.30	.06	
Elevator Constructors	7.76	.345	.23	2%+a		
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a		
Sprinkler Fitters	8.75	.30	.50		.05	
Add:						
Marble Masons; Terrazzo Workers; Tile Layers	7.20	.43	.35	.25		

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION NO. AP-121 - Mod. #3						
(37 FR 25104 - November 25, 1972)						
Alachua County, Florida						
Change:						
Building Construction						
Laborers:						
Unskilled	$3.35	.15	.10			
Air tool operators	3.45	.15	.10			
Mortar mixers	3.45	.15	.10			
Pipelayers (concrete & clay)	3.45	.15	.10			
DECISION NO. AP-122 - Mod. #1						
(37 FR 21240 - October 6, 1972)						
Bay County, Florida						
Change:						
Building Construction:						
Electricians & Linemen (Industrial)	7.60		3%			
Cable Splicers (Industrial)	7.95		3%			
Glaziers	6.00					
Plumbers & pipefitters (Industrial)	7.35	.35	.45	0	.02	
Omit:						
Building Construction						
Tile setters' helpers	1.60					
DECISION NO. AP-123 - Mod. #3						
(37 FR 24521 - November 17, 1972)						
Broward County, Florida						
Change:						
Building Construction						
Bricklayers:						
Bricklayers	8.60	.38	.35		.03	
Stonemasons	8.60	.38	.35		.03	
Marble Setters	8.60	.38	.35		.03	
Terrazzo Workers	8.60	.38	.35		.03	
Tile Setters	8.60	.38	.35		.03	
Plasterers	8.60	.38	.35		.03	
Cement Masons	8.60	.38	.35		.03	
Block layers	8.60	.38	.35		.03	
Roofers:						
Roofers	7.90	.30	.15	.20		
Kettlemen	7.35	.30	.15	.20		
Helpers	6.30	.30	.15	.20		

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION NO. AP-123 - Mod. #3 (cont'd)						
Omit:						
Building Construction						
Terrazzo Workers' Helpers	1.60					
Tile Setters' Helpers	1.60					
DECISION NO. AP-124 - Mod. #3						
(37 FR 24524 - November 17, 1972)						
Monroe County, Florida						
Change:						
Electricians	8.80	4%	3%+.20	7%	1%	
Sprinkler Fitters	8.41	.30	.50		.07	
Omit:						
Line Construction:						
Linemen & Heavy Equipment Op.	6.80	.20				
Cable Splicers	7.05	.20				
Groundmen	3.65	.20				
Linemen: winch truck op.	5.40	.20				
Add:						
Line Construction:						
Linemen & Heavy Equipment Op.	7.07	3%	3%+.20		3%	
Cable Splicers	7.32	3%	3%+.20		3%	
Groundmen	3.80	3%	3%+.20		3%	
Winch truck Op.	5.62	3%	3%+.20		3%	
DECISION NO. AP-125 - Mod. #2						
(37 FR 24525 - November 17, 1972)						
Hillsborough County, Florida						
Change:						
Building Construction						
Laborers:						
Power tool operator	4.975	.225				
Mortar Mixers	4.975	.225				
Pipelayers (concrete & clay)	4.975	.225				
Mason tenders & Plasterers' tenders	4.975	.225				
Comman laborers	4.825	.225				
Millwrights	6.69	.45	.45		.02	
Sprinkler Fitters	8.41	.30	.50		.07	

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION NO. AP-126 - Mod. #2 (37 FR 24538 - November 17, 1972) Pinellas County, Florida						
Change:						
Carpenters:						
Millwrights	$6.69	.45	.45		.02	
Elevator Constructors	6.255	.195	.20	2%+a&b	.005	
Elevator Constructors' Helpers	70%JR	.195	.20	2%+a&b	.005	
Elevator Constructors' Helpers (prob)	50%JR	.195	.20	2%+a&b	.005	
Sprinkler Fitters	8.41	.30	.50		.07	
Omit:						
Line Construction & Equipment Opr.:						
Class "A"	7.21		1%	a	1/10 of 1%	
Class "B"	5.70		1%	a	1/10 of 1%	
Cable splicers	7.71		1%	a	1/10 of 1%	
Groundmen	4.25		1%	a	1/10 of 1%	
Add:						
Line Construction:						
Linemen	7.36	.25	1%	a	1/10 of 1%	
Equipment Operator "A"	7.36	.25	1%	a	1/10 of 1%	
Equipment Operator "B"	5.75	.25	1%	a	1/10 of 1%	
Cable Splicer	7.75	.25	1%	a	1/10 of 1%	
Groundmen "A"	4.25	.25	1%	a	1/10 of 1%	
Groundmen "B"	2.60	.25	1%	a	1/10 of 1%	
DECISION NO. AP-127 - Mod. #4 (37 FR 24531 - November 17, 1972) Dade County, Florida						
Change:						
Building Construction						
Line Construction:						
Linemen	7.07	3%	1%+.20		3%	
Cable Splicers	7.32	3%	1%+.20		3%	
Groundmen	3.80	3%	1%+.20		3%	
Heavy Equipment Operators	7.07	3%	1%+.20		3%	
Winch Truck Operators	5.62	3%	1%+.20		3%	
Omit:						
Building Construction						
Surfacing machine operator (marble and terrazzo):						
Base, curb, steps & wainscot surfacing	3.25					
Floor surfacing	3.00					
Helpers (Tile, Marble, & Terrazzo)						
More than 60 days experience	2.65					
Less than 60 days experience	2.30					

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION NO. AP-130 - Mod. #2 (37 FR 28359 - December 22, 1972) Orange County, Florida						
Change:						
Building Construction						
Carpenters:						
Carpenters	$6.15	.40		.20	.03	
Piledrivermen	6.40	.40		.20	.03	
Soft floor layers	6.15	.40		.20	.03	
Linemen:						
Linemen	7.46	.25	1%		+ of 1%	
Cable Splicers	7.96	.25	1%		+ of 1%	
Groundmen:						
Up to 1 year experience	3.02	.25	1%		+ of 1%	
Over 1 year experience	4.26	.25	1%		+ of 1%	
Heavy Equipment Operators	7.46	.25	1%		+ of 1%	
Winch Truck Operators	5.89	.25	1%		+ of 1%	
Pick up or Flat Bed Operators	4.82	.25	1%		+ of 1%	
Omit:						
Linemen:						
Cable Splicers' Helpers	6.45	.20	1%		+ of 1%	
Well Drillers	2.25					
DECISION NO. AP-131 - Mod. #2 (37 FR 28362 - December 22, 1972) Duval County, Florida						
Change:						
Building Construction						
Bricklayers:						
Marble Masons	6.16	.25	.30	.18	.02	
Terrazzo Workers	6.16	.25	.30	.18	.02	
Tile Setter	6.16	.25	.30	.18	.02	
Sprinkler Fitters	8.41	.30	.50		.07	
Omit:						
Building Construction						
Tile, Marble & Terrazzo Helpers:						
Experienced	3.07					
DECISION NO. AP-142 - Mod. #1 (37 FR 28365 - December 22, 1972) Leon County, Florida						
Change:						
Building Construction						
Sprinkler Fitters	8.41	.30	.50		.07	

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION NO. AP-150 - Mod. #1						
(38 FR 3254 - February 2, 1973)						
Fulton, Cobb, DeKalb, Coweta, Clayton and Walton Counties, Georgia						
Omit:						
Under Counties:						
Coweta County						
Walton County						
DECISION NO. AP-155 - Mod. #1						
(38 FR 4073 - February 9, 1973)						
Ware County, Georgia						
Change:						
Cement masons	$4.00					
Plumbers	5.00					
Tile setters	4.00					
Power Equipment Operator:						
Bulldozers	4.00					
Cranes, derricks, draglines	4.00					
Motor graders	3.00					

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-208 - Mod. #2						
(37 FR 15797 - August 4, 1972)						
Hawaii						
Change:						
Cement Masons:						
Cement masons	6.05	.32	.40		.03	
Trowel machine operator	6.15	.32	.40		.03	
Ironworkers:						
Bridge, Ornamental, Reinforcing, Structural	7.35		.45		.02	
Plumbers; Steamfitters	7.66	.45	.90	8%	.10	
Sprinkler Fitters	8.70	.30	.50		.05	
Omit:						
Boilermakers' Helpers;						
Blacksmiths' Helpers	5.60	.18	.30		.03	
DECISION #AP-247 - Mod. #1						
(37 FR 21759 - October 13, 1972)						
Hawaii						
Change:						
Cement Masons:						
Cement masons	6.05	.32	.40		.03	
Trowel machine operator	6.15	.32	.40		.03	
Ironworkers:						
Bridge, Ornamental, Reinforcing, Structural	7.35		.45		.02	
Plumbers; Steamfitters	7.66	.45	.90	8%	.10	
Sprinkler Fitters	8.70	.30	.50		.05	
Omit:						
Boilermakers' Helpers;						
Blacksmiths' Helpers	5.60	.18	.30		.03	
DECISION #AP-615 - Mod. #1						
(38 FR 2580 - January 26, 1973)						
Vermillion County, Illinois						
Change:						
Painters:						
Brush	$6.75					
Spray	7.25					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-362 - Mod. #3 (37 FR 25636 - December 1, 1972) East Baton Rouge Parish, Louisiana						
Change:						
Sprinkler fitters	$8.05	.30	.50		.05	
DECISION #AP-363 - Mod. #4 (37 FR 25638 - December 1, 1972) Rapides Parish, Louisiana						
Change:						
Sprinkler fitters	8.05	.30	.50		.05	
DECISION #AP-397 - Mod. #2 (38 FR 2602 - January 26, 1973) Caddo & Bossier Parishes, Louisiana						
Change:						
Lathers	6.925				.01	
Sprinkler fitters	8.05	.30	.50		.05	
DECISION #AP-398 - Mod. #2 (38 FR 2604 - January 26, 1973) Caddo & Bossier Parishes, Louisiana						
Change:						
Lathers	6.925				.01	
Sprinkler fitters	8.05	.30	.50		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-80 Mod. #1 (37 FR 28822 - December 29, 1972) Allegan County, Michigan						
Change:						
Cement masons	$7.10	.32	.18		.02	
Electricians:						
Door & Leighton Twps.	7.97	.30	1%		.01	
Lathers	7.79	.27	.10	.25	.01	
Power Equipment Operators:						
Building & Heavy Const.						
Class A	9.20	.50	.55		.05	
Class B	8.95	.50	.55		.05	
Class C	8.70	.50	.55		.05	
Class D	8.60	.50	.55		.05	
Class E	7.60	.50	.55		.05	
Class F	6.90	.50	.55		.05	
Power Equipment Operators:						
Steel Erection						
Class A	9.55	.50	.55		.05	
Class B	9.30	.50	.55		.05	
Class C	9.05	.50	.55		.05	
Class D	8.95	.50	.55		.05	
Class E	7.95	.50	.55		.05	
Class F	6.90	.50	.55		.05	
Power Equipment Operators:						
Underground Construction						
Power shovels, Etc.	9.045	.50	.55		.05	
Trencher 8' & smaller, Etc.	8.91	.50	.55		.05	
Air Compressors (2 or more)Etc.	8.18	.50	.55		.05	
Hydraulic pipe pushing mach. Etc.	7.61	.50	.55		.05	
Oiler & firemen	7.61	.50	.55			
DECISION #AP-81 - Mod. #1 (37 FR 28825 - December 29, 1972) Alpena County, Michigan						
Change:						
Lathers	$7.79	.27	.10	.25	.01	
Power Equipment Operators						
Building & Heavy Const						
Class A	9.20	.50	.55		.05	
Class B	8.95	.50	.55		.05	
Class C	8.70	.50	.55		.05	
Class D	8.60	.50	.55		.05	
Class E	7.60	.50	.55		.05	
Class F	6.90	.50	.55		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-81 Continued						
Power Equipment Operators:						
Underground Const.						
Power shovels, Etc.	$9.045	.50	.55		.05	
Trencher 8' & smaller, Etc.	8.91	.50	.55		.05	
Air Compressors, Etc.	8.18	.50	.55		.05	
Hydraulic pipe pushing mach. Etc.	7.61	.50	.55		.05	
Oiler & firemen	7.61	.50	.55			
Omit:						
Laborers:						
Building & Heavy Const.						
Add.						
Laborers:						
Building & Heavy Const:						
Laborers	5.15	.30	.20			
Air tool Operators	5.30	.30	.20			
Mortar mixers	5.30	.30	.20			
Croc & pipelayers	5.30	.30	.20			
Plasterers' tender	5.30	.30	.20			
Sewer & caison workers	5.30	.30	.20			
DECISION #AP-82 - Mod. #1						
(37 FR 28850 - December 29, 1972)						
Baraga, Houghton, Keweenaw, and Ontonagon Counties, Michigan						
Change:						
Ironworkers-All types	$7.15	.25		1.30	.01	
Lathers	7.79	.27	.10	.25	.01	
Plumbers	7.93	.35	.30		.02	
Steamfitters	7.93	.35	.30		.02	
Power Equipment Operators:						
Building, Heavy & Underground						
Class A	6.68	.50	.55	.21	.01	
Class B	6.49	.50	.55	.20	.01	
Class C	6.12	.50	.55	.19	.01	
Class D	5.71	.50	.55	.18		
Steel Construction						
Class 1	6.93	.50	.55	.21	.01	
Class 2	6.64	.50	.55	.20	.01	
Class 3	5.83	.50	.55	.18		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-83 - Mod. #1						
(37 FR 28828 - December 29, 1972)						
Berrien County, Michigan						
Change:						
Lathers	$7.79	27	.10	.25	.01	
Plumbers & Steamfitters (Niles)	8.20	.32	.40		.10	
Plumbers & Steamfitters (Remainder of County)	8.81	.20	.50			
Power Equipment Operators:						
Building & Heavy Const.						
Class A	9.20	.50	.55		.05	
Class B	8.95	.50	.55		.05	
Class C	8.70	.50	.55		.05	
Class D	8.60	.50	.55		.05	
Class E	7.60	.50	.55		.05	
Class F	6.90	.50	.55			
Power Equipment Operators:						
Steel Erection						
Class A	9.55	.50	.55		.05	
Class B	9.30	.50	.55		.05	
Class C	9.05	.50	.55		.05	
Class D	8.95	.50	.55		.05	
Class E	7.95	.50	.55		.05	
Class F	6.90	.50	.55			
Power Equipment Operators:						
Underground Const.						
Power shovels, Etc.	9.045	.50	.55		.05	
Trencher 8' & smaller, Etc.	8.91	.50	.55		.05	
Air compressors, Etc.	8.18	.50	.55		.05	
Hydraulic pipe pushing mach., Etc.	7.61	.50	.55		.05	
Oiler & Firemen	7.61	.50	.55			
DECISION #AP-84 - Mod. #1						
(37 FR 28831 - December 29, 1972)						
Calhoun County Michigan						
Change:						
Lathers	7.79	.27	.10			
Painters:						
Brush	6.85					
Spray	7.50					
Swing stage, bos'n chair & window jack	7.50					
Roller	6.85					
Sandblasting	7.50					

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-84 Continued						
Power Equipment Operators:						
Building & Heavy						
Class A	$9.20	.50	.55		.05	
Class B	8.95	.50	.55		.05	
Class C	8.70	.50	.55		.05	
Class D	8.60	.50	.55		.05	
Class E	7.60	.50	.55		.05	
Class F	6.90	.50	.55			
Power Equipment Operators						
Steel Erection						
Class A	9.55	.50	.55		.05	
Class B	9.30	.50	.55		.05	
Class C	9.05	.50	.55		.05	
Class D	8.95	.50	.55		.05	
Class E	7.95	.50	.55		.05	
Class F	6.90	.50	.55			
Power Equipment Operators:						
Underground Consturction						
Power shovels, Etc.	9.045	.50	.55		.05	
Trencher 8' & smaller, Etc.	8.91	.50	.55		.05	
Air Compressors (2 or more) Etc.	8.18	.50	.55		.05	
Hydraulic pipe pushing mach. Etc.	7.61	.50	.55		.05	
Oiler & firemen	7.61	.50	.55			
DECISION #AP-85 - Mod. #1 (37 FR 28834 - December 29, 1972) Charlivoix County, Michigan						
Change:						
Electricians	7.88	.30	1%+.15		.1%	
Power Equipment Operators:						
Building & Heavy						
Class A	9.20	.50	.55		.05	
Class B	8.95	.50	.55		.05	
Class C	8.70	.50	.55		.05	
Class D	8.60	.50	.55		.05	
Class E	7.60	.50	.55		.05	
Class F	6.90	.50	.55			
Power Equipment Operatprs:						
Steel Erection						
Class A	9.55	.50	.55		.05	
Class B	9.30	.50	.55		.05	
Class C	9.05	.50	.55		.05	
Class D	8.95	.50	.55		.05	
Class E	7.95	.50	.55		.05	
Class F	6.90	.50	.55			

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-85 Continued						
Power Equipment Operators:						
Underground Construction						
Power shovels, Etc.	9.045	.50	.55		.05	
Trencher 8' & samller, Etc.	8.91	.50	.55		.05	
Air Compressors (2 or more) Etc.	8.18	.50	.55		.05	
Hydraulic pipe pushing mach. Etc.	7.61	.50	.55		.05	
Oiler & firemen	7.61	.50	.55		.05	
DECISION #AP-86 - Mod. #1 (37 FR 28837 - December 29, 1972) Chippewa & Mackinac Counties, Michigan						
Change:						
Ironworkers, ornamental, structural & reinforcing	7.15	.25		$1.30	.01	
Lathers	7.79	.27	.10	.25	.01	
Plumbers	7.93	.35	.30		.02	
Steam fitters	7.93	.35	.30		.02	
Power Equipment Operators:						
Building, Heavy & Underground						
Class A	6.68	.50	.55	.21	.01	
Class B	6.49	.50	.55	.20	.01	
Class C	6.12	.50	.55	.19	.01	
Class D	5.71	.50	.55	.18		
Steel Construction:						
Class 1	6.93	.50	.55	.21	.01	
Class 2	6.64	.50	.55	.20	.01	
Class 3	5.83	.50	.55	.18		
DECISION # AP-87 - Mod. #1 (37 FR 28839 - December 29, 1972) Emmet County, Michigan						
Change:						
Electricians (Wawatam):						
All other work	8.00	.30	1%		.1%	
Electricians (Remainder of Co.)	7.88	.30	1%+.15		.1%	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-87 Continued						
Power Equipment Operators:						
Building & Heavy						
Class A	$9.20	.50	.35		.05	
Class B	8.95	.50	.55		.05	
Class C	8.70	.50	.55		.05	
Class D	8.60	.50	.55		.05	
Class E	7.60	.50	.55		.05	
Class F	6.90	.50	.55			
Power Equipment Operators:						
Steel Erection						
Class A	9.55	.50	.55		.05	
Class B	9.30	.50	.55		.05	
Class C	9.05	.50	.55		.05	
Class D	8.95	.50	.55		.05	
Class E	7.95	.50	.55		.05	
Class F	6.90	.50	.55			
Power Equipment Operators:						
Underground Construction						
Power shovels, Etc.	9.046	.50	.55		.05	
Trencher 8' & smaller, Etc.	8.91	.50	.55		.05	
Air Compressors (2 or more)Etc.	8.18	.50	.55		.05	
Hydraulic pipe pushing mach. Etc.	7.61	.50	.55		.05	
Oiler & firemen	7.61	.50	.55		.05	
DECISION #AP-88 - Mod. #1						
(37 FR 28870 - December 29, 1972)						
Genesee County, Michigan						
Change:						
Lathers	7.79	.27	.10	.25	.01	
Powder Equipment Operators:						
Building & Heavy						
Class A	$9.20	.50	.55		.05	
Class B	8.95	.50	.55		.05	
Class C	8.70	.50	.55		.05	
Class D	8.60	.50	.55		.05	
Class E	7.60	.50	.55		.05	
Class F	6.90	.50	.55			
Power Equipment Operators:						
Steel Erection						
Class A	9.55	.50	.55		.05	
Class B	9.30	.50	.55		.05	
Class C	9.05	.50	.55		.05	
Class D	8.95	.50	.55		.05	
Class E	7.95	.50	.55		.05	
Class F	6.90	.50	.55			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-88 Continued:						
Power Equipment Operators						
Underground Construction						
Power shovels, Etc.	9.046	.50	.55		.05	
Trencher 8' smaller, Etc.	8.91	.50	.55		.05	
Air Compressors (2 or more)Etc.	8.18	.50	.55		.05	
Hydraulic pipe pushing mach. Etc.	7.61	.50	.55		.05	
Oiler and firemen	7.61	.50	.55		.05	
DECISION #AP-89 - Mod. #1						
(37 FR 28842 - December 29, 1972)						
Gogebic County, Michigan						
Change:						
Bricklayers & Stonemasons	7.50	.30	.35		.01	
Ironworkers, structural & ornamental	7.15	.25		1.30	.01	
Ironworkers, reinforcing	7.15	.25		1.30	.01	
Lathers	7.79	.27	.10	.25	.01	
Plumbers	7.93	.35	.30		.02	
Steamfitters	7.93	.35	.30		.02	
Power Equipment Operators:						
Building, Heavy and Underground						
Class A	$6.68	.50	.55	.21	.01	
Class B	6.49	.50	.55	.20	.01	
Class C	6.12	.50	.55	.19	.01	
Class D	5.71	.50	.55	.19	.01	
Steel Construction:						
Class 1	6.93	.50	.55	.21	.01	
Class 2	6.64	.50	.55	.21	.01	
Class 3	5.83	.50	.55	.18		
DECISION #AP-90 - Mod. #1						
(37 FR 28873 - December 29, 1972)						
Grande Traverse and Leelanau Counties, Michigan						
Change:						
Electricians	7.88	.30	1%+.15		.1%	
Lathers	7.79	.27	.10	.25	.01	
Add:						
Power Equipment Operators:						
Building & Heavy						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-90 Continued						
Class A	$9.20	.50	.55		.05	
Class B	8.95	.50	.55		.05	
Class C	8.70	.50	.55		.05	
Class D	8.60	.50	.55		.05	
Class E	7.60	.50	.55		.05	
Class F	6.90	.50	.55			
Power Equipment Operators						
Steel Erection						
Class A	9.55	.50	.55		.05	
Class B	9.30	.50	.55		.05	
Class C	9.05	.50	.55		.05	
Class D	8.95	.50	.55		.05	
Class E	7.95	.50	.55		.05	
Class F	6.90	.50	.55			
Power Equipment Operators						
Underground Construction						
Power shovels, Etc.	9.046	.50	.55		.05	
Trencher 8' & smaller, Etc.	8.91	.50	.55		.05	
Air Compressors (2 or more)Etc	8.18	.50	.55		.05	
Hydraulic pipe pushing mach. Etc.	7.61	.50	.55		.05	
Oiler & firemen	7.61	.50	.55		.05	
DECISION #AP-91 - Mod. #1						
(37 FR 28879 - December 29, 1972)						
Huron County, Michigan						
Change:						
Lathers	7.79	.27	.10	.25	.01	
Plumbers:						
Eastern ½ of County	9.77	.35	.35			
Steam fitters (Eastern ½ of County	9.77	.35	.35			
Power Equipment Operators:						
Building and Heavy						
Class A	9.20	.50	.55		.05	
Class B	8.95	.50	.55		.05	
Class C	8.70	.50	.55		.05	
Class D	8.60	.60	.55		.05	
Class E	7.60	.50	.55		.05	
Class F	6.90	.50	.55		.05	
Power Equipment Operators						
Underground Construction						
Power shovels, Etc.	9.046	.50	.55		.05	
Trencher 8' & smaller, Etc.	8.91	.50	.55		.05	
Air compressors (2 or more)Etc	8.18	.50	.55		.05	
Hydraulic pipe pushing mach. Etc.	7.61	.50	.55		.05	
Oiler & Firemen	7.61	.50	.55		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-92 - Mod. #1						
(37 FR 28844 - December 29, 1972)						
Ingham County, Michigan						
Change:						
Bricklayers & stonemasons	$8.40	.55	.40	e	.01	
Lathers	7.79	.27	.10	.25	.01	
Marble setters	8.18	.55	.40	e		
Millwrights	8.20	.53	.738	1.476	.05	
Plumbers & steamfitters	8.44	.50	.45	.60		
Terrazzo workers	8.18	.55	.40	e		
Tile setters & mosaic workers	8.18	.55	.40	e		
Power Equipment Operators:						
Building & Heavy Const.						
Class A	9.20	.50	.55		.05	
Class B	8.95	.50	.55		.05	
Class C	8.70	.50	.55		.05	
Class D	8.60	.50	.55		.05	
Class E	7.60	.50	.55		.05	
Class F	6.90	.50	.55			
Power Equipment Operators:						
Underground Construction						
Power shovels, Etc.	9.045	.50	.55		.05	
Trencher 8', Etc.	8.91	.50	.55		.05	
Air compressors, Etc.	8.18	.50	.55		.05	
Hydraulic pipe pushing mach. Etc.	7.61	.50	.55		.05	
Oiler & Firemen	7.61	.50	.55			
DECISION #AP-93 - Mod. #1						
(37 FR 28847 - December 29, 1972)						
Kalamazoo County, Michigan						
Change:						
Lathers	$7.79	.27	.10	.25	.01	
Power Equipment Operators:						
Building & Heavy Const.						
Class A	9.20	.50	.55		.05	
Class B	8.95	.50	.55		.05	
Class C	8.70	.50	.55		.05	
Class D	8.60	.50	.55		.05	
Class E	7.60	.50	.55		.05	
Class F	6.90	.50	.55			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-93 Continued						
Power Equipment Operators:						
Steel Erection						
Class A	$9.55	.50	.55		.05	
Class B	9.30	.50	.55		.05	
Class C	9.05	.50	.55		.05	
Class D	8.95	.50	.55		.05	
Class E	7.95	.50	.55		.05	
Class F	6.90	.50	.55			
Power Equipment Operators:						
Underground Construction						
Power shovels, Etc.	9.045	.50	.55		.05	
Trencher 8', Etc.	8.91	.50	.55		.05	
Air compressors, Etc.	8.18	.50	.55		.05	
Hydraulic pipe pushing mach. Etc.	7.61	.50	.55		.05	
Oiler & firemen	7.61	.50	.55			
DECISION #AP-94 - Mod. #1						
(37 FR 28852 - December 29, 1972)						
Marquette County, Michigan						
Change:						
Ironworkers, All types	$7.15	.25		1.30	.01	
Lathers	7.79	.27	.10	.25	.01	
Plumbers	7.93	.35	.30		.02	
Sheet metal workers	7.90	.32	.30		.02	
Steamfitters	7.93	.35	.30		.02	
Power Equipment Operators:						
Building, Heavy & Underground						
Class A	6.68	.50	.55	.21	.01	
Class B	6.49	.50	.55	.20	.01	
Class C	6.12	.50	.55	.19	.01	
Class D	5.71	.50	.55	.18		
Steel Construction						
Class 1	6.93	.50	.55	.21	.01	
Class 2	6.64	.50	.55	.20	.01	
Class 3	5.83	.50	.55	.18		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-95 - Mod. #1						
(37 FR 28854 - December 29, 1972)						
Mason County, Michigan						
Change:						
Electricians:						
Grant, Freesoil & Meade	$7.88	.30	1%+.15		.1%	
Lathers	7.79	.27	.10	.25	.01	
Power Equipment Operators:						
Building & Heavy Const.						
Class A	9.20	.50	.55		.05	
Class B	8.95	.50	.55		.05	
Class C	8.70	.50	.55		.05	
Class D	8.60	.50	.55		.05	
Class E	7.60	.50	.55		.05	
Class F	6.90	.50	.55			
Power Equipment Operators:						
Steel Erection						
Class A	9.55	.50	.55		.05	
Class B	9.30	.50	.55		.05	
Class C	9.05	.50	.55		.05	
Class D	8.95	.50	.55		.05	
Class E	7.95	.50	.55		.05	
Class F	6.90	.50	.55			
Power Equipment Operators:						
Underground Construction						
Power shovels, Etc.	9.045	.50	.55		.05	
Trencher 8', Etc.	8.91	.50	.55		.05	
Air compressors, Etc.	8.18	.50	.55		.05	
Hydraulic pipe pusher mach. Etc.	7.61	.50	.55		.05	
Firemen & oiler	7.61	.50	.55			
DECISION #AP-97 - Mod. #1						
(37 FR 28857 - December 29, 1972)						
Muskegon & Oceana Counties, Michigan						
Change:						
Lathers	$7.79	.27	.10	.25	.01	
Marble setters	6.50	.25	.50			
Terrazzo Workers	6.50	.25	.50			
Tile setters	6.50	.25	.50			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-97 Continued						
Power Equipment Operators:						
Building & Heavy Const.						
Class A	$9.20	.50	.55		.05	
Class B	8.95	.50	.55		.05	
Class C	8.70	.50	.55		.05	
Class D	8.60	.50	.55		.05	
Class E	7.60	.50	.55		.05	
Class F	6.90	.50	.55			
Power Equipment Operators:						
Steel Erection						
Class A	9.55	.50	.55		.05	
Class B	9.30	.50	.55		.05	
Class C	9.05	.50	.55		.05	
Class D	8.95	.50	.55		.05	
Class E	7.95	.50	.55		.05	
Class F	6.90	.50	.55			
Power Equipment Operators:						
Underground Construction						
Power shovels, Etc.	9.045	.50	.55		.05	
Trencher 8', Etc.	8.91	.50	.55		.05	
Air compressor, Etc.	8.18	.50	.55		.05	
Hydraulic pipe pushing mach. Etc	7.61	.50	.55		.05	
Oiler & firemen	7.61	.50	.55			
DECISION #AP-96 - Mod. #1						
(37 FR 28876 - December 29, 1972)						
Saginaw County, Michigan						
Change:						
Cement masons	$8.02	.45	.50			
Lathers	7.79	.27	.10	.25	.01	
Millwrights	8.20	.53	.738	1.476	.05	
Power Equipment Operators:						
Building & Heavy Const.						
Class A	9.20	.50	.55		.05	
Class B	8.95	.50	.55		.05	
Class C	8.70	.50	.55		.05	
Class D	8.60	.50	.55		.05	
Class E	7.60	.50	.55		.05	
Class F	6.90	.50	.55			
Power Equipment Operators:						
Underground Const.						
Power shovels, Etc.	9.045	.50	.55		.05	
Trencher 8', Etc.	8.91	.50	.55		.05	
Air compressors, Etc.	8.18	.50	.55		.05	
Hydraulic pipe pushing mach. Etc.	7.61	.50	.55		.05	
Oiler & firemen	7.61	.50	.55			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-98 - Mod. #1						
(37 FR 28860 - December 29, 1972)						
St. Clair County, Michigan						
Change:						
Elevator constructors	$9.45	.345	.23	2%+b&c	.015	
Elevator constructors' helpers	6.615	.345	.23	2%+b&c	.015	
Elevator const. helpers (prob.)	4.725					
Lathers	7.79	.27	.10	.25	.01	
Millwrights	8.20	.53	.738	$1.476	.05	
Plasterers	8.44	.35	.30	.50		
Plumbers	9.77	.35	.35			
Roofers:						
Roofers	5.60					
Helpers	5.15					
Steamfitters	9.77	.35	.35			
Power Equipment Operators:						
Underground Construction						
Power shovels, Etc.	9.045	.50	.55		.05	
Trencher 8', Etc.	8.91	.50	.55		.05	
Air compressors, Etc.	8.18	.50	.55		.05	
Hydraulic pipe pushing mach. Etc	7.61	.50	.55		.05	
Oiler & firemen	7.61	.50	.55			
DECISION #AP-99 - Mod. #1						
(37 FR 28863 - December 29, 1972)						
Washtenaw County, Michigan						
Change:						
Bricklayers	$9.46		.25	.62		
Cement masons	9.06		.25	.62		
Lathers	7.79	.27	.10	.25	.01	
Marble setters	9.46		.25	.62		
Plasterers	9.46		.25	.62		
Stone masons	9.46		.25	.62		
Terrazzo workers	9.46		.25	.62		
Tile setters	9.46		.25	.62		
Power Equipment Operators:						
Underground Construction						
Power shovels, Etc.	9.045	.50	.55		.05	
Trencher 8' smaller, Etc.	8.91	.50	.55		.05	
Air Compressors (2 or more)Etc	8.18	.50	.55		.05	
Hydraulic pipe pushing mach. Etc.	7.61	.50	.55		.05	
Oiler & firemen	7.61	.50	.55		.05	

MODIFICATIONS P. 25

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-600 - Mod. #1 (37 FR 28866 - December 29, 1972) Wayne, Oakland & Macomb Counties, Michigan						
Change:						
Bricklayers:						
Bricklayers, Caulkers & Cleaners	8.519	.60	8%	11%	.05	
Elevator constructors	9.45	.345	.23	2%+a&b	.015	
Elevator constructors' helpers	6.615	.345	.23	2%+a&b	.015	
Elevator constructors' helpers (prob)	4.725					
Lathers	7.79	.27	.10	.25	.01	
Marble setters	9.49	.30	.40	.50		
Millwrights	8.20	.53	.738	$1.476	.05	
Plasterers	8.80	.60	.50			
Plumbers	8.42	.75	.685	1.24	.005	
Power Equipment Operators:						
Underground Construction						
Power shovels, Etc.	9.045	.50	.55		.05	
Trencher 8' & smaller, Etc.	8.91	.50	.55		.05	
Air Compressors (2 or more) Etc.	8.18	.50	.55		.05	
Hydraulic pipe pushing mach. Etc.	7.61	.50	.55		.05	
Oiler & firemen	7.71	.50	.55			
DECISION #AP-601 - Mod. #1 (37 FR 28797 - December 29, 1972) Wayne, Oakland & Macomb Counties, Michigan						
Change:						
Bricklayers:						
Bricklayers, Caulkers & Cleaners	8.519	.60	8%	11%	.05	
Elevator constructors	9.45	.345	.23	2%+a&b	.015	
Elevator constructors' helpers	6.615	.345	.23	2%+a&b	.015	
Elevator constructors' helpers (prob)	4.725					
Lathers	7.79	.27	.10	.25	.01	
Marble setters	9.49	.30	.40	.50		
Millwrights	8.20	.53	.738	$1.476	.05	
Plasterers	8.80	.60	.60			
Plumbers	8.42	.75	.685	1.24	.005	

MODIFICATIONS P. 26

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-505 - Mod. #4 (37 FR 17933 - September 1, 1972) St. Louis and St. Charles Counties, Missouri						
Change Mod. #2 (38 FR 4078 - February 9, 1973) to Read Mod. #3						
Change:						
Building, Heavy & Highway-St. Louis City & County. Building-St. Charles County:						
Ironworkers:						
Structural; ornamental; reinforcing	$8.325	.40	.55		.05	
DECISION #AP-700 - Mod. #1 (38 FR 4162 - February 9, 1973) Statewide, New Mexico						
Omit:						
Catron, Grant, Bernalillo, Roosevelt, Union, Sandoval, San Juan, Socorro, Torrance and Valencia Counties:						
Ironworkers	$5.575	.26		.34	.02	
Change:						
BOILERMAKERS	7.00	.60	.75		.02	
IRONWORKERS:						
Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, and Valencia Counties	6.66	.40	.65			
Dona Ana County with the exception of that portion of the county that lies within the White Sands Missile Range; Chaves County, Eddy County except the Potash Basin and defined as the area 10 road miles on Highway 180, east of Carlsbad	6.86	.40	.40		.05	
Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero, and Sierra Counties; also Potash Basin, White Sands and McGregor Missile Ranges	7.86	.40	.40		.05	

DECISION #AP-400 - Mod. #2
(37 FR 13913 - July 14, 1972)
Bronx, Kings, Queens and Richmond Counties, New York

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Residential Construction:						
Asbestos workers	$8.50	13.1%	9%	12%		
Bricklayers	8.70	.78	2.92	.30		
Carpenters:						
Carpenters & soft floor layers	8.90	.80	1.45	.50	.02	
Millwrights	8.90	.80	1.45	.50	.02	
Piledrivermen	8.90	.80	1.45	.50	.02	
Ironworkers:						
Structural	9.38	.49	.94+.90	.99+w		
Ornamental	7.80	.52	.655+1.20	.68	.03	
Reinforcing	7.80	.655	.655+1.00	.70	.01	
Lathers, metallic	7.80	.655	.655+1.00	.70	.01	
Marble setters:						
Carvers	7.55	.63	.66+x+y			
Cutters & setters	7.40	.63	.66+x+y			
Sawyers, rubbers, polishers	7.17	.63	.66+x+y			
Painters:						
Brush	6.85	6.5%	6.5%+h	3%		
Spray & scafford work	8.32	6.5%	6.5%+h	3%		
Plumbers:						
Kings - Queens	8.67	.56	1.09+j	.34	.10	

Footnotes:
w. Paid holidays: New Year's Day and Christmas Day provided the employee works a full half day preceding the holiday.
x. Employers contribute $.60 per hour to a trust fund.
y. Employers contribute $.15 per hour to an Annuity fund.

DECISION #AP-34 - Mod. #3
(37 FR 24563 - November 17, 1972)
Butler County, Ohio

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Boilermakers	$8.10	.30	.70	.55	.01	
Boilermakers' helpers	7.85	.30	.70	.55	.01	
Truck Drivers, Building Const.						
Remainder of County						
Tractor trailer combinations and drags	5.92	a 13.50	a 13.00	b & c		
Drivers	5.73	a 13.50	a 13.00	b & c		
Helpers	5.68	a 13.50	a 13.00	b & c		

DECISION # AP-35 - Mod. #3
(37 FR 24568 - November 17, 1972)
Clark County, Ohio

Change:						
Boilermakers	$8.10	.30	.70	.55	.01	
Boilermakers" Helpers	7.85	.30	.70	.55	.01	
Carpenters	8.05	.30	.35		.02	
Soft floor layers	8.05	.30	.35		.02	

DECISION #AP-37 - Mod. #5
(37 FR 24576 - November 17, 1972)
Franklin & Pickaway Counties, Ohio

Change:						
Boilermakers	$8.10	.30	.70	.55	.01	
Boilermakers' helpers	7.85	.30	.70	.55	.01	
Elevator Constructors	9.105	.345	.23	2%+a&b	.015	
Elevator Constructors' helpers	6.37	.345	.23	2%+a&b	.015	
Elevator Const.' helpers (prob.)	4.55					

DECISION #AP-38 - Mod. #5
(37 FR 24580 - November 17, 1972)
Greene & Montgomery Counties, Ohio

Change:						
Boilermakers	$8.10	.30	.70	.55	.01	
Boilermakers' Helpers	7.85	.30	.70	.55	.01	

MODIFICATIONS P. 29

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-39 - Mod #3 (37 FR 24585 - November 17, 1972) Hamilton County, Ohio						
Change:						
Boilermakers	$8.10	.30	.70	.55	.01	
Boilermakers' helpers	7.85	.30	.70	.55	.01	
Truck drivers, Building Const.						
Tractor trailer combinations and drags	5.92	a 13.50	a 13.00	b & c		
drivers	5.73	a 13.50	a 13.00	b & c		
Helpers	5.68	a 13.50	a 13.00	b & c		
DECISION #AP-40 - Mod. #4 (37 FR 24590 - November 17, 1972) Licking County, Ohio						
Change:						
Boilermakers	$8.10	.30	.70	.55	.01	
Boilermakers' helpers	7.85	.30	.70	.55	.01	
DECISION #AP-41 - Mod. #3 (37 FR 24594 - November 17, 1972) Lucas County, Ohio						
Change:						
Linemen	$10.00	.25	1%	a	.25%	
Cable splicers	10.25	.25	1%	a	.25%	
Terrazzo workers	8.44	.50	.25			
Tile setters	8.44	.50	.25			
Truck drivers:						
Singlr axle, tandem axle or semi	7.13	d 56.75	e 13.00	g & h		
Heavy duty, 5 axle or over, winch trucks, carry alls or low boys	7.36	d 56.75	e 13.00	g & h		
Add:						
FOOTNOTES:						

a. Six paid holidays A through F, providing employee worked the day proceeding and the regularly scheduled day next following such holiday (except excused absences.
d. Per month per employee.

MODIFICATIONS P. 30

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-42 - Mod. #5 (37 FR 24599 - November 17, 1972) Mahoning County, Ohio						
Change:						
Cement masons (Building)	$8.16	.40			.01	
Elevator constructors	8.59	.345	.23	2%+a&b	.015	
Elevator constructors' helpers	6.01	.345	.23	2%+a&b	.015	
Elevator Const.' helpers (prob.)	4.295					
Plasterers	7.85	.40			.03	
DECISION #AP-43 - Mod. #3 (37 FR 24603 - November 17, 1972) Muskingum County, Ohio						
Change:						
Boilermakers	$8.10	.30	.70	.55	.01	
Boilermakers' helpers	7.85	.30	.70	.55	.01	
DECISION #AP-45 - Mod. #4 (37 FR 24613 - November 17, 1972) Stark County, Ohio						
Change:						
Laborers: (East of Woodlawn Ave.)						
Laborers	$6.13	.45	.20		.02	
Air tool Op. (jackhammer, Vibtr.)	6.28	.45	.20		.02	
Mason tender	6.13	.45	.20		.02	
Mortar mixer	6.28	.45	.20		.02	
Pipelayers, sewer	6.38	.45	.20		.02	
Plasterers' tenders & hod carriers	6.33	.45	.20		.02	
Barco tampers	6.38	.45	.20		.02	
Gunnite nozzlemen	6.58	.45	.20		.02	
All power-driven tools	6.28	.45	.20		.02	
Sewer diggers under 6' deep	6.13	.45	.20		.02	
Sewer diggers 6' deep & over	6.28	.45	.20		.02	
Laborers: (West of Woodlawn Ave.)						
Hod carriers & plaster tenders	6.53	.45	.20		.02	
Mortar mixers, mason tenders, scaffold builders, all power driven tools, Jackhammer, air drills, sewer digger over 6' deep.	6.48	.45	.20		.02	
Laborers unskilled, sewer-gas conduit, sewers, water-sewer digger to 6' deep	6.33	.45	.20		.02	
Gunnite nozzlemen	6.78	.45	.20		.02	
Sewer pipe layer, barco tamper	6.58	.45	.20		.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-47 Mod. #4 (37 FR 24623 - November 17, 1972) Trumbull County, Ohio						
Add:						
Plasterers	$7.40	.40			.03	
DECISION #AP-320 - Mod. #1 (37 FR 17899 - September 1, 1972) Tulsa County, Oklahoma						
Add:						
Osage County						
DECISION #AP-702 - Mod. #1 (38 FR 4173 - February 9, 1973) Oklahoma County, Oklahoma						
Change:						
Plasterers	$7.50				.01	
Omit:						
Glaziers	6.125	.25	.30		.01	
Add:						
Glaziers	6.46					
DECISION #AP-471 - Mod. #5 (37 FR 20447 - September 29, 1972) Allegheny County, Pennsylvania						
Change:						
Building Construction:						
Ironworkers:						
Structural	$8.83	.435	.62		.015	
Ornamental	8.83	.435	.62		.015	
Heavy and Highway Construction:						
Laborers & Power Equipment Operators Schedules-See Modifications Ps. 32-35						

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HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Construction laborer (including tenders handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operator, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.86	.30	.30	
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), Carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behing), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle (hand operated), Power fence operator, Power wheelburrows and buggies, Rail porter, or similar, Screed operator				

DECISION #AP-421 (cont'd)

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers (cont'd):					
Signal man, Blocker	$6.05	.30	.30		
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakemen, Rail saws, Spike drivers, Spike pullers, Tamping machine	6.05	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine (trencher or similar)	6.36	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, bulgain and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.48	.30	.30		
Multi-plate pipe (aligning and securing) Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30		
Welder (pipeline)	7.20	.30	.30		
Tunnel and Shaft Work (Inside):					
Change house attendant	5.86	.30	.30		
Muckers, Brakemen and all other labor (inlcudes installation of utility lines), Signal man, Drill runner helper	6.10	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	6.36	.30	.30		
Caisson and tunnel men under pressure (0-18 pounds)	6.48	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30		

DECISION #AP-421 (cont'd)

PA-2-PEO-2-3- C (1-2)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Gauge) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.73	.35	.50		.04
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)					

DECISION #AP-421 (cont'd) PA-2-PEO-2-3-'G (2-2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$7.47	.35	.50		.04
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.46	.35	.50		.04
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.01	.35	.50		.04
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.86	.35	.50		.04

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-422 - Mod. #1 (37 FR 20454 - September 29, 1972) Erie County, Pennsylvania						
Change:						
Building Construction:						
Bricklayers and stonemasons	$9.35	.30				
Electricians	9.20	.18	1%+.18		½ of 1%	
Glaziers	7.95	.30	.20			
Marble setters	8.24	.20				
Plumbers and steamfitters	8.87	.25	.28		.02	
Terrazzo workers	8.24	.20				
Tile setters	8.24	.20				
Heavy and Highway Construction: Laborers & Power Equipment Operators Schedules-See Modifications Ps. 37-40						
Add:						
Building Construction: Power Equipment Operators Schedule See Modifications Ps. 41-44						
DECISION #AP-425 - Mod. #2 (37 FR 20464 - September 29, 1972) Lawrence County, Pennsylvania						
Change:						
Building Construction:						
Bricklayers and stonemasons	$8.68	.25				
Electricians	9.21	.30	1%		½ of 1%	
Heavy and Highway Construction: Laborers & Power Equipment Operators Schedules-See Modifications Ps. 45-48						

DECISION #AP-422 (cont'd)

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Construction laborer (including tenders handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operator, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzlemen, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.71	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behing), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator					

DECISION #AP-422 (cont'd)

26-LAB-2-3-J 2 of 2

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers (cont'd):					
Signal man, Whacker	$ 5.93	.30	.30		
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakemen, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.93	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine (trencher or similar)	6.24	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, belgain and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.36	.30	.30		
Multi-plate pipe (aligning and securing) Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30		
Welder (pipeline)	7.70	.30	.30		
Tunnel and Shaft Work (Inside):					
Change house attendant	5.69	.30	.30		
Muckers, Brakemen and all other labor (inlcudes installation of utility lines), Signal man, Drill runner helper	5.93	.30	.30		
Miners and drillers (including Lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	6.24	.30	.30		
Caisson and tunnel men under pressure (0-18 pounds)	6.36	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30		

DECISION #AP-422 (cont'd)
HEAVY & HIGHWAY CONSTRUCTION

PA-2-PEO-2-J- G (1-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.73	.35	.50		.04
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)					

DECISION #AP-422 (cont'd)

PA-2-PEO-2-J- G (2-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$7.47	.35	.50		.04
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.46	.35	.50		.04
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.01	.35	.50		.04
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.86	.35	.50		.04

DECISION #AP-422 (cont'd)

PA-25 PED 1 D 1 of 4

POWER EQUIPMENT OPERATORS Building Construction:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Auger (truck or tractor mounted), austin western or similar type, austin western or similar type up to 25 tons (25 tons or over requires an oiler), backhoe, backhoe (under 5/8 yd.), batch plant - automatic, boom - side, cableways, conveyor belts - up to 4 floors, conveyor belts - over 4 units, crane - tower (climbing type), derrick - (all types), derrick - traveler, dragline, drill-caisson, electro matic or similar, gradall (remote control or otherwise), helicopter, helicopter - hoist operating, hi-lift (3 yds, or over), hoist - on 50 ft. stack or over, hoist on slip form jobs, hoist - hod (single cage), hoist - hod (2 cages up to 10 floors), hop - to or similar type with 360 degree swing, hop-to or similar type with 360 degree swing under 5/8 yd., Koehring scooper, kocal or similar type, leverman, mix mobile or similar type, mixer - concrete paving, mixer - paving (self propelled), multiple bowl machines or multi-engine, pile driver - franki or similar type, pile driver (when assistance is required it will be an operating engineer), placer - belt (concrete), plant - central mix, quad nine, shovels (all types), shovels (under 5/8 yd.), tractors - boom mounted (all types), tugboat, whirlers, boat - job work (inboard or outboard), bulldozer, carrier ross or similar type, compactor - (with blade attached), curb builder - self propelled, drill - core, drill - well & core (truck mounted), engineer - maintenance (daily rated) grader, grader - elevating, greaser - equipment, hi-lift (less than 3 yds.), hoist - 2 drums in one unit, hop-to or similar type with 180 drgree swing, tractors (all types with hydraulic backhoe attached, cranes tower	$8.51	.35	.50		.05	

DECISION #AP-422 (cont'd)

PA-25 PED 1 D 2 of 4

POWER EQUIPMENT OPERATORS: (CONT'T)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Austin western or similar type with jib + .25¢, austin western or similar type 25 ton or over with jib +.25¢, cranes (excluding overhead cranes), crane - placed on building structure, hoist - single cage with chicago boom attached + .25¢, engineer - lead, hoist - hod (2 cages over 10 floors)	$8.76	.35	.50		.05	
Metro chip harvester (or similar type), mixer - paving, mixer - mortar - over 10 cu. ft., plant - crushing & screening, pumpkrete - mobile or similar type, road builder - automatic, scoop - self-powered & tractor drawn (single bowl), spray cure machine (power driven), spreader, steam jenny (or similar type), syphon (steam or air), cranes tower	8.57	.35	.50		.05	
Cranes - 100 ft to 150 ft.	8.76	.35	.50		.05	
Cranes - 150 ft. to 200 ft.	9.01	.35	.50		.05	
Cranes - over 200 ft.	9.26	.35	.50		.05	
Back filling machine, boat - material or personnel, compressor & air pump, compressor & air tugger, compressor & gunnite machine (combination), compressor & sand blasting unit (combination), compressors (two), crane - overhead, fork-lift - elevating - lull or similar type, generators - two, grader - sub, jumbo - power, layer - cable, layer - pipe - no joint, lift slab machine, locomotive, machines - other minor, machines - small (two), mucking machine, mobile - tower, pipe - bending machine (pipeline only), pipe - cleaning machine, pipe - wrapping machine, plant - asphalt operator, plant - portable curshing & screening, plant - refrigeration, pump - grout, spreader - concrete, asphalt & stone, well point systems (section 1C), winch truck (handling steel), wire wrapping machine - pre stress, drill - davey or similar, drill - truck mounted and/or core drill for testing, elevator (new buildings and major remodeling of old), hoist -						

DECISION #AP-422 (cont'd)

MODIFICATIONS P. 43

PA-25 PEO I D 3 of 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS (CON'T)						
one drum, paver - asphalt, post driver - guard rail (other than truck mounted), post driver - guard rail (truck mounted) pumpkrete machine operator - stationary, pumpkrete - or similar type (not self - propelled), tire repairman, trencher machine, welder, welding machines (up to and including 4)	$8.12	.35	.50		.05	
Boiler, breaker - pavement (self-propelled or ridden), compactor (ridden or self-propelled), crane - carry, crusher - stone, drill - well (horizontal), drill (self-propelled & self contained), elevator (alterations of old buildings), finisher - broom (C.M.I. or similar type), finishing machine & spreader (concrete), forklifts (ridden or self-propelled), form line machine, minor equipment (all other), motorman, pipe dream, roller, saw - concrete (ridden or self-propelled), soil stabilizer, tractors (when used for snaking and hauling), truck - winch, tugger	8.01	.35	.50		.05	
Compressor - single (over 65 cu. ft. regardless of power used, hoist - monorail (regardless of power used), pump (over 1½ inch discharge regardless of power used), oiler - truck crane (50 tons or over & fireman)	7.85	.35	.50		.05	
Blaster - water, boring machine, broom - power, compressor - 65 cu. ft. or under (regardless of power used)(2 gun painters), conveyor - 1 story (regardless of power used), conveyor - (over 1 and up to 3 units regardless of power used), generator (4 KW or over), hauck machine or similar type, heaters - up to and including four, jack & pump - motor hydraulic, jenny - steam (or similar type), ladavator, mixer - concrete (regardless of power used), mixer - mortar (over 10 cu. ft. regardless of power used), mobile - track (or similar type), mulching machine, pin puller, pulverizer, pump - 1½ inch discharge or less, regulator - ballast, seeding machine, shoulder, spray cure machine,						

MODIFICATIONS P. 44

DECISION #AP-422 (cont'd)

PA-25 PEO 1 D 4 of 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
syphon - (steam or air), tie tamper (multiple heads), tractor - farm (when used for landscaping), welding machine - single (300 amp. or over), oiler, truck crane	$7.43	.35	.50		.05	
Brake man, deck hand, helicopter signalman, oiler, mechanic helper	7.19	.35	.50		.05	

DECISION #AP-425 (cont'd)

26-LAB-2-3-J 1 of 2

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apprn. Tr.
Laborers:					
Construction laborer (including tenders handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operator, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.71	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behing), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (ahnd or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle (hand operated), Power fence operator, Power wheelburrows and buggies, Rail porter, or similar, Screed operator					

DECISION #AP-425 (cont'd)

26-LAB-2-3-J 2 of 2

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apprn. Tr.
Laborers (cont'd):					
Signal man, Whacker	$ 5.93	.30	.30		
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakemen, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.93	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine (trencher or similar)	6.24	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, belgain and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.36	.30	.30		
Multi-plate pipe (aligning and securing) Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30		
Welder (pipeline)	7.70	.30	.30		
Tunnel and Shaft Work (Inside):					
Change house attandant	5.69	.30	.30		
Muckers, Brakemen and all other labor (inlcudes installation of utility lines), Signal man, Drill runner helper	5.93	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	6.24	.30	.30		
Caisson and tunnel men under pressure (0-18 pounds)	6.36	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30		
Carpenters	7.11	6%	3%		
Cement masons	7.05	.423	.705		
Piledrivermen	7.96	5%	6%		

MODIFICATIONS P. 47

DECISION #WP-425 (cont'd) PA-2-PEO-2-3- G (1-2)

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.73	.35	.50		.04
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift, (under 4 cy,) Job Work Boat (Powered)					

MODIFICATIONS P. 48

DECISION #WP-425 (cont'd) PA-2-PEO-2-3- G (2-2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$7.47	.35	.50		.04
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.46	.35	.50		.04
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.01	.35	.50		.04
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.86	.35	.50		.04

MODIFICATIONS P. 49

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-429 - Mod. #4 (37 FR 21255 - October 6, 1972) Berks County, Pennsylvania						
Change:						
Building Construction:						
Asbestos workers	$7.83	.30	.30			
Bricklayers and stonemasons	7.60	.40	.50			
Carpenters and soft floor layers	7.33	.42	.35		.20 of 1%	
Ironworkers:						
Structural and ornamental	7.825	e			.01	
Reinforcing	7.825	e			.01	
Millwrights	7.83	.42	.35		.20 of 1%	
Roofers:						
Remainder of County:						
Composition, damp and waterproof	8.425	.375	.10	d		
Precast slabs	9.225	.375	.10	d		
Slate, tile and asbestos	8.425	.375	.10	d		
Tile setters	6.45	.40	.20			

Footnotes:

d. July 4th and Election Day paid holidays.

e. Employee contributes $1.20 to a combined Health and Welfare and Pension Fund.

MODIFICATIONS P. 50

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-353 - Mod. #5 (37 FR 23519 - November 3, 1972) Jefferson & Orange Counties, Texas						
Change:						
Lathers	$7.325	.20			.01	
Plasterers	7.03	.27	.30		.02	
DECISION #AP-354 - Mod. #5 (37 FR 23521 - November 3, 1972) Jefferson & Orange Counties, Texas						
Change:						
Lathers	$7.325	.20			.01	
Plasterers	7.03	.27	.30		.02	
DECISION #AP-389 - Mod. #2 (38 FR 2625 - January 26, 1973) Galveston County, Texas						
Change:						
Building Construction:						
Electricians	7.49	.28	1%+.30		.03	
Plasterers	7.03	.27	.30		.02	
DECISION #AP-390 - Mod. #2 (38 FR 2628 - January 26, 1973) El Paso County, Texas						
Change:						
Building Construction:						
Ironworkers:						
Ironworkers (El Paso County)	6.00	.40	.40		.05	
Ironworkers (all areas outside El Paso County)	7.00	.40	.40		.05	
Line Construction:						
Lineman - Technician	6.70	.25	1%		1/2%	
Cable splicers	6.95	.25	1%		1/2%	
Equipment operators	6.70	.25	1%		1/2%	
Groundman	75%JR	.25	1%		1/2%	
Groundman (less than 6 months)	60%JR	.25	1%		1/2%	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-394 - Mod. #2 (38 FR 2643 - January 26, 1973) Lubbock County, Texas						
Change:						
Building Construction:						
Bricklayers; Stonemasons	$6.65					
DECISION #AP-395 - Mod. #2 (38 FR 2643 - January 26, 1973) Harris County, Texas						
Change:						
Building Construction:						
Lathers	7.25	.20	.15		.02	
Painters:						
Remainder of County:						
Brush	6.285	.275	.30	.40	.03	
Roller, steam cleaning, pneumatic tools	6.285	.275	.30	.40	.03	
Spray	6.60	.275	.30	.40	.03	
Sandblasting-waterblasting	6.60	.275	.30	.40	.03	
Steeple jack work, hot materials	6.91	.275	.30	.40	.03	
Plasterers	7.03	.27	.30		.02	
DECISION #AP-443 - Mod. #4 (37 FR 24515 - November 17, 1972) Montgomery and Prince Georges Counties, Maryland; City of Alexandria, Virginia; Arlington and Fairfax Counties, Virginia And Dulles International Airport						
Change:						
Laborers - Building Construction:						
Common laborers, landscapers	$6.07	.28	.25		.05	
Acetylene burners used on wrecking	6.57	.28	.25		.05	
Air tool op., scaffold builders, paving breakers, townmasters, buggy mobiles, spaders, mortarmen and scootcretes	6.22	.28	.25		.05	
Pipelayers	6.22	.28	.25		.05	
Powdermen	7.245	.28	.25		.05	
Powersaw, well points	6.32	.28	.25		.05	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-442 - Mod. #4 (37 FR 24512 - November 17, 1972) Washington, D. C.						
Change:						
Laborers - Building Construction:						
Common laborers, landscapers	$6.07	.28	.25		.05	
Acetylene burners used on wrecking	6.57	.28	.25		.05	
Air tool op., scaffold builders, paving breakers, townmasters, buggy mobiles, spaders, mortarmen and scootcretes	6.22	.28	.25		.05	
Pipelayers	6.22	.28	.25		.05	
Powdermen	7.245	.28	.25		.05	
Powersaw, well points	6.32	.28	.25		.05	
Sewer & Water Lines Schedule-See Modifications Ps. 53 & 54						

DECISION #AP-442 (cont'd)

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SEWER AND WATER LINES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Bricklayers	$8.70	.37	.33		
Carpenters	7.77	.25	.29		.07
Cement masons	7.75	.225	.20		.05
Ironworkers, reinforcing	7.85	.35	.25		.03
Piledrivermen	7.905	.25	.29		.07
Plumbers	8.93	.38	.25		.10
Power Equipment Operators:					
Backhoes, cableways, cranes, draglines, power shovels, tunnel shovels, tunnel mucking machines of 1 c.y. or above	6.54	.25	.25		.05
Backhoes, cableways, cranes, derricks, draglines, power shovels, tunnel mucking machines up to 1 c.y. and boom cats, elevating graders, hoists, paving mixers, pile driving engines, batch plant, concrete pumps	6.29	.25	.25		.05
Trenching machines (above 8'3")	6.09	.25	.25		.05
Backhoes (hydraulic, under ½ c.y.)	6.17	.25	.25		.05
Trenching machines (up to 8'3"), boilers skeleton, well drilling machines	5.99	.25	.25		.05
Air Compressors, tunnel	5.96	.25	.25		.05
Front end loaders (high lift)	5.94	.25	.25		.05
Concrete mixers, power wheel scoops and scrapers, motor graders, tunnel motor men	5.84	.25	.25		.05
Mechanics	5.82	.25	.25		.05
Bulldozers, hydraulic tampers	5.74	.25	.25		.05
Roller	5.64	.25	.25		.05
Air compressors, pumps welding machines, well points	5.565	.25	.25		.05
Apprentice Engineers:					
Firemen	5.10	.25	.25		.05
Truck crane oilers	4.95	.25	.25		.05
Oilers	4.90	.25	.25		.05
Truck drivers:					
Dump trucks	2.75	.12	c		
Dump trucks over 8 wheels	2.85	.12	c		
Flat trucks	2.85	.12	c		
Trailers	2.95	.12	c		
Fuel and oil trucks	2.75	.12	c		
Euclids	3.10	.12	c		

DECISION #AP-442 (cont'd)

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SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Open Cut:						
Laborers, probationary (1st 60 days)	$4.33	.25	.25		.03	
Laborers, jackhammer, rammers, and spaders	5.41	.25	.25		.03	
Timbermen, sheeting-man, shoringman, caulkers, pipelayers' helpers	5.56	.25	.25		.03	
Bottom man	5.46	.25	.25		.03	
Wagon drillers, air track drillers	5.76	.25	.25		.03	
Pipelayers	5.51	.25	.25		.03	
Tunnel:						
Brakemen, bull gang, dumper, trackman, concrete man	6.345	.28	.25		.05	
Chuck tender, powdermen in prime house, form setters and movers, nippers, cablemen, hosemen, grout men, bell or signal man, top or bottom, vibrator operator, caulkers helpers	6.645	.28	.25		.05	
Miners, rodmen, re-bar underground, concrete or gunite, nozzleman, powderman, timberman, wood, steel including liner plate or any other support material, motormen, caulkers diamond drill, riggers, cement finishers underground, welders and burners, shield driver, air-trac, shotcrete nozzleman & potman	7.295	.28	.25		.05	
Mucking machine operator (air)	7.545	.28	.25		.05	

COMPRESSED AIR: (per day)

Guage Pressure Pounds	Work Period				
From 1 to 14	7 hours	66.00	a	b	d
" 14 to 18	6 hours	69.00	a	b	d
" 18 to 22	5½ hours	72.00	a	b	d
" 22 to 26	5 hours	75.00	a	b	d
" 26 to 32	4 hours	78.00	a	b	d
" 32 to 38	3 hours	81.00	a	b	d
" 38 to 44	2½ hours	84.00	a	b	d

FOOTNOTES:

a. Employer contributes $2.24 per day to Health & Welfare.

b. Employer contributes $2.00 per day to Pension.

c. $4.00 per week when employee has worked 90 days; and works three days in any work week.

d. Employer contribut3s .40 per day to Apprentice Training.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-53 - Mod. #3 (37 FR 25643 - December 1, 1972) Brown County, Wisconsin						
Change:						
Carpenters	$7.03	.25	.25		.02	
Millwrights	7.28	.25	.25		.02	
Piledrivermen	7.28	.25	.25		.02	
Soft floor layers	7.03	.25	.25		.02	
Laborers: Building Construction						
Construction laborers, Etc.	5.65	.25	.15			
Plasterer tender, Etc.	5.70	.25	.15			
Jackhammer Operator, Etc.	5.85	.25	.15			
DECISION #AP-54 - Mod. #3 (37 FR 25647 - December 1, 1972) Dane County, Wisconsin						
Change:						
Cement masons	$7.60	.15	.20			
Elevator Constructors	7.905	.345	.23	2%+b6d	.015	
Elevator Constructors' Helpers	5.53	.345	.23	2%+b6d	.015	
DECISION #AP-55 - Mod. #2 (37 FR 25650 - December 1, 1972) Eau Clair County, Wisconsin						
Change:						
Plumbers	$7.26	.45	.35	.59		
Steamfitters	7.26	.45	.35	.59		
DECISION #AP-56 - Mod. #3 (37 FR 25654 - December 1, 1972) Juneau County, Wisconsin						
Change:						
Painters (South western part Of County						
Brush	$5.78		.25			
Structural steel	6.05		.25			
Swing stage, Bos'n chair	6.10		.25			
Spray	6.47		.25			

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-58 - Mod. #3 (37 FR 25662 - December 1, 1972) La Crosse County, Wisconsin						
Change:						
Painters:						
Brush	$5.78		.25			
Structural steel	6.05		.25			
Swing stage	6.10		.25			
Spray	6.47		.25			
Sandblasting	6.47		.25			
DECISION #AP-59 - Mod. #2 (37 FR 25666 - December 1, 1972) Marathon County, Wisconsin						
Change:						
Plumbers	$7.15	.35	.20	.60+b		
Sheet metal workers	6.96	.35	.15		.02	
Steamfitters	7.15	.35	.20	.60+b		
DECISION #AP-60 - Mod. #3 (37 FR 25669 - December 1, 1972) Milwaukee, Ozaukee, Waukesha and Washington Counties, Wisconsin						
Change:						
Elevator Constructors	$8.06	.345	.23	2%+a6b	.015	
Elevator Constructors Helpers	5.64	.345	.23	2%+a6b	.015	
Elevator Const. (prob.)	4.03					
Marble setters	7.31	.60	.50	.5%		
Terrazzo workers	7.47	.40	.50	.46		
Tile setters	7.25	.30	.50	.45		
Electricians	8.39	.44	1%+.20	7%	1.25%	
DECISION #AP-63 - Mod. #3 (37 FR 25682 - December 1, 1972) Rock County, Wisconsin						
Change:						
Electricians	$8.00	.25	1%	6.5%+d	.25%	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-64 - Mod. #3 (37 FR 25686 - December 1, 1972) Winnebago County, Wisconsin						
Change:						
Electricians	$8.10	.30	1%			
Carpenters	7.03	.25	.25		.02	
Millwrights	7.28	.25	.25		.02	
Piledrivermen	7.28	.25	.25		.02	
Soft floor layers	7.03	.25	.25		.02	
Laborers: Building Construction						
Construction laborers, Etc.	5.65	.25	.15			
Plasterer tender, Etc.	5.70	.25	.15			
Jackhammer Operator, Etc.	5.85	.25	.15			
DECISION #AP-65 - Mod. #3 (37 FR 25606 - December 1, 1972) Dane County, Wisconsin						
Change:						
Cement masons	$7.60	.15	.20			
Elevator constructors	7.905	.345	.23	2%+b6d	.015	
Elevator constructors' helpers	5.53	.345	.23	2%+b6d	.015	
DECISION # AP-66 Mod. #3 (37 FR 25609 - December 1, 1972) La Crosse County, Wisconsin						
Change:						
Painters:						
Brush	$5.78		.25			
Structural steel	6.05		.25			
Swing stage	6.10		.25			
Sandblasting	6.47		.25			
Spray	6.47		.25			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-67 - Mod. #2 (37 FR 25612 - December 1, 1972) Milwaukee, Ozaukee, Waukesha, & Washington Counties, Wisconsin						
Change:						
Elevator constructors	$8.06	.345	.23	2%+a6b	.015	
Elevator constructors' helpers	5.64	.345	.23	2%+a6b	.015	
Elevator Const. helpers (prob.)	4.03					
Marble setters	7.31	.60	.50	.56		
Terrazzo workers	7.47	.40	.50	.46		
Tile setters	7.25	.30	.50	.45		
Electricians	8.39	.44	1%+.20	7%	1.25%	

SUPERSEDEAS DECISION

STATE: ILLINOIS
COUNTIES: PEORIA & TAZEWELL
DECISION NUMBER: AP-637
DATE: DATE OF PUBLICATION
Supersedes Decision No. AP-621, dated January 26, 1973, in 38 FR, 2595
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) Heavy Construction and Dredging.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$9.00	.50	.475		.05	
Boilermakers	7.90	.40	.65		.01	
Bricklayers & Stonemasons:						
Green Valley, Manito, Pekin, Mackinaw & Tremont (Tazewell County)	5.20	.225	.30			
Peoria County & Remainder of Tazewell County	7.875	.35	.30		.05	
Carpenters: (Building & Heavy)						
Carpenters, Soft Floor Layers, Millwrights & Piledrivermen						
Morton, Mackinaw & Vicinity (Tazewell County)	4.90					
Chillicothe & Vicinity(Peoria County)	4.55					
Carpenters & Soft Floor Layers						
East Peoria (Tazewell County & Remainder of Peoria County	7.66	.30	.30		.02	
Remainder of Tazewell County	7.42	.33	.25		.02	
Millwrights & Piledrivermen						
East Peoria (Tazewell County) and Remainder of Peoria County	7.96	.30	.30		.02	
Remainder of Tazewell County	7.67	.33	.25		.02	
Cement Masons: (Building & Heavy)	7.545	.35	.30		.05	
Electricians	7.905	.25	1%+.20		1%	
Elevator Constructors:						
Elevator Constructors	7.37	.195	.20	2%+a&b	.005	
Helpers	5.16	.195	.20	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Glaziers	7.425	.25	.15			
Ironworkers, Structural, Ornamental & Reinforcing	7.70	.40	.375			
Lathers	7.77	.25	.20		.01	
Leadburners	8.25	.30		c	.01	
Line Construction:						
Linemen	7.95	.25	1%		.25%	
Groundmen Equipment Opr. Class I	7.43	.25	1%		.25%	
Groundmen Truck Driver W/Winch	5.53	.25	1%		.25%	
Groundmen Truck Driver WO/Winch	5.28	.25	1%		.25%	
Groundmen Class "A"	5.03	.25	1%		.25%	
Marble Setters, Terrazzo Workers & Tile Setters	7.65	.35	.30		.02	
Marble Setters, Terrazzo Workers & Tile Setters' Helpers	6.975	.225				
Painters:						
Brush	7.30	.25	.30			
Structural Steel & Spray	7.60	.25	.30			
Plasterers	7.825	.35	.30			
Plumbers & Steamfitters:						
Peoria County & North of Hwy. #98 (Tazewell County)	7.925	.24	.60		.09	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Remainder of Tazewell County	7.855	.24	.60		.06	
Roofers	7.495	.20	.25			
Sheet Metal Workers	7.50	.38	.35		.04	
Sprinkler Fitters	8.75	.30	.50		.05	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE)

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

FOOTNOTES:

a. Six paid holidays; A through F.

b. Employer contributes 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. Eight paid holidays, A through F plus Washington's Birthday and Good Friday & Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

PEORIA COUNTY & THE CITY OF EAST PEORIA (TAZEWELL COUNTY)

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LABORERS- BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers tenders; Carpenters tenders; Cement mason tender; Concrete from dismantler; Stone, Tile & Derrick men; Tool crib men; Window washers; Wrecking; Dismantling old buildings, Wall men & House movers, Common laborers; curing concrete.	$6.75	.30	.35		.035	
Cement men & sack shakers, Concrete saw, Drill operator, Jackhammer Kettlemen & Carriers, men handling hot stuff, signalling & spotting of buckets on rig or rig men Paving breaker, Plasterers tender, Air tamper, Cahin saw	6.875	.30	.35		.035	
Gunnite Pump Men, Sandblasting pump men, Tile layers or lateral sewer, unloading & handling of creosote materials	7.00	.30	.35		.035	
Power wheel barrow or buggies	6.925	.30	.35		.035	
Cutting & Acetylene Torch, Gunnite nozzle men, Sandblasting nozzle men, Wood Block Setters	7.125	.30	.35		.035	
Concrete form Dismantler in composite crew with carpenters; compactor rammer type; setting up & using Laser Beam equipment	6.875	.30	.35		.035	
Setting up & using concrete burning bars; underpinning & shoring of exisitng buildings	7.00	.30	.35		.035	

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LABORERS: REMAINDER OF TAZEWELL CO.

BUILDING CONSTRUCTION:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Common laborer or water carrier, top caisson men, plaster tender, mortar mixer, bricklayer tender, men wrecking & dismantling all buildings, house movers, concrete form dismantling, all work pertaining to pouring of concrete, stone & tile setters' helper, landscaping, on all commercial jobs, cement car men, sack shaker, handling material for asbestos work, firing low press boiler, surveyor helpers, cement mason tenders, truck driver helper (min. 1 laborer for each service truck to load & unload materials for crafts laborers tend	$6.72	.30	.25		.035	
All vibrator men, all men employed in tunnal, caisson workers, gunnite pump men, sandblasting pump men	6.97	.30	.25		.035	
Blasting powder men, drill operator (tunnel caisson) gunnite nozzle men, tile & pipe layers, sandblast nozzle men, concrete saw	7.095	.30	.25		.035	
Drill operator, jackhamer men open, kettlemen & carriers of hot stuff, working in trenches where bracing is required or 6 feet below ground level, signalling & spotting of rigs & equipment, chipping hammer (air or electric)	6.865	.30	.25		.035	
Power wheel barrows & buggies	6.895	.30	.25		.035	
Wood block setters	7.12	.30	.25		.035	

PEORIA COUNTY & THE CITY OF EAST PEORIA (TAZEWELL COUNTY) HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Bricklayer tender, carpenter tender, cement mason tender, flagman, concrete form dismantler, piledriver tender, surveyor helper, tool cribmen, water carrier, expansion joint assmeblers, all other excavating work & labor suring all concrete by concrete by hand method; drive stakes; string lines for all machinery; water proofing w/cold stuff	$6.765	.30	.35		.035	
Stripping concrete forms with composite crew of carpenters & laborers	6.89	.30	.35		.035	
All power operated tool, Asphalt Ketoltelmen & carriers, cement men & sack shakers, chipping hammer men, Jackhammer & drill operator (open) Powder man helper, Power form tampers, Power concrete saw, Rig man, Signalling & spotting of rigs & equipment waterproofing w/hot stuff	6.89	.30	.35		.035	
Power Wheelbarrow or buggies	7.04	.30	.35		.035	
Gunnite pump man, Puddlers, Vibrator man, wire fabric placer, sandblasting pump man, strike off, unloading handling & carrying of any creosoted material concrete burning bars	7.015	.30	.35		.035	
Asphalt raker, Bricksetters, Cutting torch, seeting line to level forms, form setters, gunnite nozzle man, sandblasting nozzle man, Powder man Rip rapping, cutting torchman (electric & acetylene)	7.14	.30	.35		.035	
Tunnel & Subways (Free Air): Tom laborer	6.765	.30	.35		.035	
Bell men (top & bottom), all laborers in tunnel	6.89	.30	.35		.035	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Tunnel & Subways (Free Air): Cont'd Drill & Powder men, Gunnite operator (tunnel), operator cement placement	$7.14	.30	.35		.035	
Muckers	7.14	.30	.35		.035	
Tunnel Miners	7.24	.30	.35		.035	
Caisson (Free Air): Caisson top man helper	6.765	.30	.35		.035	
Caisson top man	6.89	.30	.35		.035	
Caisson miners & muckers	7.24	.30	.35		.035	
Open Sewer or Trenches: Top man & all other excavating	6.765	.30	.35		.035	
Bottom man who does immediate grading, batter board man, laser beam equip.	6.89	.30	.35		.035	
Tile layer & Caulker	6.89	.30	.35		.035	
Cribbing, Jackman & Hydraulic Jacman in trench	7.24	.30	.35		.035	
Levee & Heavy Grading: All other labor	6.765	.30	.35		.035	
Spotters, Dump man, cut man	6.89	.30	.35		.035	
Pipe line: All other laborers, Rollers, Scalers and Spotters	6.765	.30	.35		.035	
Spacers	7.04	.30	.35		.035	
Signal men on rigs, rig men, kettlemen & carriers, men handling hot-stuff, men who do immediate grading for laying of pipe or digging bell holes	6.89	.30	.35		.035	

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REMAINDER OF TAZEWELL COUNTY

LABORERS: HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Common Laborers: Carpenter Tender, Tool Cribmen, Clearing & Oiling of Machinery & Tools, Fireman or Salemander Tenders, Flagmen, Gravel Box Men, Form Handlers, Material Handlers, Fencing Laborers, Cleaning Lumber Pit Men, Material Checkers, Dispatchers, Landscapers, Unloading Explosives, Laying of Sod, Planting of Trees, Removal of Trees Pile Driver Helper, Asphalt Plant Helpers, Wrecking Laborers, Fireproofing Laborers, Surveyors, & Instrument Men Helpers, Janitors, Unloading & Carrying of Rebars, caisson top man helper, Mason tenders, Scaffold Workers, Laborers with De-Watering Systems, Plaster Tenders, and Tunnel Labor (Free Air)	$6.72	.30	.25		.035	
Semi Skilled Laborers: Handling of Materials Treated with Oil, Creosote, Asphalt and/or Foreign Material Harmful to Skin or Clothing handled by any mode or method, track Laborers, Cement Handler, Signaling & Spotting of Rigs & Equipment, Cloride Handlers, Wet Concrete Workers, Tunnel Helpers in free air, Batch Dumpers, Kettle & Tar Man, Tank Cleaners Plastic Installers, Motorized Buggies or Motorized Units used for Wet Conctete or Building Materials Sewer W orkers (excluding Pipe Layer & helper), Vibrator Operators, Mortar Mixer Operators, Cement Silica Clay, Fly Ash, Lime and Plaster Handlers (bulk or bag), Cofferdam Workers, Work on Concrete Paving, Placing, Cutting & Tying of Reinforcing, Deck Hand, Dredge Hand & Shore Laborers, Bank men on Floating Plant, Asphalt Workers & Layers with Machine, Grade Checker, Dumpmen, & Spotter where Grade is to be established, Paver Tools,						

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ILLINOIS-5-LABORERS-2-3 H 2 Of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Chain Saw Operators, Jackhammer & Drill Operators, Air Tamping Hammerman, Caisson Top Man, Gunite Pot Man, Batterboard Setter, Digging Bell Holes, Driving of Stakes and setting String Line for all Machinery	$6.92	.30	.25		.035	
Skilled Laborers: Caisson or Tunnel Miners & Muckers Gunnite Nozzle Men, Welders, cutter, Burners & torchmen, Tile or Pipe Layer & Helper, Steel Form Setters-Street and Highway, Concrete Saw Operator, screenman on Asphlat Pavers, Front End Man on Chip Spreader, Laborers Tending Masons with Hot Materials or where Foreign Materials are used, Multiple Concrete Duct-Leadman, Lutemam, Curb Asphlat Machine Operator, Ready Mix Scalemen, Permanent, Portable or Temporary Plant, Laborers, Handling Masterplate or similar Materials, Laser Beam Operator Concrete Burning Machine Operator, Coring Machine Operator, Underpinning & Shoring of Buildings, Dynamite Shooter, Cribbing & Jackman in Trench & Hydraulic Jackhmmn	$7.12	.30	.25		.035	

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BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS:						
GROUP I						
Cranes, escalated rate on crane, derricks, booms, $.01 per hr., per foot, after 80-foot of boom including jib, overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (27Z-dual drum-tri batchers), blacktop plant operators & plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, koehring scooper, draglines, backhoe, hoptoes-crane-type that require oilers, derrick boats, pile drivers & skid rigs, clamshells, locomotive cranes, dredge (all types), motor patrol, power blades dumore-elevating & similar types tower cranes (crawler mobile) & stationary, crane-type backfiller, drott yumbo & similar types considered as cranes, caisson rigs (require oilers)-dozer, tournadozer, work boats, ross carrier & helicopter	$7.80	.35	.35		.05	
GROUP II						
Trench machine, pumpcrete-belt crete-squeeze cretes-screw-type pumps & gypsum bulker & pump, dinkeys, power launches, tournapulls (all), multiple unit, earth movers, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (and similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, euclid loader, forklifts, formless finishing machine, jeeps w/ ditching machine or other attachments, tune-luger, rock crushers, automatic cement & gravel batching plants, mobile drills (soil testing & similar types), (require oiler), flasherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurries, & similar type), 1 & 2 drum hoists (buck hoists & similar types freight & passenger elevators Chicago boom, boring machine & pipe jacking, machine, hydro boom, starting engineer on pipeline, C.M.I. & similar types (require oiler) straw blower, hydro seeder & F.W.D. & similar types	7.60	.35	.35		.05	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS (CONT'D)						
GROUP III						
Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barber greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bag to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pug mill (without pump), screed man on laydown machine, firemen & spray machine on paving	$7.325	.35	.35		.05	
GROUP IV						
Air compressor, all air & steam valves, power subgrader, oil distributor, straight tractor, trac-air without attachments, curb machines, truck crane oilers, & truck type hoptoe oilers	7.05	.35	.35		.05	
GROUP V						
Herman Nelson heater, Dravo, Warner, silent glo, & similar types, one engineer will operate 1-5 & after 5, two operators will be required, self- propelled concrete saws, assistant heavy equipment greaser on spread, roller, 5 tons & under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2)-300 amp. or over, mixer (3) bag & under (standard capacity), bulk cement plant, crawler crane & skid rig oilers	6.94	.35	.35		.05	

HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Power Equipment Operators:						
GROUP I						
Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile & crawler & stationary, derricks & hoist (3-drum); Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver & skid rigs, clam shells, locomotive cranes, road pavers-single drum-dual drum & tri batcher, motor patrols & power blades-Dumore, elevating sumilar types, mechanics, central concrete mixing plant oper. blacktop plant operators & plant engineers gradall, caisson rigs-requires oiler, skimmerscoop-Koehring scooper, dredges (all types) hoptoe-crane type (require oiler), Escalated rate on crane & derricks booms, .01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer	$7.775	.35	.35		.05	
GROUP II						
Asphalt heater & planter combination (used to plant streets), trench machines, pump crete-belt crete-squeeze crete-screw type pumps & gysum, bulker & pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, .25 per hour for each scoop over one, scoops (all sizes), pushcats, end-loaders (all types), side booms, P-H one-pass soil cement machines & similar types, wheel tractors (industrial or farm-type with dozer hoe-end loader or other attachments, backfillers, asphalt surfacing machine euclid loader, fork lifts, formeless finishings, jeep w/ditching machine or other attachments, tuneluger, rockcrucher,						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
automatic cement & gravel batching mobile drills (soil testing) & similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (Top greaser on spread), power launches, boring machine, C.M.I. & similar types (require oiler), all (10 & (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-seeder, boring machine, hydro boom, starting engineer on pipeline, F.W.D. & similar types	$7.575	.35	.35		.05	
GROUP III						
Apsco spreader or similar types, tracters (track-type) without power units pulling rollers, rollers on asphalt-brick or macadam, concrete breaders, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch & boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barbor Greene or similar loaders, track-type tractors w/power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving	$7.30	.35	.35		.05	
GROUP IV						
Power subgrader, oil distributor, straight tractor, tracair (without attachments), curb machines, pavef ditch machines, truck crane oiler, and truck type hoptoe oilers	$7.025	.35	.35		.05	
GROUP V						
Herman Nelson Heater, Dravo, Warner, silent glo & similar types, one engineer will operator 1-5 & after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers - 5 ton & under on earth and gravel, from graders, pump (1) or						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
(20, light plant (10 or (2), generator (1) or (2), air compressor (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags & under, and bulk cement plant	$6.915	.35	.35		.05	

PEORIA COUNTY & CITY OF EAST PEORIA IN TAZEWELL COUNTY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
TRUCK DRIVERS: (BLDG. & HEAVY CONST.)						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, firemen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.45	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, koehring or similar dumpsters, track trucks, Euclids, Tournapulls, bug-bottom dumps, Tournatrailers, Tournarockers, or similar equipment when used for transportation purpose under 9 cu. yds.or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel A-Frame trucks when used for transporation purposes, 4-wheel winch trucks, pavement breakers, batch trucks-wet or dry - over 2 up to & including 4 - 34E batches	6.65	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or truck licensed for 50,000 lbs. gross up to & including 16 yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, bug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-Frames, tandom winch trucks, hydro-lift trucks						

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks - wet or dry - over 4 - 34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	$6.85	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, hug dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels, water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	7.05	.30	a			

FOOTNOTES:

a. Employer contributes $9.00 per week per each employee.

Ill. 6 -TD E 1 of 2

REMAINDER OF TAZEWELL COUNTY

BUILDING & HEAVY CONST.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck drivers: Drivers on 4-wheel trucks, dumpcretes, scoopmobiles 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors and welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34-E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, pick-up trucks, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, & small pallet type fork -lift op.	$4.43	.20	a			
Drivers on 4-wheel trucks, over 5 cu. yds, or more than 7½ tons, 6-wheel trucks, koehring or similar dumpsters, track trucks, Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, 6-wheel pole-trailers, mixer trucks over 3 cu. yds. & including 6½ cu. yds., fork-lifts, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34-E batches, mechanics, drivers on oil distributors, 2 man operation	4.63	.20	a			
Drivers on heavy equipment over 9 cu. yds. or more than 13½ tons up to and including 16 cu. yds. or 24 tons, such as koehring or similar dumpsters, track trucks, semitrailer water trucks, Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixer trucks over 6½cu. yds., batch trucks - wet or dry - over 4 -34-E batches, pole-trailers, 8-wheel combination or over, lowboy	4.83	.20	a			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as koehring or similar dumpsters, track trucks, Euclids, hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation	5.03	.20	a			

a. Employer contributes $6.00 per week per employee.

AP-637 P. 18 ILLINOIS-1-DREDGING D

DREDGING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1						
Operators on hydraulic dipper or clamshell dredges, Engineers & Repairmen, Operators on work boats	$7.80	.35	.35		.05	
GROUP 2						
Power Winches 1-2-3 Drum	7.60	.35	.35		.05	
GROUP 3						
Security Engineer	7.275	.35	.35		.05	
GROUP 4						
Cranemen on dipper dredges, Operators on launches or power boats	7.25	.35	.35		.05	
GROUP 5						
Fireman & Oilers	6.94	.35	.35		.05	

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federal register

FRIDAY, FEBRUARY 23, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 36

PART IV

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

■

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; List of Establishments

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 391.1, the following table lists the establishments operating under Federal inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.) which were officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. Additions to and deletions from this list will be made from time to time as the facts may warrant, by notices published in the FEDERAL REGISTER. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods.

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
ARMOUR & COMPANY	2 C	(*)					
ARMOUR & COMPANY	2 H	(*)				(*)	
ARMOUR & COMPANY	2 W					(*)	
ARMOUR & COMPANY	2AT					(*)	
ARMOUR & COMPANY	2CC	(*)					
ARMOUR & COMPANY	2HT	(*)					
ARMOUR & COMPANY	2SA			(*)		(*)	
ARMOUR & COMPANY	2SD					(*)	
ARMOUR & COMPANY	2SI	(*)					
ARMOUR & COMPANY	2WN	(*)				(*)	
SWIFT & COMPANY	3 C					(*)	
SWIFT & COMPANY	3 G	(*)					
SWIFT & COMPANY	3 H	(*)				(*)	
SWIFT & COMPANY	3 L					(*)	
SWIFT & COMPANY	3 N	(*)				(*)	
SWIFT & COMPANY	3 R	(*)				(*)	
SWIFT & COMPANY	3 S					(*)	
SWIFT & COMPANY	3 Y	(*)					
SWIFT & COMPANY	3 Z	(*)					
SWIFT & COMPANY	3AE					(*)	
SWIFT & COMPANY	3BW			(*)		(*)	
SWIFT & COMPANY	3CN			(*)			
SWIFT & COMPANY	3GI	(*)					
SWIFT & COMPANY	3GW					(*)	
SWIFT & COMPANY	3TA	(*)					
LYKES BROTHERS, INC. OF GEORGIA	8	(*)				(*)	
LYKES BROTHERS, INC.	8 B	(*)					
PAULY PACKING COMPANY, INC.	10	(*)					
THE EVANS PACKING COMPANY	11	(*)		(*)		(*)	
HYGRADE FOOD PRODUCTS CORPORATION	12 A					(*)	
HYGRADE FOOD PRODUCTS CORPORATION	12 P	(*)					
HYGRADE FOOD PRODUCTS CORPORATION	12 T	(*)					
HYGRADE FOOD PRODUCTS CORPORATION	12FW	(*)					
JOHN MORRELL & COMPANY	17	(*)				(*)	
JOHN MORRELL & COMPANY	17 A	(*)				(*)	
JOHN MORRELL & COMPANY	17 D	(*)				(*)	
JOHN MORRELL & COMPANY	17 E					(*)	
JOHN MORRELL & COMPANY	17 U	(*)					
C. FINKBEINER, INC.	18	(*)				(*)	
CUDAHY COMPANY	19 W	(*)					
WILSON CERTIFIED FOODS, INC.	20 A	(*)				(*)	
WILSON-SINCLAIR COMPANY	20 H					(*)	
WILSON CERTIFIED FOODS, INC.	20 I	(*)				(*)	
WILSON-SINCLAIR COMPANY	20 L					(*)	
WILSON CERTIFIED FOODS, INC.	20 N	(*)		(*)		(*)	
WILSON CERTIFIED FOODS, INC.	20 Q	(*)		(*)		(*)	
WILSON BEEF & LAMB COMPANY	20 U			(*)			
WILSON-SINCLAIR COMPANY	20 Y	(*)		(*)		(*)	
WILSON BEEF & LAMB COMPANY	20AI	(*)		(*)			
SWIFT & COMPANY	23	(*)		(*)			
COAST PACKING COMPANY	25	(*)		(*)			
PATRICK CUDAHY, INC.	28					(*)	
KREINBERG & KRASNY, INC.	30	(*)					
SUPERIOR'S BRAND MEATS, INC.	31	(*)		(*)		(*)	
ROEGELEIN PROVISION COMPANY	32					(*)	
ROEGELEIN PROVISION COMPANY	32 A	(*)					

NAME OF ESTABLISHMENT	EST. NO.		CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
VALLEYDALE PACKERS, INC.	34		-(*)-	-(*)-	-(*)-	------	-(*)-	------
KENTON PACKING COMPANY	36		-(*)-	-(*)-	------	------	------	------
SUNNYLAND PACKING COMPANY	43		------	------	------	------	-(*)-	------
STARK WETZEL & COMPANY, INC.	44	A	------	------	------	------	-(*)-	------
LINDEN PACKING COMPANY, INC.	45		-(*)-	------	------	------	------	------
IDAHO MEAT PACKERS	46		-(*)-	------	------	------	------	------
MIDWESTERN BEEF, INC.	53		-(*)-	------	------	------	------	------
INSEL AND INSEL	54		-(*)-	-(*)-	-(*)-	-(*)-	------	------
SUNNYLAND PACKING COMPANY OF ALABAMA	56		-(*)-	------	------	------	------	------
SUNNYLAND PACKING COMPANY OF ALABAMA	56	A	------	------	------	------	-(*)-	------
WEIMER PACKING COMPANY, INC.	59		-(*)-	------	------	------	-(*)-	------
GLOVER PACKING COMPANY OF AMARILLO	60		-(*)-	------	------	------	------	------
GLOVER PACKING COMPANY	60	A	-(*)-	-(*)-	-(*)-	-(*)-	-(*)-	------
GOOCH PACKING COMPANY	61		-(*)-	------	------	------	-(*)-	------
SUNFLOWER BEEF PACKERS OF NEBRASKA	62		-(*)-	------	------	------	------	------
SANDUSKY DRESSED BEEF COMPANY	63		-(*)-	------	------	------	------	------
SELKIRK REALTY COMPANY	65		------	------	------	------	-(*)-	------
MEAT QUALITY LABORATORY	68		-(*)-	-(*)-	-(*)-	------	-(*)-	------
AUBURN UNIVERSITY MEATS LABORATORY	71		-(*)-	------	-(*)-	------	-(*)-	------
MINCH'S WHOLESALE MEATS, INC.	72		-(*)-	-(*)-	-(*)-	------	------	------
BROWN THOMPSON & SONS	73		------	------	------	------	-(*)-	------
BALTIC CORPORATION	74	E	------	------	------	------	------	-(*)-
ARMOUR & COMPANY	75		------	------	-(*)-	------	------	------
DINNER BELL FOODS, INC.	79	A	-(*)-	------	------	------	-(*)-	------
DINNER BELL FOODS, INC.	79	B	-(*)-	------	------	------	-(*)-	------
THE CUDAHY COMPANY	81		------	------	------	------	-(*)-	------
RIVIANA FOODS, INC. - HILL'S DIVISION	83	E	------	------	------	------	------	-(*)-
EDGAR PACKING COMPANY	84		------	-(*)-	------	------	------	------
KANSAS BEEF INDUSTRIES, INC.	86		-(*)-	------	------	------	------	------
KANSAS BEEF INDUSTRIES, INC.	86	A	-(*)-	------	------	------	------	------
UTICA VEAL COMPANY, INC.	88		-(*)-	------	------	------	------	------
THE E. KAHN'S SONS COMPANY	89		-(*)-	-(*)-	------	-(*)-	------	------
PEET PACKING COMPANY	90		------	------	------	------	-(*)-	------
PEET PACKING COMPANY	90	A	-(*)-	------	------	------	------	------
PEET PACKING COMPANY	90	B	-(*)-	------	------	------	------	------
LAREDO PACKING COMPANY	91		-(*)-	-(*)-	------	------	------	------
SUGARDALE FOODS, INC.	92		-(*)-	------	------	------	-(*)-	------
LANE PACKING INC.	93		-(*)-	-(*)-	-(*)-	-(*)-	------	------
THE VAL DECKER PACKING COMPANY	95		-(*)-	------	------	------	-(*)-	------
CENTRAL PACKING COMPANY, INC.	96		-(*)-	------	------	------	------	------
A. KOCH'S SONS	98		-(*)-	-(*)-	------	------	------	------
ARMOUR & COMPANY	100		-(*)-	-(*)-	-(*)-	------	------	------
LIBERTY PACKING COMPANY	101		-(*)-	-(*)-	------	------	------	------
H. GRAVER COMPANY	103		-(*)-	------	------	------	------	------
J. LYNN CORNWELL, INC.	107		------	------	------	------	-(*)-	------
CONTRIS PACKING COMPANY, INC.	110		------	------	------	------	-(*)-	------
WILSON-SINCLAIR COMPANY	111		-(*)-	------	-(*)-	-(*)-	-(*)-	------
THE MORRIS PACKING COMPANY	113		-(*)-	------	------	------	------	------
FARMLAND FOODS, INC.	114		-(*)-	------	------	------	------	------
PINE BURR PACKING COMPANY	116		-(*)-	------	------	------	-(*)-	------
TROPHY MEAT PACKING COMPANY, INC.	117		-(*)-	-(*)-	-(*)-	-(*)-	-(*)-	------
HARHOEFER PACKING COMPANY, INC.	121		------	------	------	------	-(*)-	------
CITY DRESSED BEEF	125		-(*)-	------	------	------	------	------
JOHN MORRELL & COMPANY	126		-(*)-	------	------	------	------	------
CASH BROTHERS PACKING COMPANY, INC.	127		-(*)-	-(*)-	-(*)-	-(*)-	-(*)-	------
JOHN ROTH & SON, INC.	130		-(*)-	------	------	------	------	------

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
TOBIN PACKING COMPANY, INC.	133					(*)	
FERRARA MEAT COMPANY, INC.	134	(*)	(*)				
NEBRASKA BEEF PACKERS, INC.	135	(*)					
KLUENER PACKING COMPANY	142	(*)					
R. B. RICE SAUSAGE COMPANY, INC.	144					(*)	
SILVER FALLS PACKING COMPANY, INC.	153	(*)	(*)				
DALLAS CITY PACKING, INC.	156	(*)	(*)				
CORNLAND DRESSED BEEF, INC.	157	(*)					
BEEFLAND INTERNATIONAL, INC.	158	(*)					
MISSOURI FARMERS ASSN. PACKING DIVISION	159	(*)				(*)	
CARR PACKING COMPANY, INC.	160	(*)					
NEW YORK STATE COLLEGE OF AGRICULTURE	165	(*)	(*)	(*)	(*)	(*)	
E. W. KNEIP, INC.	169	(*)				(*)	
BUB DAVIS PACKING COMPANY	171	(*)		(*)		(*)	
AMERICAN MEAT PACKING CORPORATION	180					(*)	
THE RATH PACKING COMPANY	186					(*)	
THE RATH PACKING COMPANY	186 F					(*)	
CARL'S SAUSAGE COMPANY	188					(*)	
CUDAHY COMPANY	191					(*)	
KREY PACKING COMPANY	192					(*)	
HYNES PACKING COMPANY	197	(*)	(*)	(*)			
UNITED PACKING COMPANY	198	(*)		(*)			
GEORGE A. HORMEL & COMPANY	199	(*)				(*)	
GEORGE A. HORMEL & COMPANY	199 A	(*)					
GEORGE A. HORMEL & COMPANY	199 D					(*)	
GEORGE A. HORMEL & COMPANY	199 H	(*)					
GEORGE A. HORMEL & COMPANY	199 I					(*)	
GEORGE A. HORMEL & COMPANY	199 N	(*)				(*)	
CAVINESS PACKING COMPANY, INC.	200	(*)					
CUDAHY COMPANY	202					(*)	
PLATTE VALLEY PACKING COMPANY	203	(*)					
ENGE PACKING COMPANY, INC.	205	(*)				(*)	
NATIONAL BEEF PACKING COMPANY	208 A	(*)					
RIVERSIDE ABATTOIR, INC.	210	(*)					
PENN PACKING COMPANY	212					(*)	
E. W. KNEIP, INC.	213	(*)					
MARSHALL MEAT PRODUCTS, INC.	215	(*)					
LINCOLN MEAT COMPANY	217	(*)					
ITT GWALTNEY, INC.	221 A					(*)	
ARMOUR & COMPANY	222	(*)				(*)	
DE JONG PACKING COMPANY	223	(*)	(*)				
HYGRADE FOOD PRODUCTS CORPORATION	224	(*)				(*)	
HYGRADE FOOD PRODUCTS CORPORATION	224 B	(*)	(*)				
JOHN MORRELL & COMPANY	234	(*)					
WALTI SCHILLING & COMPANY, INC.	235	(*)					
TEXAS TECHNOLOGICAL COLL. - ANIMAL HUSBANDRY	236	(*)		(*)	(*)	(*)	
RASKIN PACKING COMPANY	237	(*)					
SHREVEPORT PACKING COMPANY INC. OF KANSAS	239	(*)	(*)				
P. D. & J. MEATS	240	(*)	(*)				
GREENWOOD PACKING PLANT	242	(*)	(*)	(*)		(*)	
I. KLAYMAN & COMPANY	243					(*)	
IOWA BEEF PROCESSORS, INC.	244	(*)					
IOWA BEEF PROCESSORS, INC.	245	(*)					
IOWA BEEF PROCESSORS, INC.	245 A	(*)					
IOWA BEEF PROCESSORS, INC.	245 B	(*)					
IOWA BEEF PROCESSORS, INC.	245 C	(*)					

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
IOWA BEEF PROCESSORS, INC.	245 D	(*)					
JOHN MORRELL & COMPANY	246	(*)				(*)	
HARGET REALTY CORPORATION	247					(*)	
FEDERAL PACKING COMPANY, INC.	249	(*)					
METRO MEAT PACKING, INC.	253					(*)	
MAGIC VALLEY PACKING COMPANY	258	(*)					
HYPLAINS DRESSED BEEF, INC.	262	(*)					
THE JONES DAIRY FARM	263					(*)	
FARM PAC KITCHENS, INC.	266	(*)				(*)	
PACIFIC MEAT COMPANY, INC.	267	(*)	(*)	(*)		(*)	
PRAIRIELAND PACKING CORPORATION	269	(*)					
PAWNEE PACKING COMPANY	270					(*)	
GOLDEN VALLEY PACKING COMPANY	271	(*)					
TOG PACKING COMPANY, INC.	273	(*)					
ALPHA BETA ACME MARKETS, INC.	279	(*)					
MONENCE PORK PACKERS COMPANY	282					(*)	
PARNETT PACKING CORPORATION	283	(*)					
SOLANO MEAT COMPANY	285	(*)	(*)	(*)			
WESTERN PACKING COMPANY	288	(*)					
ARBOGAST AND BASTIAN COMPANY	289					(*)	
THE H. H. MEYER PACKING COMPANY	290					(*)	
SAN JOSE MEAT COMPANY, INC.	291	(*)					
ARMOUR & COMPANY	292					(*)	
IOWA BEEF PROCESSORS, INC.	292 A	(*)					
S. SCHMEID	295	(*)	(*)	(*)	(*)		
GUS JUENGLING & SON, INC.	298	(*)					
WALDOCK PACKING COMPANY	299					(*)	
GREAT FALLS MEAT COMPANY	301	(*)				(*)	
COMMERCIAL PACKING COMPANY, INC.	302	(*)					
UNION PACKING COMPANY	305	(*)					
STAR PACKING COMPANY	306	(*)					
RUDY'S FARM COMPANY	315					(*)	
DUTTERER'S OF MANCHESTER	316 A	(*)				(*)	
ESTES PACKING COMPANY	319	(*)					
STADLER PACKING COMPANY, INC.	320	(*)				(*)	
RUDNICK PACKING COMPANY, INC.	325	(*)					
FRISCO PACKING COMPANY	327	(*)					
C & H MEAT PACKING CORPORATION	329	(*)					
ROYAL PACKING COMPANY	331 A	(*)					
SHAPIRO PACKING COMPANY, INC.	332	(*)					
GREAT WESTERN PACKING COMPANY, INC.	334	(*)					
NOBLE'S MEAT COMPANY	335	(*)					
CHINO VALLEY MEAT PACKING COMPANY, INC.	336	(*)					
SAM KANE PACKING COMPANY	337	(*)	(*)				
GREEN & OLIVER SAUSAGE COMPANY	338					(*)	
MIDLAND EMPIRE PACKING COMPANY, INC.	339	(*)					
BOOKEY PACKING COMPANY	340	(*)					
PUCKETT PACKING COMPANY	343	(*)					
GOLD-PAC MEAT COMPANY, INC.	344	(*)					
ANZA PACKING COMPANY	345	(*)					
UNION PACKING COMPANY	351	(*)					
FRESNO MEAT PACKING COMPANY	354	(*)					
HERNANDO PACKING COMPANY, INC.	355	(*)	(*)				
ST. PAUL DRESSED BEEF, INC.	357	(*)					
CLOUGHERTY PACKING COMPANY	360					(*)	
MEYER'S PACKING COMPANY	363	(*)					

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
JAMES ALLAN & SONS	365	(*)		(*)		(*)	
WILSON CERTIFIED FOODS, INC.	374	(*)		(*)		(*)	
CROSS BROTHERS MEAT PACKERS, INC.	376	(*)		(*)		(*)	
BEEVILLE PACKING COMPANY	377	(*)		(*)		(*)	
SALINAS MEAT COMPANY	378	(*)		(*)		(*)	
ENGE PACKING COMPANY, INC.	380	(*)				(*)	
SMITHFIELD PACKING COMPANY, INC.	382					(*)	
ACME MARKETS, INC.	384	(*)					
FREEMAN BROTHERS PACKING COMPANY	387	(*)					
DUGDALE PACKING COMPANY	390	(*)					
OLDHAM'S FARM SAUSAGE COMPANY, INC.	392					(*)	
ROBERT L. RUNTZ, INC.	395	(*)					
BONELESS MEAT COMPANY	395 B	(*)		(*)			
DUBUQUE PACKING COMPANY	396	(*)		(*)		(*)	
DUBUQUE PACKING COMPANY	396 C	(*)					
DUBUQUE PACKING COMPANY	396 D	(*)					
LOGAN PACKING COMPANY	397	(*)					
WATSONVILLE DRESSED BEEF, INC.	398	(*)					
LOS BANOS ABATTOIR COMPANY	400	(*)		(*)			
OAKRIDGE SMOKEHOUSE	401	(*)		(*)		(*)	
OWENS COUNTRY SAUSAGE, INC.	403					(*)	
WILLISTON PACKING COMPANY, INC.	405	(*)					
NEUHOFF BROTHERS	406	(*)		(*)		(*)	
GREEN BAY DRESSED BEEF, INC.	410	(*)					
ALPINE PACKING COMPANY	412	(*)		(*)			
THE LUNDY PACKING COMPANY	413					(*)	
THE LUNDY PACKING COMPANY	413 A					(*)	
FROSTY MORN MEATS	414	(*)				(*)	
MINDEN BEEF COMPANY	417	(*)					
S. BONACCURSO & SONS, INC.	418	(*)					
MURRAY PACKING COMPANY, INC.	421	(*)					
E. W. KNEIP INC. OF IOWA	422	(*)					
THE COLLINS PACKING COMPANY	423					(*)	
KENOSHA PACKING COMPANY, INC.	425	(*)					
FINEBERG PACKING COMPANY	428	(*)		(*)		(*)	
SCHNEIDER PACKING COMPANY	439	(*)					
OMAHA DRESSED BEEF COMPANY, INC.	441	(*)					
DEL CURTO MEAT COMPANY	445	(*)		(*)		(*)	
A. DICILLO & SONS, INC.	448	(*)		(*)			
DEWITT PACKING CORPORATION	456	(*)		(*)			
MORRIS RIFKIN & SONS, INC.	460	(*)					
PIONEER BONELESS BEEF, INC.	461	(*)					
LANCASTER PACKING COMPANY	462	(*)					
LITVAK PACKING COMPANY	465	(*)					
BECHAR PACKING COMPANY	467	(*)		(*)		(*)	
CORNHUSKER PACKING COMPANY	468	(*)					
MISSOURI BEEF PACKERS, INC.	473	(*)					
MISSOURI BEEF PACKERS, INC.	473 A	(*)					
MISSOURI BEEF PACKERS, INC.	473 B	(*)					
MID-STATES PACKERS, INC.	476	(*)					
MID-STATES PACKERS, INC.	476 A	(*)					
ARMOUR & COMPANY	477	(*)					
GOTHAM PROVISION COMPANY, INC.	481	(*)		(*)			
SAINT CROIX ABATTOIR	482	(*)		(*)		(*)	
ROBEL BEEF PACKERS	485	(*)					
EAST TENNESSEE PACKING COMPANY	487	(*)				(*)	

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
MEMPHIS BUTCHERS ASSOCIATION, INC.	488		(*)			(*)	
E. W. KNEIP, INC.	489		(*)				
GOLD RING PACKING COMPANY	490		(*)	(*)	(*)		
FAIRBANK FARMS, INC.	492		(*)	(*)			
MID-STATE MEAT PACKERS, INC.	494		(*)	(*)			
BARTEL'S MEAT COMPANY	497		(*)	(*)	(*)	(*)	
HEIM BROTHERS PACKING COMPANY	499		(*)			(*)	
SPENCER FOODS, INC.	501		(*)				
THE HULL & DILLON PACKING COMPANY	510		(*)			(*)	
SHEN-VALLEY MEAT PACKERS, INC.	511		(*)			(*)	
SNIDER BROTHERS, INC.	512		(*)	(*)			
AVERICH PACKING COMPANY, INC.	513		(*)				
CHARLES MILLER & COMPANY	517					(*)	
PORK PACKERS INTERNATIONAL INC.	520					(*)	
ILLINOIS PACKING COMPANY	521		(*)				
PEARL PACKING COMPANY, INC.	524		(*)	(*)	(*)	(*)	
OKLAHOMA STATE UNIVERSITY - MEAT LABORATORY	526		(*)	(*)	(*)	(*)	
SEBASTOPOL MEAT COMPANY, INC.	527		(*)	(*)		(*)	
ARMOUR & COMPANY	528		(*)				
SMALLWOOD PACKING COMPANY, INC.	529		(*)	(*)	(*)		
MARYSVILLE MEAT PACKING COMPANY, INC.	533		(*)	(*)			
PEPPER PACKING COMPANY	536		(*)				
OSCAR MAYER & COMPANY, INC.	537 A		(*)			(*)	
OSCAR MAYER & COMPANY, INC.	537 B					(*)	
OSCAR MAYER & COMPANY, INC.	537 C					(*)	
OSCAR MAYER & COMPANY, INC.	537 E					(*)	
MIDWEST PACKING COMPANY	538		(*)				
GROWERS MEAT COMPANY, INC.	548		(*)	(*)	(*)	(*)	
PRIDE PACKING COMPANY, INC.	549		(*)	(*)			
SALTER PACKING COMPANY	551		(*)				
BLACK HILLS PACKING COMPANY	554		(*)			(*)	
MID-SOUTH PACKERS, INC.	557		(*)			(*)	
THE CUDAHY COMPANY	559		(*)			(*)	
D & W PACKING COMPANY	560		(*)	(*)		(*)	
CHARLES RUBIN MEAT COMPANY	561		(*)	(*)			
PACKERLAND PACKING COMPANY, INC.	562		(*)				
TEXAS MEAT PACKERS, INC.	565 C		(*)				
ELMER BENDER & SON, INC.	569			(*)	(*)		
PERRETTA PACKING COMPANY, INC.	571		(*)				
COIL INC.	575		(*)	(*)			
FROSTY MORN MEATS, INC.	576		(*)			(*)	
ARMOUR & COMPANY	579		(*)			(*)	
COFFEYVILLE PACKING COMPANY, INC.	583		(*)				
FREDERICK & HERRUD, INC.	586					(*)	
DAWSON-BAKER PACKING COMPANY, INC.	588		(*)	(*)	(*)		
ELK GROVE MEAT COMPANY	601		(*)				
SAN ANTONIO PACKING COMPANY	602		(*)		(*)	(*)	
WRIGHT PACKING COMPANY	603		(*)	(*)			
WILSON-SINCLAIR COMPANY	606					(*)	
EASTERN OREGON MEAT COMPANY, INC.	611		(*)		(*)	(*)	
MIDTOWN VEAL & MUTTON COMPANY, INC.	612			(*)			
METRO MEAT PACKING	613					(*)	
DONNER PACKING COMPANY	614		(*)				
KUMMER MEAT COMPANY, INC.	617		(*)		(*)	(*)	
DOSKOCIL SAUSAGE, INC.	623					(*)	
LUMBERJACK MEATS, INC.	626					(*)	

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
BIG FOOT PACKING COMPANY, INC.	627	(*)					
E. A. MILLER & SONS PACKING COMPANY	628	(*)	(*)				
H. H. KEIM COMPANY	630	(*)				(*)	
EBNER BROTHERS PACKERS	633	(*)					
UNITED PACKING COMPANY, INC.	635	(*)					
AUBURN PACKING COMPANY, INC.	636	(*)					
CARTERET ABATTOIR, INC.	639	(*)	(*)	(*)	(*)		
FLANERY MEAT, INC.	643	(*)					
TRANSCONTINENT PACKING COMPANY	E 646						(*)
BIRD PROVISION COMPANY	647					(*)	
SPENCER FOODS, INC.	648	(*)					
SCHLUDERBERG-KURDLE COMPANY, INC.	649					(*)	
JOHN MORRELL & COMPANY	650					(*)	
WILSON BEEF & LAMB COMPANY	655	(*)			(*)		
BAUM'S BOLOGNA, INC.	657	(*)					
MC COOK PACKING CORPORATION	660	(*)	(*)				
QUALITY MEAT PACKING COMPANY	661	(*)					
COLORADO WEST PACKERS, INC.	662	(*)				(*)	
GLOBE PACKING COMPANY	663	(*)					
WEBBER FARMS, INC.	665					(*)	
CROWN PACKING COMPANY	666					(*)	
SCOTTSBLUFF PACKING COMPANY	667	(*)					
UNION PACKING COMPANY, INC.	673	(*)					
S & S PACKING COMPANY, INC.	674	(*)				(*)	
S & S PACKING COMPANY, INC.	674 A					(*)	
CAVINESS PACKING COMPANY, INC.	675	(*)					
JACOB BAUER'S SONS, INC.	678	(*)	(*)				
CALDWELL PACKING COMPANY, INC.	683	(*)					
CALLAWAY PACKING COMPANY, INC.	688	(*)					
PIERCE PACKING COMPANY	691	(*)				(*)	
WILHELM FOODS, INC.	692	(*)					
BRYAN MEAT COMPANY	693	(*)					
KANSAS STATE UNIV. - ANIMAL HUSBANDRY DEPT.	694	(*)	(*)	(*)		(*)	
KRAMER BEEF COMPANY	695	(*)					
GULF PACKING COMPANY	696	(*)					
TRIOLO BROTHERS	706					(*)	
CENTRAL NEBRASKA PACKING COMPANY	E 713						(*)
DAVENPORT PACKING COMPANY, INC.	716	(*)					
FARMLAND FOODS, INC.	717					(*)	
FARMLAND FOODS, INC.	717 A					(*)	
A. DARLINGTON STRODE	718					(*)	
K-M COMPANY	719	(*)					
SWIFT & COMPANY	726	(*)	(*)	(*)		(*)	
DECKER & SON	727					(*)	
ROODE PACKING COMPANY, INC.	729	(*)					
FROSTY MORN MEATS, INC.	731					(*)	
PACIFIC MEAT COMPANY	732	(*)	(*)	(*)		(*)	
WESTERN PACKERS	733	(*)					
S W GALLS SON	735			(*)	(*)		
OHIO PACKING COMPANY	736	(*)	(*)			(*)	
PARNELL'S PACKING COMPANY	738	(*)	(*)	(*)		(*)	
THE JACOB SCHLACHTER'S SONS COMPANY	739	(*)	(*)				
MID-STATE MEAT COMPANY	741	(*)	(*)				
THE OK PACKING COMPANY	749	(*)	(*)				
MONROE PACKING COMPANY, INC.	755	(*)					
SEITZ PACKING COMPANY, INC.	756 A	(*)					

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
THE AMERICAN MEAT PACKING CORPORATION	760					(*)	
SCHAAKE PACKING COMPANY, INC.	761	(*)					
KARLER PACKING COMPANY	767	(*)			(*)		
SHERIDAN MEAT COMPANY, INC.	768	(*)	(*)	(*)		(*)	
EARL C. GIBBS, INC.	770	(*)					
HANFORD MEAT PACKING COMPANY	773	(*)					
ATLAS PACKING COMPANY	775	(*)					
CENTRAL PACKING COMPANY	777	(*)	(*)				
THE CUDAHY COMPANY	779	(*)	(*)			(*)	
BRYAN PACKING COMPANY	780	(*)	(*)			(*)	
DIAMOND MEAT COMPANY, INC.	783	(*)					
GRANITE STATE PACKING COMPANY	785	(*)	(*)				
AURORA PACKING COMPANY, INC.	788	(*)					
HATFIELD PACKING COMPANY	791	(*)				(*)	
BAUM'S MEAT PACKING COMPANY	792	(*)	(*)				
ROD BARNES PACKING COMPANY	798	(*)					
WESTERN IOWA PORK	800					(*)	
AMERICAN BEEF PACKERS, INC.	807	(*)					
AMERICAN BEEF PACKERS, INC.	807 A	(*)					
AMCO-PAC CORPORATION	809	(*)					
THE G. ERHARDT SONS, INC.	810	(*)	(*)				
UNITED PACKING OF IOWA, INC.	812					(*)	
CASTLE BRANDS, INC.	816					(*)	
ROCHESTER INDEPENDENT PACKER, INC.	817	(*)					
J. H. ROUTH PACKING COMPANY	818					(*)	
STERLING COLORADO BEEF COMPANY	823	(*)					
FOREMOST PACKING COMPANY	824					(*)	
SUPERIOR PACKING COMPANY, INC.	825			(*)			
BERCHEM'S MEAT COMPANY	830	(*)					
LEE-JOHNSON, INC.	835	(*)				(*)	
FREDERICK COUNTY PRODUCTS, INC.	838	(*)	(*)	(*)			
REELFOOT PACKING COMPANY	840	(*)				(*)	
G. BARTUSCH PACKING COMPANY	843	(*)					
THE ALLEN PACKING COMPANY	845	(*)	(*)	(*)			
ARENA DRESSED BEEF COMPANY	853	(*)					
SIOUX CITY DRESSED BEEF	857	(*)					
SIOUXLAND DRESSED BEEF COMPANY	857 F	(*)					
SIOUX BEEF COMPANY	857 O	(*)					
JORDAN MEAT AND LIVESTOCK COMPANY, INC.	858	(*)	(*)	(*)	(*)	(*)	
WELLS AND DAVIES, INC.	860	(*)				(*)	
SIERRA MEAT COMPANY	862	(*)					
TENNESSEE DRESSED BEEF COMPANY	865	(*)					
AMERICAN BEEF PACKERS, INC.	866	(*)					
HARDY AND COMPANY, INC.	869	(*)	(*)				
SANTA ANA PACKING COMPANY	874	(*)					
PAHLER PACKING CORPORATION	880	(*)					
SWANTON PACKING COMPANY, INC.	883	(*)					
ALCO PACKING COMPANY, INC.	885	(*)	(*)	(*)		(*)	
ALCO PACKING COMPANY	885 A	(*)	(*)	(*)			
WALDEN PACKING COMPANY, INC.	886	(*)					
SAMBOL PACKING COMPANY	892	(*)					
TOBIN PACKING COMPANY, INC.	893					(*)	
VERNON CALHOUN PACKING COMPANY	897	(*)					
MEATS, INC.	899	(*)					
SIGMAN MEAT COMPANY, INC.	901 B					(*)	
PARTY PACKING CORPORATION	902	(*)					

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
B. CONSTANTINO & SONS COMPANY	918	(*)					
ALICE PACKING COMPANY	921	(*)		(*)			
VALLEYDALE PACKERS, INC.	922	(*)		(*)			(*)
WISCONSIN PACKING COMPANY	924	(*)					
PEOPLES PACKING COMPANY	925	(*)					
PARSONS BEEF COMPANY, INC.	932	(*)					
E. B. MANNING & SON	934	(*)					
IOWA BEEF PROCESSORS, INC.	935	(*)					
VOLTZ PACKING COMPANY	938	(*)					
CAPPELLINO ABATTOIR, INC.	939	(*)					
GENTNER PACKING COMPANY, INC.	941	(*)					
DIAMOND MEAT PACKERS, INC.	944						(*)
M. BRIZER & COMPANY	948	(*)					
JOE DOCTORMAN & SON PACKING COMPANY, INC.	949	(*)				(*)	
KENNEDY'S SAUSAGE COMPANY	950					(*)	
BOB EVANS FARMS, MICHIGAN, INC.	952					(*)	
THOMPSON FARM COMPANY	959					(*)	
GREATER OMAHA PACKING COMPANY, INC.	960	(*)					
POTTER SAUSAGE PRODUCT, INC.	961					(*)	
VIRGINIA PACKING COMPANY, INC.	963	(*)		(*)		(*)	
LAY PACKING COMPANY	967	(*)				(*)	
MONFORT PACKING COMPANY	969	(*)			(*)		
HAWAII MEAT COMPANY, LTD.	970	(*)					
LONGHORN MEAT PACKERS, INC.	976	(*)					
NATIONAL FOOD STORES, INC.	981	(*)					
BANNER BEEF COMPANY	985	(*)					
SHAMROCK BEEF COMPANY	987	(*)					
EVERETT C. HORLEIN & SON, INC.	988	(*)					
KLARER OF KENTUCKY, INC.	995					(*)	
THE HOME PRIDE PROVISIONS, INC.	1029	(*)					
ARMOUR & COMPANY	1085	(*)		(*)			
LANDY PACKING COMPANY	1171	(*)					
PORKLAND DIVISION OF CONSOLIDATED FOODS	1175					(*)	
A. F. MOYER & SONS, INC.	1311	(*)					
MC CABE PACKING PLANT	1312	(*)		(*)			
STEVENS MEAT COMPANY, INC.	1485	(*)					
JAMES SAUSAGE COMPANY	1718					(*)	
GOLDEN WEST MEAT COMPANY, INC.	E1796						(*)
C & C PACKING COMPANY	2033	(*)		(*)			
DE LUCA PACKING COMPANY	2054	(*)		(*)			
ODOM SAUSAGE COMPANY OF KENTUCKY, INC.	2094					(*)	
ALEWELS, INC.	2101	(*)				(*)	
JESSE JONES DIVISION OF GOODMARK, INC.	2103					(*)	
BALLARD'S FARM SAUSAGE, INC.	2108					(*)	
P & H PACKING COMPANY, INC.	2211	(*)		(*)			
GREELEY MEAT COMPANY	2212	(*)					
HARDY PACKING COMPANY, INC.	2215	(*)			(*)	(*)	(*)
YOAKUM PACKING COMPANY, LTD.	2216	(*)		(*)		(*)	
BURLISON PACKING COMPANY	2224	(*)					
PACE PACKING COMPANY	2228	(*)				(*)	
RIDLEY PACKING COMPANY	2229	(*)					
SOUTH TEXAS PACKERS, INC.	2230	(*)		(*)			
L & H PACKING - BRAUN DIVISION	2239	(*)			(*)	(*)	
CURRY COUNTY MEAT COMPANY	2248					(*)	
BRYAN SAUSAGE COMPANY, INC.	2249					(*)	
COLORADO STATE UNIV. - DEPT. OF ANIMAL SCIENCE	2253	(*)		(*)		(*)	

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
LOVELAND PACKING COMPANY, INC.	2259					(*)	
G & C PACKING COMPANY	2262	(*)	(*)				
RIDLEY PACKING COMPANY	2265	(*)				(*)	
L. A. FREY & SONS, INC.	2266 A	(*)				(*)	
WESTERN BEEF PACKERS, INC.	2267	(*)					
WRIGHT PACKING COMPANY	2269	(*)	(*)			(*)	
LAMESA MEAT COMPANY	2272	(*)		(*)		(*)	
AMARILLO PACKING COMPANY	2273	(*)					
SUNRAY MEATS, INC.	2274	(*)					
NORTHWEST PACKING COMPANY	2283	(*)					
HUSBAND BROTHERS PACKING COMPANY	2284	(*)					
ROLLINS PACKING COMPANY	2285	(*)	(*)	(*)		(*)	
BEN GRANTHAM MEAT PACKERS	2290	(*)				(*)	
DANKWORTH PACKING COMPANY	2296	(*)				(*)	
AMANA SOCIETY MEAT DEPARTMENT	2357	(*)					
THEIS PACKING COMPANY, INC.	2367	(*)				(*)	
GROTE MEAT COMPANY	2369	(*)	(*)	(*)			
WUESTLING PACKING COMPANY	2370	(*)					
CLAYTON PACKING COMPANY	2373		(*)	(*)			
SMIT & SON, INC.	2376	(*)				(*)	
SPENCER FOODS, INC.	2379	(*)					
PARTIN SAUSAGE COMPANY	2385					(*)	
MARSHALL PACKING COMPANY, INC.	2386	(*)					
CLINTON PACKING COMPANY	2387					(*)	
GUSTAV B. NISSEN & SON PACKING COMPANY	2388	(*)					
C. E. RICHARD AND SONS, INC.	2391	(*)					
UNITED MEAT COMPANY, INC.	2396	(*)					
PONY EXPRESS RANCH	2398	(*)	(*)			(*)	
QUALITY PACKINGHOUSE, INC.	2435					(*)	
JOHN R. DAILY, INC.	2450	(*)				(*)	
CIMPL PACKING COMPANY	2460	(*)					
LINK BROTHERS ENTERPRISES	2472	(*)					
WENNING PACKING COMPANY, INC.	2533	(*)					
SPRINGFIELD DRESSED BEEF, INC.	2590	(*)	(*)			(*)	
WEYHAUPT BROTHERS PACKING COMPANY	2594	(*)				(*)	
BARTLOW BROTHERS, INC.	2595	(*)	(*)			(*)	
THE TEETERS PACKING COMPANY	2598					(*)	
DU QUOIN PACKING COMPANY	2599	(*)				(*)	
J. W. TREUTH & SONS, INC.	2612	(*)					
MANASSAS FROZEN FOODS	2621 A	(*)	(*)	(*)	(*)	(*)	
H. P. BEALE & SONS, INC.	2682					(*)	
YODERS LOCKER PLANT	2699	(*)	(*)			(*)	
WAGNER PROVISION COMPANY, INC.	2770	(*)	(*)			(*)	
STOEVEN BROTHERS	2800	(*)		(*)			
BLUE MOUNTAIN MEATS	2825	(*)		(*)		(*)	
LEWIS & MC DERMOTT	2847	(*)					
VISTA MEAT PACKING COMPANY, INC.	2854	(*)	(*)				
GRANITE MEAT AND LIVESTOCK COMPANY	2856	(*)	(*)	(*)	(*)		
ZWEIGART PACKING CORPORATION	2863	(*)	(*)	(*)		(*)	
ARMBRUST MEATS	2912	(*)	(*)			(*)	
MARYVILLE PACKING COMPANY	2927	(*)	(*)	(*)		(*)	
PETTIS COUNTY LOCKER SYSTEM	2929	(*)				(*)	
RUNYON FROZEN FOOD SERVICE, INC.	2932	(*)				(*)	
WINTER MEAT PROCESSING	2936	(*)	(*)	(*)	(*)	(*)	
YONTZ PACKING COMPANY	2939	(*)					
WEST SLAUGHTER HOUSE	2945	(*)				(*)	

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
SUTTERER'S SLAUGHTER HOUSE	2946	*	*	*		*	
PENISCOT PACKING COMPANY	2948	*	*		*	*	
DAVIS SLAUGHTER PLANT	2950	*	*	*	*	*	
B & E MEAT PROCESSING	2952	*				*	
MISTER MEAT	2957	*	*	*	*	*	
MAXWELL BROTHERS, INC.	2959	*	*	*	*	*	
MATTHEWS SLAUGHTER HOUSE	2963					*	
FRANCIS PACKING COMPANY	2965	*					
MURPHYS SLAUGHTER	2972	*					
RINEHARDT'S MEAT PROCESSING, INC.	2978	*				*	
LEBANON PACKING COMPANY	2979	*	*	*		*	
ROSSER MEAT COMPANY	2980	*					
MIRABILE MEAT PROCESSING	2982	*					
HIGHLANDVILLE PACKING COMPANY	2987	*	*	*	*	*	
COUNTRY BUTCHER SHOP	2995	*	*	*	*	*	
FORT PLAIN PACKING COMPANY, INC.	5074	*	*				
DOUBLE A MEAT PACKING, INC.	5162	*	*	*	*	*	
ANTHONY PARILLO, INC.	5193	*	*	*	*	*	
RALPH PACKING COMPANY, INC.	5228	*	*				
JOHNSTON DRESSED BEEF & VEAL COMPANY, INC.	5300	*	*	*	*		
HAYES PACKING CORPORATION	5301	*					
MORRIS MENDEL & COMPANY	5309	*	*	*	*	*	
KLINCH & SCHALLER, INC.	5319	*					
SHANE PACKING COMPANY	5367					*	
HERSHEY ESTATES ABATTOIR	5388	*	*			*	
WINCHESTER PACKING COMPANY, INC.	5500	*				*	
AMEND PACKING COMPANY	5509	*					
GIBBON PACKING, INC.	5511	*					
CARENZLOW & SON	5512	*		*		*	
CENTRAL FOODS, INC.	5519	*					
MID-CONTINENT MEATS, INC.	5523					*	
HEWLETT WHOLESALE MEATS	5524	*					
MACON BEEF PACKERS, INC.	5531	*					
SIOUX-PREME PACKING COMPANY	5537					*	
JACK POLEN BEEF COMPANY, INC.	5548	*					
BONNE TERRE SAUSAGE COMPANY	5554					*	
IOLA MEAT PROCESSORS, INC.	5555	*				*	
THE FANESTIL PACKING COMPANY, INC.	5562	*					
HAVILAND BROTHERS FROZEN FOOD LOCKERS	5565	*				*	
TAMA MEAT PACKING CORPORATION	5569	*					
ALLIED PACKING COMPANY	5572	*					
BUTCHERS INC.	5575	*				*	
WITMER'S MEAT PRODUCTS, INC.	5601	*		*		*	
BOSTON STORE, INC.	5602	*		*		*	
HERMAN THE GERMAN SLAUGHTERHOUSE	5604	*		*		*	
ELLIOTT FOOD PRODUCTS, INC.	5608	*		*		*	
ORD COLD STORAGE	5610	*		*	*	*	
JOHNSON'S FROZEN FOODS	5612	*		*		*	
THE JIMMY DEAN MEAT COMPANY, INC.	5614					*	
ADAMS LOCKER	5621	*		*		*	
ALEXANDRIA PACKING COMPANY	5623	*	*			*	
PANHANDLE PACKING COMPANY	5624	*		*		*	
ARTHUR LOCKER	5627	*	*	*	*	*	
HOLTZEN'S CERTIFIED MEAT PROCESSING AND CURING	5630	*	*	*		*	
MARR'S LOCKER SERVICE	5631	*		*		*	
CARLSON'S MEAT & LOCKERS	5632	*				*	

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
DOTY PACKING COMPANY, INC.	5634	(*)		(*)		(*)	
GRUNKEMEYER MEATS	5635	(*)		(*)		(*)	
BRAVER PACKING COMPANY	5636	(*)	(*)				
CLAY CENTER MEAT COMPANY	5637	(*)	(*)	(*)		(*)	
OTTE PACKING	5638	(*)	(*)	(*)		(*)	
BRAMMEIER'S LOCKER	5639	(*)		(*)		(*)	
F & S SAUSAGE COMPANY, INC.	5640	(*)		(*)	(*)	(*)	
FILLEY LOCKER SERVICE	5646	(*)		(*)		(*)	
PETERSON'S LOCKERS INC.	5647	(*)		(*)	(*)	(*)	
FORD PACKING COMPANY	5648	(*)					
TATUM'S PROCESSING PLANT	5649	(*)	(*)	(*)	(*)	(*)	
CUSTOM PACK, INC.	5650	(*)	(*)	(*)	(*)	(*)	
VERLING LOCKER	5653	(*)				(*)	
BELINDE'S LOCKER PLANT	5654	(*)		(*)		(*)	
EPLER MERCANTILE COMPANY	5655	(*)		(*)		(*)	
KIMBALL LOCKER PLANT	5656	(*)		(*)		(*)	
TRAUTMAN'S MEAT CENTER	5657	(*)		(*)	(*)	(*)	
UNIV. OF NEBRASKA - LOEFFEL MEAT LABORATORY	5658	(*)		(*)		(*)	
BUTLER'S BEEF ACRES	5660	(*)				(*)	
ROMAN PACKING COMPANY	5662	(*)					
NORTH PLATTE PACKING COMPANY, INC.	5663	(*)	(*)	(*)	(*)	(*)	
SIX STREET PROCESSING PLANT, INC.	5664	(*)	(*)	(*)	(*)	(*)	
DALE'S LOCKER	5666	(*)	(*)				
OSCEOLA LOCKER INC.	5667	(*)	(*)			(*)	
PETERSBURG LOCKER	5668	(*)	(*)			(*)	
CARDEL & SON FREEZER MEATS	5670	(*)		(*)		(*)	
DITTMAN'S MARKET	5671	(*)	(*)	(*)		(*)	
YOST PACK INC.	5672	(*)	(*)	(*)	(*)	(*)	
HOLLSTEIN PACKING COMPANY	5673	(*)	(*)	(*)		(*)	
FLICKER PACKING COMPANY	5676	(*)				(*)	
KREIMER'S STORE	5681	(*)		(*)		(*)	
TECUMSEH LOCKER	5682	(*)		(*)		(*)	
VALENTINE LOCKERS	5683	(*)		(*)		(*)	
VERDIGRE MEAT & LOCKER	5684	(*)	(*)	(*)		(*)	
WAUSA LOCKERS	5686	(*)	(*)	(*)		(*)	
DEERSONS MEAT PLANT, INC.	5690	(*)				(*)	
CRETE MEAT PROCESSORS	5695	(*)	(*)			(*)	
HAVLIK'S LOCKER PLANT	5729	(*)	(*)	(*)		(*)	
SHERMAN CUSTOM SLAUGHTERING	5764	(*)				(*)	
GAINES PACKING COMPANY	5767	(*)	(*)			(*)	
PERRYVILLE PACKING COMPANY, INC.	5770	(*)	(*)			(*)	
FRIGID FOOD SERVICE	5776	(*)		(*)		(*)	
GREENHILL SLAUGHTER HOUSE	5779	(*)				(*)	
THE FREEZER	5786	(*)		(*)	(*)	(*)	
SEATON MEAT COMPANY	5791	(*)	(*)		(*)	(*)	
DALE'S PACKING COMPANY	5797	(*)					
MCGEE PACKING COMPANY	5801	(*)		(*)			
SCHLESWIG SAUSAGE INC.	5813	(*)				(*)	
MOTT'S FOOD LOCKERS - ABATTOIR	5821	(*)				(*)	
SIKESTON SLAUGHTERHOUSE	5824	(*)					
SIKESTON FOOD LOCKERS	5825	(*)					
HUGHESVILLE SLAUGHTER PLANT	5826	(*)				(*)	
A. L. HESTER PACKING COMPANY, INC.	5832	(*)	(*)			(*)	
KREISEL SLAUGHTER HOUSE	5834	(*)				(*)	
LYNCH PACKING PLANT	5843	(*)	(*)	(*)	(*)	(*)	
DEXTER PACKING COMPANY, INC.	5845	(*)	(*)			(*)	

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
O. K. MEAT PACKING COMPANY, INC.	6001	(*)	(*)				
WILLIAM C. PARKE & SONS COMPANY	6003	(*)					
UNIVERSITY OF NEVADA - ANIMAL SCIENCE DIVISION	6004	(*)	(*)	(*)			
HOHENER MEAT COMPANY, INC.	6011	(*)	(*)			(*)	
UNIV. OF CALIFORNIA - DEPT. OF ANIMAL SCIENCE	6012	(*)	(*)	(*)		(*)	
JOHNSON MEAT COMPANY	6016	(*)	(*)	(*)	(*)	(*)	
OAKDALE MEAT COMPANY	6017	(*)	(*)			(*)	
LAMB SPECIALITIES, INC.	6018			(*)			
MOUNT VERNON MEAT COMPANY, INC.	6039	(*)	(*)				
PASCO MEAT PACKERS, INC.	6040	(*)	(*)			(*)	
WEBER, INC.	6041	(*)	(*)	(*)			
MC RAE PACK, INC.	6042	(*)	(*)	(*)		(*)	
FLORENCE PACKING COMPANY, INC.	E6043						(*)
DAVIS MEAT COMPANY	6044	(*)		(*)		(*)	
AVILA MEAT COMPANY	6046	(*)	(*)				
SATICOY MEAT PACKING COMPANY	6055	(*)	(*)				
SCHENK PACKING COMPANY	6056	(*)	(*)				
TULARE MEAT COMPANY	6063	(*)					
REDWOOD MEAT COMPANY	6066	(*)	(*)	(*)		(*)	
KLUBNIKIN PACKING COMPANY	6071	(*)	(*)				
GRANDVIEW PACKING COMPANY	6083	(*)	(*)	(*)		(*)	
ARNOPOLE MEAT COMPANY	6084	(*)	(*)				
KRATZIG MEAT COMPANY	6110	(*)	(*)	(*)	(*)	(*)	
ATWATER MEAT COMPANY	6113	(*)	(*)	(*)	(*)	(*)	
MID-CAVE MEAT PACKING COMPANY	6114	(*)	(*)	(*)		(*)	
CEDAR PACKING COMPANY	6118	(*)				(*)	
CUYAMACA MEAT COMPANY	6126	(*)	(*)			(*)	
CIRCLE BAR MEAT COMPANY	6151	(*)	(*)	(*)		(*)	
MARY B MEATS	6156	(*)		(*)		(*)	
T. P. PACKING COMPANY	6173	(*)					
LEWIS MEATS	6175	(*)	(*)	(*)		(*)	
GREEN HILL, INC.	6513					(*)	
GEORGE H. MEYER SONS, INC.	6521	(*)	(*)	(*)		(*)	
GUARD HILL MEATS, INC.	6526	(*)		(*)	(*)	(*)	
GUNNOE SAUSAGE COMPANY, INC.	6541					(*)	
ODOM SAUSAGE COMPANY, INC.	6544					(*)	
C. RICE PACKING COMPANY, INC.	6545	(*)					
SUFFOLK PACKING COMPANY	6546	(*)	(*)	(*)			
MARTIN'S ABATTOIR & WHOLESALE MEATS	6547	(*)				(*)	
PENN HAVEN MEATS, INC.	6559	(*)				(*)	
ROLAND PACKING COMPANY	6563	(*)	(*)		(*)	(*)	
EDWARDS SAUSAGE COMPANY, INC.	6579					(*)	
LEDFORD'S LIVESTOCK FARM SLAUGHTER PLANT	6591 A	(*)	(*)	(*)		(*)	
WHITE PACKING COMPANY	6595	(*)	(*)			(*)	
DEAN SAUSAGE COMPANY, INC.	6621					(*)	
MACELA MUNICIPAL	6675	(*)	(*)			(*)	
YAUCO MUNICIPAL GOVERNMENT	6678	(*)			(*)	(*)	
CAROLINA MUNICIPAL SLAUGHTERHOUSE	6683	(*)	(*)				
MUNICIPAL ABATTOIR	6684	(*)				(*)	
PENUELAS MUNICIPAL ABATTOIR	6685	(*)			(*)	(*)	
MACELO MUNICIPAL DE PONCE	6689	(*)				(*)	
MACELO DE COROZAL	6690	(*)	(*)			(*)	
PRIMEAT PACKING COMPANY	6758	(*)					
STAR MEAT COMPANY	6760					(*)	
WALTER PACKING COMPANY	6766	(*)				(*)	
STANDARD BEEF, INC.	6770	(*)					

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
CALHAN & COMPANY	6775	(*)				(*)	
HELMS SLAUGHTERHOUSE	6777	(*)				(*)	(*)
THE ROSS ABATTOIR COMPANY	6780	(*)				(*)	
BOB EVANS FARMS, INC.	6785						(*)
BERGMAN MEAT PACKING COMPANY, INC.	6788	(*)				(*)	(*)
ILLINI BEEF PACKERS, INC.	6792	(*)					
BOB EVANS FARMS, INC.	6807						(*)
UTICA PACKING COMPANY	6832						(*)
MARBURGER PACKING COMPANY	6863	(*)					
NEMETZ PACKING HOUSE	6866	(*)					
MILLER PROCESSING COMPANY, INC.	6889	(*)	(*)	(*)	(*)	(*)	
ELCONA FOODS, INC.	6902						(*)
WESTERN ILLINOIS ICE COMPANY	6924						(*)
ABE MAY PACKING COMPANY	6965	(*)					
SELECTED MEATS	6979	(*)					
SCHWARTZMAN PACKING COMPANY	7003	(*)					
DEMING PACKING COMPANY, INC.	7005	(*)					(*)
JIMMY DEAN MEAT COMPANY	7012						(*)
MUSKOGEE PACKING COMPANY, INC.	7015	(*)			(*)	(*)	(*)
HATCH PACKING COMPANY, INC.	7021	(*)					(*)
SIXTY-SIX PACKING COMPANY	7023	(*)	(*)	(*)	(*)	(*)	
WESTERN MEAT PACKERS, INC.	7028						(*)
KACHINA PACKING COMPANY	7040	(*)			(*)		(*)
CROW'S MEAT COMPANY	7048	(*)			(*)	(*)	(*)
CHEF REDDY MEATS COMPANY	7049	(*)	(*)	(*)	(*)	(*)	
BARTHEL PACKING COMPANY, INC.	7052 A						(*)
ROCKING V BEEF, INC.	7054	(*)			(*)		(*)
BROWN'S MEAT LOCKER	7055	(*)			(*)		(*)
INTERSTATE PACKING COMPANY	7056	(*)			(*)		(*)
BROWN PACKING COMPANY	7064	(*)					(*)
COMMUNITY ABATTOIR, INC.	7075	(*)					(*)
GUILLOT PACKING COMPANY, INC.	7086	(*)	(*)				
HEARD'S SAUSAGE COMPANY	7088						(*)
CAPROCK BEEF PACKERS, INC.	7089	(*)					
E-TEX PACKING COMPANY	7122	(*)	(*)				
FELICIANA MEAT SUPPLY	7128	(*)	(*)	(*)	(*)	(*)	
B & B PACKING COMPANY	7146	(*)					(*)
OSBURN PACKING COMPANY	7150	(*)	(*)				(*)
GREER'S, INC.	7159						(*)
HARRISON'S PACKING COMPANY	7198	(*)					(*)
SINGLE TREE FARMS, INC.	7203						(*)
KENTUCKY SAUSAGE COMPANY, INC.	7303						(*)
DUFFY BONELESS BEEF COMPANY	7305	(*)	(*)				
METZGER PACKING COMPANY, INC.	7306	(*)					(*)
ENTERPRISE MEAT COMPANY, INC	7319	(*)					
MUNICIPALITY OF AIBONITO	7390	(*)	(*)				(*)
COLEMAN SAUSAGE COMPANY	7401						(*)
HENRY W. STAPH	7402				(*)	(*)	
CAROLINA ABATTIOR, INC.	7404	(*)					(*)
HARRISONBURG WHOLESALE MEAT COMPANY, INC.	7420	(*)					(*)
CRIBBS SAUSAGE COMPANY	7424						(*)
CONTRIS PACKING COMPANY	7438						(*)
DINNER BELL MEAT PRODUCTS, INC.	7440	(*)	(*)	(*)			(*)
BLUE RIDGE BEEF PLANT, INC.	7445	(*)					
WILLIAMS SAUSAGE COMPANY	7455						(*)
F. B. PURNELL SAUSAGE COMPANY, INC.	7464	(*)					(*)

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
DIAMOND MEAT COMPANY, INC.	7465					(*)	
FIELD PACKING COMPANY, INC.	7467	(*)					
BRUNDIGE SAUSAGE COMPANY	7475					(*)	
FULTON COUNTY PACKING COMPANY	7485	(*)				(*)	
DANVILLE MEAT PRODUCTS	7486	(*)				(*)	
T. M. LANDIS, INC.	7517	(*)	(*)	(*)			
DEALAMAN ENTERPRISES, INC.	7562	(*)	(*)	(*)	(*)	(*)	
GARTNER-HARF COMPANY	7576	(*)	(*)	(*)			
MERVIN PACKING, INC.	7600	(*)		(*)		(*)	
ABERCROMBIE MEAT	7601	(*)		(*)		(*)	
MILLNER & SWANICK	7602	(*)					
MISSOURI VALLEY MEAT	7604	(*)					
SCHMALTZ MEATS	7605	(*)		(*)		(*)	
GOLDADES BUTCHER SHOP	7606	(*)		(*)		(*)	
CEDAR RIDGE MEAT SERVICE	7607	(*)				(*)	
BARNES COUNTY LOCKERS	7608	(*)		(*)		(*)	
HOPE LOCKER PLANT	7609	(*)		(*)		(*)	
CASSELTON COLD STORAGE	7611	(*)		(*)		(*)	
GREAT BEND LOCKERS	7612	(*)				(*)	
FAIRMONT LOCKERS	7615	(*)	(*)	(*)	(*)	(*)	
SKYBERG'S	7616	(*)		(*)		(*)	
MONTEITH MEATS	7617	(*)		(*)		(*)	
PARK RIVER LOCKER PLANT	7618	(*)		(*)		(*)	
NIAGARA LOCKERS	7619	(*)		(*)		(*)	
BOWDON LOCKER PLANT	7620	(*)				(*)	
LANGDON LOCKERS	7622	(*)		(*)		(*)	
AAFEDT'S LOCKER PLANT	7623	(*)		(*)		(*)	
ROCKLAKE LOCKER PLANT	7624	(*)		(*)		(*)	
ANETA MEATS	7625	(*)				(*)	
ANIMAL SCIENCE	7627	(*)		(*)		(*)	
STANLEY LOCKER SERVICE	7632	(*)				(*)	
DAVIDSON'S PROCESSING PLANT	7633	(*)		(*)		(*)	
LUNDE PROCESSING	7634	(*)	(*)	(*)		(*)	
DAKOTA MEATS, INC.	7636	(*)	(*)	(*)			
MYERS MEAT PROCESSING	7641	(*)				(*)	
HILLSIDE MEAT COMPANY	7642	(*)		(*)		(*)	
CITY MEAT & LOCKER	7644	(*)		(*)		(*)	
METSCH JACK & JILL	7646	(*)		(*)		(*)	
BOSCH MEAT COMPANY	7647	(*)		(*)		(*)	
FRED BORN	7648	(*)				(*)	
SCHAFERS BUTCHER SHOP	7649	(*)					
K & E PROCESSING AND SALES	7655	(*)		(*)		(*)	
JOHN BONN	7656	(*)		(*)		(*)	
JAT CORPORATION	7661	(*)				(*)	
VALLEY MEAT PACKING COMPANY, INC.	7676	(*)		(*)		(*)	
CITY MEAT COMPANY	7677	(*)		(*)		(*)	
RAHR MEAT SERVICE	7678	(*)		(*)		(*)	
MILES CITY PACKING COMPANY	7679	(*)		(*)			
HARDIN MEAT MARKET	7684	(*)				(*)	
SEITZ-BOWERS PROCESSING PLANT	7685	(*)		(*)		(*)	
TIMBERLAND PACKING CORPORATION	7687	(*)		(*)		(*)	
KREZELAK, INC. (HAVRE ABATTOIR)	7688	(*)				(*)	
ROCKY MOUNTAIN PACKING COMPANY, INC.	7690	(*)		(*)		(*)	
TRIANGLE PACKING COMPANY	7691	(*)					
MARIA'S PACKING COMPANY	7692	(*)		(*)		(*)	
STANFORD MEAT MARKET	7694	(*)		(*)			

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
BARSOTTI'S MEAT PLANT	7695	(*)		(*)		(*)	
MONTANA STATE PRISON	7707	(*)				(*)	
ROBERTS PACKING PLANT	7708	(*)	(*)	(*)		(*)	
RICK'S PACKING COMPANY	7710	(*)	(*)	(*)		(*)	
FAN MOUNTAIN MEATS	7712	(*)	(*)	(*)		(*)	
VOLLMER & SONS, INC.	7713	(*)	(*)	(*)		(*)	
KALISPELL MEAT COMPANY	7716	(*)	(*)	(*)			
WHITE'S WHOLESALE MEATS	7717	(*)	(*)			(*)	
VANDERVANTER MEATS	7718	(*)	(*)				
SCHRAMM PACKING COMPANY	7719	(*)		(*)		(*)	
TOLMAN MEAT PROCESSING	7724	(*)		(*)	(*)	(*)	
MICKEY'S PACKING PLANT	7732	(*)		(*)			
THE MODERN LOCKER COMPANY	7745	(*)				(*)	
ADAMS LOCKER	7774	(*)	(*)	(*)		(*)	
DALES MEAT PROCESSING PLANT	7781	(*)				(*)	
SISTER'S OF THE ORDER OF SAINT BENEDICT	7784	(*)				(*)	
WILSON'S MEAT MARKET	7790	(*)				(*)	
CARLOS LOCKERS	7796	(*)	(*)	(*)		(*)	
UNGERS GARFIELD LOCKER	7797	(*)	(*)	(*)		(*)	
CLARISSA MEATS	7799	(*)	(*)	(*)		(*)	
BRUNO'S PACKING COMPANY	7804	(*)	(*)	(*)	(*)	(*)	
BANGOR BEEF COMPANY	7806	(*)	(*)	(*)		(*)	
CONTI PACKING COMPANY, INC.	7814	(*)					
KENNETH BAKER FARMS	7845	(*)	(*)	(*)	(*)	(*)	
READFIELD ABATTOIR	7874	(*)	(*)	(*)		(*)	
PETER D. VILLARI, INC.	7887					(*)	
SAM'S MEAT PACKING COMPANY	7908	(*)				(*)	
PARTIN'S COUNTRY SAUSAGE	7923					(*)	
MEHERRIN PACKING COMPANY	7931					(*)	
ELM HILL MEATS, INC.	7936	(*)	(*)			(*)	
KOCH BEEF COMPANY	7937	(*)	(*)				
MONROE WHOLESALE MEAT COMPANY, INC.	7944	(*)				(*)	
SOUTHERN PACKING CORPORATION	7945	(*)	(*)	(*)		(*)	
CHARLES J. SCHMIDT & COMPANY	7948	(*)					
DREHER PACKING COMPANY, INC.	7957					(*)	
LOUISVILLE BEEF CORPORATION	7969	(*)	(*)				
FARMER'S MEAT PRODUCE, INC.	7972	(*)				(*)	
KLING'S MEAT MARKET	7983	(*)	(*)	(*)		(*)	
METZGER BROTHERS	8000	(*)					
UNIVERSITY OF KENTUCKY - MEAT LABORATORY	8013	(*)					
DAVIDSON MEAT MARKET	8024	(*)				(*)	
TURPEN'S SAUSAGE, INC.	8025	(*)	(*)			(*)	
BOURBON PACKING COMPANY	8027	(*)	(*)	(*)		(*)	
BILL WHEELER SLAUGHTER HOUSE	8034	(*)				(*)	
FARMERS SLAUGHTER HOUSE	8035	(*)				(*)	
HENRY ROSS PACKING COMPANY	8045	(*)				(*)	
COLUMBIA LOCKER AND MARKET	8049	(*)				(*)	
SLADE'S MEAT PACKERS, INC.	8054	(*)	(*)				
HUGHES MARKET	8055					(*)	
SPALDING PACKING COMPANY	8058	(*)				(*)	
LORETTO MEAT PROCESSORS	8064	(*)	(*)	(*)	(*)	(*)	
BOWERMAN COUNTRY SAUSAGE	8072	(*)				(*)	
BOONE'S ABATTOIR, INC.	8078	(*)	(*)	(*)	(*)		
GREGORY SLAUGHTER HOUSE, INC.	8083	(*)				(*)	
DOUGLASS SLAUGHTER HOUSE	8087	(*)				(*)	
ELMORE & PAYNE PACKING COMPANY, INC.	8088	(*)				(*)	

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
BROWNSDALE MEAT SERVICE INC.	8189	(*)		(*)		(*)	
WRIGHT SLAUGHTER	8553	(*)				(*)	
LEALI BROTHERS MEATS	8555	(*)	(*)	(*)		(*)	
JUNIATA PACKING COMPANY	8560	(*)	(*)	(*)		(*)	
WELTER'S CUSTOM SLAUGHTERING	8569	(*)	(*)	(*)		(*)	
BILSKI'S SLAUGHTER	8586	(*)	(*)	(*)		(*)	
MAURY PACKING COMPANY	8587	(*)	(*)	(*)		(*)	
RILEY'S MEAT PROCESSING	8604	(*)	(*)	(*)		(*)	
ROBIE MEAT PACKERS, INC.	8616	(*)	(*)	(*)		(*)	
HONSAKER BROTHERS MEAT MARKET	8632	(*)	(*)			(*)	
TED'S MEAT MARKET	8633	(*)	(*)	(*)		(*)	
HIRCH'S MEATS	8636	(*)	(*)				
HARVEY A. KIPP	8646	(*)				(*)	
GIUNTA	8649					(*)	
CLOUD PACKING COMPANY	8682	(*)				(*)	
LE DUC PACKING COMPANY	8687	(*)		(*)			
POLO LOCKER SYSTEM, INC.	8695	(*)				(*)	
NEW FRANKLIN LOCKER SERVICE	8696	(*)				(*)	
WARNER LOCKER	8703	(*)				(*)	
HOVINGER FOOD LOCKER	8707	(*)	(*)	(*)		(*)	
ZERO LOCKER SERVICE, INC.	8718	(*)					
GOLDEN CITY MEAT COMPANY	8725	(*)				(*)	
ALMA COOPERATIVE LOCKER ASSOCIATION	8728	(*)					
UPTOWN SLAUGHTER HOUSE	8731	(*)					
PLEASANT HILL MEAT COMPANY	8734	(*)	(*)				
ADRIAN MEATS, INC.	8737	(*)				(*)	
GLASGOW LOCKER	8747	(*)				(*)	
HAMILTON LOCKER	8748	(*)				(*)	
PLAINFIELD PACKING COMPANY	8861	(*)	(*)	(*)	(*)	(*)	
GREGGWOOD FARM	8901					(*)	
ERDMAN SUPERMARKETS, INC.	8905	(*)				(*)	
ST. JOSEPH MEAT MARKET, INC.	8916	(*)				(*)	
FROZ-N-FOODS COMPANY	8917	(*)	(*)	(*)		(*)	
GORDHAMER FOOD MARKET	8920	(*)				(*)	
RUCK'S MEAT PROCESSING CENTER, INC.	8921	(*)	(*)	(*)		(*)	
SCHULLER'S PROCESSING SERVICE	8922	(*)		(*)		(*)	
MELROSE LOCKER	8927	(*)		(*)		(*)	
FROZ-N-FOOD COMPANY	8930	(*)				(*)	
PLANTENBERG MARKET, INC.	8931	(*)				(*)	
KETTER'S MEATS	8937	(*)	(*)	(*)		(*)	
CARLSON FROZEN MEAT SALES	8948	(*)	(*)	(*)			
HENNING LOCKER PLANT	8949	(*)	(*)	(*)		(*)	
DAVE AND TED'S LOCKERS	8950	(*)	(*)	(*)		(*)	
FERGUS LOCKER PLANT	8952	(*)	(*)	(*)			
LAKELAND MEATS, INC.	8953	(*)	(*)			(*)	
SPIKES LOCKERS	8954	(*)	(*)	(*)	(*)	(*)	
CITY MEAT MARKET	8960	(*)	(*)	(*)		(*)	
NEW MUNICH LOCKER PLANT	8961	(*)				(*)	
PETERS, INC.	8962	(*)					
PETERS, INC.	8963					(*)	
FORSTER PACKING COMPANY, INC.	8966	(*)	(*)	(*)		(*)	
DREWES FROZEN FOOD CENTER	8971	(*)	(*)	(*)		(*)	
FOSSTON CO-OP ASSOCIATION LOCKER DEPARTMENT	8974	(*)				(*)	
CITY MEAT MARKET	8975	(*)	(*)	(*)		(*)	
LYNCH'S FOODS	8976	(*)	(*)	(*)		(*)	
GENEVA MEATS & PROCESSING SERVICE	8979	(*)	(*)	(*)			

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
TRAXLER MEATS	8981	(*)					(*)
GREENWALD LOCKER PLANT	8982	(*)					
JOPPRU, INC.	8988	(*)					(*)
SLAYTON Z-R-O PAC	8989	(*)					(*)
SEBEKA LOCKER	8992	(*)	(*)	(*)			(*)
HAMPLER WHOLESALE MEATS, INC.	9065	(*)					(*)
CIRCLE K MEAT COMPANY	9207	(*)	(*)	(*)			(*)
SANTIAM MEAT PACKERS	9220	(*)					(*)
VALLEY MEAT COMPANY	9222	(*)					(*)
O S U MEAT SCIENCE LABORATORY	9223	(*)					(*)
STANTON'S SLAUGHTERHOUSE	9224	(*)					(*)
CARLTON PACKING COMPANY	9228	(*)					
STUTZMAN SLAUGHTERHOUSE	9229	(*)					(*)
MILLERS WHOLESALE MEATS	9230	(*)					(*)
HABERMANS MEAT SERVICE	9232	(*)			(*)	(*)	(*)
MARR & STAFFORD MEAT COMPANY	9233	(*)			(*)	(*)	(*)
JACOBMUHLENS MEATS	9234	(*)					(*)
REED & HERTIG PACKING COMPANY	9237	(*)					(*)
A & B MEAT PACKING	9239	(*)					(*)
MERRILL MEAT COMPANY	9240	(*)					(*)
PONDEROSA PACKING & PURVEYORS	9242	(*)	(*)	(*)	(*)	(*)	(*)
FARMER PACKING COMPANY	9243	(*)	(*)	(*)	(*)	(*)	(*)
BOYER MEAT COMPANY	9246	(*)	(*)	(*)	(*)	(*)	(*)
MYRTLE PACKING COMPANY	9247	(*)	(*)	(*)	(*)	(*)	(*)
ERDMAN PACKING COMPANY	9249	(*)	(*)	(*)	(*)	(*)	(*)
CEDAR POINT PACKING COMPANY	9250	(*)	(*)	(*)	(*)	(*)	(*)
GREENE MEAT COMPANY	9251	(*)	(*)	(*)	(*)	(*)	(*)
MOHAWK PACKING COMPANY	9252	(*)	(*)	(*)	(*)	(*)	(*)
SPRINGFIELD SLAUGHTER PLANT	9256	(*)	(*)	(*)	(*)	(*)	(*)
HICKMAN'S MEATS	9257	(*)	(*)	(*)	(*)	(*)	(*)
GATES SLAUGHTER HOUSE	9258	(*)	(*)	(*)	(*)	(*)	(*)
BOB'S MOLALLA MEATS	9263	(*)					(*)
MYERS PACKING COMPANY	9264	(*)	(*)	(*)			(*)
MARK'S MEAT COMPANY	9265	(*)					(*)
MOUNT ANGEL MEAT COMPANY	9270	(*)					(*)
CANNON MEAT COMPANY	9271	(*)					(*)
PEN ANNEX SLAUGHTER HOUSE	9272	(*)					(*)
GRAHAM MEAT COMPANY	9273	(*)					(*)
MC KILLIP BROTHERS MEAT	9274	(*)					(*)
H & H MEAT COMPANY	9280	(*)					(*)
VALLEY SAUSAGE COMPANY	9281	(*)	(*)	(*)			(*)
JOHN DAY VALLEY PACKING COMPANY	9286	(*)					(*)
MOUNTAIN VALLEY MEAT SERVICE	9287	(*)					(*)
VAN WERT'S LOCKERS & SLAUGHTERHOUSE	9289	(*)					(*)
CROOKED RIVER MEAT COMPANY	9291	(*)					(*)
CINDER BUTTE PACKING CORPORATION	9293	(*)	(*)	(*)			(*)
TRI-COUNTY MEAT COMPANY	9294	(*)					
GRETTLER MEAT PACKERS	9366	(*)					
ALLEN'S MILLE MARKET	9367	(*)					(*)
MIKE ZRILE	9368	(*)	(*)				
TROY MEAT PACKING COMPANY	9374	(*)	(*)	(*)			(*)
PAUL L. STOCKDALE	9375	(*)					(*)
WARRINGTON MEAT PACKING COMPANY, INC.	9384						(*)
LE DUC PACKING COMPANY	9387			(*)			(*)
ADAM BUTZ, JR.	9389	(*)					(*)
SHAW BROTHERS, INC.	9390	(*)	(*)	(*)	(*)	(*)	

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
BRISTOL BEEF COMPANY, INC.	9399	(*)	(*)	(*)		(*)	
J. V. TAYLOR, INC.	9400	(*)	(*)	(*)	(*)		
BATTLES MEAT PROCESSING PLANT	9401	(*)	(*)	(*)		(*)	
JOE DEFLICE & SONS	9402	(*)	(*)	(*)		(*)	
EDGAR M. LANDIS	9417	(*)	(*)	(*)		(*)	
LOVEWELL'S COUNTRY MARKET	9419	(*)	(*)	(*)		(*)	
CHARLES KVERGAS	9422	(*)	(*)	(*)		(*)	
ELWOOD D. METZLER	9428	(*)	(*)			(*)	
EDWARDS BROTHERS PACKING COMPANY	9431	(*)	(*)				
YAMBROVICH MEATS	9435	(*)	(*)				
KREISL COMPANY, INC.	9444	(*)	(*)	(*)			
LAKEVIEW PACKING COMPANY, INC.	9446	(*)	(*)	(*)		(*)	
HERFURTH BROTHERS MEAT COMPANY	9465	(*)					
THORNTON MEATS	9497	(*)	(*)	(*)		(*)	
INDIANA SLAUGHTERING COMPANY	9498	(*)	(*)			(*)	
CLYDE R. ALBERTSON	9540	(*)	(*)	(*)		(*)	
JOHN J. KOHLER	9549	(*)				(*)	
GREAT VALLEY MEAT MARKET	9557	(*)	(*)	(*)			
HERMAN S. KISTLER	9561	(*)				(*)	
CHARLES T. HEARD & COMPANY	9563	(*)					
STEIGWALT'S MEAT MARKET	9572	(*)					
NOLAN MEAT MARKET	9573	(*)	(*)	(*)		(*)	
DIETZ & WATSON INC.	9574					(*)	
STEVE FICHERA WHOLESALE MEATS	9576					(*)	
WESLEY R. GOULDEY	9577	(*)	(*)	(*)		(*)	
O. J. HYNES	9579	(*)	(*)	(*)		(*)	
GAURLEY PACKING COMPANY, INC.	9580	(*)	(*)	(*)		(*)	
LIVINGSTON PACKING COMPANY	9581	(*)	(*)	(*)		(*)	
LOUIS KLINE, INC.	9589	(*)	(*)	(*)		(*)	
CONGENS AQULANTE	9603	(*)	(*)	(*)			
DOWNINGTOWN WHOLESALE MEATS	9606	(*)	(*)	(*)		(*)	
FRANK ESPOSITO & SONS	9607	(*)					
MOCCIO PACKING	9618	(*)	(*)				
RHODES' MEAT MARKET	9623	(*)				(*)	
STOLZFUS LOCKER & IGA FOOD MARKET	9625	(*)					
WATSON'S HOME DRESSED MEATS	9647	(*)	(*)				
JOSEPH VENEZIA DRESSED BEEF	9666	(*)	(*)	(*)			
BALDERSTON BROTHERS	9670	(*)	(*)				
CATELLI INC.	9671		(*)	(*)			
PRINCZ'S HOME DRESSED MEATS	9673	(*)	(*)	(*)		(*)	
NEAL FIERRO MARKET	9674	(*)					
PAINTER'S MEAT PRODUCTS	9683	(*)	(*)	(*)		(*)	
KEEK'S MEAT PLANT	9684	(*)	(*)	(*)		(*)	
J. I. FETTEROLF	9685	(*)	(*)			(*)	
MARK BOWMAN	9686	(*)				(*)	
LEE BIXLER	9687	(*)					
KOLB'S MEAT MARKET	9689	(*)	(*)	(*)		(*)	
CARL VENEZIA	9693	(*)	(*)				
DITZLER BROTHERS	9694	(*)					
PAUL H. SCHNECK	9695	(*)				(*)	
HOLLAND BROTHERS MEAT	9701	(*)	(*)	(*)		(*)	
SPRINGFIELD MEAT COMPANY	9704	(*)	(*)	(*)			
WILMER BARINGER	9706	(*)	(*)	(*)		(*)	
HAGERS MEAT MARKET	9707	(*)	(*)	(*)			
HERBERT HANSON MEATS	9711	(*)	(*)	(*)		(*)	
COFFARO'S CUSTOM BUTCHERING	9712	(*)					

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
COLUMBUS PACKING COMPANY	9713	(*)	(*)	(*)		(*)	
THOMA MEAT MARKET	9714	(*)	(*)	(*)		(*)	
DAVE FINE MEAT PACKER	9715	(*)	(*)	(*)		(*)	
WALTER'S MEAT PACKERS	9726	(*)	(*)	(*)		(*)	
HILLCREST PACKING	9747	(*)	(*)				
FRANK MADRIGALE	9753	(*)	(*)			(*)	
LENHENEY BUTCHER SHOP, INC.	9755	(*)	(*)			(*)	
GEORGE R. REV	9758	(*)					
REHRIGS	9759	(*)				(*)	
FRANK O. GILBERT & SON	9762	(*)				(*)	
JOEL AND DAVID HEINTZELMAN	9763	(*)					
DELBERT E. HAYDT	9765	(*)				(*)	
JOHN ELNITSKI	9767	(*)				(*)	
WALTER JURCZAK	9770	(*)				(*)	
ALBERT CARUTH	9776	(*)					
HOWARD W. DARLING	9777	(*)	(*)	(*)		(*)	
JOSEPH KUNDLA	9780	(*)					
FREDERICK R. SCHWEIGHOFER	9781	(*)					
J & B MEAT PLANT	9785	(*)	(*)	(*)		(*)	
WILLIAM STEPNIAK	9786	(*)					
LOCUSTDALE PACKING COMPANY	9799	(*)	(*)	(*)		(*)	
ALLEN I. ROMBERGER	9800			(*)			
PEZZNER BROTHERS	9808	(*)	(*)				
ROBZEN'S, INC.	9809	(*)					
HOCH'S FARMS & MARKETS, INC.	9810	(*)					
GEORGE E. GARNER	9838	(*)	(*)	(*)		(*)	
FRANCIS BONANNO PACKING COMPANY	9842	(*)	(*)	(*)		(*)	
HUGHEY (BOBBY) WEIYANDT III	9843	(*)	(*)	(*)	(*)	(*)	
PENNSYLVANIA STATE UNIVERSITY	9844	(*)	(*)	(*)		(*)	
LAKELAND MEATS, INC.	9853			(*)			

Done at Washington, D.C., on February 13, 1973.

G. H. WISE,
Acting Administrator,
Animal and Plant Health Inspection Service.

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