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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

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PROCLAMATION 4204

Cancer Control Month, 1973

By the President of the United States of America

A Proclamation

The forces fighting cancer in America are being mobilized as never before in our history.

Under the National Cancer Program, authorized by the National Cancer Act of 1971, public and private resources are being marshaled in the most intensive campaign ever waged against malignant disease.

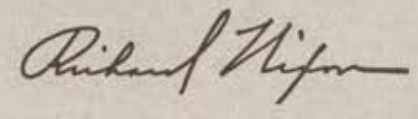
I have on numerous occasions expressed my strong, personal commitment to the attack on cancer. Cancer is now killing Americans at the rate of 350,000 a year and causing untold suffering for many others. Everything that can effectively be done to find better ways of detecting, treating, and ultimately preventing cancer must be done so that we can substantially reduce its impact.

As a means of giving continued emphasis to the cancer problem, the Congress, by a joint resolution of March 28, 1938 (52 Stat. 148), requested the President to issue annually a proclamation setting aside the month of April as Cancer Control Month.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of April, 1973, as Cancer Control Month, and I invite the Governors of the States and the Commonwealth of Puerto Rico, and the appropriate officials of all other areas under the United States flag to issue similar proclamations.

To give new emphasis to this serious problem, and to encourage the determination of the American people to meet it, I also ask the medical and health professions, the communications industries, and all other interested persons and groups to unite during this appointed time in public reaffirmation of our Nation's strong commitment to control cancer.

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



[FR Doc.73-6313 Filed 3-29-73;10:22 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 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Special Assistant to the Secretary for Health Policy is no longer excepted under Schedule C.

Effective on March 30, 1973, § 213.3316 (a) (23) is revoked.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–6076 Filed 3–29–73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 18—LEAA ADMINISTRATIVE REVIEW PROCEDURE

On February 7, 1973, rules implementing the Administrative Provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, were published in the FEDERAL REGISTER (38 FR 3566). Part 17 was incorrectly assigned to this issuance. Part 18 is hereby assigned to these rules and all sections redesignated accordingly.

In addition, under § 18.62, as redesignated, the reference to provisions of § 17.56 should be corrected to read § 18.55.

Dated: March 23, 1973.

THOMAS J. MADDEN,
Assistant Administrator, Office of General Counsel.

[FR Doc.73–6055 Filed 3–29–73;8:45 am]

Title 7—Agriculture

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

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Gypsy Moth and Browntail Moth

REGULATED AREAS

In the amendment of the gypsy moth and browntail moth regulated areas effective January 5, 1973 (FR Doc. 73–309), the regulated county of Clinton was inadvertently omitted from the list of gypsy moth generally infested areas for the State of New York. Accordingly, in § 301.45–2a(a) under New York in (1) *Generally infested area* Clinton County should be inserted on the seventh line immediately following Chenango County to read as follows:

Clinton County. The entire county.

Done at Washington, D.C., this 26th day of March, 1973.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.73–6180 Filed 3–29–73;8:45 am]

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Docket No. SH–310]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Allocation of Acreage

The Sugar Act of 1948, as amended in 1971, provides for the growth and expansion of the beet sugar industry by directing the Secretary of Agriculture to allocate the acreage required to yield not more than a total of 100,000 short tons, raw value, of sugar, to localities where new processing facilities are constructed or existing facilities expanded. Allocations are to be for a period of 3 years and limited for any one processing facility to the acreage required to yield a maximum of 50,000 tons of sugar and a minimum of 25,000 tons. An informal public hearing was held in Washington, D.C., on October 5, 1972, at which interested persons were given the opportunity to submit applications for acreage. Requests for allocations were received from five applicants.

The determination commits 30,000 acres for sugar beet production to the locality to be served by a new processing facility in Hillsboro, N. Dak., and 30,000 acres to the locality to be served by a new processing facility in the vicinity of Wahpeton, N. Dak. Each allocation of 30,000 acres is estimated to yield 50,000 short tons, raw value, of sugar.

Pursuant to the provisions of section 302(b) (3) and (4) of the Sugar Act of 1948, as amended, after investigation and consideration of the evidence obtained at the public hearing held on October 5, 1972, the following determination is hereby issued.

Part 850 of 7 CFR Ch. VIII is amended by adding the following sections.

Sec.
850.234 Purpose.
850.235 Definitions.
850.236 Allocation of acreage to farms and conditions of allocation.
850.237 Acreage records to be furnished.
850.238 Adjustments in acreages.
850.239 Revocation of acreage allocation.

§ 850.234 Purpose.

The purposes of §§ 850.234 through 850.239 are to provide acreage for two localities in the Red River Valley of North Dakota and Minnesota to be served by new processing facilities; to allocate to such localities the acreage required to yield not more than a total of 100,000 short tons, raw value, of sugar, as authorized under section 302 of the Sugar Act; and to specify conditions under which such acreage is to be used and is to be protected in subsequent proportionate share determinations.

§ 850.235 Definitions.

For the purpose of this part, the following terms shall have the meanings as defined in Part 891 of this chapter (38 FR 6367): Secretary, State Committee, County Committee, Act or Sugar Act, Producer, Farm, Operator, proportionate share or share, accredited acreage or accredited acres, crop or crop year, and Beet Sugar Area.

§ 850.236 Allocation of acreage to farms and conditions of allocation.

(a) *Amount of allocation*—(1) *Hillsboro, N. Dak., locality.* An allocation of 30,000 acres, estimated to yield 50,000 short tons, raw value, of sugar, is made to farms in the Hillsboro, N. Dak., locality for the 1974 crop for the purpose of growing sugar beets for delivery to the beet sugar processing facility of the Red River Valley Cooperative, Inc., an agricultural cooperative association.

(2) *Wahpeton, N. Dak., locality.* An allocation of 30,000 acres, estimated to yield 50,000 short tons, raw value, of sugar is made to farms in the Wahpeton, N. Dak., locality for the 1974 crop for the purpose of growing sugar beets for delivery to the beet sugar processing facility of the Minn-Dak Farmers Cooperative, an agricultural cooperative association.

(b) *Conditions of commitment*—(1) *Eligible farms.* An acreage commitment may be made to any new or old sugar beet farm with headquarters located in the Red River Valley of North Dakota and Minnesota, the operator of which is a member of either the Red River Valley

Cooperative, Inc., or the Minn-Dak Farmers Cooperative.

(2) *Limits of commitment to individual farms.* The maximum commitment to any farm to be made by the county committee for the county in which the farm headquarters is located shall not be greater than the number of acres on which the grower-member of the cooperative has contributed his share of equity investment in the cooperative. However, any part of an acreage commitment which the grower-member chooses not to use during the 3-year commitment period may be relinquished by him and used to increase the acreage commitment to other grower-member(s).

(3) *Notification of commitments.* The State Committee shall instruct the County Committee to notify the farm operator, on a form provided by the State Committee, of each eligible farm included on the list prepared pursuant to § 850.237 that the acreage, as adjusted in accordance with § 850.238, has been committed to such farm. Such notice shall also inform the farm operator that if proportionate shares are in effect for either the 1975 or 1976 crop, the initial acreage committed will be adjusted in the same proportion as the State's acreage is adjusted from its acreage of the 1974 crop.

(4) *Proportionate share protection to be accorded farms utilizing committed acreage.* If proportionate shares are in effect for either the 1975 or 1976 crop, the acreage committed shall be adjusted in the same proportion as the State's acreage is adjusted from its acreage of the 1974 crop.

§ 850.237 Acreage records to be furnished.

To permit the keeping of records necessary to record accredited acreage, to accord history protection to farms in the event proportionate shares are established in later years, and for other purposes, the Red River Valley Cooperative, Inc., and the Minn-Dak Farmers Cooperative shall furnish to the county office for the county in which the farm headquarters is located the name and address of each eligible farm operator who has an equity investment in the respective cooperative, the number of acres committed within the overall allocation under § 850.236, and an identification of the land on which sugar beets are to be planted. A copy of this list shall be furnished the applicable State Committee.

§ 850.238 Adjustments in acreage.

The State Committee shall determine that the total of the acreage committed to eligible producers does not exceed the acreage allocated pursuant to § 850.236 (a). If it is determined by the State Committee that a cooperative has committed acreage to eligible producers in excess of the allocation, the State Committee shall reduce the acreage for each farm on a pro rata basis so that the total of such adjusted acreage does not exceed the total of the allocation.

§ 850.239 Revocation of acreage allocation.

The allocation of acreage is subject to revocation in accordance with the provisions of the Act if it is found that the construction of sugar beet processing facilities and the contracting for processing of sugar beets has not proceeded in substantial accordance with the representations upon which such commitment of acreage is based.

STATEMENT OF BASES AND CONSIDERATIONS

Requirements of the Act. Section 302 (b) of the Act provides as follows:

* * * (3) In order to make acreage available for growth and expansion of the beet sugar industry, the Secretary, in addition to protecting the interests of new and small producers by regulations generally similar to those heretofore promulgated by him pursuant to this Act, shall allocate as needed from the national sugar beet requirements established by him, during 1972, 1973, and 1974, the acreage required to yield not more than a total of 100,000 short tons, raw value, of sugar for localities to be served by new or substantially enlarged existing sugar beet processing facilities. Allocations shall be for a period of 3 years and limited for any one processing facility to the acreage required to yield a maximum of 50,000 short tons, raw value, of sugar and a minimum of 25,000 short tons, raw value, of sugar. The acreage so allocated shall be distributed on a fair and reasonable basis to new and old sugar beet farms to the extent that it can be utilized without regard to any other acreage allocations to States determined by the Secretary. At the time the Secretary allocates acreage for a new or substantially enlarged existing sugar beet processing facility for any year, which determination shall be made as far in advance of such year as practicable, such allocation shall thereby be committed to be in effect for the year in which production of sugar beets is scheduled to commence or to be substantially increased in the locality or localities determined by the Secretary to receive such acreage allocation for such year, such determination by the Secretary shall be final, and such commitment of acreage allocation shall be irrevocable upon issuance of such determination of the Secretary by publication in the FEDERAL REGISTER; except that if the Secretary finds in any case that the construction of new or the substantial enlargement of existing sugar beet processing facilities and the contracting for processing of sugar beets has not proceeded in substantial accordance with the representations made to him as a basis for his determination of acreage allocation, he shall revoke such determination in accordance with and upon publication in the FEDERAL REGISTER of such findings. In determining acreage allocations for a locality or localities serving new or substantially enlarged existing sugar beet facilities and whenever proposals are made to construct new or to substantially enlarge existing sugar beet processing facilities in two or more localities (where sugar beet production is proposed to be commenced or to be substantially increased in the same year), the Secretary shall base his determination and selection upon the firmness of capital commitment, the proven suitability of the area for growing sugar beets and the relative qualifications of localities and proposals under such criteria. In making his determination under the preceding sentence, the Secretary shall give a preference to any processing facility located or to be located in or adjacent to growing areas where processing facilities were closed during 1970 or thereafter if he finds that sugar beets can and will be grown in sufficient quantity and quality to make the production of sugar beets and the operations of such facility successful. If proportionate shares are in effect in either of the 2 years immediately following the year for which such initial acreage allocation is made in any locality, the Secretary shall adjust the initial allocation in the same proportion as the State's acreage is adjusted from its acreage of the year in which such initial allocation was made.

(4) The allocation of the national sugar beet acreage requirement to States for sugar beet production, as well as the acreage allocation for new or substantially enlarged existing sugar beet processing facilities, shall be determined by the Secretary after investigation and notice and opportunity for an informal hearing.

General. Five localities applied for acreage under the provisions of section 302(b). An allocation of the acreage required to yield 50,000 tons of sugar has been awarded to each of two localities—Hillsboro, N. Dak., and Wahpeton, N. Dak. These localities have met all the requirements for the allocation, i.e., the interested persons have a firm commitment of capital, and have satisfactorily proven the suitability of the area for growing sugar beets. Of the three localities which received no acreage one did not meet the basic requirement of firmness of capital commitment; another did not have definite plans for the construction of a sugar beet processing facility, and the third, which requested acreage to support a two-phase expansion of an existing processing facility was determined not to have such a need for acreage protection as is consistent with the need for "growth and expansion of the beet sugar industry" contemplated by section 302(b)(3) of the Sugar Act. That section, which was enacted "in order to make acreage available for growth and expansion of the beet sugar industry", provides that whenever proposals are made to construct new or to substantially enlarge existing facilities in two or more localities, the Secretary shall base his determination and selection upon the relative qualifications of localities and proposals under the criteria set forth above.

Public hearing. On August 30, 1972, a notice of hearing was published in the FEDERAL REGISTER announcing an informal public hearing on the matter of acreage allocations for localities serving new or substantially enlarged existing sugar beet processing facilities. The hearing was held in Washington, D.C., on October 5, 1972. Requests were received for acreage from five localities.

The Red River Valley Cooperative, Inc., requested an allocation of 50,000 acres to produce an estimated 78,324 short tons, raw value, of sugar, beginning with the 1974 crop. The production is based on a sugar beet yield of 12.5 tons per acre, shrink of 4 percent, sugar content of 15.25 percent, and a recovery rate of 80 percent. The processing facility is scheduled to begin operations in

mid-September 1974. Total financing of $36.07 million, contingent only upon the allocation of acreage sufficient to produce 50,000 tons of sugar, has been arranged: 57.9 percent or $20.88 million from the St. Paul Bank for Cooperatives; 6.4 percent or $2.29 million by second lien from the construction contractor, Braunscheweigische Maschinenbauanstalt, Inc. (BMA); and 35.7 percent or $12.9 million from the grower-members, which consists of $250 per grower for one share of common stock, $105 per share for Class A preferred stock, $75 per share for Class B preferred stock, and $76 per share for Class C preferred stock.

The Utah-Idaho Sugar Co., supported by the Washington Sugar Beet Growers Association, requested an allocation of 7,911 acres to produce 25,000 short tons, raw value, of sugar for the 1972 crop and an additional 7,911 acres to produce 25,000 tons for the 1973 crop. The request was in support of the two-phase expansion of the company's Columbia Basin factory near Moses Lake, Wash., which took place during 1971 and 1972. The 1971 phase of the expansion increased the daily slicing capacity of the facility from 6,700 to 8,500 tons, and the 1972 phase further increased the capacity to 11,500 tons. All necessary equipment for the expansion was on the plantsite at the time of the hearing, and financing of the expansion was accomplished with internally generated funds.

The Appleton (Minnesota) Area Chamber of Commerce and the Appleton Sugar Beet Growers Association, representing growers who went out of business with the closing of a sugar beet processing facility at Chaska, Minn., requested consideration in the allocation of acreage. The locality had no specific plans for the construction of a facility, but stated that growers were willing to help a would-be processor construct a facility in the area.

The Minn-Dak Farmers Cooperative requested an allocation of 50,000 tons of sugar, raw value, and the acreage necessary to produce that quantity of sugar. The processing facility is expected to be completed in time for processing 1974 crop sugar beets. The processing facility is to be located near Wahpeton, N. Dak., in Dwight Township. Total financing of $36.69 million, contingent only upon the allocation of acreage sufficient to produce 50,000 tons of sugar, has been arranged: 56.9 percent or $20.88 million from the St. Paul Bank for Cooperatives; 8 percent or $2.92 million by second lien from BMA, the firm constructing the processing facility; and 35.1 percent or $12.89 million from grower members, which consists of $250 per grower for one share of common stock, $105 per share for Class A preferred stock, $75 per share for Class B preferred stock, and $76 per share for Class C preferred stock.

The Southern Minnesota Beet Sugar Cooperative requested an allocation of 26,763 acres, sufficient to produce 50,000 short tons, raw value, of sugar to serve a new beet sugar factory to be built in the vicinity of Renville, Minn. Although the applicant demonstrated the suitability of the area for growing sugar beets, the firmness of capital commitment had not been attained by November 15, 1972, the closing date for the submission of supplemental information.

Determination. This determination provides for the allocation of sugar beet acreage for use by farmers in two localities to be served by new processing facilities located in the Red River Valley of North Dakota and Minnesota. The sugar beet processing facilities are owned by the Red River Valley Cooperative, Inc., located near Hillsboro, N. Dak., and the Minn-Dak Farmers Cooperative, located near Wahpeton, N. Dak. The acreage allocated to each locality (30,000 acres) is expected to be sufficient to yield 50,000 short tons, raw value, of sugar or a total of 100,000 short tons.

Based on the average yield and sugar content of sugar beets in the Red River Valley, and assuming that the new processing facilities attain the 80-percent recovery of sugar (extraction rate) expected by the applicants, each allocation of 30,000 acres will result in total production of 50,000 tons of sugar, raw value.

The acreage allocations requested by the Utah-Idaho Sugar Co. on the basis of a "substantially enlarged existing sugar beet processing facility" have not been granted. The first phase of the company's expansion was programed and completed prior to enactment of the 1971 amendments to the Sugar Act. Additional acreage was planted by growers in the State of Washington to support the 1971 expansion. The second phase of the expansion was completed in 1972, and more acreage was planted to support that expansion. The Department does not believe that the growers serving this expanded facility need the additional protection afforded with an allocation of acreage under this determination. The additional acreage planted by these growers to support the expansion will be almost entirely covered by acreage history after the 1973 crop, since proportionate shares have not been in effect in the sugar beet area since the 1966 crop (shares were established for the 1970 crop, but the restrictions were later rescinded). Furthermore, the allocation to this locality of the acreage required to yield 50,000 tons of sugar would eliminate one of the qualified new facilities thus hindering the "growth and expansion of the beet sugar industry" which is contemplated by section 302(b)(3) of the Act.

Each sugar beet factory in the localities receiving allocations will cost upward of $30 million. The grower-members of each of the cooperative associations have been assessed a substantial amount on a per acre basis to help defray the cost of their respective projects. In the absence of the assessments to and the commitment by the grower-members, construction would not be possible. Accordingly, it is determined that the method of committing the acreage allocation to individual farms of grower-members as provided in this regulation is fair and reasonable.

If the total acreage committed to eligible farms were to exceed the acreage allocation, pro rata reductions would be made in acreages.

If proportionate shares are in effect for either the 1975 or 1976 crop, the initial acreage committed for any farm in each of these years will be adjusted in the same proportion as the State's acreage is adjusted from its acreage of the 1974 crop unless the grower-member has relinquished a portion of such commitment. In such case, new commitments would be made and protection accorded on the basis of the new commitments. Should proportionate shares be applied in future years, any acreage of sugar beets planted in excess of the acreage committed to the farm will not increase that farm's historical proportionate share protection under this determination.

If the acreage committed to a farm is not fully utilized for the 1974 crop, an opportunity shall be accorded such farm to utilize the acreage in 1975 or 1976.

Environmental statements have been filed by the Department as required by section 102(2)(c) of the National Environmental Policy Act, Public Law 91-190 (83 Stat. 852). After considering the statements and the responses to them, I have concluded that the favorable effects upon the environment, including the social gains, will outweigh the adverse effects which might be encountered by this action.

The provisions of this determination are deemed to be fair and reasonable and in accordance with the provisions of the Sugar Act. Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Act.

(Secs. 301, 302, 403, 61 Stat. 929, 930, as amended, 932; 7 U.S.C. 1131, 1132, 1143)

Effective date. March 30, 1973.

Signed at Washington, D.C., on March 27, 1973.

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

[FR Doc.73-6184 Filed 3-29-73;8:45 am]

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

[Lemon Reg. 579]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handing

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period April 1-7, 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.

§ 910.879 Lemon Regulation 579.

(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 continues to ease, with the volume of demand down from last week.

Average f.o.b. price was $5.47 per carton the week ended March 24, 1973, compared to $5.65 per carton the previous week.

Track and rolling supplies at 160 cars were up 7 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 rulemaking 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 for regulation together with its supporting information has been submitted by the committee, however, the Secretary had modified the recommendation to provide for the shipment of a greater quantity of lemons, retaining the same effective date, and such information is being 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 March 27, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 1, 1973, through April 7, 1973, is hereby fixed at 240,000 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: March 29, 1973.

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

[FR Doc.73-6343 Filed 3-29-73;8:20 pm]

PART 991—HANDLING OF HOPS OF DOMESTIC PRODUCTION

Salable Quantity and Allotment Percentage for the 1973–74 Marketing Year

Notice was published in the March 5, 1973, issue of the FEDERAL REGISTER (38 FR 5882) regarding a proposal to establish, for the 1973–74 marketing year, beginning August 1, 1973, a salable quantity of 55,528,000 pounds, and an allotment percentage of 92 percent, for hops grown in Washington, Oregon, Idaho, and California. The salable quantity is the total quantity of hops that may be freely marketed from any crop grown in those States and handled by handlers. The salable quantity is prorated among producers by applying the allotment percentage to each producer's allotment base.

The salable quantity and allotment percentage herein established are based on a recommendation of the Hop Administrative Committee and other available information in accordance with provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons the opportunity to submit written data, views, or arguments with respect to the proposal. None were received.

The salable quantity and allotment percentage are derived from the following Committee determinations for the marketing year beginning August 1, 1973:

(1) Total domestic consumption of 36 million pounds of hops;

(2) Minus imports of 13 million pounds of hops to result in domestic consumption of U.S. hops of 23 million pounds;

(3) Plus total U.S. exports of 30 million pounds of hops to equal 53 million pounds total usage of U.S. hops;

(4) Minus a desirable inventory adjustment, as of September 1, 1974, of 294,000 pounds; and

(5) Plus an adjustment of 2,182,000 pounds to provide for allotments not produced plus 640,000 pounds to assure production of the quantity needed to meet market requirements, resulting in adjusted requirements for salable hops of 55,528,000 pounds.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, the applicable provisions of the marketing order, and other available information, it is found that to establish a salable quantity and allotment percentage as hereinafter set forth will tend to effectuate the declared policy of the Act.

Therefore, the salable quantity and allotment percentage to be applicable to the 1973–74 marketing year (August 1, 1973–July 31, 1974) are established as follows:

§ 991.211 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1973.

The allotment percentage during the marketing year beginning August 1, 1973, shall be 92 percent, and the salable quantity shall be 55,528,000 pounds.

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

Dated: March 26, 1973, to become effective April 30, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.73-6181 Filed 3-29-73;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 99, Docket No. AO 183-A28]

PART 1099—MILK IN PADUCAH, KY., MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the

issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Ky., marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1973. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued February 13, 1973, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued March 15, 1973. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1973, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers, who during the determined representative period, were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Paducah, Ky., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1099.51, paragraph (a) is revised as follows:

§ 1099.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70.

* * * * *

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

Effective date. April 1, 1973, with respect to marketings on and after May 1, 1973.

Signed at Washington, D.C., on March 27, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

[FR Doc. 73-6126 Filed 3-29-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

REFUGEE TRAVEL DOCUMENT

Reference is made to the notice of proposed rulemaking which was published in the FEDERAL REGISTER on January 29, 1973 (38 FR 2699), pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there were set forth proposed rules pertaining to the issuance of travel documents to refugees.

The representations which were received concerning the proposed rules of January 29, 1973, have been considered. Those proposed rules have been amended in the following respects:

In proposed § 223a.3, the first sentence has been amended by inserting the words "physically present" immediately preceding the words "in the United States"; the second sentence has been amended by substituting the words "whose presence in the United States is lawful" in lieu of the words "lawfully staying in the United States"; and the third sentence has been amended by substituting the words "any other refugee" in lieu of the words "a refugee unlawfully in the United States".

In proposed § 223a.5, paragraph (b) has been amended by adding a new subparagraph (4) to include among the classes of invalid refugee travel documents those documents issued to aliens to whom the U.N. Convention of July 28, 1951, ceases to apply or does not apply as provided in Article 1C, D, E, or F of the convention.

In proposed § 223a.6, paragraphs (a) and (b) have been amended to clarify the rights of the returning alien and paragraph (c) has been amended by deleting the last two sentences thereof as unnecessary since the provisions relative to the restrictions on exclusion of holders of unexpired refugee travel documents are set forth in § 236.3(e).

In proposed § 223a.7, the penultimate sentence has been amended to provide for the denial of an application to extend a refugee travel document if it is determined that the document is invalid.

Proposed § 235.6(c) has been deleted and in lieu thereof new § 236.3(e) has been created since the restrictive provisions relative to the exclusion of holders of unexpired refugee travel documents have been repositioned from that portion of the regulations which deals with the institution of such proceedings to the portion of the regulations pertaining to orders resulting from exclusion proceedings. The grounds of inadmissibility on which exclusion may be ordered have been amended to include section 212(a)(31) of the Act. For clarification, a sentence has been added to specify the circumstances under which the special inquiry officer shall remand a case to the district director. In conformity with the repositioning of the restrictive provisions pertaining to exclusion, minor technical changes of reference have been made in proposed §§ 223a.5(b)(3) and 223a.6(c).

Proposed § 242.1(b–1) has not been adopted since it is unnecessary to the central purpose and effectiveness of Part 223a. To the extent that it will be necessary to make determinations regarding the impact of Article 32 of the U.N. Convention on deportability of holders of refugee travel documents, it is preferable that this be done by publication of administrative precedent decisions in deportation proceedings.

The proposed rules, as modified, are hereby adopted:

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

1. In § 103.1, paragraph (e) is amended by adding a new subparagraph (12a) to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(e) *Regional commissioners.* * * *

(12a) Decisions on applications for refugee travel documents, as provided in § 223a.4 of this chapter;

* * * * *

2. In § 103.7(b), subparagraph (1) is amended by adding the following fee after the existing 12th fee and when taken with the introductory material, it will read as follows:

§ 103.7 Fees.

* * * * *

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

* * * * *

For filing application for issuance or extension of refugee travel document... $10

* * * * *

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

§ 211.1 [Amended]

1. Subparagraph (2) *Reentry permit* of paragraph (b) *Aliens returning to an unrelinquished lawful permanent residence* of § 211.1 *Visas* is amended by adding at the end thereof the following sentence: "A refugee travel document issued pursuant to Part 223a of this chapter to a lawful permanent resident shall be regarded as a reentry permit."

2. Section 211.3 is amended by adding the words "refugee travel document" after the words "reentry permit" wherever they appear in the heading and in the first sentence thereof. As amended, § 211.3 reads, in pertinent part, as follows:

§ 211.3 Expiration of immigrant visas, reentry permits, refugee travel documents, and Forms I–151.

An immigrant visa, reentry permit, refugee travel document, or Form I–151 shall be regarded as unexpired if the rightful holder embarked or enplaned before the expiration of his immigrant visa, reentry permit, or refugee travel document, or, with respect to Form I–151, before the first anniversary of the date on which he departed from the United States: *Provided*, That the vessel or aircraft on which he so embarked or enplaned arrives in the United States or foreign contiguous territory on a continuous voyage. * * *

PART 223a—REFUGEE TRAVEL DOCUMENT

Part 223a is added to read as follows:

Sec.
223a.1 Definition of refugee.
223a.2 Definition of refugee travel document.
223a.3 Eligibility.
223a.4 Application.
223a.5 Validity of refugee travel document.
223a.6 Return to the United States.
223a.7 Extension.
223a.8 Surrender of document.

AUTHORITY: Secs. 103, 211, 212, 235, 236, 237, 241; 8 U.S.C. 1103, 1181, 1182, 1225, 1226, 1227, 1251, and Protocol Relating to the Status of Refugees (TIAS 6577).

§ 223a.1 Definition of refugee.

For the purposes of this part, the term "refugee" shall be as defined in Article 1 of the U.N. Convention of July 28, 1951, relating to the status of refugees (as modified by Article I of the Protocol Relating to the Status of Refugees of January 31, 1967), which provides in pertinent part as follows:

Article 1

Definition of the Term "Refugee"

A. For the purposes of the present Convention, the term "refugee" shall apply to any person who:

(1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugees being accorded to persons who fulfill the conditions of paragraph 2 of this section;

(2) Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

* * * * *

C. This Convention shall cease to apply to any person falling under the terms of section A if:

(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily reacquired it; or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;

Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;

(6) Being a person who has no nationality he is, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;

Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention.

E. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

§ 223a.2 Definition of refugee travel document.

As used in this chapter, the term "refugee travel document" means a document issued by the Service on Form I–571 in implementation of article 28 of the U.N. Convention of July 28, 1951, and in accordance with the provisions of this part.

§ 223a.3 Eligibility.

Any alien physically present in the United States may apply for a refugee travel document if he believes he is a refugee. A refugee travel document shall be issued to a refugee whose presence in the United States is lawful unless compelling reasons of national security or public order otherwise require. A refugee travel document may be issued, in the exercise of discretion, to any other refugee unless reasons of national security or public order otherwise require; sympathetic consideration shall be given to such an application unless the Service intends to expel or exclude the alien from the United States. For reasons of national security, a refugee travel document shall not be issued to an alien who intends to travel to, in, or through Cuba or Communist portions of Korea or Vietnam, unless the restriction with respect to any such place or places has been waived as provided in § 223a.5(b)(2).

§ 223a.4 Application.

Application for a refugee travel document shall be submitted on Form I–570 at least 45 days prior to the proposed date of departure from the United States. The application shall be submitted to the district director having jurisdiction over the applicant's place of residence and shall be accompanied by his Form I–94 or Form I–151. The applicant shall be notified of the decision on his application. If the application is approved, the refugee travel document shall be issued and the immigration status which may

be accorded to the alien upon his return to the United States shall be specified therein. Unless the applicant is in the United States as a conditional entrant or lawful permanent resident, the status of "Parolee" shall be specified. If he is in the United States as a conditional entrant, that status shall be specified; if he is a lawful permanent resident, that status shall be specified. If the application is denied, the applicant shall be notified of the reasons therefor and of his right to appeal in accordance with the provisions of part 103 of this chapter.

§ 223a.5 Validity of refugee travel document.

(a) *General.* A refugee travel document shall be valid for a period not to exceed 1 year from date of issuance and its validity may be extended for a period not to exceed 1 additional year. The document may be used for one or more applications for admission to the United States. It shall have no effect under the immigration laws except to show that during the period of its validity the lawful holder thereof may be accorded the status specified in the refugee travel document upon returning to the United States.

(b) *Invalidity*—(1) *False application.* A refugee travel document shall be invalid if the alien obtained it by making a material false representation or concealment in his application.

(2) *Area restrictions.* A refugee travel document shall be invalid if the alien during his absence abroad travels to, in, or through Cuba or communist portions of Korea or Vietnam, unless the document bears an endorsement, or the alien presents a letter issued to him by the Department of State, stating that the restriction with respect to any such place or places has been waived. The waiver shall not be endorsed in the document unless the Secretary of State has granted the alien permission to travel to, in, or through any such place or places.

(3) *Exclusion or deportation proceedings.* A refugee travel document shall be invalid if the alien is ordered excluded or deported.

(4) *Aliens who are no longer refugees.* A refugee travel document shall be invalid if the U.N. Convention of July 28, 1951, shall cease to apply or shall not apply to the alien as provided in Article 1C, D, E, or F of the convention.

§ 223a.6 Return to the United States.

(a) *General.* Every alien returning to the United States who presents a valid unexpired refugee travel document shall be permitted to come physically within the territory of the United States to receive consideration of his application for admission in conformity with paragraphs (b) and (c) of this section.

(b) *Inspection and immigration status.* Upon arrival, an alien who presents a valid unexpired refugee travel document shall be examined as to his admissibility under the Act, and under the U.N. Convention of July 28, 1951, and the Protocol of January 31, 1967, except that any question of admissibility as a lawful permanent resident or as a conditional entrant shall be determined solely in accordance with the provisions of the Act. An alien shall be accorded the immigration status endorsed in his refugee travel document unless he is no longer eligible therefor or he applies for and is found eligible for some other immigration status.

(c) *Exclusion.* If an alien who presents a valid unexpired refugee travel document appears to the examining immigration officer to be excludable as provided in § 236.3(e) of this chapter, he shall be referred for proceedings under sections 236 and 237 of the Act. Section 235(c) of the Act shall not be applicable.

§ 223a.7 Extension.

An application for extension of a refugee travel document shall be submitted on Form I–570 60 to 90 days prior to the expiration of the document's validity. The application shall be submitted to the immigration office having jurisdiction over the applicant's place of residence in the United States, or, if the applicant is temporarily sojourning abroad, he may submit the application to a U.S. immigration or consular officer as specified in § 223.2 of this chapter. An extension application mailed during the document's validity is considered as timely submitted, even though received by a Service or consular officer after the document's validity has expired. If the extension apaplication is granted, the document shall be noted to show the extension and returned to the applicant; if denied, the applicant shall be notified of the decision, and the document returned to him if the remaining period of its validity permits its use for return to the United States. The application may be denied only for compelling reasons of public order or national security, or if it is determined that the refugee travel document is invalid. No appeal shall lie from a decision denying an application for extension of a refugee travel document.

§ 223a.8 Surrender of document.

(a) *Expired document.* Upon expiration of the period of validity of a refugee travel document, it shall be surrendered to an imigration officer or to the issuing office of the Service. If an alien's expired refugee travel document has not been surrendered to the Service, no subsequent refugee travel document shall be issued to him unless he shall first surrender the expired document or satisfactorily account for his failure to do so. A refugee travel document shall also be surrendered if the alien's immigration status has changed so that upon return to the United States he may not be accorded the status endorsed in the document.

(b) *Invalid document.* An invalid refugee travel document shall be surrendered to an immigration officer except that an alien traveling abroad shall be permitted to retain it until his return to the United States prior to its expiration date. A refugee travel document shall be surrendered provisionally upon notification within the United States that its validity is being investigated or upon notification of institution of exclusion or deportation proceedings, and it shall be returned to the alien if the outcome of the investigation is favorable to him or the final order issued under the instituted proceedings does not result in the document becoming invalid pursuant to § 223a.5(b)(3).

PART 236—EXCLUSION OF ALIENS

Section 236.3 is amended by adding a new paragraph (e) to read as follows:

§ 236.3 Decision of the special inquiry officer; notice to the applicant.

* * * * *

(e) *Holders of refugee travel documents.* Aliens who are the holders of valid unexpired refugee travel documents may be ordered excluded only if they are found to be inadmissible under section 212 (a) (9), (10), (12), (23), (27), (28), (29), or (31) of the Act, and it is determined that on the basis of the acts for which they are inadmissible there are compelling reasons of national security or public order for their exclusion. If the special inquiry officer finds that the alien is inadmissible but determines that there are no compelling reasons of national security or public order for exclusion, the special inquiry officer shall remand the case to the district director for parole.

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following forms and references thereto in alphabetical and numerical sequence:

Form No.	*Title and description*
I–570	Application for Issuance or Extension of Refugee Travel Document.
I–571	Refugee Travel Document.

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

The basis and purpose of the above-prescribed rules are to incorporate into the regulations provisions authorizing the issuance of travel documents to refugees in implementation of Article 28, U.N. Convention of July 28, 1951, and Protocol Relating to the Status of Refugees Between the United States and Other Governments entered into force with respect to the United States on November 1, 1968.

Effective date. This order shall become effective on June 1, 1973.

Dated: March 27, 1973.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.73–6151 Filed 3–29–73;8:45 am]

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

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined and Released

These amendments quarantine additional portions of Riverside and San Bernardino Counties in California because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, apply to the quarantined areas.

The amendments exclude portions of San Luis Obispo and Los Angeles Counties in California from the areas quarantined because of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded areas.

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. In § 82.3, in paragraph (a) (1) relating to the State of California, subdivisions (ii) relating to San Luis Obispo County and (v) (*g*) relating to Los Angeles County are deleted.

2. In § 82.3, in paragraph (a) (1) relating to the State of California, new subdivisions (i) relating to Riverside County and (ii) relating to San Bernardino County are added to read:

(a) * * *

(1) *California.* (i) The following areas in Riverside County:

(*a*) The premises of Marvin D. and Jessie K. Rhodes, 28260 Brodiaea Street, Sunnymead, CA, comprised of lots 7 and 8 of sec. 14, T. 3 S., R. 3 W.

(*b*) The premises of Rycherbosch Turkey Ranch, 40400 Newport Road, Hemet, CA, comprised of lots 1, 2, and 3 of sec. 35, T. 5 S., R. 1 W.

(*c*) The premises of Quality Farms, 26285 Cottonwood, Sunnymead, CA, comprised of sec. 9, T. 3 S., R. 3 W.

(*d*) The premises of James Maurice and Barbara Annette Hood, 33574 Beverly Drive, Hemet, CA.

(ii) The premises of Quality Farms, 2127 Mountain Avenue, city of Upland in San Bernardino County, comprised of S½ of sec. 25, T. 1 N., R. 8 W.

* * * * *

(Sec. 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; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendments shall become effective March 23, 1973.

The amendments impose certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish their purpose in the public interest. The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to of maximum benefit to affected persons. It does not appear that public participation in this rulemaking 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 23d day of March 1973.

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

[FR Doc.73–6125 Filed 3–29–73;8:45 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

General Prohibition; Exceptions

The purpose of these amendments is to to change the terminology used to refer to pigeons for purposes of regulations governing their importation.

Pursuant to the provisions of section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11, of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), Part 92, Title 9, Code of Federal Regulations, is hereby amended as follows:

1. Section 92.1(j) is amended as follows:

(a) In subparagraph (1), the term "pigeon" is deleted;

(b) Subparagraph (2) is amended; and

(c) Subparagraph (3) is added to read as follows:

§ 92.1 Definitions.

* * * * *

(j) * * *

(2) *Birds.* All members of the class *aves* (including eggs for hatching), other than poultry or pigeons.

(3) *Pigeons.* All species of pigeons.

* * * * *

2. In § 92.2, a new paragraph (e) is added to read:

§ 92.2 General prohibitions; exceptions.

* * * * *

(e) All of the provisions of this Part 92 shall apply to pigeons to the same extent and in the same manner as they apply to poultry.

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendments shall become effective March 30, 1973.

These amendments remove pigeons from classification as "poultry" under the regulations in this Part 92 and do not impose or relieve any restrictions. They should be made effective promptly to be of maximum benefit to persons affected by local ordinances restricting the maintenance of "poultry." It does not appear that public participation in this rulemaking proceeding would make additional relevent 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, 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 26th day of March 1973.

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

[FR Doc.74–6124 Filed 3–29–73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 81—PATENT LICENSING REGULATIONS

Licensing of AEC-Owned Inventions

This revision of the Atomic Energy Commission Regulations Part 81 sets forth the standard specifications for the issuance of licenses on foreign patents and patent applications owned by the AEC, and is issued pursuant to sections 156 and 161g, of the Atomic Energy Act of 1954, as amended. It is promulgated for the purpose of enhancing the utilization by industry of AEC-owned foreign patents in the public interest.

The table of contents is amended as follows:

LICENSING OF AEC-OWNED FOREIGN INVENTIONS

Sec.
81.61 Specific policy as to Licensing Foreign inventions.
81.62 Publication of AEC foreign inventions available for licensing.
81.63 Grant and construction of licenses.
81.64 Terms and conditions.
81.65 Contents of application.
81.66 Appeals.

AUTHORITY: Secs. 156 and 161g of the Atomic Energy Act of 1954, as amended.

Part 81 is modified as follows:

Add to § 81.2 *Definitions.*

§ 81.2 Definitions.

* * * * *

(e) "AEC foreign invention" means an invention covered by a patent, or an application for a patent, issued by a government or authority of a country other than the United States that is vested in the Government of the United States, as represented by the Commission.

LICENSING OF AEC-OWNED FOREIGN INVENTIONS

§ 81.61 Specific policy as to licensing foreign inventions.

(a) In addition to the general policy expressed in § 81.11 as respects the licensing of Commission-owned patents in order to secure utilization, the following additional policy applies to inventions covered by patents and patent applications issued by a government or authority of a country other than the United States and vested in the Government of the United States of America, as represented by the Commission. The public interest will best be served when such inventions are beneficially utilized.

(b) Licenses granted by the Commission in AEC-owned foreign inventions will be negotiated on terms and conditions which, in the discretion of the Commission, are deemed most favorable to the interests of the United States.

(c) The Commission may grant licenses to practice AEC foreign inventions in accordance with laws of the country or countries in which such patents are applied for or issued. The licenses will usually be for royalties and/or other consideration, but, in the discretion of the Commission, royalties may be waived depending upon the circumstances of a particular case.

(d) All licenses shall be by express written instruments. No license shall be granted or implied in an AEC foreign invention, except as provided for in these regulations or in patent rights articles of Commission Contracts or in an existing or future treaty or agreement between the United States and any foreign government or intergovernmental organization.

§ 81.62 Publication of AEC foreign inventions available for licensing.

(a) The Commission will have published periodically lists of AEC foreign inventions available for licensing in the FEDERAL REGISTER and in other publications, where advisable.

(b) Abstracts of AEC foreign inventions, arranged by country, will be distributed periodically by the Commission and will be available from the Office of Information Services, or from the Office of the Assistant General Counsel for Patents, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(c) Copies of foreign patents may be obtained for a fee from the Foreign Patent Office or authority of the issuing country. In some cases, copies of foreign patents may be obtained from the U.S. Patent Office. Copies of U.S. patent application specifications corresponding to the foreign specification may be secured from the U.S. Patent Office for a reasonable fee by arrangement with the Commission.

§ 81.63 Grant and construction of licenses.

(a) AEC foreign inventions may be made available for the grant of licenses to responsible applicants who will practice the inventions in the foreign country where the patent is applied for or issued, and thus make the benefits of the invention available to the public. The Commission will determine whether to grant a particular license on bases consistent with the policy set forth in § 81.61 in accordance with the procedures herein, based upon, in addition to other information acquired by the Commission, the information supplied by an applicant for a license on any AEC foreign invention in an application under § 81.65. Some of the factors which the Commission will consider in the grant of a foreign license to a particular applicant are the following:

(1) The nature of the invention and related technology and the effect of the license of the invention upon the policies and practices of the U.S. Government.

(2) The capabilities of the license applicant to further the technical and market development of the invention to bring the same to the point of practical application and to fulfill the demand for the invention primarily in the foreign country.

(3) The applicant's plan to undertake development and marketing of the invention, and, where appropriate, his promise, in consideration for the grant of the license to expend a minimum sum of money and/or take other specified action to bring the invention to the point of practical application and to pay a fee and royalties for the practice of the invention.

(4) The effect of the license and applicant's plan to undertake development and marketing of the invention upon (i) domestic and international commerce and competition, (ii) the balance of payments of the United States and foreign countries, (iii) the improvement and assistance of underdeveloped and developing countries of the world, and (iv) the overall posture of the United States in world markets.

(5) The benefit of the grant of the license to the public and the Government of the United States.

§ 81.64 Terms and conditions of AEC foreign licenses.

(a) AEC foreign inventions may be licensed under the following, or other, terms as negotiated between the Commission and the license applicant:

(1) The duration of the license shall be for a specified period of not more than five (5) years and for such additional renewal periods as may be provided for in the license.

(2) The license shall be granted for all of the fields of use of the invention, or only such fields of use as may be specified in the license agreement. The license may grant one or more of the separate rights to manufacture, use, import, export, and to sell, as provided for by the law of the foreign country for which the license is granted.

(3) The license may be granted in any one or all of the foreign countries in which the AEC foreign invention is covered by a patent application, or any lesser geographic area thereof.

(4) The license may be nonexclusive or exclusive. If exclusive, the license will reserve the irrevocable, royalty-free right of the Government of the United States to practice and have practiced the invention by or on behalf of the Government of the United States and on behalf of any foreign government or intergovernmental organization pursuant to any existing or future treaty or agreement with the United States, or any agency thereof, and will reserve the right of the U.S. citizens and corporations to use and sell and have used and sold the product of the invention in the country of grant where manufactured in the United States by a U.S. licensee.

(5) The license will usually require the licensee to pay royalties according to amounts and terms agreed upon with the Commission. Royalties may consist of a minimum fee on consummation of the license and annual royalties consisting of a flat fee or percentage of the licensee's manufacture, use or sale of the invention in each country in which the license is granted with a minimum annual royalty.

(6) The license may require the licensee to expend a specified minimum sum of money and/or to take other specified action, within indicated periods as specified in the license, in an effort to bring the invention to the point of practical application or to practice the invention.

(7) The Commission may require the grant of a nonexclusive license, with the right to grant sublicenses, for use and practice in the United States of any inventions made or conceived by a nonexclusive licensee during the period of the nonexclusive license, and shall require such nonexclusive licenses, with the right to grant sublicenses, in any exclusive license on an AEC foreign invention.

(8) The license will require the licensee to submit periodic reports, and if applicable, royalty accountings, on his practice of the invention in the country or countries in which a license is granted.

(9) The Commission may revoke the license if the licensee fails to make any

report or royalty payments required by the license or commits any breach of any covenant or agreement therein contained, or if the licensee willfully makes or has made a false statement of a material fact or willfully omitted a material fact in the license application submitted pursuant to § 81.65, or in any report or royalty accounting required by the License Agreement.

(10) The licensee may be granted the right to bring suit or otherwise enforce the rights of the license according to the laws of the country for which the license is granted.

(11) The licensee will be required to secure any approvals or validations of any foreign government and may be required to pay the annuity or other fees for the renewal or maintenance of the licensed AEC foreign invention.

§ 81.65 Contents of a license application.

(a) An application for a license under an AEC foreign invention should include the following information:

(1) Identification of the invention for which the license is desired, including the foreign patent application serial number or the foreign patent number, title, and date, if known, and any other identification of the invention.

(2) Name and address of the person, company, or organization applying for a license and the citizenship or State of incorporation thereof.

(3) Name and address of a representative of applicant to whom correspondence should be sent and any notices served.

(4) Nature and type of applicant's business.

(5) Identification of the source of applicant's information concerning the availability of a license on the invention.

(6) Purpose for which a license is desired; i.e., manufacture, use, or sale in the particular foreign country, and a brief description of applicant's plan to accomplish such purpose.

(7) A statement of the field and the field(s) of use in which applicant intends to practice the invention.

(8) A statement of the foreign country and geographical area(s) in which the applicant will practice the invention.

(9) A statement of applicant's capability to undertake the development and/or marketing required to bring the invention to the point of practical application.

(10) A statement describing the time, expenditure, and other acts which the applicant considers necessary to bring the invention to the point of practical application, and the applicant's offer to invest the time and moneys to accomplish such acts if the license is granted, and applicant's willingness to pay the Commission fees, royalties, and other consideration for the license.

(11) Any other facts which the applicant believes to show it to be in the interest of the public and the U.S. Government for the Commission to grant a foreign license to the applicant.

§ 81.66 Appeals.

(a) Any decision concerning the grant, denial, interpretation, modification, or revocation of a foreign license under this subpart may be appealed by any party affected by such decision in accordance with the appeal procedures of this subpart by filing a notice of appeal with the Assistant General Counsel for Patents of the Commission within thirty (30) days from the date of the mailing of a written notice of the decision to the party or parties, or if no such written notice is sent, then thirty (30) days from publication in the FEDERAL REGISTER.

(b) Upon receipt of an appeal, the Assistant General Counsel for Patents will notify the General Manager who will designate a Board who shall review and determine the matter in accordance with § 81.53.

This part is effective March 30, 1973.

Dated at: Germantown, Md., this 23d day of March 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-5983 Filed 3-29-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-CE-3-AD; Amdt. 39-1617]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models 310 and 320 Airplanes

Service history has disclosed problems in the wing leading edge on Cessna Models 310 and 320 airplanes. There have been service reports of fuel line corrosion, leaks, chafing, and other potential fire hazards. Additional reports have been received on electrical wire harness insulation deterioration, chafing and support. As a result of these incidents the manufacturer has issued Cessna Multiengine Service Letter No. ME73-5, dated March 16, 1973, applicable to Cessna Models 310 and 320 airplanes, which recommends inspections and modifications in the wing leading edge area to detect existing and incipient flammable fluid leakage, to provide drainage of any such leakage and to remove possible sources of ignition. Since the conditions described herein are likely to exist or develop in other aircraft of the same type design an airworthiness directive is being issued making compliance with the service letter mandatory.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to all Models 310 and 320 series airplanes and Serial Nos., except Models 310, 310A, 310B, and 310Q (Serial Nos. 310Q0710 and up).

Compliance: Required as indicated, unless already accomplished.

To determine condition of fuel lines, electrical wiring, and to detect loose fittings and attachments, to reduce possible collection of flammable fluids and to eliminate possible ignition sources within the leading edges of the wings, within the next 25 hours' time in service after the effective date of this AD, accomplish the following in accordance with Cessna Multiengine Service Letter ME73-5 dated March 16, 1973, and Cessna Service Kit SK 310-90 dated March 7, 1973, or later FAA approved revisions or any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region:

(1) Inspect the fuel lines and electrical harnesses in the wing leading edge for corrosion, chafing, looseness, or other unserviceable conditions. Procedures for this inspection are contained in Cessna Service Kit SK 310-90.

(2) Prior to further flight replace and/or repair any unserviceable parts or conditions found as result of the above inspection.

(3) Install leading edge drainage and sealant provisions in the wings in accordance with paragraph B of Cessna Service Kit SK 310-90.

(4) Remove, relocate, and reinstall the auxiliary fuel boost pump resistor and relay in accordance with paragraphs C and D of Cessna Service Kit SK 310-90.

(a) On those airplanes in which P/N 0850404-1 boost pump relay is installed, relocate this relay to wing trailing edge per Cessna Service Kit SK 310-90. (This relay is no longer eligible for installation in the wing leading edge.)

(b) P/N FC 215-136 boost pump relay already installed in the wing leading edge is acceptable and as an alternative to paragraph (a), P/N 0850404-1 boost pump relay may be replaced with P/N FC 215-136 boost pump relay installed in the present wing leading edge location.

(c) On all airplanes relocate the boost pump resistor in accordance with Cessna Service Kit SK 310-90.

(5) Place amended checklist entitled "Aircraft Fire Procedures Checklist" in the cockpit. This checklist is supplied with Cessna Service Kit SK 310-90.

This amendment becomes effective April 6, 1973.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 22, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-6074 Filed 3-29-73;8:45 am]

[Docket No. 73-SO-21; Amdt. 39-1607]

PART 39—AIRWORTHINESS DIRECTIVES

Pitts Model S-2A Series Airplanes

There have been cracks occurring to the horizontal stabilizer leading edge tubes and the horizontal stabilizer support tubes on the Pitts Model S-2A series airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to

require inspection of the horizontal stabilizer tubes for cracks.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, is amended by adding the following new airworthiness directive:

PITTS AVIATION ENTERPRISES, INC. Applies to Pitts Model S-2A series airplanes, S/N 2001 through 2044. Compliance required as indicated.

(a) Within the next 5 hours' time in service after the effective date of this AD, unless already accomplished, inspect the horizontal stabilizer, P/N 2-3100, front and rear tubes, and the horizontal stabilizer support tubes, front (P/N 2-2123) and rear (P/N 2-2100-109) for cracks.

(1) Disassemble the stabilizers (right and left) in accordance with instructions in Pitts Service Bulletin No. 6, Step 1, or the instructions of paragraph (a)(1) of AD 72-19-5. Also remove horizontal stabilizer root fairing.

(2) Thoroughly clean the exposed portions of all tubes noted above with solvent. Dye-check the tubes in the vicinity of the AN3 bolt holes, and visually inspect for cracks.

(i) If cracks are found, contact Aerotek, Inc., P.O. Box 547, Afton, WY 83110, for approved repair or repair in accordance with a method approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, Atlanta, Ga.

(ii) If no cracks are found, reassemble in reverse order of disassembly.

CAUTION: Use care on reassembly to insure that the AN365-1032 nuts on the AN3 bolts, which secure the horizontal stabilizer to the support tubes, are tight enough to prevent any axial movement of the bolt, without having any preload or crushing action on the tubes.

(b) Repeat the inspection in paragraph (a) above every 50 hours' time in service after initial inspection.

This amendment becomes effective April 3, 1973, for all persons except those to whom it was made effective upon receipt of the airmail letter dated March 9, 1973, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 19, 1973.

DUANE W. GREER,
Acting Director, Southern Region.

[FR Doc.73-6072 Filed 3-29-73;8:45 am]

[Docket No. 73-NE-7; Amdt. 39-1616]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt and Whitney Model JT3D Engines

There have been reports of loosening of the return tube elbow jam nuts, P/N 217477, due to improper torque with resulting fuel leakage into the cowl area and possible engine fires. Since this condition is likely to exist or develop in other engines of the same model, an airworthiness directive is being issued to require inspection of the return tube elbow jam nut for jam nut torque value and repair or replacement of the loose parts as necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PRATT & WHITNEY. Applies to all Pratt & Whitney JT3D-1, JT3D-1-MC6, JT3D-1-MC7, JT3D-3, and JT3D-3B model engines containing fuel control to fuel return line elbow P/N 424790 and jam nut P/N 217477.

Compliance required within the next 500 hours' time in service after the effective date of this AD and every 1,000 hours in service thereafter, or until modified in accordance with the service bulletin referenced in paragraph (b)(2) or equivalent method approved by the Chief, Engineering and Manufacturing Branch, New England Region.

To prevent the possibility of fuel leakage due to loosening of fuel control to fuel pump return tube elbow P/N 424790, and jam nut P/N 217477, check jam nut torque value.

(a) If found to be a minimum of 285 in-lb, continue in service operation.

(b) If the jam nut is found to be less than 285 in-lb, break the connection and examine the mating threads of the elbow P/N 424790 and fuel control cover P/N 704972-1 on their loaded sides for wear.

NOTE: The loaded side will be on the fuel side (inside) rather than the air side (outside) of the cover.

(1) If the threads are not worn, remake the fitting according to the instructions given in the Overhaul Manual, P/N 411568, section 72-00, Fits and Clearances.

(2) If threads are worn replace fuel control to fuel pump return tube elbow, P/N 424790, with P/N 483848 and associated hardware in accordance with Pratt & Whitney Service Bulletin No. 1511 Revision 4, dated June 30, 1969.

(c) Upon submission of substantiating data through an FAA maintenance inspector, the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust repetitive inspection intervals specified in this AD.

This amendment becomes effective April 11, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Mass., on March 21, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-6073 Filed 3-29-73;8:45 am]

[Docket No. 72-SO-74; Amdt. 39-1613]

PART 39—AIRWORTHINESS DIRECTIVES

Teledyne Continental Models IO-470 and TSIO-470 Engines

Amendment 39-1522, 37 FR 19120, AD 72-20-2 requires retirement at next overhaul of all P/N 626820 "Non-H" cylinders and those "H" cylinders manufactured or remanufactured (rebarreled) prior to April 1963, and retains the inspections procedures of AD 67-31-5 on the affected engines only so long as necessary to facilitate the orderly retirement of cylinders on Teledyne Continental Motors Models O-470 and IO-470 series engines. After issuing Amendment 39-1522 due to service experience, the agency determined that the methods outlined in the airworthiness directive to identify bona fide "H" cylinders were not sufficiently clear to personnel in the field to prevent confusion. Therefore the AD is being amended to provide additional information in the form of Teledyne Continental Service Bulletin M73-2 to aid in identification of "H" and "Non-H" cylinders.

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 31 FR 13697, § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1522, 37 FR 19120, AD 72-20-2, is amended by revising note 3 under paragraph B to read as follows:

NOTE 3: On engines manufactured or remanufactured by Teledyne Continental Motors during 1964 or later, as indicated by the year suffix on the serial number, it may be assumed without further verification that "H" type cylinders installed were manufactured subsequent to April 1963, if maintenance records do not indicate a cylinder exchange.

On other engines having "H" type cylinders installed, it will be necessary to establish the cylinder's date of manufacture by removing the rocker box cover and inspecting the area beneath the rocker arm for the impression stamped manufacture date. Information on the location of this stamp was given on page 115 of the August 1971 General Aviation Inspection Aids Summary. However, in the event the manufacture date appears ambiguous or illegible Teledyne Continental Service Bulletin M73-2 should be used to identify cylinders.

This amendment becomes effective April 2, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 19, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-6071 Filed 3-29-73;8:45 am]

[Airspace Docket No. 72-GL-46]

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

Designation of Transition Area

On page 20953 of the FEDERAL REGISTER dated October 5, 1972, the Federal Aviation Administration published a notice of

proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Bellefontaine, Ohio.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 24, 1973.

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

Issued in Des Plaines, Ill., on March 13, 1973.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

In § 71.181 (37 FR 2143), the following transition area is added:

BELLEFONTAINE, OHIO

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Bellefontaine Airport (latitude 40°24'45" N., longitude 83°44'10" W.) and within 3 miles each side of the 049° bearing from the airport extending from the 6-mile-radius area to 13 miles northeast of the airport.

[FR Doc.73-6065 Filed 3-29-73;8:45 am]

[Airspace Docket No. 72-GL-76]

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

Designation of Transition Area

On Page 1939 and Page 1940 of the FEDERAL REGISTER dated January 19, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations, so as to designate a transition area at Hillsboro, Ohio.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 24, 1973.

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

Issued in Des Plaines, Ill., on March 13, 1973.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is added:

HILLSBORO, OHIO

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Highland County Airport (latitude 39°11'21" N., longitude 83°32'18" W.).

[FR Doc.73-6064 Filed 3-29-73;8:45 am]

[Airspace Docket No. 73-GL-12]

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

Deletion of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to delete the Plymouth, Mich., and Salem, Mich., transition areas.

The Plymouth, Mich., and Salem, Mich., transition areas will be included in the Detroit, Mich., transition area effective March 29, 1973. Since this deletion imposes no additional burden on any person, therefore notice and public procedure hereon are unnecessary.

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 § 71.181 (38 FR 435), the following transition areas are deleted:

Salem, Mich.
Plymouth, Mich.

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

Issued in Des Plaines, Ill., on March 13, 1973.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.73-6066 Filed 3-29-73;8:45 am]

[Airspace Docket No. 73-NE-6]

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

Alteration of VOR Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke Victor Airway 139E between Providence, R.I., and Whitman, Mass.

The low altitude en route Instrument Flight Rule (IFR) peak day traffic count for June 29, 1972, indicates one (1) operation on V-139E. Since the volume of IFR traffic does not justify the continued designation of the airspace and as there is no longer an operational requirement for V-139E, termination of this underutilized east alternate segment of V-139 is a minor action upon which the public affected thereby would not be particularly interested in commenting, therefore, notice and public procedure are unnecessary. However, to allow sufficient time for making the necessary changes on the appropriate charts, this action will not become effective until May 24, 1973.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

In § 71.123 (38 FR 307) is amended as follows:

In V-139 "Whitman, Mass., including an E alternate;" is deleted and "Whitman, Mass.;" 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 March 22, 1973.

CHARLES H. NEWPOL,
Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.73-6070 Filed 3-29-73;8:45 am]

[Airspace Docket No. 73-SW-2]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field) control zone.

On January 24, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 2335) stating the Federal Aviation Administration proposed to delete the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field) control zone, designate the Dallas-Fort Worth, Tex. (Regional Airport) control zone, and alter the Dallas, Tex. (Love Field), (NAS Dallas), and (Redbird Airport) control zones.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable. Subsequent to this proposal, it was determined that there was an operational requirement to conduct flight operations from Greater Southwest International Dallas-Fort Worth Field Airport and the new Dallas-Fort Worth Regional Airport starting on July 12, 1973, and extending until the closure of Greater Southwest International Dallas-Fort Worth Field Airport on or about September 30, 1973. During this interim period, the Greater Southwest International Dallas-Fort Worth Field Airport control zone will be amended to provide controlled airspace for aircraft operating from and to both the Dallas-Fort Worth Regional Airport and the Greater Southwest International Dallas-Fort Worth Field Airport. At the time of closure of the Greater Southwest International Dallas-Fort Worth Field Airport, the alterations of the control zones as proposed in Airspace Docket No. 73-SW-2 will be accomplished through further rulemaking action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 12, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351), the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field), control zone is amended to read:

FORT WORTH, TEX. (GREATER SOUTHWEST INTERNATIONAL DALLAS-FORT WORTH FIELD)

That airspace within an area bounded by a line beginning at latitude 32°48'00" N.,

longitude 96°59'00" W.; thence east along latitude 32°48'00" N. to and clockwise along the arc of a 5-mile radius circle centered at Love Field (latitude 32°51'00" N., longitude 96°50'50" W.) to latitude 32°49'40" N., west of Love Field; thence northwest to latitude 32°53'15" N., longitude 96°59'35" W.; thence northeast to latitude 32°55'00" N., longitude 96°57'10" W.; thence counterclockwise along the arc of a 5-mile radius circle centered on the Dallas-Fort Worth Regional Airport (latitude 32°53'53" N., longitude 97°02'24" W.); counterclockwise along the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field; thence north along longitude 96°59'00" W., to point of beginning; within 2 miles each side of the Greater Southwest International Dallas-Fort Worth Field ILS localizer northwest course, extending from the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field to 1 mile northwest of the OM, within 2 miles each side of the Greater Southwest International Dallas-Fort Worth Field VORTAC 201° radial extending from the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field to 6 miles south of the VORTAC; and within 2.5 miles west and 3.5 miles east of the runway 35L ILS localizer north course of the Dallas-Fort Worth Regional Airport extending from the 5-mile radius zone of the Dallas-Fort Worth Regional Airport to the OM (latitude 32°59'42" N., longitude 97°03'02" W.).

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

Issued in Fort Worth, Tex., on March 21, 1973.

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

[FR Doc.73-6063 Filed 3-29-73;8:45 am]

[Airspace Docket No. 73-WA-16]

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

Correction to Domestic High Altitude Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to update the list of domestic high altitude reporting points.

Since the designation and deletion of reporting points in accordance with the current requirements of air traffic control is a minor matter upon which the public would not have particular reason to comment, notice and public procedure thereon are unnecessary. Also, as it is desirable to incorporate these changes in the regulations to correctly reflect current requirements, good reason exists for making these changes effective on less than 30 days' notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective on March 30, 1973, as hereinafter set forth.

In § 71.207 (38 FR 613) is amended as follows:

1. "Herndon, Va." is deleted.
2. "Mineral Wells, Tex." is deleted and "Millsap, Tex." is substituted therefor.
3. "Pullman, Mich." is added.
4. "San Angelo, Tex." is deleted.

(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 March 22, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.73-6069 Filed 3-29-73;8:45 am]

[Airspace Docket No. 73-EA-15]

PART 73—SPECIAL USE AIRSPACE

Redesignation of Restricted Airspace

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to redesignate the using agency of Restricted Areas R-6601, Camp A. P. Hill, Va., and R-6602, Camp Pickett, Va.

The U.S. Army has requested that the names of the using agencies for R-6601 and R-6602 be changed effective on or about July 1, 1973. This change is requested due to a reorganization of the Army commands.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 21, 1973, as hereinafter set forth.

In § 78.66 (38 FR 673), the Camp A. P. Hill, Va., Restricted Area R-6601, and the Camp Pickett, Va., Restricted Area R-6602, are amended by deleting the present using agency and substituting therefor:

Commander, Fort G. Meade, Md.

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

Issued in Washington, D.C., on March 23, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.73-6067 Filed 3-29-73;8:45 am]

[Airspace Docket No. 73-WE-7]

PART 73—SPECIAL USE AIRSPACE

Redesignation of Restricted Airspace

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to redesignate the using agency of Restricted Areas R-2502N, Fort Irwin, Calif., R-2502E, Fort Irwin, Calif., and R-2504, Camp Roberts, Calif.

The U.S. Army has requested that the names of the using agencies for R-2502N, R-2502E, and R-2504 be changed.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective May 24, 1973.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

In § 73.25 (38 FR 634),

(1) The Fort Irwin, Calif., Restricted Areas R-2502N and R-2502E are amended, by deleting the present using agency and substituting therefor:

Commander, Fort Irwin, Calif.

(2) The Camp Roberts, Calif., Restricted Area R-2504, is amended, by deleting the present using agency and substituting therefor:

Commander, Camp Roberts, Calif.

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

Issued in Washington, D.C., on March 23, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.73-6068 Filed 3-29-73;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

Comments or Suggestions Submitted in Connection With Notices of Proposed Rulemaking

This document contains an amendment to paragraph (b) of § 601.601 of the Statement of Procedural Rules (26 CFR Part 601) and adds a new paragraph (d)(9) to § 601.702 of such rules. The amended and added provisions relate to comments or suggestions submitted in connection with notices of proposed rulemaking of the Internal Revenue Service.

As amended by this document, § 601.601(b) provides that comments on proposed regulations are exempt from disclosure only if the person submitting the comments states in writing (1) which portions of the comments, in his opinion, are exempt from disclosure under law, and (2) the reasons for such exemption.

The amended § 601.601(b) also states that the name of any person submitting comments does not qualify for exemption from disclosure. This provision will apply without regard to the confidential status of his comments.

A new paragraph (d)(9) is added to 26 CFR 601.702 in order to provide a specialized procedure for requesting inspection, or copies, of comments that are not exempt from disclosure.

It is anticipated by the Internal Revenue Service that the form usually used for a notice of proposed rulemaking will be revised in order to accommodate the amended § 601.601(b) and the added § 601.702(d)(9).

The amendment of § 601.601(b) set forth below is, in general, effective with respect to comments received in response to notices of proposed rulemaking of the Internal Revenue Service published in the FEDERAL REGISTER after

April 29, 1973. This time lag was chosen in order to give adequate time to make the necessary changes in the form of notices of proposed rulemaking that are currently being developed. Also, it is felt that some time is needed for the public to become informed of the amended rules. Comments in response to notices of proposed rulemaking published in the FEDERAL REGISTER on or before April 30, 1973, are governed by the provisions of 26 CFR 601 prior to its amendment. However, the provisions of § 601.702(d)(9) shall apply in the case of requests for the inspection of, or copies of comments, that are made after April 30, 1973, regardless of when the comments were submitted or regardless of when the related notice of proposed rulemaking was published.

This part (26 CFR Part 601), as filed with the FEDERAL REGISTER on June 29, 1955, was last amended on February 23, 1973.

The effective dates of the amended paragraph (b) of 26 CFR 601.601 and the added paragraph (d)(9) of 26 CFR 601.702, as set forth below, are indicated in such sections as set forth below.

The following amendments are made to 26 CFR Part 601:

PARAGRAPH 1. Section 601.601 is amended by revising paragraph (b) thereof to read as follows:

§ 601.601 Rules and regulations.

* * * * *

(b) *Comments on proposed rules*—(1) *In general.* Interested persons are privileged to submit any data, views, or arguments with respect to a notice of proposed rulemaking published pursuant to 5 U.S.C. 553. Any person submitting comments in response to a notice of proposed rulemaking shall specifically designate in writing that portion (if any) of his comments which, in his opinion, contains material which is exempt from disclosure under law and shall state in writing the reasons for such exemption. Any portion of a comment which is designated as exempt from disclosure and the reasons for such exemption shall be set forth on pages separate from the balance of the comment. Any comments or any portion thereof not specifically designated as exempt from disclosure in accordance with this paragraph (b) will be made available pursuant to paragraph (d)(9) of § 601.702. The name of any person submitting comments (whether or not exempt from disclosure in whole or in part) or requesting a public hearing, the issues which may be discussed at the hearing, and outlines relating to the hearing are not exempt from disclosure. (See paragraph (a)(3) of this § 601.601 for rules relating to hearing outlines.) The disclosure by the Internal Revenue Service of—

(i) Any name,

(ii) Any comments, or any portion thereof not specifically designated as exempt from disclosure by the person submitting the comment,

(iii) Any comments, or any portion thereof which is designated as exempt from disclosure by the person submitting the comments but which is not so exempt under law, or

(iv) The issues which will be discussed at a public hearing and related outlines,

will be a disclosure authorized by law within the meaning of any statute governing the disclosure of information.

(2) *Effective date*—(i) *In general.* This paragraph (b) applies to comments submitted in response to notices of proposed rulemaking of the Internal Revenue Service published in the FEDERAL REGISTER after April 29, 1973. Comments submitted in response to notices of proposed rulemaking published in the FEDERAL REGISTER on or before April 30, 1973, are governed by the provisions of 26 CFR Part 601 then in effect.

(ii) *Exception.* Notwithstanding the provisions of paragraph (b)(2)(i) of this section, the provisions of § 601.702(d)(9), relating to the inspection and copying of comments received in response to a notice of proposed rulemaking, shall apply to requests that are made after April 29, 1973, for the inspection or copies of such comments. The preceding sentence shall apply regardless of when the comments were submitted or regardless of when the related notice of proposed rulemaking was published in the FEDERAL REGISTER.

* * * * *

PAR. 2. The following new paragraph (d)(9) is added immediately after paragraph (d)(8) of § 601.702:

§ 601.702 Publication and public inspection.

* * * * *

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

(9) *Comments received in response to a notice of proposed rulemaking.* Written comments received in response to a notice of proposed rulemaking may be inspected by any person upon compliance with the provisions of this subparagraph (9) unless such comments are exempt from disclosure under law. Comments which may be inspected are located in the Office of the Chief Counsel, Legislation and Regulations Division, Technical Section, Room 4317, 1111 Constitution Avenue, Washington, DC 20224. The request to inspect comments must be in writing and signed by the person making the request and should be addressed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Upon delivery of such a written request to the place where the comments are located during the regular business hours of that office, the person making the request may inspect those comments (or portions thereof) which are not exempt from disclosure. Copies of comments (or portions thereof) which are not exempt from disclosure may be obtained by a written request addressed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. The person making the request for copies should allow a reasonable time for processing the request. The provisions of paragraph (c)(5) of this section, relating to fees, shall apply with respect to requests made in accordance with this subparagraph. The provisions of this subparagraph shall apply in the case of requests for the inspection of, or copies of comments that are made after April 29, 1973, regardless of when the comments were submitted or regardless of when the related notice of proposed rulemaking was published in the FEDERAL REGISTER.

* * * * *

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

[FR Doc.73-6190 Filed 3-29-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

Vessel Speed Limits in Detroit and St. Clair Rivers

MARCH 27, 1973.

The purpose of this amendment is to prescribe speed limits for the St. Clair River and Detroit River for commercial vessels (including tug and barge combinations) 65 feet, or greater, in length pursuant to the authority of the Secretary of the Army to regulate the use, administration and navigation of navigable waters of the United States under section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1).

Since this amendment is local in nature and since the U.S. Army Engineer District, Detroit, has provided notice and opportunity for local public participation in this rulemaking, the Under Secretary of the Army has found that notice of proposed rulemaking and public procedures thereto are unnecessary, and that good cause exists for making this amendment effective April 1, 1973.

Accordingly, the Secretary of the Army hereby amends § 207.510 of Part 207 of Title 33 of the Code of Federal Regulations as set forth below.

For the Chief of Engineers.

JAMES L. KELLY,
Brigadier General, USA,
Acting Director of Civil Works.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.510(d)(1), (2) and (3) governing the use, administration and navigation of those waters within the United States is hereby amended with respect to the vessel speed limits in the Detroit and St. Clair Rivers as follows effective April 1, 1973:

§ 207.510 Connecting waters of the Great Lakes from Lake Huron to Lake Erie, use, administration and navigation.

* * * * *

(d) *Speed.* Commercial vessels (including tug and barge combinations) 65 feet, or greater, in length shall not exceed the following speeds measured in statute miles per hour over the bottom:

(1) In the St. Clair River:

(i) Between Fort Gratiot Light and Stag Island Upper Junction Lighted

Buoy, 9 m.p.h. for upbound vessels and 12 m.p.h. for downbound vessels.

(ii) Between Stag Island Upper Junction Lighted Buoy and Harsens Island Rear Range Light, 12 m.p.h. for both upbound and downbound vessels.

(iii) Between Harsens Island Rear Range Light and St. Clair Cut-off Channel Lt2, F1R, 10 m.p.h. for both upbound and downbound vessels.

(2) In the Detroit River:

(i) Between the black turn buoy (lat. 42°22.0′ N., long. 82°54.0′ W.—Lake St. Clair), and Fighting Island South Light, 12 m.p.h. for upbound vessels and 14 m.p.h. for downbound vessels.

(ii) Between Fighting Island South Light and Detroit River Light 12 m.p.h. for both upbound and downbound vessels.

(3) [Revoked]

* * * * *

[Regs., Mar. 21, 1973] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

[FR Doc.73-6144 Filed 3-29-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-315]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority to Chief, Safety and Special Radio Services Bureau

Order. In the matter of amendment of Part 0 of the Commission's rules to delegate authority to the Chief, Safety and Special Radio Services Bureau to act on requests for waivers of Part 97 as they relate to amateur radio space stations.

1. Since 1961 six amateur communication satellites have been placed into orbit. The newest satellite, OSCAR 6, was launched on October 15, 1972, and has been successfully transmitting amateur radiocommunication since that date.

2. In order to allow the operation of an amateur radio space station on board a satellite, it is necessary that a number of rules contained in Part 97 of the Commission's rules be waived. Therefore, to facilitate the orderly and efficient regulation of amateur radio space stations, while they are in their present experimental stage, delegated authority is granted to the Chief, Safety and Special Radio Services Bureau to act on such waiver requests of the provisions of Part 97. Waivers granted under this delegated authority will be limited to rules regarding station location, authorized emissions, station control, identification, logging, and operator privileges.

3. Authority for the rule adopted herein is contained in sections 4(i), 5(d) and 303 of the Communications Act of 1934, as amended. Since this change involves only a matter of internal Commission organization, the prior notification requirement of 5 U.S.C. section 553 is not applicable.

4. *It is ordered,* effective May 3, 1973, that § 0.331 of Part 0 of the Commission's rules is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: March 21, 1973.

Released: March 26, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.331 (b)(24) is added to read as follows:

§ 0.331 Authority delegated.

* * * * *

(b) * * *

(24) To act on requests for waivers of the requirements of Part 97 of this chapter when it is shown that such a waiver is required, taking into account the state of the radio art, to allow the operation of an amateur radio space station. Waivers will be limited to the following areas: Station location, authorized emission, station control identification, logging, and operator privileges.

* * * * *

[FR Doc.73-6139 Filed 3-29-73;8:45 am]

[Docket No. 18703; FCC 73-327]

PART 1—PRACTICE AND PROCEDURE

Tariffs and Evidence

Memorandum opinion and order. In the matter of amendment of Part 61 of the Commission's rules relating to tariffs and Part 1 of the Commission's rules relating to evidence.

1. The Commission has before it several petitions requesting reconsideration of our final report and order released herein on October 13, 1970 (see 35 FR 16247), wherein we adopted certain tariff and evidentiary rules (25 F.C.C. 2d 957 (1970)). These petitions were filed on or about November 12, 1970, by two domestic carriers, American Telephone & Telegraph Co. (AT&T) and the Western Union Telegraph Co. (WU), and by two international carriers, Western Union International, Inc. (WUI), and RCA Global Communications, Inc. (RCA). In addition, an opposition to the AT&T, WU, and WUI petitions was filed by the National Retail Merchants Association (NRMA).

2. In essence, the petitioners raise both legal and policy objections to the rules. Insofar as the legal issues are concerned, it is argued:

(a) That section 203(d) of the Communications Act, as amended, sets forth the one and only basis upon which the Commission may reject a tariff filing; that is, for failure to give "lawful notice of its effective date" and that, therefore, the Commission is without power to reject tariff filings for violation of the Commission's rules.

(b) That the requirement that tariff increases and data in support thereof be filed 60 days prior to the effective date of such proposed increase is contrary to the requirements of section 203(b) of the Communications Act which puts a limitation of 30 days' notice which the Commission may require of any proposed tariff revision including increased rates.

(c) That the requirement for data to support new or reduced rates, as distinguished from increased rates, is an unlawful attempt to place the burden of proof on the carrier with respect to new or reduced rates and that section 204 places such burden on the carrier only with respect to increased rates.

3. The objections raised in the petitions on policy grounds relate to such matters as:

(a) The propriety or wisdom of including various requirements with respect to the filing of data and forecasts in those instances where there are competing carriers;

(b) The need to keep data confidential in those instances where there is actual active competition between carriers;

(c) The alleged reliance on cost data to the exclusion of other considerations;

(d) The need for and usefulness of 3-year projections as well as the other detailed data required;

(e) The advisability of substituting a provision which would permit the carrier to cure or rectify deficiencies in their filings rather than subjecting such filing to rejection;

(f) The alleged requirement for data that is not reasonably required to facilitate an understanding or evaluation of any particular filing;

(g) The need for exemptions from rules for tariff changes involving routine alterations on the basis that it is not necessary that the Commission have a detailed analysis of routine changes; and

(h) The need to formulate rules closely related to the diverse situations of each of the various kinds of carriers, such as, for example, certain rules for domestic landline carriers, certain rules for the domestic miscellaneous carriers and other rules for the international voice carrier and the several international record carriers.

DISCUSSION

LEGAL ISSUES

4. We shall address the legal objections first. In this connection we note that many of the matters raised in the petitions for reconsideration merely repeat arguments set forth in previous pleadings. We have considered such arguments fully in our final report and order and find no basis for changing our original decision thereon. Insofar as the petitioners' first contention is concerned, that we have power to reject tariffs only for failure to provide a 30-day effective date on tariff filings, it is sufficient to note that we and the courts have held to the contary. We have held that we can reject tariffs even when the effective date shown on the tariff provides the full 30 days' notice where, for example, there is lack of authorization to perform the service offered in the tariffs. "In Re AT&T Private Line Rate Case," Dockets 18128 and 18684, FCC 72-619, 36 FCC 2d

[1] Commissioner Johnson concurring in the result; Commissioner Reid and Hooks dissenting.

484 (July 17, 1972); "Press Wireless, Inc.," 21 FCC 311; 511 (1956); aff'd. 264 F. 28 372 (D.C. Cir. 1959). Moreover, subsequent to our final report and order and the filing of the petitions for reconsideration, the U.S. Court of Appeals for the District of Columbia has summarized the powers and duties of regulatory agencies to reject tariffs in the following language:

> We recognize, however, that an agency has the power and in some cases the duty to reject a tariff that is demonstrably unlawful on its face. Thus, an agency will reject a tariff that conflicts with a statute, agency regulation or order, or with a rate fixed in a contract sanctioned by statutes; similarly, a tariff will be rejected if it is unlawful without prior agency approval, and approval has not been obtained." "The Associated Press v. FCC et al.," 448 F. 2d 1095 (1971) (D.C. Cir.).

5. In connection with the above-stated language of the court, it is to be noted that we have never construed the provisions of section 203(d) as limiting the Commission's powers of rejection solely to tariffs that fail to give notice of their effective date. Rules relating to the filing of tariffs have been in effect during almost the entire period the Commission has existed. These rules, now incorporated as Part 61 of the Commission's rules, set forth numerous requirements with respect to tariffs in addition to notice of effective date. Failure to comply with these rules has always been recognized as grounds for rejection. Petitioners have not heretofore challenged the power of the Commission to reject a tariff which fails substantially to comply with rules governing such minor matters as letters of transmittal, number of copies, prepaid postage, erasures, alterations, etc., none of which is expressly mentioned in section 203(d) of the Act as grounds for rejection. In light of all of the foregoing, we cannot accept as valid a challenge to the authority of the Commission to reject a tariff which is in patent violation of any of the provisions of Part 61 of the rules. Accordingly, we reiterate our position, for the reasons set forth above and in paragraphs 47 through 52 of our final report and order that we have ample authority to reject a tariff for failure to comply with these rules (see 25 FCC 2d 957; 973–975).

6. Fears are expressed in the petitions to the effect that the Commission will exercise power arbitrarily in the rejection of tariffs. In the more than 2 years that the rules have been effective, out of many thousands of filings made, there have been but few rejections based upon failure to comply with our rules. Section 61.69(c) states that failure to comply with our rules constitutes "grounds" for rejection. However, the rule does not mandate that we reject all tariffs that do not comply fully with our rules. Section 61.69(c) means that tariff filings are subject to the exercise of reasonable judgment in implementing the rejection provisions. As the record shows, we have not invoked this power lightly, frequently, or in an arbitrary fashion. Thus, we reject the contention that we will abuse our discretion in exercising our authority to reject tariffs for rule violation. Furthermore, in the light of the experience since the rules became effective, we must reject as unfounded in fact the allegations that retention of our rules will invite incessant petitions for rejections by the public or protracted court tests of every significant filing not rejected.

7. We have dealt fully with the second legal argument challenging the validity of the 60 days' notice requirement for rate increases and data in support thereof, in paragraphs 37 through 43 of our Final Decision and Order (See, 25 FCC 2d 957; paragraphs 969–971). We note that no arguments of any significance in addition to those already considered have been made on this point. Accordingly, we reaffirm our conclusion that we have ample authority under sections 4(i), 4(j), and 203(b) of the Act to require the submission of tariffs and data in support of proposed increases 60 days in advance of the effective date of such increases.

8. As to the third and final legal issue raised, i.e., the power of this Commission under section 204 to require submission of detailed supporting data in connection with new or changed tariff material (not involving a rate increase), we believe that petitioners have misconstrued the effect of section 204 and have misunderstood both the purpose and effect of our rule (§ 61.38) and the legal authority upon which it rests. Petitioners first premise their argument on the contention that section 204 sets forth the one and only situation under which carriers have any burden of proof in any proceeding involving questions of lawfulness of their tariffs, i.e., only at hearings involving a charge increased or sought to be increased. For reasons which we shall state, we disagree with this basic contention.

9. Section 204, enacted in 1934, does not say, as the petitioners appear to contend, that it is only in cases of increased rates that a carrier has any burden of proof.[1] Subsequent to the passage of section 204, the Administrative Procedure Act was enacted with the provision that "Except as otherwise provided by statute, the proponent of a rule or order has the burden of proof." 5 U.S.C. 556(d) Thus, it would appear clear that in any tariff proceeding in which the carrier seeks a rule or order from the Commission approving or prescribing a charge, regulation, classification, or practice the carrier would have the burden of proof irrespective of whether increased rates are being sought. In addition, we have repeatedly held that the burden of proof is on the carrier in tariff proceedings (where increased rates are not being sought) involving questions of lawfulness of "like and contemporaneous communication service between the same points at different charges to different users." "Private Line Rate Case," 34 FCC 217, at page 317 (1961); "Telpak Case," 38 FCC 370, 381–382 (1964); "Telpak Sharing Case," 23 FCC 2d 606, at page 625 (1970). On review of our Telpak decisions, the U.S. Court of Appeals for the District of Columbia Court affirmed our decisions including our holding therein on burden of proof in the aforementioned types of cases. "American Trucking Association, Inc. v. FCC," 126 U.S. App. D.C., 236, 377 F.2d 121 (1966), cert. denied, 386 U.S. 943 (1947). Accordingly, we reject the basic contention made herein that carriers have the burden of proof in tariff or rate proceedings only where increased rates are being sought.

10. Furthermore, it is our view that questions of burden of proof in rulemaking cases involving the lawfulness of tariffs are largely academic. Under our procedural rules carriers are required to open and close in such cases and, irrespective of where the the burden of proof lies, we must make our decision on the basis of reliable, probative, and substantial evidence of record whether adduced by the carriers or other parties. Additionally, contrary to the contentions, we do not view the requirements in our tariff rules for the submission of data to support new or changed tariffs, as having any effect whatsoever on whether or to what extent a carrier may have the burden of proof in any rate or tariff proceeding. In this respect petitioners misconstrue the purpose and effect of our rules. As the reviewing court held in "The Associated Press case, supra, the purpose of our rules is "to provide the Commission with the information necessary to decide whether an investigation and suspension of proposed rates should be ordered" and referred to the decision by the U.S. Supreme Court in "American Farm Lines v. Black Ball Freight Service," 397 U.S. 532 (1970), holding that similar rules of the Interstate Commerce Commission are "mere aids to the exercise of the agency's independent discretion." Thus, the purpose and effect of our rules in this regard is not to impose new burdens of proof on carriers but is to provide us with information by which, in the reasonable exercise of our discretion, we can determine the orderly and proper procedures to follow in the solution of the difficult and complex problems increasingly presented in tariffs filed with us by the carriers. In short, the purpose of the rules is to elicit information and data which will facilitate the Commission's judgment as to whether such proposed tariffs present questions of lawfulness which warrant our investigation and hearing.

POLICY OBJECTIONS

11. We have also given careful consideration to the aforementioned policy objections raised by petitioners and it is our conclusion that such objections do not warrant any revisions in our final decision or any substantive changes in our rules. Although extended discussion of such objections is not warranted, it

[1] The relevant provisions states that: "At any hearing involving a charge increased or sought to be increased, after the organization of the Commission, the burden of proof to show the increased charge, or proposed increased charge, is just and reasonable shall be upon the carriers * * *" 47 U.S.C. 204.

may be useful to touch briefly upon the principal reasons for our conclusion.

12. We recognize that, in competitive situations, the requirement of our rules that a carrier must submit cost and other data to support new or revised competitive tariffs may make it necessary for such carrier to make public certain information about its operations that it would not ordinarily want to reveal to its competitors. However, disclosures of this nature are inherent characteristics of the regulatory requirements imposed by the Communications Act on carriers subject to our jurisdiction. Carriers must, for example, make public their prices through tariffs filed with us and they must adhere to such prices until changed on proper advance public notice; and, with certain limited exceptions, carriers' contracts, agreements, arrangements, statistics, tables, and figures contained in annual and other reports filed with the Commission must be made public. 47 U.S.C. 412. Moreover, carriers have the obligation under the Act to supply such information as the Commission may need to enable it to carry out its regulatory duties. 47 U.S.C. 218, 219. Our own recent experience under these rules, has been that the submission by carriers of the required cost and other data to support competitive tariff filings has been helpful to us in determining the most orderly and effective regulatory steps to be taken and procedures to be followed in administering the Communications Act and implementing our policy and objective thereunder of maintaining such competition on a full and fair basis. (See e.g., proceedings in Dockets 18684, 19129, 19419, and 19546.) We have found that it is particularly important to obtain the data required by our rules where questions are raised as to whether a new or reduced rate competitive service is being cross-subsidized by other services and whether there is factual support for allegations of anticompetitive impact from such rates. Thus, the value of our rules as a regulatory tool in the public interest far outweigh any supposed detriment to the private interests of carriers who desire to keep such data from their competition. Moreover, petitioners have made no persuasive showing that, as a general rule, the submission of the kind of data we require will, in fact, reveal sensitive data that actually affords competitors any advantage over the filing carrier in the marketplace.

13. Much concern was expressed in the petitions that our rules seem to place too heavy reliance on cost data to the exclusion of other considerations (e.g., value of service) which allegedly may also support proposed rates, particularly competitive rates. However, our requirement for the submission of cost data does not mean that we intend to consider only cost as support for tariff filings, to the exclusion of other factors or principles. On the other hand, the carriers themselves generally stress that their revenues must exceed their costs, and our established regulatory policies are to regard costs either as directly controlling in the fixing of rates or as benchmarks from which to measure any departures, from costs with a clear and persuasive showing required for such departures. "Private Line Rate Case," 34 FCC 217, at page 231 (1963). Subject to the foregoing, carriers are free to submit any data they wish, in addition to cost, to support their tariff filings and appropriate consideration will be given thereto.

14. With respect to our requirement that the carriers furnish 3-year estimates with respect to the effects of new or changed tariff provisions on the carriers' traffic and revenues, it is true that no carrier can foretell with complete accuracy what will happen over a future 3-year period, particularly in a field as dynamic as interstate and foreign communications. On the other hand, it appears to us that responsible management would not ordinarily undertake to make new or revised service or rate offerings unless and until it has surveyed the potential market and made some assessment of what it may expect will be the results of such offering. Under these circumstances we find it reasonable to have a general rule, subject to waiver in appropriate cases, that the Commission be furnished with such projections to assist it in discharging its statutory duties.

15. With respect to the advisability of adopting a new rule which would allow the carriers to cure or rectify deficiencies in their filings, before rejection, we believe that such a rule would unreasonably inhibit the ability of the Commission to take on its own motion or in response to pleadings filed by the public, prompt and effective action to prevent patently defective tariffs from becoming effective. Moreover, any rejection of tariffs for violation of our tariff rules is always without prejudice to the prompt refiling by the carrier of appropriate revisions in full compliance with the rules.

16. As to the contention that the data required by the Commission's rules should be limited to data that would be reasonably needed by the Commission to understand and evaluate tariff filings, we believe that our rules do just that and no more. The data required by § 61.38 is the minimum which we believe is required for us to make necessary decisions with respect to most, if not all, tariff filings that are subject thereto.

17. As to the argument that a de minimis exemption should exist for certain kinds or levels of tariff filings and that a need exists for expanding or increasing the categories of items exempted from the requirements of the rules, we dealt fully with this matter in paragraph 26 of our final decision. Experience gained since the effective date of our rules indicates that there has been no great difficulty on the part of most carriers in complying with the requirements of our rules. Accordingly, we do not believe that we should revise our rules to allow for any further exemption at this time. With regard to the possibility of exemptions for so-called "routine" tariff changes, we indicated in paragraph 26 of our final decision that if it becomes apparent after experience has been gained that certain types of routine changes do not require all or part of the support required by our rules, then waiver of the rules would be granted or new rules would be promulgated. Based on our experience we believe that we should continue to handle any such "routine" exemptions by waivers made upon specific application by the carriers rather than by any rule changes at this time.

18. The contentions that the diverse requirements of the various kinds of carriers dictate different application of the rules as to each class of carriers are not sufficiently supported by probative factual data for us to conclude that any significant benefit would accrue to the carriers or to the public by making this kind of revision in our rules. It may be true that one class of carriers may have problem areas that other classes do not have, but we do not believe that any undue burden is placed upon any particular class of carriers under the rules as they now stand. In those instances where the carrier can make a reasonable demonstration that our rules as written cause undue burden or are not relevant to the rate schedule submitted, we will, of course, grant a waiver upon specific application therefor as provided for in the rules. If experience shows in the future that changes are necessary to accommodate the needs of different classes of carriers, we will entertain specific proposed amendments with respect thereto.

19. Although we have concluded that no changes should be made at this time in the rules under review, we currently have under consideration further possible changes therein. These prospective changes relate to the notice requirements for tariffs offering new or revised classes and subclasses of service.[3] At the time of any such proposed rulemaking, we expect to give consideration to any additional changes that interested parties may wish to propose in the light of further experience under the rules. However, there is one procedural rule change that we believe should be effectuated at this time.

20. The 14-day time period now permitted by § 1.773(b) for filing petitions to suspend tariffs may be appropriate for tariffs that are filed on approximately 30 days' notice and we propose no change therein. However, our rules now require carriers to file tariffs which constitute rate increases on at least 60 days', rather than 30 days' notice (§ 6158). As to such 60-day notice filings, we believe that petitions to suspend should be filed with the Commission and served upon the publishing carrier and the Chief, Common Carrier Bureau, substantially earlier than is now permitted under the 14-day rule. At present, interested parties have approximately 16 days after a 30-day tariff is filed within which to prepare and submit any petitions to suspend. We believe that for tariffs that are filed on 60 days' notice we should modify the filing requirements so as to afford the

[3] See report and order adopted Jan. 31, 1973, in Docket No. 19117, FCC 73-132; 39 FCC 2d 131.

Commission adequate time to consider protests without imposing undue time constraints on potential protesters. It appears to us that in these instances, it is reasonable to require any petitions to suspend to be filed within approximately 25 days after the tariff is filed. This would afford interested parties 9 days more than they now have to file objections to 30-day tariffs and would allow us adequate time to consider objections and timely filed responses. Accordingly, we shall require such petitions to be filed at least 35 days prior to the effective date of any 60-day tariff filing. This amendment to our rules is set forth below. Authority for this amendment is contained in sections 4(i), 4(j), and 203(b) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 203(b). Because this amendment relates to procedure and practice, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

21. *Accordingly, it is ordered,* That the petitions for reconsideration are denied, and that § 1.773(b) of our rules is amended, effective April 3, 1973, as set forth below. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 203, 48 Stat., as amended 1066, 1070; 47 U.S.C. 154, 203)

Adopted: March 21, 1973.

Released: March 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

In Part 1 of Chapter 1 of Title 47 of the Code of Federal Regulations, § 1.773 (b) is revised to read as follows:

§ 1.773 Petitions for suspension of tariff schedules.

* * * * *

(b) *When filed.* Any petition for suspension shall be filed with the Commission and served upon the publishing carrier and the Chief, Common Carrier Bureau, and the Chief of the appropriate Division of that Bureau at least 14 days before the effective date of the tariff schedule, except in those cases in which the tariff schedule in question is filed on 60, or more, days' notice to the public prior to the effective date thereof. In the latter cases, a petition for suspension shall be filed with the Commission and served upon the publishing carrier, the Chief, Common Carrier Bureau, and the Chief of the appropriate Division of that Bureau at least 35 days before the effective date of the tariff schedule. In case of emergency and within the time limits provided herein, a telegraphic request for suspension may be sent to the Commission setting forth succinctly the substance of the matters required by paragraph (a) of this section. A copy of any such telegraphic request shall be sent simultaneously to the publishing carrier and the Chief, Common Carrier Bureau, and the Chief of the appropriate Division of that Bureau and forthwith confirmed by petition filed and served in accordance with this section. (Sec. 1.4 does not apply to this § 1.773(b).)

* * * * *

[FR Doc.73-6138 Filed 3-29-73;8:45 am]

[1] Commissioners Burch, Chairman; Reid and Wiley concurring in the result; Commissioner Johnson dissenting.

[Docket No. 19617; FCC 73-324]

PART 73—RADIO BROADCAST SERVICES

Television Stations in Nashville, Tenn.

Report and order. In the matter of amendment of § 73.606(b), *table of assignments,* Television Broadcast Stations (Nashville, Tenn.), Docket No. 19617, RM-1944.

1. We here consider the rulemaking to amend the Television Table of Assignments (§ 73.606(b) of the Commission's rules and regulations) to change the educational noncommercial reservation from Channel 2 to Channel 8 at Nashville, Tenn., and to simultaneously modify the licenses of WSIX-TV (now Channel 8) and WDCN-TV (now Channel *2). This proceeding was instituted by a joint petition of the General Electric Broadcasting Co., Inc. (General Electric), and the Metropolitan Board of Education (the "Board"), the respective licensees of these stations. A notice of proposed rulemaking was adopted October 18, 1972 (FCC 72-945). (See 37 FR 22991.) Timely comments were filed separately by the two petitioners supporting the rulemaking proposal. South Central Broadcasting Corp., licensee of television Station WTVK, Channel 26 at Knoxville, Tenn., and Mr. Ben Lewis, TAVC Co., Inc., Nashville, Tenn., submitted comments by letter. WDXR-TV, Inc. (WDXR), licensee of UHF television Station WDXR-TV, Channel 29, Paducah, Ky., filed its opposition to the notice of proposed rulemaking. Reply comments were filed by General Electric and the Board directed to the WDXR opposition. WDXR also filed reply comments directed to comments of both General Electric and the Board.

2. The notice was adopted by the Commission so that it might explore the proposal of the petitioners, particularly the claim that its adoption would bring significant improvement and enlargement of the educational television service in the Nashville metropolitan area; immediate financial assistance for the improvement of educational telecasting including the establishment of color television and continuing support for an educational operation which has been "chronically underfinanced." General Electric also claimed that the requested changes would enlarge the service area of WSIX-TV and make the operation of that station and the ABC Television Network, with which it is affiliated, fully competitive with the low band VHF operations of the competing NBC and CBS affiliates.

3. The engineering aspects of the proposed substitution of channels has been addressed by all parties of interest. The Board submits that the Grade A service they would obtain by moving to Channel 8 would be greatly improved and that the Grade B service would be improved but to a lesser degree. Operating on Channel 2 the area within the proposed Grade A service for General Electric would be somewhat reduced but there would be a gain in the area encompassed by the Grade B contour. One engineering report included with the petition provides area figures for both grades of service on both channels based upon the standards set forth in Report R-6602 (a joint FCC/Industry method not yet incorporated in our rules.) Although these figures show a lessened coverage area, they parallel the current rules in showing the relative potential for channels. The proponents assert that the shadowing effect on Channel 8 is greater than that on Channel 2 so if General Electric operated on Channel 2 it could only render more effective service in hilly areas surrounding Nashville. The population and area figures for both the present and proposed services are not significantly different than they would be if new facilities were to be installed and the licensees remained on their present channels.

4. The terms of the agreement between the Board and General Electric provide that the present WSIX-TV transmitter and associated equipment required for transmission on Channel 8 would be installed by and at the expense of General Electric. A new antenna and transmission line would be supplied by General Electric and installed on a heavy duty tower on which General Electric would also install its new antenna. Alternatively the Board would be given $107,000 in cash. General Electric also agrees to provide antenna terminal equipment or $18,000, microwave links or $25,000, transmitter terminal equipment or $15,000, two color cameras, film chain and projector, multiplexer, one color video tape recorder and all terminal equipment or $410,000, for a total cash consideration equivalent of $575,000.

5. In addition to the foregoing equipment or cash offered to the Board, General Electric would construct a heavy duty tower upon which to mount the Channel 2 and Channel 8 antenna and all other equipment necessary to the operation of WDCN-TV. Tower space and space for a main and auxiliary transmitter would be leased to the Board for 99 years at $1 per year. General Electric also agrees to operate and maintain the transmitting and other equipment for a period of 99 years at no cost to the Board and within 5 years from the date of the Commission's final orders to install a new transmitter for Channel 8 or at the Board's option pay the Board $180,000 cash. In turn, the Board agrees to assign its present transmitter and associated equipment plus antenna and transmission line to General Electric which would absorb the expenses involved in moving the equipment. The agreement contains a host of other details relating to items such as warranties, guarantees, indemnity, closing, etc., none of which are pertinent here.

6. The proponents submitted a report on the estimated financial gain to WSIX-TV resulting from its proposed move to

Channel 2. This report (dated November 1970) provided estimates based on three assumed heights above average terrain, but no change in height is involved in the channel exchange here proposed. Consequently, we do not need to consider this matter further.

7. Upon invitation by the Board, WLAC–TV, Inc., Channel 5, Nashville submitted comments on the proposed channel exchange. WLAC suggests that consideration be given to a study with regard to the Channel 8 site location of WDCN so to permit it to provide a greater degree of service as part of the statewide system of educational stations. WLAC also discusses the economic considerations of the channel exchange, pointing out that the offer of equipment, (the) location on a tall tower and transmitter operation for a period of years in itself recognizes that there is considerable value to be gained on Channel 2 as opposed to operating on Channel 8. In the total scheme of things, states WLAC, this is a relatively small, temporary one-time funding, affecting only the plant and equipment and which in no way solves the real heart of the problem, adequate, permanent funding of the station's operation so as to bring maximum educational service to the public. WLAC feels there would be a material loss to the educational effort by the proposed exchange of channels.

8. WDXR–TV, Inc., licensee of independent UHF Station WDXR–TV, Channel 29, Paducah, Ky., opposed the proposed channel exchange. The thrust of WDXR–TV's opposition is directed to the overlap of its Grade B contour by the Grade B contour of WSIX–TV operating on Channel 2 at 1,349 feet HAAT as proposed, at 1,850 feet HAAT as discussed in the estimated financial gain of WSIX–TV and at 2,000 feet HAAT the maximum height permitted by FCC rules. As mentioned in paragraph 6, these matters would warrant consideration only when such a proposal were before us. Overlap of 192 square miles, 555 square miles, and 735 square miles with 3,140, 14,848, and 23,437 persons respectively it is said, would result. WDXR–TV further states that overlap would occur with Grade B contours of six other commercial UHF stations.[1] WDXR–TV also provides a map showing the overlap of WDCN–TV's Grade B contour by nine educational stations, five of which are in Kentucky, three in Tennessee, and two in Alabama. The Grade B contours of six of the nine stations overlap the present Grade B contour of WDCN–TV. WDXR–TV avers that these educational stations essentially surround the existing WDCN–TV coverage area and leave no significant area which will be filled by improved coverage from WDCN–TV. WDXR–TV asserts that the Commission has refused to exchange high-band and low-band VHF channels in circumstances where there were demonstrable advantages such as the improvement of service and coverage, and it cites the comments of WDCN–TV's consulting engineers to the effect that each channel has an advantage but on balance are equivalent.

9. Reply comments by General Electric concede the equivalence of the two channels and acknowledges that the competitive advantage conceived for the operation of WSIX–TV is slight, long range and debatable. When balanced against the financial undertakings of General Electric to improve the operation of WDCN–TV it contends that the advantage altogether disappears for some very considerable period of time, if not forever. General Electric asserts that WDCN–TV now operates a significantly substandard station; that its signal is poor and restricted; that its origination capacity is limited and its service suffers accordingly. General Electric submits that its proposed offer would solve each of these problems immediately, giving the public an excellent service and placing WDCN–TV in a far better position to find additional long range solutions to its funding problems. Thus, it is said, would enable WDCN–TV to improve its service to the public undistracted by at least some of the financial and technical limitations now characterizing its operation. Engineering data is provided by General Electric in an effort to show that WDXR–TV's overlap figures are not correct, and to show that taking into account cochannel interference to the WSIX–TV Grade B contour, the interference-free overlap area contains only 157 persons. This is based on the proposed height above average terrain of 1,349 feet and used the method specified in the present FCC rules.

10. Reply comments by the Board contend that an overlap involving 157 persons is de minimis and that WDXR–TV has failed to come forward with the barest prima facie case of economic impact. In answer to WDXR–TV's statement that there is no need for improved educational coverage, the Board states that the channel exchange will provide a first Tennessee educational service to an in-State area of 1,950 square miles with an approximate population of 85,000. The exchange would not only enlarge WDCN–TV's Grade B coverage but also its Grade A coverage from 2,855 square miles containing 608,103 persons to 7,716 square miles with 880,391 persons. According to a survey submitted by the Board, WDCN–TV's, signal quality was noticeably inferior to WSIX–TV's signal. The Board expects the exchange and the improvement in WDCN–TV's facilities which would result to correct this problem.

11. In its reply comments, WDXR–TV states that approval of the proposed channel exchange would create a bad precedent and disputes WDCN–TV's claims of "unique facts" since there are numerous television markets with a low band educational allocation and a high band commercial allocation each of which is a candidate for a similar proposal for exchange.

12. One of the two letters received in comment contains an objection to the exchange proposal if there is a reduction in the service of the ETV station. The other letter from Station WTVK Channel 26, Knoxville, Tenn., outlines that station's history as a pioneer UHF station, supports the exchange of channels and gives notice of its intention to again apply for the use of Channel 8 in Knoxville with the expressed hope that the Commission will be prepared to demonstrate the same reasonableness and flexibility with respect to their request for help.[2]

Conclusions

13. The situation here presented is in many respects similar to that found in the exchange of channels in New Orleans, La., where the Commission authorized the ETV reservation on Channel 8 to be changed to Channel 12. In other respects the conditions differ. The ETV station in New Orleans on Channel 8 was underfinanced, poorly located, did not have color equipment and was experiencing delays in expansion. The exchange in channels provided immediate financial relief and an improved broadcasting facility serving a greater area and population with the capability to broadcast in color. Technically the exchange of channels in New Orleans involved two channels in the VHF high band whereas the exchange of channels in Nashville involves one channel in the low VHF band and one in the high VHF band. With equal antenna-power facilities the high-band exchange would have no effect on coverage as determined by the methods contained in the Commission's rules. In low band/high band exchange assuming equivalent antenna height and power a form of trade off would result. To compensate for the advantages inherent in signal propagation on the lower channels, the Commission permits higher channel operations to utilize power more than three times that permitted on the lower channels. The intention was to make the channels, high and low, essentially equivalent. Each, however, has its advantages and disadvantages. The low band user gains in the Grade B service which is slightly extended and the high band user because of higher power, in Grade A service area. In the Nashville case, the educational operation would benefit by a considerable improvement in picture quality in the densely populated area within the Grade A service area. In this instance it would considerably increase Grade B service operating on Channel 8 simply because of the increased height of the antenna. An increase in Grade B service area could also be accomplished on Channel 2 through the same means if it had funds available for the purpose. It has not been our policy to sanction exchanges between high band and low band television channels. Thus,

[1] WRIP–TV, Channel 61, Chattanooga, Tenn.; WOWL–TV, Channel 15, Florence, Ala.; WHNT–TV, Huntsville, Ala.; WAAY–TV, Channel 31, Huntsville, Ala.; WMSL–TV, Channel 48, Huntsville, Ala., and WEHT, Channel 25, Evansville, Ind.

[2] We express no view in this regard since no such proposal is before us.

in the matter of amending § 73.606 to substitute Channel 2 for Channel 11 in Fort Worth, Tex., the Commission held that its general allocation policy of not changing individual assignments on the basis of claims of superior performance of one VHF channel over another would not be departed from except on a showing of exceptional circumstances. The Commission continues in its adherence to this policy. However, in this particular instance we are of the view that such exceptional circumstances do exist. In part these circumstances relate to the benefits which would flow to the Metropolitan Board of Education of Nashville and to the public it serves. WDCN–TV's service area would be enlarged (on Channel 8) by virtue of an increase in antenna height. While this same enlargement in service area could be achieved on Channel 2, funds for this purpose have not become available. At essentially no cost to it the Board would be able to improve its signal and correct current reception problems as well as reach a sizable additional in-State audience. WDCN–TV's ability to provide better and more flexible local programing would be greatly enhanced by the addition of improved studio equipment which will include new color cameras and a video tape recorder. WDCN–TV's picture quality will be measurably improved and its operating costs will be substantially reduced. It is reasonable to expect that these benefits would give immediate financial relief to WDCN–TV, thereby enabling it to concentrate its efforts toward a better educational and instructional service to the public not only of Nashville but to the midsection of Tennessee as a part of the State educational system. While it could be argued that these benefits are only short term, the fact remains that without these benefits WDCN–TV could continue for years as an underfinanced operation incapable of attracting financial assistance because of an inferior service.

14. Although General Electric has agreed to pay a substantial amount to the Board, this does not establish that in nonmonetary terms the Board or the public has lost. General Electric's advantage (and hence its willingness to compensate the Board) flows from the gain in Grade B coverage on Channel 2. State boundaries are of no moment to General Electric but the area servable by Channel 2 but not 8 lies in good measure outside Tennessee. Thus the Board has little need for this extension of coverage, for which it has no funds of its own in any event. Because of the coverage gain made possible by the exchange, the Board would much extend its coverage where it is needed, instate, as part of the statewide system. While high and low band VHF channels are equivalent, there are differences between them and the most effective utilization of them both is furthered by this proposal. In the Texas case cited earlier, such was not the case and the petitioner there simply preferred the low band channel because of the slightly larger Grade B coverage it would have provided. To accept this would have brought endless channel changes wherever the situation arose but our action here will have no such effect.

15. Concern about UHF impact has been expressed but the showings do not suggest that a real problem exists on this score. Using the present curves,[3] the overlap by General Electric's of WDXR–TV's Grade B contour would affect only 3,140 persons in the interference-free areas of both stations. The impact of such overlap, occurring at the periphery of WDXR–TV's Grade B contour, is clearly minimal. As such it poses no impediment to favorable action on this proposal.[4] Slight increases in overlap to five other stations has not caused them great concern nor does it us. The effects, if not miniscule, appear minor. In terms of increase in coverage by the educational station, contrary to one of the arguments, it comes in significant part in just those areas where it is needed. A first Tennessee educational service would be extended greatly and the presence of out-of-State educational signals is of highly limited importance. In sum, we find that the proposal before us is meritorious and it shall be ordered into effect.

16. In view of the foregoing, *It is ordered*, That, effective May 3, 1973, pursuant to authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, the Television Table of Assignments (§ 73.606 (b) of the Commission's rules and regulations) is amended to read as follows for the community indicated:

City	*Channel No.*
Nashville, Tenn.	2−, 4+, 5, *8+, 17, 30, *42

17. *It is further ordered*, That, effective May 3, 1973, and pursuant to section 316 (a) of the Communications Act of 1934, as amended, the outstanding license held by the Metropolitan Board of Education for Station WDCN–TV, Nashville, Tenn., is modified to specify operation on Channel *8 in lieu of Channel *2 subject to the following conditions:

(a) The licensee shall inform the Commission in writing no later than April 19, 1973, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by June 4, 1973, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WDCN–TV on Channel *8 at Nashville, Tenn., with the facilities specified in its "Petition for Rulemaking and the Issuance of Modified Authorization," filed jointly with the General Electric Broadcasting Co., Inc., in this proceeding.

(c) The licensee may continue to operate on Channel 2 under its outstanding authorization until it is ready to operate on the new frequency. Ten days prior to commencing operation on Channel *8, the licensee shall submit the same measurement data normally required in an application for a television broadcast station license.

(d) The Metropolitan Board of Education shall not commence operation on Channel *8 until the Commission specifically authorizes it to do so.

18. *It is further ordered*, That, effective May 3, 1973, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by the General Electric Broadcasting Co., Inc., for Station WSIX–TV, Nashville, Tenn., is modified to specify operation on Channel 2 in lieu of Channel 8 subject to the following conditions:

(a) The licensee shall inform the Commission in writing no later than April 19, 1973, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by June 4, 1973, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WSIX–TV on Channel 2 at Nashville, Tenn., with the facilities specified in its "Petition for Rulemaking and the Issuance of Modified Authorization," filed jointly with the Metropolitan Board of Education, in this proceeding.

(c) The licensee may continue to operate on Channel 8 under its outstanding authorization until it is ready to operate on the new frequency. Ten days prior to commencing operation on Channel 2, the licensee shall submit the same measurement data normally required in an application for a television broadcast station license.

(d) The General Electric Broadcasting Co., Inc., shall not commence operation on Channel 2 until the Commission specifically authorizes it to do so.

19. *It is further ordered*, That, the change to operation on Channel 8 by Station WDCN–TV, and to operation on Channel 2 by Station WSIX–TV, with the facilities specified in the aforementioned petition, shall be effected simultaneously, or, if not effected simultaneously, shall be effected by one station only if the other station has gone off the air for a period prior to changing frequency pursuant to Commission authorization.

20. *It is further ordered*, That, the opposition pleading filed herein is denied.

21. *It is further ordered*, That, this proceeding is terminated.

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

Adopted: March 21, 1973.

Released: March 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73–6137 Filed 3–29–73;8:45 am]

[3] Using those curves in R–6603, there would be no overlap with WDXR–TV at all.

[4] It has not been our practice to utilize the concept of an interference-free contour in resolving cases of alleged UHF impact. We therefor have not based our decision on the figure of 157 mentioned by General Electric, nor, as indicated above, need we.

[5] Commissioner Robert E. Lee dissenting and issuing a statement, which is filed as part of the original copy; Commissioner Johnson dissenting; Commissioner H. Rex Lee concurring in the result.

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 262—U.S. STANDARDS FOR GRADES OF FROZEN RAW BREADED SHRIMP

Miscellaneous Amendments

MARCH 26, 1973.

In the September 7, 1972, issue of the FEDERAL REGISTER, a notice was published by the National Marine Fisheries Service to amend Title 50, CFR, Part 262—U.S. Standards for Grades of Frozen Raw Breaded Shrimp, pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 effective October 3, 1970 (35 FR 15627), and under the authority of Title II of the Agriculture Marketing Act of 1946, as amended (7 U.S.C. 1622 and 1624), transferred from the Department of the Interior to the Department of Commerce.

The purposes of the proposed amendments are: (1) To extend the standard to cover an additional style and sizes; (2) to include an optional alternate method for determining shrimp material; and (3) to allow for compliance to be determined during processing.

Interested persons were provided an opportunity to submit written comments in regard to the proposed amendments and three comments were received and considered.

One comment indicated that a proposed new style, designated as "Breaded Split Shrimp", would require amendment of the standard of identity for raw breaded shrimp, 21 CFR 36.0 and 21 CFR 36.1, to accommodate the product identity and designation for the new style. Accordingly, that product style and designation has been recognized but reserved.

Other comments questioned the limitation of loose breading and frost in the package on the basis of "Good Manufacturing Practice", and inclusion of such loose breading and frost as a part of the quantity of contents of the package. Examination of test results over the past several months revealed that no significant amount of loose breading and frost has been found in commercial samples of the packaged product. Thus no change has been made in the standard in respect to loose breading and frost.

Another comment dealt with a proposed change in the product description requiring that the shrimp be "deveined only where applicable", and defining "where applicable" as all shrimp larger than 70 count per pound in the raw headless state. The product description section of the standard requires that the shrimp be cleaned and peeled. Since the commercial process of peeling very small shrimp also results in a thorough cleaning and deveining of the shrimp, no change has been made in respect to deveining small shrimp, i.e., over 70 count per pound.

No changes, other than deletion of the text of § 262.2(c), have been made in the amendments to the standard as given below in respect to the proposed amendments.

The amendments to Part 262—U.S. Standards for Grades of Frozen Raw Breaded Shrimp follow:

Section 262.1 is amended as follows:

§ 262.1 Product description.

Frozen raw breaded shrimp are whole, clean, wholesome, headless, peeled shrimp which have been deveined where applicable of the regular commercial species, coated with a wholesome, suitable batter and/or breading. Whole shrimp consist of five or more segments of unmutilated shrimp flesh. They are prepared and frozen in accordance with good manufacturing practice and are maintained at temperatures necessary for the preservation of the product. Individual shrimp and/or pieces consolidated into larger units and covered with breading are not considered for grading under this standard.

A new § 262.2 *Composition of the product* is added as follows:

§ 262.2 Composition of the product.

(a) Frozen raw breaded shrimp shall contain not less than 50 percent by weight of shrimp material when the weight of the shrimp material is determined by the end product method as set forth in § 262.21(u).

(b) Shrimp material content of raw breaded shrimp may be determined by the on-line method as set forth in § 261.21(v): *Provided*, That the results are at least in compliance with the shrimp material content requirement of 50 percent by weight when verified by the official end product method.

(c) Production methods employed in official establishments shall be kept relatively constant for each product lot so as to minimize variations in any factor which may affect the relative shrimp material content.

Section 262.2 is redesignated as follows:

§ 262.3 Styles of frozen raw breaded shrimp.

Section 262.3 is redesignated and paragraph (c) is amended as follows:

§ 262.4 Types of frozen raw breaded shrimp.

* * * * *

(c) *Type III—Breaded split shrimp.* [Reserved]

Section 262.4 is redesignated as follows:

§ 262.5 Grades of frozen raw breaded shrimp.

Section 262.12 is amended as follows:

§ 262.12 Factors evaluated on the product in the breaded state.

(a) Factors affecting qualities that are measured on the product in the breaded state are uniformly of size, condition of coating, extraneous material, and damaged breaded shrimp. For the purpose of rating the factors that are scored in the breaded state, the schedule of point deduction in table 1 applies. This schedule of point deductions is based on the examination of one complete individual package or intended package (sample unit) regardless of the net weight of the contents of the package.

(b) The factor—ease of separation in the frozen state—shall be rated in addition to all other factors when frozen raw breaded shrimp is lot inspected on a lot basis.

Section 262.13 is amended as follows:

§ 262.13 Factors evaluated on unbreaded or thawed debreaded product.

Factors affecting qualities that are measured on the product in the unbreaded or thawed debreaded state are degree of deterioration, dehydrations, sand veins, black spot, extra shell, extraneous material, and swimmerets. For the purpose of rating the factors that are scored in the unbreaded or thawed debreaded state, the schedule of point deductions in table 2 applies. This schedule of point deductions is based on the examination of 20 whole shrimp selected from the processing line or from one or more packages. Examination of this sample of 20 whole shrimp is continued under § 262.21(u).

A new § 262.14 is added as follows:

§ 262.14 Hygienic processing.

Frozen raw breaded shrimp shall be processed and maintained in accordance with the applicable requirements of the Good Manufacturing Practice Regulations contained in Part 128 of Title 21, CFR, and the applicable requirements contained in Part 260 of this chapter.

§ 262.21 [Amended]

Section 262.21 is amended as follows:

a. Paragraph (s) is changed as follows:

(s) Net weight: Net weight is determined by use of a balance and by following steps given below:

b. Delete Step 7 and the paragraph following it and replace with a new Step 7.

7. Net weight of the shrimp is the weight of the shrimp and of any loose breading and frost, exclusive of packaging material. The amount of loose breading and frost shall not exceed the limits of good manufacturing practices.

c. Paragraphs (u) and (u)(2)(ii) are changed as follows:

(u) Percent shrimp material—official end product method:

(2) * * *

(ii) Calculate percent shrimp material.

$$\text{Percent shrimp material} = \frac{\text{Weight of debreaded sample (20 shrimp)}}{\text{Weight of sample (20 shrimp)}} \times 100 \div 2$$

(d) Paragraph (v) is redesignated as § 262.21(w) and a new paragraph (v) is added as follows:

(v) Percent shrimp material—on-line method: Percent shrimp material determined by the on-line method refers to the percent by weight of shrimp material in a sample as described below:

(1) Equipment needed:

(i) Water bath (a container with a 3- to 4-liter capacity).

(ii) Balance accurate to 0.1 gram or 0.01 ounce.

(iii) Stop-watch or regular watch readable to a second.

(iv) U.S. Standard sieve—½-inch sieve opening; 12-inch diameter.

(v) U.S. Standard sieve ASTM No. 20, 12-inch diameter.

(vi) Thermometer (immersion type accurate to ±2° F.).

(vii) Forceps, with blunt points.

(viii) Shallow pan.

(ix) Rubber policeman to remove bits of breading from shrimp.

(2) Procedure:

(i) Select in a random manner, a composite sample of 20 unfrozen raw breaded shrimp from production line(s). Weigh the composite sample on a scale, determining the weight of the sample to the nearest 0.1 gram or 0.01 ounce. Place the sample in a water bath filled to three-fourths capacity and in a container maintained at 60° F.–85° F. After shrimp are submerged in water and breading becomes soft, a "gentle" swirling action with hands may be applied to the shrimp to speed up the removal of the breading. Stack the sieves, the ½-inch mesh over the No. 20 and pour contents of container into them. Remove top sieve and drain on 45-degree angle for 2 minutes then transfer shrimp to balance. Rinse contents of No. 20 sieve onto a shallow pan and collect any particles of shrimp material (flesh, tail fin, etc.), and add to the shrimp on the balance and then weigh.

(ii) Calculate percent shrimp material:

$$\text{Percent shrimp material} = \frac{\text{Weight of debreaded sample}}{\text{Weight of sample}} \times 100$$

(iii) Frequency of on-line shrimp material content determination. A minimum of three determinations of shrimp material content shall be carried out for small production runs or lots of the same style product, i.e., 3 x (20 unfrozen raw breaded shrimp). For larger production runs or lots of the same style product, a minimum of one determination, i.e., 1 x (20 unfrozen raw breaded shrimp) shall be carried out for every hour of production of product of the same style.

A new § 262.22 is added as follows:

§ 262.22 Use of alternate methods of shrimp material determination.

(a) The official end product method in § 262.21(u) for determining shrimp material content shall be used for lot inspection, appeal inspection, and inspection for verification in official establishments when the on-line method is used.

(b) The on-line method in § 262.21(u)(2) for determining shrimp material content may be used during processing operations.

TABLE 1.—SCHEDULE OF POINT DEDUCTION FOR RATING IN FROZEN BREADED STATE

Delete the word "Frozen" from the title of Table 1.

Delete Factor 1. Loose breading or frost; and renumber remaining factors.

Add the words "in the frozen state" to renumbered Factor 1. Ease of separation.

TABLE 2.—SCHEDULE FOR POINT DEDUCTIONS FOR EXAMINATION IN THAWED, DEBREADED STATE DEDUCTIONS BASED ON 20 SHRIMP

Change the title of Table 2 to read as follows: Schedule for Point Deductions for Examination in Unbreaded or Thawed Debreaded State.

Change the designation of Factor 3 to read, "Sand veins where applicable." [1]

In the quality description of Factor 7. Extraneous material, change the footnote number from 1 to 2 and renumber footnote 1 to 2.

A new footnote 1 is added to Table 2 as follows:

[1] Deduction points for sand veins shall not be applied to shrimp smaller than 70 count per pound in the raw, headless state. The corresponding size in the breaded state is 40 count per pound and 80 count per pound in the peeled state.

The amendments to 50 CFR Part 262—U.S. Standards for Grades of Frozen Raw Breaded Shrimp shall become effective May 1, 1973, except that § 262.4(c) Type III—Breaded Split Shrimp, has been reserved and will be published and made effective after the Food and Drug Administration Standard of Identity for Raw Breaded Shrimp, 21 CFR 36.0 and 21 CFR 36.1 is amended to accommodate this product type and designation.

ROBERT M. WHITE,
Administrator.

[FR Doc.73-6060 Filed 3-29-73;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 888b—ENLISTMENT IN THE AIR FORCE RESERVE

Correction

In FR Doc. 73-4484 appearing at page 6779 of the issue for Tuesday, March 13, 1973, the following changes should be made:

1. In the table in § 888b.16: (1) in Rule 1 the "×" under "Prior service" should be deleted; (2) in Rule 3 the footnote "2" under "Prior service" should be an "×"; and (3) in Rule 15, "or IV-For under orders" should read "IV-F or under orders".

2. In the table in § 888b.18, in Rule 3 under column B delete "(note 2)", which appears under "A U.S. citizen".

3. In § 888b.22, the paragraphs designated "aa", "bb", "cc", and "dd", should be designated "aa", "ab", "ac", and "ad" respectively.

PART 888f—SPECIFIED PERIOD OF TIME CONTRACT (SPTC)

Correction

In FR Doc. 73-4486 appearing at page 6793 of the issue for Tuesday, March 13, 1973, in the table in § 888f.6, in Rule 1 under column B, the material in parentheses, now reading "(information cycle to numbered AF or comparable level)", should read "(information copy to numbered AF or comparable level)".

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 901a—APPOINTMENT TO THE U.S. AIR FORCE ACADEMY

Correction

In FR Doc. 73-4487 appearing at page 6794 of the issue for Tuesday, March 13, 1973, § 901.9 *Regular (competitive)* and § 901.10 *Reserve (competitive)* should be designated §§ 901a.9 and 901a.10 respectively.

Title 21—Food and Drugs

CHAPTER II—BUREAU OF NARCOTICS AND DANGEROUS DRUGS, DEPARTMENT OF JUSTICE

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

On January 8, 1973, the Bureau republished the schedules of controlled substances in compliance with section 202(a) (21 U.S.C. 812(a)). (38 FR 953) This republication listed only those sections of Part 308 which actually enumerated substances which were controlled or excluded, exempted or excepted from some or all of the controls under the Act. The Bureau has been informed that the FEDERAL REGISTER construes this publication as a repeal of all of the portions of Part 308 not contained in the January 8, 1973, order. Since this was not the Bureau's intent and although the Bureau does not believe that the other sections were actually repealed, the Director has ordered the publication of the entire Part 308 of title 21 of the Code of Federal Regulations as in effect on March 31, 1973. The January 8 publication also omitted certain excepted

compounds in § 308.24 and this omission has been corrected in this publication.

Dated: March 23, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

GENERAL INFORMATION

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SCHEDULES

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308.23 Exemption of certain chemical preparations; application.
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EXCEPTED STIMULANT OR DEPRESSANT COMPOUNDS

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HEARINGS

308.41 Hearings generally.
308.42 Purpose of hearing.
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308.48 Final order.
308.49 Control required under international treaty.
308.50 Control of immediate precursors.
308.51 Pending proceedings.

AUTHORITY: Secs. 201, 202, 501(b), 84 Stat. 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1271, 21 U.S.C. 811, 812, 871(b).

GENERAL INFORMATION

§ 308.01 Scope of Part 308.

Schedules of controlled substances established by section 202 of the Act (21 U.S.C. 812), as they are changed, updated, and republished from time to time, are set forth in this part.

§ 308.02 Definitions.

As used in this part, the following terms shall have the meanings specified:

(a) The term "Act" means the Controlled Substance Act (84 Stat. 1242; 21 U.S.C. 801) and/or the Controlled Substances Import and Export Act (84 Stat. 1285; 21 U.S.C. 951).

(b) The term "hearing" means any hearing held pursuant to this part for the issuance, amendment, or repeal of any rule issuable pursuant to section 201 of the Act.

(c) The term "isomer" means, except as used in § 308.11(d), the optical isomer. As issued in § 308.11(d), the term "isomer" means the optical, position or geometric isomer.

(d) The term "interested person" means any person adversely affected or aggrieved by any rule or proposed rule issuable pursuant to section 201 of the Act.

(e) The term "proceeding" means all actions taken for the issuance, amendment, or repeal of any rule issued pursuant to section 201 of the Act, commencing with the publication by the Director of the proposed rule, amended rule, or repeal in the FEDERAL REGISTER.

(f) Any term not defined in this section shall have the definition set forth in section 102 and 1001 of the Act (21 U.S.C. 802 and 951) and § 301.02 of this chapter.

§ 308.03 Bureau Controlled Substances Code Number.

(a) Each controlled substance, or basic class thereof, has been assigned a "Bureau Controlled Substances Code Number" for purposes of identification of the substances or class on certain Certificates of Registration issued by the Bureau pursuant to § 301.44 of this chapter and on certain order forms issued by the Bureau pursuant to § 305.05(d) of this chapter. Certain applicants for registration must include the appropriate numbers on the application as required in § 301.32(d) and applicants for procurement and/or individual manufacturing quotas must include the appropriate number on the application as required in §§ 303.12(b) and 303.22(a).

(b) Except as stated in paragraph (a) of this section, no applicant or registrant is required to use the Bureau Controlled Substances Code Number for any purpose.

§ 308.04 Submission of information by manufacturers.

(a) Each person who manufactures, packages, repackages, labels, relabels, or distributes under his own label any product (including any compound, mixture, or preparation, diagnostic, reagent, buffer, or biological) containing any quantity of any controlled substance (whether such product is itself controlled or is excepted, exempted, or excluded from some or all controls pursuant to § 308.21–24 or § 308.31–32) shall submit information required in paragraph (b) of this section for each such product being manufactured or sold on July 1, 1972. The information should be submitted by registered mail, return receipt requested, to the Assistant Director for Scientific Support. Attention: Label Project, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537, by August 31, 1972. In the case of new products manufactured after July 1, 1972, or new dosage forms or other unit forms manufactured after July 1, 1972, or changes in information submitted by August 31, 1972, the registrant shall submit the information regarding such item within 30 days after the date on which the manufacture commences or information change occurs. In the case of products, the manufacture of which is discontinued after July 1, 1972, the registrant shall submit notice of such discontinuance within 30 days after the date on which manufacture ceases. In the case of products the manufacture of which was discontinued before July 1, 1972, which are still being sold, the registrant shall submit a notice of such discontinuance with his initial submission.

(b) Two labels or other documents reflecting the following information shall be submitted with reference to each dosage form or other unit form of each item containing any quantity of any controlled substance:

(1) The trade name, brand name, or other commercial name of the product;

(2) The generic or chemical name and quantity of each active ingredient, including both controlled and noncontrolled substances (if any of this information is a proprietary trade secret, please indicate those portions);

(3) The National Drug Code Number assigned to the product, if any; and

(4) The weight (in metric measure) of each dosage unit or the weight (in metric measure) of the controlled substance per 100 grams of finished product for all items containing any quantity of any narcotic controlled substance in solid dosage forms.

SCHEDULES

§ 308.11 Schedule I.

(a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Bureau Controlled Substances Code Number set forth opposite it.

(b) *Opiates.* Unless specifically excepted or unless listed in another schedule, any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetylmethadol	9601
(2) Allylprodine	9602
(3) Alphacetylmethadol	9603
(4) Alphameprodine	9604
(5) Alphamethadol	9605
(6) Benzethidine	9606
(7) Betacetylmethadol	9607
(8) Betameprodine	9608
(9) Betamethadol	9609
(10) Betaprodine	9611
(11) Clonitazene	9612
(12) Dextromoramide	9613
(13) Dextrorphan	9614
(14) Diampromide	9615
(15) Diethylthiambutene	9616
(16) Dimenoxadol	9617
(17) Dimepheptanol	9618
(18) Dimethylthiambutene	9619
(19) Dioxaphetyl butyrate	9621
(20) Dipipanone	9622
(21) Ethylmethylthiambutene	9623
(22) Etonitazene	9624
(23) Etoxeridine	9625
(24) Furethidine	9626
(25) Hydroxypethidine	9627
(26) Ketobemidone	9628

(27) Levomoramide 9629
(28) Levophenacylmorphan 9631
(29) Morpheridine 9632
(30) Noracymethadol 9633
(31) Norlevorphanol 9634
(32) Normethadone 9635
(33) Norpipanone 9636
(34) Phenadoxone 9637
(35) Phenampromide 9638
(36) Phenomorphan 9647
(37) Phenoperidine 9641
(38) Piritramide 9642
(39) Proheptazine 9643
(40) Properidine 9644
(41) Propiram 9649
(42) Racemoramide 9645
(43) Trimeperidine 9646

(c) *Opium derivatives.* Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine 9319
(2) Acetyldihydrocodeine 9051
(3) Benzylmorphine 9052
(4) Codeine methylbromide 9070
(5) Codeine-N-Oxide 9053
(6) Cyprenorphine 9054
(7) Desomorphine 9055
(8) Dihydromorphine 9145
(9) Etorphine 9056
(10) Heroin 9200
(11) Hydromorphinol 9301
(12) Methyldesorphine 9302
(13) Methyldihydromorphine 9304
(14) Morphine methylbromide 9305
(15) Morphine methylsulfonate 9306
(16) Morphine-N-Oxide 9307
(17) Myrophine 9308
(18) Nicocodeine 9309
(19) Nicomorphine 9312
(20) Normorphine 9313
(21) Pholcodine 9314
(22) Thebacon 9315

(d) *Hallucinogenic substances.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position, and geometric isomers):

(1) 3,4-methylenedioxy amphetamine 7400
(2) 5-methoxy-3,4-methylenedioxy amphetamine 7401
(3) 3,4,5-trimethoxy amphetamine 7390
(4) Bufotanine 7433
Some trade and other names: 3-(β-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; *N,N*-dimethylserotonin; 5-hydroxy-*N*-dimethyltryptamine; mappine.
(5) Diethyltryptamine 7434
Some trade and other names: *N,N*-Diethyltryptamine; DET.
(6) Dimethyltryptamine 7435
Some trade or other names: DMT.
(7) 4-methyl-2,5-dimethoxyamphetamine 7395
Some trade and other names: 4-methyl-2,5-dimethoxy-α-methylphenethylamine; "DOM"; and "STP".
(8) Ibogaine 7260
Some trade and other names: 7-Ethyl-6,6α,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido (1',2':1,2 azepino 4,5-b) indole; tabernanthe iboga.
(9) Lysergic acid diethylamide 7315
(10) Marihuana 7360
(11) Mescaline 7381
(12) Peyote 7415
(13) N-ethyl-3-piperidyl benzilate 7482
(14) N-methyl-3-piperidyl benzilate 7484
(15) Psilocybin 7437
(16) Psilocyn 7438
(17) Tetrahydrocannabinols 7370
Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:
Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers.
Δ^6 cis or trans tetrahydrocannabinol, and their optical isomers.
$\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and its optical isomers.
(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)

§ 308.12 Schedule II.

(a) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the controlled substances code number set forth opposite it.

(b) *Substances, vegetable origin or chemical synthesis.* Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding naloxone hydrochloride, but including the following:

(i) Raw opium 9600
(ii) Opium extracts 9610
(iii) Opium fluid extracts 9620
(iv) Powdered opium 9639
(v) Granulated opium 9640
(vi) Tincture of opium 9630
(vii) Apomorphine 9030
(viii) Codeine 9050
(ix) Ethylmorphine 9190
(x) Hydrocodone 9193
(xi) Hydromorphone 9194
(xii) Metopon 9260
(xiii) Morphine 9300
(xiv) Oxycodone 9143
(xv) Oxymorphone 9652
(xvi) Thebaine 9333

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subparagraph (1) of this paragraph, except that these substances shall not include the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw, 9650.

(4) Coca leaves (9040) and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine (9041) or ecgonine (9180).

(c) *Opiates.* Unless specifically excepted or unless in another sechedule any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Alphaprodine 9010
(2) Anileridine 9020
(3) Benzitramide 9800
(4) Dihydrocodeine 9120
(5) Diphenoxylate 9170
(6) Fentanyl 9801
(7) Isomethadone 9226
(8) Levomethorphan 9210
(9) Levorphanol 9220
(10) Metazocine 9240
(11) Methadone 9250
(12) Methadone-Intermediate, 4-cy-
(13) Moramide-Intermediate, 2-methano-2-dimethylamino-4,4-diphenyl butane 9254
(13) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid 9802
(14) Pethidine 9230
(15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine 9232
(16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate 9233
(17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid 9234
(18) Phenazocine 9715
(19) Piminodine 9730
(20) Racemethorphan 9732
(21) Racemorphan 9733

(d) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers 1100
(2) Methamphetamine, its salts, isomers, and salts of its isomers 1105
(3) Phenmetrazine and its salts 1630
(4) Methylphenidate 1726

§ 308.13 Schedule III.

(a) Schedule III shall consist of the drugs and other substances, by whatever

official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Bureau controlled substances code number set forth opposite it.

(b) *Stimulants.* Unless specifically excepted or unless listed in another schedule any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances, 1405.

(c) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid	2100
(2) Chlorhexadol	2510
(3) Glutethimide	2550
(4) Lysergic acid	7300
(5) Lysergic acid amide	7310
(6) Methyprylon	2575
(7) Phencyclidine	7471
(8) Sulfondiethylmethane	2600
(9) Sulfonethylmethane	2605
(10) Sulfonmethane	2610

(d) *Nalorphine* (a narcotic drug) 9400.

(e) *Narcotics drugs.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium	9803
(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9804
(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium	9805
(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9806
(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9807
(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9808
(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9809
(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9810

§ 308.14 Schedule IV.

(a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Bureau controlled substances code number set forth opposite it.

(b) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Barbital	2145
(2) Chloral betaine	2460
(3) Chloral hydrate	2465
(4) Ethchlorvynol	2540
(5) Ethinamate	2545
(6) Methohexital	2264
(7) Meprobamate	2820
(8) Methylphenobarbital	2250
(9) Paraldehyde	2585
(10) Petrichloral	2591
(11) Phenobarbital	2285

§ 308.15 Schedule V.

(a) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) *Narcotic drugs containing nonnarcotic active medicinal ingredients.* Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.

(2) Nor more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

EXCLUDED NONNARCOTIC SUBSTANCES

§ 308.21 Application for exclusion of a nonnarcotic substance.

(a) Any person seeking to have any nonnarcotic substance which may, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301), be lawfully sold over the counter without a prescription, excluded from any schedule, pursuant to section 201(g)(1) of the Act (21 U.S.C. 811(g)(1)), may apply to the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537.

(b) An application for an exclusion under this section shall contain the following information:

(1) The name and address of the applicant;

(2) The name of the substance for which exclusion is sought; and

(3) The complete quantitative composition of the substance.

(c) Within a reasonable period of time after the receipt of an application for an exclusion under this section, the Director shall notify the applicant of his acceptance or nonacceptance of his application, and if not accepted, the reason therefor. The Director need not accept an application for filing if any of the requirements prescribed in paragraph (b) of this section is lacking or is not set forth as to be readily understood. If the applicant desires, he may amend the application to meet the requirements of paragraph (b) of this section. If the application is accepted for filing, the Director shall issue and publish in the FEDERAL REGISTER his order on the application, which shall include a reference to the legal authority under which the order is issued and the findings of fact and conclusions of law upon which the order is based. This order shall specify the date on which it shall take effect. The Director shall permit any interested person to file written comments on or objections to the order within 60 days of the date of publication of his order in the FEDERAL REGISTER. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Director shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Director shall reinstate, revoke, or amend his original order as he determines appropriate.

(d) The Director may at any time revoke any exclusion granted pursuant to section 201(g) of the Act (21 U.S.C. 811(g)) by following the procedures set forth in paragraph (c) of this section for handling an application for an exclusion which has been accepted for filing.

§ 308.22 Excluded substances.

The following nonnarcotic substances which may, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301), be lawfully sold over the counter without a prescription, are excluded from all schedules pursuant to section 201(g)(1) of the Act (21 U.S.C. 811(g)(1)):

EXCLUDED OVER-THE-COUNTER DRUGS

Trade name or other designation	Composition	Manufacturer or supplier
Amodrine	Tablet: Phenobarbital, 8 mg.; aminophylline, 100 mg.; racephedrine hydrochloride, 25 mg.	G. D. Searle & Co.
Bronkaid	Tablet: Phenobarbital, 8 mg.; ephedrine sulfate, 24 mg.; glyceryl guaiacolate, 100 mg.; theophylline, 100 mg.; thenyldiamine, 10 mg.	Drew Pharmacal Co., Inc.
Bronkolixir	Elixir (5 cc): Phenobarbital, 4 mg.; ephedrine sulfate, 12 mg.; glyceryl guaiacolate, 50 mg.; theophylline, 15 mg.; chlorpheniramine maleate, 1 mg.	Breon Laboratories Inc.
Bronkotabs	Tablet: Phenobarbital, 8 mg.; ephedrine sulfate, 24 mg.; glyceryl guaiacolate, 100 mg.; theophylline, 100 mg.; thenyldiamine, 10 mg.	Do.
Primatene	Tablet: Phenobarbital, ¼ gr.; ephedrine, ¾ gr.	Whitehall Laboratories.
Rynal	Solution for Spray; dl-Desoxyephedrine HCL 0.22%; antipyrine 0.28%; pyrilamine maleate 0.01%; methyl dodecylbenzyltrimethyl ammonium chloride 0.02%; glycerine dehydrate 1.50%.	Blaine Co.
Tedral	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Warner-Chilcott Laboratories.
Tedral anti-H	Tablet: Phenobarbital, 8 mg.; chlorpheniramine maleate, 2 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Do.
Tedral one-half strength	Tablet: Phenobarbital, 4 mg.; theophylline, 65 mg.; ephedrine hydrochloride, 12 mg.	Do.
Tedral pediatric suspension	Suspension (5 cc): Phenobarbital, 4 mg.; ephedrine hydrochloride, 12 mg.; theophylline, 65 mg.	Do.
Tedral suppositories double strength.	Suppository: Phenobarbital, 16 mg.; theophylline, 260 mg.; ephedrine hydrochloride, 48 mg.	Do.
Tedral suppositories regular strength.	Suppository: Phenobarbital, 8 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Do.
Vereqnad	Tablet: Phenobarbital, 8 mg.; theophylline calcium salicylate, 130 mg.; ephedrine hydrochloride, 24 mg.; glyceryl guaiacolate, 100 mg.	Knoll Pharmaceutical Co.
Do	Suspension (5 cc): Phenobarbital, 4 mg.; theophylline calcium salicylate, 65 mg.; ephedrine hydrochloride, 12 mg.; glyceryl guaiacolate, 50 mg.	Do.

EXEMPT CHEMICAL PREPARATIONS

§ 308.23 Exemption of certain chemical preparations; application.

(a) The Director may, by regulation, exempt from the application of all or any part of the Act any chemical preparation or mixture containing one or more controlled substances listed in any schedule, which preparation or mixture is intended for laboratory, industrial, educational, or special research purposes and not for general administration to a human being or other animal, if the preparation or mixture either:

(1) Contains no narcotic controlled substance and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse (the type of packaging and the history of abuse of the same or similar preparations may be considered in determining the potential for abuse of the preparation or mixture); or

(2) Contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration, that the preparation or mixture does not present any potential for abuse. If the preparation or mixture contains a narcotic controlled substance, the preparation or mixture must be formulated in such a manner that it incorporates methods of denaturing or other means so that the preparation or mixture is not liable to be abused or have ill effects, if abused, and so that the narcotic substance cannot in practice be removed.

(b) Any person seeking to have any preparation or mixture containing a controlled substance and one or more noncontrolled substances exempted from the application of all or any part of the Act, pursuant to paragraph (a) of this section, may apply to the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537.

(c) An application for an exemption under this section shall contain the following information:

(1) The name, address, and registration number, if any, of the applicant;

(2) The name, address, and registration number, if any, of the manufacturer or importer of the preparation or mixture, if not the applicant;

(3) The exact trade name or other designation of the preparation or mixture;

(4) The complete qualitative and quantitative composition of the preparation or mixture (including all active and inactive ingredients and all controlled and noncontrolled substances);

(5) The form of the immediate container in which the preparation or mixture will be distributed with sufficient descriptive detail to identify the preparation or mixture (e.g., bottle, packet, vial, soft plastic pillow, agar gel plate, etc.);

(6) The dimensions or capacity of the immediate container of the preparation or mixture;

(7) The label and labeling, as defined in § 302.01 of this chapter, of the immediate container and the commercial containers, if any, of the preparation or mixture;

(8) A brief statement of the facts which the applicant believes justify the granting of an exemption under this paragraph, including information on the use to which the preparation or mixture will be put;

(9) The date of the application; and

(10) Which of the information submitted on the application, if any, is deemed by the applicant to be a trade secret or otherwise confidential and entitled to protection under subsection 402(a)(8) of the Act (21 U.S.C. 842(a)(8)) or any other law restricting public disclosure of information.

(d) The Director may require the applicant to submit such documents or written statements of fact relevant to the application as he deems necessary to determine whether the application should be granted.

(e) Within a reasonable period of time after the receipt of an application for an exemption under this section, the Director shall notify the applicant of his acceptance or nonacceptance of his application, and if not accepted, the reason therefor. The Director need not accept an application for filing if any of the requirements prescribed in paragraph (c) or requested pursuant to paragraph (d) is lacking or is not set forth as to be readily understood. If the applicant desires, he may amend the application to meet the requirements of paragraph (c) and (d) of this section. If the application is accepted for filing, the Director shall issue and publish in the FEDERAL REGISTER his order on the application, which shall include a reference to the legal authority under which the order is based. This order shall specify the date on which it shall take effect. The Director shall permit any interested person to file written comments on or objections to the order within 60 days of the date of publication of his order in the FEDERAL REGISTER. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Director shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Director shall reinstate, revoke, or amend his original order as he determines appropriate.

(f) The Director may at any time revoke or modify any exemption granted pursuant to this section by following the procedures set forth in paragraph (e) of this section for handling an application for an exemption which has been accepted for filing. The Director may also modify or revoke the criteria

by which exemptions are granted (and thereby modify or revoke all preparations and mixtures granted under the old criteria) and modify the scope of exemptions at any time.

§ 308.24 **Exempt chemical preparations.**

(a) The chemical preparations and mixtures set forth in paragraph (i) of this section have been exempted by the Director from application of sections 302, 303, 305, 306, 307, 308, 309, 1002, 1003, and 1004 of the Act (21 U.S.C. 822–3, 825–9, 952–4) and § 301.74 of this chapter, to the extent described in paragraphs (b) to (h) of this section.

(b) Registration and security: Any person who manufactures an exempt chemical preparation or mixture must be registered under the Act and comply with all relevant security requirements regarding controlled substances being used in the manufacturing process until the preparation or mixture is in the form described in paragraph (i) of this section. Any other person who handles an exempt chemical preparation after it is in the form described in paragraph (i) of this section is not required to be registered under the Act to handle that preparation, and the preparation is not required to be stored in accordance with security requirements regarding controlled substances.

(c) Labeling: In lieu of the requirements set forth in Part 302 of this chapter, the label and the labeling of an exempt chemical preparation must be prominently marked with its full trade name or other description and the name of the manufacturer or supplier as set forth in paragraph (i) of this section, in such a way that the product can be readily identified as an exempt chemical preparation. The label and labeling must also include in a prominent manner the statement "For industrial use only" or "For chemical use only" or "For in vitro use only—not for human or animal use" or "Diagnostic reagent—for professional use only" or a comparable statement warning the person reading it that human or animal use is not intended. The symbol designating the schdeule of the controlled substance is not required on either the label or the labeling of the exempt chemical preparation, nor is it necessary to list all ingredients of the preparation.

(d) Records and reports: Any person who manufactures an exempt chemical preparation or mixture must keep complete and accurate records and file all reports required under Part 304 of this chapter regarding all controlled substances being used in the manufacturing process until the preparation or mixture is in the form described in paragraph (i) of this section. In lieu of records and reports required under Part 304 of this chapter regarding exempt chemical preparations, the manufacturer need only record the name, address, and registration number, if any, of each person to whom the manufacturer distributes any exempt chemical preparation. Each importer or exporter of an exempt narcotic chemical preparation must submit a semiannual report of the total quantity of each substance imported or exported in each calendar half-year within 30 days of the close of the period to the Distribution Audit Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537. Any other person who handles an exempt chemical preparation after it is in the form described in paragraph (i) of this section is not required to maintain records or file reports.

(e) Quotas, order forms, prescriptions, import, export, and transshipment requirements: Once an export chemical preparation is in the form described in paragraph (i) of this section, the requirements regarding quotas, order forms, prescriptions, import permits and declarations, export permit and declarations, and transshipment and intransit permits and declarations do not apply. These requirements do apply, however, to any controlled substances used in manufacturing the exempt chemical preparation before it is in the form described in paragraph (i) of this section.

(f) Criminal penalties: No exemption granted pursuant to § 308.23 affects the criminal liability for illegal manufacture, distribution, or possession of controlled substances contained in the exempt chemical preparation. Distribution, possession, and use of an exempt chemical preparation are lawful for registrants and nonregistrants only as long as such distribution, possession, or use is intended for laboratory, industrial, or educational purposes and not for immediate or subsequent administration to a human being or other animal.

(g) Bulk materials: For materials exempted in bulk quantities, the Director may prescribe requirements other than those set forth in paragraphs (b) through (e) of this section on a case-by-case basis.

(h) Changes in chemical preparations: Any change in the quantitative or qualitative composition of the preparation or mixture after the date of application, or change in the trade name or other designation of the preparation or mixture, set forth in paragraph (i) of this section, requires a new application for exemption.

(i) The following preparations and mixtures, in the form and quantity listed in the application submitted (indicated as the "date of application") are designated as exempt chemical preparations for the purposes set forth in this section:

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
Abbott Laboratories	CEP agarose plates, No. 9023-01 and 9023-02.	Foil pouch: 4⅛" x 4" and 6⅛" x 5¼".	Aug. 21, 1972
Do	CEP agarose plates (for research studies only), No. 9023-03 and 9023-04.	Foil pouch: 4⅛" x 4" and 6⅛" x 5¼".	Do.
Do	DILU-tainer CEP barbital acetate buffer, No. 9025-03.	Plastic bag: 6" x 13"	Do.
Do	Tetrasorb-125 T-4 diagnostic kit, No. 7775.	Vial: 11 ml	Do.
Do	Irosorb-59 diagnostic kit, No. 6764	Vial: 10 ml	Do.
Do	T-7 I-125 diagnostic kit No. 7734	Vial: 11 ml	Nov. 15, 1972
Do	Quantisorb T-4N diagnostic kit No. 6719.	Vial: 11 ml	Do.
American Hospital Supply Corp. (Dade Division).	Adsorbed plasma reagent No. B4233-1 and No. B4233-2.	Bottle: 1 ml	Aug. 16, 1971
Do	Owren's veronal buffer No. B4234-25	Bottle: 15 ml	Do.
Do	Phosphatase substrate No. B5312-1 and No. B5312-5.	Bottle: 73 mg. dry powder.	Do.
Do	Serum reagent No. B4233-1 and No. B4233-2.	Bottle: 2 ml	Do.
Do	Thrombin reagent (bovine) No. B4233-15.	Bottle: 1 ml	Do.
Do	Thyroxine buffer No. B5630-1	Bottle: 5 ml	Do.
American Hospital Supply Corp. (Harleco Division).	Barbital buffer B-1 No. 96772	Vial: 12.12 grams per 7 dram vial.	Sept. 15, 1971
Do	Barbiturate standards set. No. 64808	Vial: 9 x 3 ml. of 8 single and 1 mixed at 15 mg per dl.	Oct. 22, 1971
Do	Barringer & Woodard buffered substrate No. 23695.	Vial: 0.73 gram per 15 x 45 mm. vial.	Sept. 15, 1971
Do	Buchler instrument buffer B-2 double strength, pH 8.6, 0.075 m No. 93834.	Vial: 36.36 grams	Do.
Do	Buffer barbital, pH 8.6, No. 96804	Vial: 1.51 grams per 15 x 45 mm. vial.	Do.
Do	Buffer barbital, pH 8.8, No. 7691	Vial: 11.76 grams per 10 dram vial.	Do.
Do	Barbital-sodium buffer salt, No. 11731	Bottle: 250 ml	June 6, 1972
Do	Barbital-acid buffer salt, No. 1173	Bottle: 250 ml	Do.
Do	Buffer salt-barbital acetate mixture, pH 8.6, No. 3787.	Vial: 14.7 grams per 29.5 × 80 mm. vial.	Sept. 15, 1971
Do	Buffer salt mixture, pH 8.8, No. 7644	Vial: 17.85 grams per 29.5 × 80 mm. vial.	Do.
Do	Buffer salt mixture Spinco B-1, pH 8.6, 0.05 ionic strength, No. 3047.	Vial: 12.12 grams per 29.5 × 80 mm. vial.	Do.
Do	Buffer salt mixture Spinco B-2, pH 8.6, 0.075 ionic strength, No. 3048.	Vial: 18.18 grams per 29.5 × 80 mm. vial.	Do.
Do	Buffered barbital sodium chloride, pH 7.5, No. 64647.	Vial: 14.7 grams per vial.	Do.
Do	Buffered substrate glycerophosphate Bodansky, No. 23881.	Vial: 0.924 grams per 15 × 45 mm. vial.	Do.
Do	Buffered veronal, pH 7.5, No. 64322	Vial: 16.48 grams per vial.	Do.
Do	Gilleress & Davis buffered substrate, No. 23701.	Vial: 1.228 grams per 15 × 45 mm. vial.	Do.
Do	Hematoxylin, acid-alum solution No. 64720.	Bottle: 15 and 32 oz., and 2.5 gal.	Dec. 29, 1972
Do	King & Armstrong buffered substrate, No. 23721.	Vial: 1.14 grams per 15 × 45 mm. vial.	Sept. 15, 1971
Do	Roe & Whitmore buffered substrate, No. 23686.	Vial: 0.854 grams per 15 × 45 mm. vial.	Do.
Do	Shinowara, Jones & Reinhart buffered substrate, No. 23738.	Vial: 0.945 grams per 15 × 45 mm. vial.	Do.

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
Do	Thymol barbital buffer, MacLagan Modified, pH 7.8, No. 29944.	Vial: 1.256 grams per 15 × 45 mm. vial.	Do.
Do	Thymol buffer 100 ml., 100 mg., Huerga & Popper, No. 29929.	Vial: 0.964 grams per 15 × 45 mm. vial.	Do.
Do	Thymol buffer, pH 7.8, MacLagan, No. 29949.	Vial: 1.02 grams per vial.	Do.
Do	Thymol buffer, pH 7.55 Mateer, No. 29951.	Vial: 0.96 grams per 15 × 45 mm. vial.	Do.
Do	Zinc sulfate, pH 7.5 (Kunkel), No. 64050.	Vial: 0.514 grams per vial.	Do.
Amersham/Searle	Amobarbital-2-C14, No. CFA-401	Ampule: 110 mm. x 13 mm. or Vial: 38.40 mm. x 11 ml.	Sept. 19, 1972
Do	Morphine (N-methyl-C14) Hydrochloride No. CFA-363.	do	Mar. 27, 1972
Do	Pentothal—S35 sodium salt, No. SJ-77.	Ampule: 110 mm. x 13 mm. or Vial: 38.40 mm. x 11 mm.	Sept. 19, 1972
Do	Codeine (N-methyl-C14) Hydrochloride No. CFA-421.	Ampule: 10 cc	Mar. 27, 1972
Applied Sciences Laboratories, Inc.	Mixture 1—opiates	Vial: 1 ml	Oct. 6, 1972
Do	Mixture 2—stimulants	do	Do.
Do	Mixture 3—depressants	do	Do.
Do	Mixture 4—barbiturates	do	Do.
Do	Mixture 5—kit of representatives	do	Do.
Becton, Dickinson and Co. (Spectra Biologicals Division).	HepaScreen CEP barbital buffer, No. K-751.	Envelope: 3.5" x 5.5"	Aug. 11, 1972
Do	HepaScreen CEP plates, Nos. K-742 and K-743.	Plate: 3.5" x 3.5"	Do.
Beckman Instruments, Inc. (Spinco Division).	Beckman buffer B-1	Packet: 12.14 gm	Apr. 24, 1971
Do	Beckman buffer B-2	Packet: 18.16 gm	Do.
Bio-Rad Laboratories, Inc	Bio-Rad electrophoresis buffer	Bottle: 500 ml	Dec. 14, 1972
Do	Electrophoresis buffer, dry-pack	Package: 6.15 gm	Do.
Do	Reagent No. 3	Bottle: 165 cc	Do.
Buchler Instruments	Buffer salt-type I, barbital-sodium, barbital mixture pH 8.6 No. 3-1035.	Vial: 36.36 gm	Dec. 6, 1972
Do	Buchler instrument buffer B-2 double strength, pH 8.6, 0.075 m No. 93834.	Vial: 36.36 grams	Sept. 15, 1971
Burroughs Wellcome Co	Lanoxitest beta digoxin radioimmunoassay kit with tritiated digoxin No. KT07.	Bottle: 125 ml	Nov. 16, 1972
Chemed Corp. (Dearborn Chemical Division).	Zinc reagent No. 2, No. 704	Pillow: 10 mg. each	June 23, 1971
Collaborative Research, Inc	Kit to include: LSD antiserum No. Z-20; I-125-LSD-Polymer No. Z-11; LSD standard.	Bottle: 1 and 2 dram	Nov. 14, 1972
Clarkson Laboratory and Supply, Inc.	Hematoxylin stain, Mayer's No. S-1302.	Gallon	Dec. 12, 1972
Cordis Laboratories	Barbital-acetate buffer, powder 709-317.	Package: 20 envelopes—10.65 grams per envelope.	July 27, 1972
Do	Counterelectrophoresis, plates CEP I 709-304.	Package: 5 plates—18 ml. per plate.	Do.
Do	Counterelectrophoresis, plates CEP II 709-305.	do	Do.
Do	Counterelectrophoresis, plates CEP III 709-306.	do	Do.
Do	Counterelectrophoresis, plates CEP IV 709-307.	do	Do.
Do	Counterelectrophoresis, plates CEP I 709-324.	Package: 10 plates—8.5 ml. per plate.	Do.
Do	Counterelectrophoresis, plates CEP II 709-325.	do	Do.
Do	Counterelectrophoresis, plates CEP III 709-326.	do	Do.
Do	Counterelectrophoresis, plates CEP IV 709-327.	do	Do.
Do	GVB^{2+} buffer, 753-037	Bottle: 50 ml	Do.
Do	Glucose—GVB^{2+} buffer, 753-038	do	Do.
Do	EDTA (0.014AM)—GVB buffer, 753-034	Bottle: 5 ml	Do.
Do	EDTA (0.01M)—GVB buffer, 753-031	do	Do.
Do	5X Isotonic veronal buffer	Bottle: 1,000 ml	Do.
Fisher Scientific Co	Electrophoretic buffer No. 1, pH 8.60, ionic strength 0.05, catalog No. E-1.	Packet: 12.14 grams	Oct. 27, 1972
Do	Electrophoretic buffer No. 2, pH 8.80, ionic strength 0.075, catalog No. E-2.	Packet: 18.16 grams	Do.
Gebman Instruments Co	Drug standard set No. 51910	Set: 3 vials of 2 ml. each	Apr. 5, 1972
Do	Drug control set No. 51911	Set: 3 vials of 50 ml. each	Do.
Do	High resolution, buffer-Tris Barbital buffer No. 51104.	Vial: 10 dram	Dec. 22, 1971
Do	Beprachrom drug system, No. 51920	Chambers: 6 cm. x 9 cm	Sept. 6, 1972
General Diagnostics	fas T^3, No. 36903	Vial: 10.5 cm x 1.2 cm	Aug. 25, 1972
Gugol Science Corp	Gugol concentrate No. 10109	Vials: 20 ml., 90 ml., and 450 ml.	Mar. 28, 1972
Hach Chemical Co	pH 8.5 buffer powder pillows, No. 920-68.	Pillow: 0.5 gm. each	Nov. 30, 1971
Do	pH 8.3 buffer powder pillows, No. 898-68.	Pillow: 1 gram each	Do.
Do	Zincover II powder pillows, No. 2917	do	Do.
Do	Buffered substrate, glycerophosphate, Roe & Whitmore, pH 9.6, No. 20060.	Vial: 0.855 gram per 100 ml.	Do.
Do	Buffered substrate, glycerophosphate, Shinowara, Jones & Reinhart, pH 10.9, No. 20063.	Vial: 0.925 gram per 100 ml.	Do.
Do	Buffered substrate, glycerophosphate, Shinowara, Jones & Reinhart—Stock, No. 20061.	Vial: 1.85 gram per 100 ml.	Do.
Do	Buffered substrate, glycerophosphate, Shinowara, Jones & Reinhart, pH 5.0, No. 20062.	Vial: 0.925 gram per 100 ml.	Do.
Hoffman-La Roche Inc	Abuscreen radio-immunoassay for morphine (I125), No. 43021.	Vial: 30 ml	Sept. 27, 1972
Do	Abuscreen radio-immunoassay for morphine (^{3}H), No. 43016.	Vial: 60 ml	Do.
Hyland Division Travenol Laboratories, Inc.	Agar gel plates No. 3003	Package: 8 plates—25 ml. per plate.	Aug. 31, 1971
Do	Agar gel plates No. 3016	Package: 10 plates—25 ml. per plate.	Do.
Do	Agar gel plates No. 3058	do	Do.
Do	Buffer No. 3017	Vial: 250 ml	Do.
Do	Buffer No. 3059	do	Do.
Do	Diluting fluid No. 3400	Vial: 10 ml	Do.
Do	Partial thromboplastin liquid, No. 3481.	Vial: 0.1 ml	Do.
Do	PTC reagent dried, No. 3497	Vial: 1 ml	Do.
Do	Supplemental urine clinical chemistry control, dried, No. 0402 and No. 0621.	Vial: 25 ml	Do.
Do	Partial thromboplastin, dried, No. 3491.	Vial: 1 ml. and 5 ml	Do.
Do	Agar gel plates, No. 8794	Plate: 25 ml	Aug. 1, 1972
Do	Buffer, No. 8793	Vial: 250 ml	Do.
Do	T-3	Vial: 10 ml	Dec. 19, 1972
Do	T-4	Vial: 10 ml	Do.
Do	Toxicology serum control, dried, No. 6541.	Vial: 10 ml	Oct. 26, 1972
Do	Toxicology urine control, dried, No. 6562.	do	Do.
Industrial Biological Laboratories, Inc.	DGV solution	Vial: 100 cc	Dec. 28, 1971
Lederle Laboratories Division of American Cyanamid Co.	DGV buffer, 5x No. 2606-37	Vial: 20 ml	Nov. 19, 1971
Do	Serum toxicology control drugs A, No. 2949-69.	Vial: 10 ml	Do.
Do	Abnormal urine control, No. 2971-80	Vial: 25 ml	Do.
Do	Urine toxicology control drugs I, No. 2950-61.	do	Do.
Do	Urine toxicology drugs I screening proficiency, No. 2951-61.	do	Mar. 13, 1972
Do	Urine toxicology control drugs 2—barbiturates, No. 2952-61.	do	Do.
Do	Urine toxicology control drugs 2—barbiturates, proficiency No. 2953-61.	do	Do.

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
Lederle Laboratory Division of American Cyanamid Co.	Urine toxicology control drugs 3—amphetamines No. 2954-61.	do	Do.
Do	Urine toxicology control drugs 3—amphetamines, proficiency No. 2955-61.	do	Do.
Do	Urine toxicology control, drugs 4—alkaloid No. 2956-61.	do	Do.
Do	Urine toxicology control, drugs 4—alkaloid, proficiency No. 2957-61.	do	Do.
Mallard, Inc	High resolution buffer-tris barbital buffer No. 51104.	Vial: 1½ dram	Dec. 22, 1971
Mallinckrodt Chemical Works	Res-O-Mat ETR solution	Vial: 1½ dram	Feb. 17, 1972
Do	Res-O-Mat T4 solution	do	Do.
MCI Biomedical	IEP buffer; pH 8.2, 0.04 ionic strength.	Package: 6.510 grams	Aug. 28, 1972
MEAD Diagnostics	T-3 test fas T , No. L6902	Vial: ½" x 1¹⁵⁄₁₆"	May 31, 1972
Do	T-4 test fas T4, No. L6905	Vial: ½" x 1¹⁵⁄₁₆"	Do.
Meloy Laboratories	Agar gel plate kit No. F-101, F-211, F-212, F-213, G-202, G-303, and G-304.	Package: 6 plates and 2 vials (30 x 70 mm) per kit.	Nov. 30, 1971
Do	Barbital buffer (or electrophoresis buffer).	Vial: 12.12 grams per 29.5 x 80 mm. vial.	Sept. 15, 1971
Miles Laboratories, Inc	Tetralute	Bottle: 4.9 gram	July 29, 1970
Nalco Chemical Co	Zn-1P No. 723	Pillow: 10 mg. each	Nov. 30, 1971
Do	Zn-2P No. 723	do	Do.
Purex Laboratories, Inc	Cannabis sativa, allergenic extract, 1,000 pnu/cc.	Vial: 2 cc	Sept. 29, 1971
Do	Cannabis sativa, allergenic extract, 20,000 pnu/cc.	Vial: 50 cc	Do.
Ortho Diagnostics	Activated Thromobo FAX No. 720000	Bottle: 3.2 ml	Sept. 21, 1971
Do	Hapindex, agar gel plate, No. 740000	Plate: 43 ml. per plate	Do.
Do	Ortho abnormal plasma coagulation control.	Packet: 96.5 mg	Do.
Do	Ortho HAA positive control No: 740900.	Vial: 1 mg	Mar. 27, 1972
Schering Corp	Hepaquik	Vial: 9 dram and plate	July 16, 1972
Schwarz/Mann Division, Becton Dickson and Co.	DL-amphetamine sulfate C14 sterile aqueous solution.	Flask: 0.05 mc, 0.1 mc, 0.5 mc, 1.0 mc.	Sept. 14, 1972
Do	D-amphetamine sulfate C14 sterile aqueous solution.	do	Do.
Do	L-amphetamine sulfate C14 sterile aqueous solution.	do	Do.
Do	Secobarbital 5 C14	do	Do.
Do	Secobarbital 2 C14	do	Do.
Do	Barbital buffer salt mixture, No. 0752-04 and No. 0752-07.	Vial: 50 cc	Nov. 4, 1971
SGA Scientific Corp	Barbital-acid buffer salt, No. 1173	Bottle: 4 oz	Do.
Do	Barbital-sodium buffer salt, No. 11731	do	Do.
Do	Barringer & Woodard buffered substrate No. 29665.	Vial: 0.73 gram per 15 x 45 mm. vial.	Sept. 15, 1971
Do	Buchler instrument buffer B-2 double strength, pH 8.6, 0.075 m No. 33834.	Vial: 36.36 grams	Do.
Do	Buffer barbital, pH8.8, No. 7691	Vial: 11.76 grams per 10 dram vial.	Do.
Do	Buffer salt—barbital acetate, mixture pH 8.6, No. 3787.	Vial: 14.7 grams per 29.5 x 80 mm. vial.	Do.
Do	Buffer salt mixture pH 8.8, No. 7644	Vial: 17.85 grams per 29.5 x 80 mm. vial.	Do.
Do	Buffer salt mixture Spinco B-1, pH 8.6, 0.05 ionic strength, No. 3947.	Vial: 12.12 grams per 29.5 x 80 mm. vial.	Do.
Do	Buffer salt mixture Spinco B-2, pH 8.6, 0.075 ionic strength, No. 3948.	Vial: 18.18 grams per 29.5 x 80 mm. vial.	Do.
Do	Buffered barbital, sodium chloride, pH 7.5, No. 646-7.	Vial: 14.7 grams per vial.	Do.
Do	Buffered substrate glycerophosphate Bodansky No. 23681.	Vial: 0.024 gram per 15 x mm. vial.	Do.
Do	Buffered veronal, pH 7.5, No. 64322	Vial: 16.48 grams per vial.	Do.
Do	Gifferes & Davis buffered substrate, No. 2370L.	Vial 1.228 grams per 15 x mm. vial.	Do.
Do	King & Armstrong buffered substrate, No. 23725.	Vial: 1.14 grams per 15 x 45 mm. vial.	Do.
Do	Roe & Whitmore buffered substrate, No. 23686.	Vial: 0.854 gram per 15 x 45 mm. vial.	Do.
Do	Scientific products buffer salt mixture B-2, No. 93953.	Vial: 18.18 grams per 10 dram vial.	Do.
Do	Shinowara, Jones & Reinhart buffered substrate, No. 23738.	Vial: 0.945 gram per 15 x 45 mm. vial.	Do.
Do	Thymol barbital buffer McLagan Modified pH 7.8, No. 29044.	Vial: 1.256 grams per 15 x 45 mm. vial.	Do.
Do	Thymol buffer 100 ml=100 mg., Huergs & Pepper, No. 29059.	Vial: 0.564 gram per 15 x 45 mm. vial.	Do.
Do	Thymol buffer pH 7.8, MacLagan, No. 29049.	Vial: 1.02 grams per vial.	Do.
Do	Thymol buffer pH 7.55 Mateer, No. 29051.	Vial: 0.96 gram per 15 x 45 mm. vial.	Do.
Do	Thymol turbidity test set, No. 3105	Packet: 1 gram	Nov. 4, 1971
Do	Zinc sulfate pH 7.5 (Kunkel), No. 64050.	Vial: 0.514 gram per vial.	Sept. 15, 1971
E.R. Squibb & Sons, Inc	AuSure barbital buffer powder, No. B79209.	Vial: 1.51 grams	July 28, 1971
Do	AuSure CEP plate, No. B78309	Plate: 40c. per plate	Sept. 16, 1971
Do	Barbital buffer mixture No. 09501	Vial: 6.055 gm	Dec. 21, 1972
Do	Barbital buffer for use with gastrin immutope kit, No. 09510.	Vial: 20 cc	Nov. 21, 1972
Supelco, Inc	Amobarbital No. 04-9170	Ampule: 1 ml	Dec. 22, 1972
Do	Amphetamine No. 04-9165	do	Do.
Do	Aprobarbital No. 04-9171	do	Do.
Do	Barbital No. 04-9169	do	Do.
Do	Butetehal No. 04-9172	do	Do.
Do	Codeine No. 04-9161	do	Do.
Do	Cyclobarbital No. 04-9175	do	Do.
Do	Glutethimide No. 04-9173	do	Do.
Do	Heptabarbital No. 04-9176	do	Do.
Do	Heroin No. 04-9162	do	Do.
Do	Hexobarbital No. 04-9177	do	Do.
Do	Methadone No. 04-9163	do	Do.
Do	Methamphetamine No. 04-9168	do	Do.
Do	Mephobarbital No. 04-9178	do	Do.
Do	Morphine No. 04-9160	do	Do.
Do	Pentobarbital No. 04-9179	do	Do.
Do	Phenobarbital No. 04-9181	do	Do.
Do	Phenylmethylbarbituric acid No. 04-9182.	do	Do.
Do	Secobarbital No. 04-9180	do	Do.
SYVA Co	Frat benzoyl ecgonine calibrator	Vial: 1 ml	Sept. 13, 1972
Do	Frat methadone calibrator	do	Do.
Do	Frat opiate calibrator	do	Do.
Do	Frat amphetamine calibrator	do	Do.
Do	Frat barbiturate calibrator	do	Do.
TLC Corp	Chromat/o/screen kit for amphetamines, No. JJ-175.	Vial: 1.9 cm. X1.6 cm	July 6, 1972
Do	Chromat/o/screen kit for alkaloids, No. JJ-176.	do	Do.
Do	Chromat/o/screen kit for barbiturates, No. JJ-177.	do	Do.
Warner-Lambert Co. (General Diagnostics Division).	Platelin	Vial: 7.3 ml	Mar. 13, 1792
Do	Platelin plus activator	do	Do.
Do	Simplastin	Vials: 4.7 ml., 7.3 ml. and 16.5 ml.	Do.
Do	Simplastin-A	Vial: 7.3 ml	Do.
Do	T G/T R set	Package: 4 tests per set	Do.
Wien Laboratories, Inc	Buffer reagent pH 8.6 No. T-5065	Bottle: 4 oz	Dec. 22, 1972
Do	Coated charcoal suspension No. T-5077.	do	Do.
Do	P.E.G. solution No. T-5080	do	Do.

EXCEPTED STIMULANT OR DEPRESSANT COMPOUNDS

§ 308.31 Application for exception of a stimulant or depressant compound.

(a) Any person seeking to have any compound, mixture, or preparation containing any depressant or stimulant substance listed in § 308.13 (b) or (c), or in § 308.14, or in § 308.15, excepted from the application of all or any part of the Act, pursuant to section 202(d) of the Act (21 U.S.C. 812(d)), may apply to the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537, for such exception.

(b) An application for an exception under this section shall contain the following information:

(1) The complete quantitative composition of the dosage form.

(2) Description of the unit dosage form together with complete labeling.

(3) A summary of the pharmacology of the product including animal investigations and clinical evaluations and studies, with emphasis on the psychic and/or physiological dependence liability (this must be done for each of the active ingredients separately and for the combination product).

(4) Details of synergisms and antagonisms among ingredients.

(5) Deterrent effects of the noncontrolled ingredients.

(6) Complete copies of all literature in support of claims.

(7) Reported instances of abuse.

(8) Reported and anticipated adverse effects.

(9) Number of dosage units produced for the past 2 years.

(c) Within a reasonable period of time after the receipt of an application for an exception under this section, the Director shall notify the applicant of his acceptance or nonacceptance of the application, and if not accepted, the reason therefor. The Director need not accept an application for filing if any of the requirements prescribed in paragraph (b) of this section is lacking or is not set forth so as to be readily understood. If the applicant desires, he may amend the application to meet the requirements of paragraph (b) of this section. If accepted for filing, the Director shall publish in the FEDERAL REGISTER general notice of his proposed rulemaking in granting or denying the application. Such notice shall include a reference to the legal authority under which the rule is proposed, a statement of the proposed rule granting or denying an exception, and, in the discretion of the Director, a summary of the subjects and issues involved. The Director shall permit any interested person to file written comments on or objections to the proposal and shall designate in the notice of proposed rule making the time during which such filings may be made. After consideration of the application and any comments on or objections to his proposed rulemaking, the Director shall issue and publish in the FEDERAL REGISTER his final order on the application, which shall set forth the findings of fact and conclusions of law upon which the order is based. This order shall specify the date on which it shall take effect, which shall not be less than 30 days from the date of publication in the FEDERAL REGISTER unless the Director finds that conditions of public health or safety necessitate an earlier effective date, in which event the Director shall specify in the order his findings as to such conditions.

(d) The Director may at any time revoke any exception granted pursuant to section 202(d) of the Act (21 U.S.C. 812(d)) by following the procedures set forth in paragraph (c) of this section for handling an application for an exception which has been accepted for filing.

§ 308.32 Excepted compounds.

(a) Until criteria are adopted by the Bureau by which the Director may determine whether to except any compound, mixture, or preparation containing any depressant or stimulant substance listed in § 308.13 (b) or (c), or in § 308.14, or in § 308.15, from the application of all or any part of the Act pursuant to section 202(d) of the Act (21 U.S.C. 812(d)), the drugs set forth in paragraph (b) of this section have been excepted by the Director from application of the sections 305, 307, 308, 309, 1002, 1003, and 1004 of the Act (21 U.S.C. 825, 827–9, 952–4) and of § 301.74(d) of this chapter for administrative purposes only. The excepting of these drugs by the Director should not be construed as an adoption or rejection of the criteria by which these drugs were originally excepted. Any deviation from the quantitative composition of any of the listed drugs shall require a petition for exception in order for that drug to be excepted.

(b) The following drugs in dosage unit form, and any other drug of the quantitative composition shown below for one of the following drugs or which is the same except that it contains a lesser quantity of controlled substances or other substances which do not have a stimulant, depressant, or hallucinogenic effect, and which are restricted by law to dispensing on prescription, are excepted from the application of sections 305, 307, 308, 309, 1002, 1003, and 1004 of the Act (21 U.S.C. 825, 827–9, 952–4) and of § 301.74(d) of this chapter:

EXCEPTED PRESCRIPTION DRUGS

Trade name or other designation	Composition	Manufacturer or supplier
A.E.A.	Tablet: Amobarbital, 25 mg.; aminophylline, 120 mg.; ephedrine hydrochloride, 25 mg.	Haack Laboratories, Inc.
Alased	Tablet: Phenobarbital, 16.2 mg.; homatropine methylbromide, 3.6 mg.; aluminum hydroxide gel, dried, 7½ gr.; magnesium trisilicate, 2½ gr.	Norgine Laboratories, Inc.
Alditex	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/150 gr.; calcium carbonate, 3½ gr.; magnesium carbonate, 2½ gr.; cerium oxalate, ½ gr.	Paul B. Elder Co., Inc.
Algoson	Tablet: Butabarbital sodium, 7.5 mg.; acetaminophen, 300 mg.	McNeil Laboratories Inc.
Alhydrox	Tablet: Phenobarbital, ½ gr.; aluminum hydroxide, 5 gr.; atropine sulfate, — gr.	Physicians Supply.
Alkasans	Tablet: Phenobarbital, 8.0 mg.; atropine sulfate, 0.06 mg.; kaolin-alumina gel, 500 mg.	P. J. Noyes Co.
Alsical	Powder (60 gr.): Phenobarbital, ¾ gr.; belladonna extract, ¼ gr.; calcium carbonate, 24 gr.; magnesium trisilicate, 15 gr.; magnesium oxide, 10 gr.; aluminum hydroxide gel, dried, 10 gr.	Dorsey Laboratories.
Alubelap	Tablet: Phenobarbital, 8 mg.; aluminum hydroxide gel, dried, 2300 mg.; belladonna extract, 4 mg.	Haack Laboratories, Inc.
Aludrox SA suspension	Suspension (5 cc.): Butabarbital, 3 mg.; ambutonium bromide, 2.5 mg.	Wyeth Laboratories.
Aludrox SA tablets	Tablet: Butabarbital, 8 mg.; ambutonium bromide, 2.5 mg.	Wyeth Laboratories.
Alu-Mag	Tablet: Phenobarbital, ¼ gr.; aluminum hydroxide gel, dried, 2½ gr.; magnesium trisilicate, 2½ gr.; belladonna leaf extract, ¼ gr.	Norsal Laboratories, Inc.
Alumazen	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.06 mg.; magnesium trisilicate, 500 mg.; aluminum hydroxide gel, dried, 250 mg.; saccharin sodium, 0.12 mg.	The Zemmer Co.
Aluminum hydroxide, magnesium trisilicate, and kaolin with phenobarbital and atropine sulfate.	Tablet: Phenobarbital, ¼ gr.; aluminum hydroxide, 2 gr.; magnesium trisilicate, 4 gr.; kaolin, colloidal, 2 gr.; atropine sulfate, 1/300 gr.	Buffalo Pharmaceutical Supply Corp.
Aminodrox with phenobarbital	Tablet: Phenobarbital, 15 mg.; aminophylline, 0.1 gm.; aluminum hydroxide gel, dried, 0.12 gm.	The S. E. Massengill Co.
Aminodrox-forte with phenobarbital	Tablet: Phenobarbital, 15 mg.; aminophylline, 200 mg.; aluminum hydroxide gel, dried, 250 mg.	Do.
Aminophylline and amytal	Capsule: Amobarbital, 32 mg.; aminophylline, 0.1 gm.	Eli Lilly Co.
Aminophylline with pentobarbital	Suppository: Pentobarbital sodium, 100 mg.; aminophylline, 500 mg.	G. D. Searle & Co.
Aminophylline and phenobarbital	Tablet: Phenobarbital, 15 mg.; aminophylline, 100 mg.	The Zemmer Co.
Do	Tablet: Phenobarbital, ¼ gr.; aminophylline, 100 mg.	The Blue Line Chemical Co.
Aminophylline with phenobarbital	Tablet: Phenobarbital, 16 mg.; aminophylline, 100 mg.	H. E. Dubin Laboratories, Inc.
Do	Tablet: Phenobarbital, 15 mg.; aminophylline, 100 mg.	G. D. Searle & Co.
Do	Tablet: Phenobarbital, 15 mg.; aminophylline, 200 mg.	Do.
Do	Tablet: Phenobarbital, 30 mg.; aminophylline, 200 mg.	Do.
Amobarbital and PETN	Capsule: Amobarbital, 50 mg.; pentaerythritol tetranitrate, 30 mg.	Meyer Laboratories, Inc.
Ampyrox with butabarbital sodium (AMPYROX).	Tablet: Butabarbital sodium, 15 mg.; scopolamine methylnitrate, 2 mg.	Paul B. Elder Co., Inc.

Trade name or other designation	Composition	Manufacturer or supplier
Ampyrot with butabarbital sodium, elixir.	Elixir (5 cc.): Butabarbital sodium, 10 mg.; scopolamine methylnitrate, 1 mg.	Do.
Amsed (NAP-37)	Tablet: Phenobarbital, ¼ gr.; hyoscine hydrobromide, 0.0072 mg.; atropine sulfate, 0.024 mg.; hyoscyamine hydrobromide, 0.128 mg.	North American Pharmacal, Inc.
Amsodyne	Tablet: Phenobarbital, ¼ gr.; extract belladonna leaves, ¼ gr.; aspirin, 5 gr.; caffeine, ¼ gr.	Paul B. Elder Co., Inc.
Antacia No. 3 with phenobarbital and atropine.	Tablet: Phenobarbital, ⅓ gr.; atropine sulfate, 1/200 gr.; calcium carbonate, 5 gr.; magnesium hydroxide, 5 gr.	Meyers and Co.
Antispasmodic	Tablet (purple): Phenobarbital, 16.2 mg.; hyoscyamine sulfate, 0.1037 mg.; homatropine methylbromide, 0.567 mg.; hyoscine hydrobromide, 0.0065 mg.	Hydrex Co., Inc.
Antispasmodic-enzyme	Tablet: Phenobarbital, 8.1 mg.; hyoscyamine sulfate, 0.0519 mg.; homatropine methylbromide, 0.2885 mg.; hyoscine hydrobromide, 0.0033 mg.; pancreatin, 100 mg.; pepsin, 150 mg.	Do.
Antrocol	Tablet or capsule: Phenobarbital, 16 mg.; atropine sulfate, 0.324 mg.; colloidal sulfur, 22 mg.	Wm. P. Poythress & Co., Inc.
Aqualin-plus, children	Suppository: Pentobarbital sodium, ½ gr.; theophylline, 1½ gr.	The Wm. A. Webster Co.
Aqualin-plus No. 1	Suppository: Pentobarbital sodium, ¾ gr.; theophylline, 3½ gr.	Do.
Aqualin-plus No. 2	Suppository: Pentobarbital sodium, 1½ gr.; theophylline, 7½ gr.	Do.
Aqualin-plus No. 2A	Suppository: Pentobarbital sodium, ¾ gr.; theophylline, 7½ gr.	Do.
Asmahar	Tablet: Butabarbital, 30 mg.; ephedrine sulfate, 25 mg.; theophylline hydroxide, 130 mg.	The Blue Line Chemical Co.
Astracol	Tablet: Butabarbital, 15 mg.; aminophylline, 180 mg.; phenylpropanolamine hydrochloride, 25 mg.; chlorpheniramine maleate, 2 mg.; aluminum hydroxide gel, dried, 60 mg.; magnesium trisilicate, 60 mg.	The Vale Chemical Co., Inc.
Asperase, modified with phenobarbital.	Tablet: Phenobarbital, 0.008 gm.; acetylsalicylic acid, 0.5 gm.	P. J. Noyes Co.
Atropal	Tablet: Phenobarbital, ⅓ gr.; atropine sulfate, 1/200 gr.; magnesium trisilicate, 2½ gr.; aluminum hydroxide gel, dried, 2½ gr.	Mallinckrodt Chemical Works.
Atrosilital	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.12 mg.; magnesium trisilicate, 0.5 gm.; saccharin sodium, 0.12 mg.	The Zemmer Co.
Banthine with phenobarbital	Tablet: Phenobarbital, 15 mg.; methantheline bromide, 50 mg.	G. D. Searle & Co.
Barbatro No. 1	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.12 mg.	The S. E. Massengill Co.
Barbatro No. 2	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.25 mg.	Do.
Barbeloid	Tablet: Amobarbital sodium, 20 mg.; hyoscyamine sulfate, 0.125 mg.; hyoscine hydrobromide, 0.007 mg.; homatropine methylbromide, 0.5 mg.	The Vale Chemical Co., Inc.
Barbidonna elixir	Elixir (5 cc.): Phenobarbital, 16 mg.; hyoscyamine sulfate, 0.1286 mg.; atropine sulfate, 0.0250 mg.; scopolamine hydrobromide, 0.0074 mg.	Mallinckrodt Chemical Works.
Barbidonna tablets	Tablet: Phenobarbital, 16 mg.; hyoscyamine sulfate, 0.1286 mg.; atropine sulfate, 0.0250 mg.; scopolamine hydrobromide, 0.0074 mg.	Do.
Barboma elixir	Elixir (1/30 cc.): Phenobarbital, 0.4 gm.; homatropine methylbromide, 33.8 mg.	The Blue Line Chemical Co.
Barboma tablets	Tablet: Phenobarbital, ¼ gr.; homatropine methylbromide, 1/33 gr.	Do.
Bardase	Tablet or elixir (4 cc.): Phenobarbital, 16.2 mg.; hyoscyamine sulfate, 0.1 mg.; hyoscine hydrobromide, 0.007 mg.; atropine, 0.020 mg.; Taka-Diastase, 162.0 mg.	Parke, Davis & Co.
Bar-Don elixir	Elixir (30 cc.): Phenobarbital, 100 mg.; hyoscyamine hydrobromide, 0.60 mg.; hyoscine hydrobromide, 0.042 mg.; atropine sulfate, 0.12 mg.	Warren-Teed Pharmaceuticals Inc.
Bar-Don tablets	Tablet: Phenobarbital, 16.670 mg.; hyoscyamine hydrobromide, 0.10 mg.; hyoscine hydrobromide, 0.007 mg.; atropine sulfate 0.020 mg.	Do.

Trade name or other designation	Composition	Manufacturer or supplier
Belap No. 0	Tablet: Phenobarbital, 8 mg.; belladonna extract, 8 mg.	Hasek Laboratories, Inc.
Belap No. 1	Tablet: Phenobarbital, 15 mg.; belladonna extract, 8 mg.	Do.
Belap Ty-Med	Tablet: Amobarbital, 30 mg.; homatropine methylbromide, 7.5 mg.	Do.
Belladenal	Tablet: Phenobarbital, 30 mg.; bellafoline, 0.25 mg.	Sandoz Pharmaceuticals.
Do	Elixir (15 cc.): Phenobarbital, 15.6 mg.; bellafoline, 0.078 mg.	Do.
Bellatol elixir	Elixir (5 cc.): Butabarbital sodium, 20 mg.; tincture belladonna, 0.83 cc.	The Zemmer Co.
Bellergal	Tablet: Phenobarbital, 20 mg.; ergotamine tartrate, 0.3 mg.; levorotatory alkaloids of belladonna, 0.1 mg.	Sandoz Pharmaceuticals.
Do	Tablet: Phenobarbital, 40 mg.; ergotamine tartrate, 0.6 mg.; levorotatory alkaloids of belladonna, 0.2 mg.	Do.
Beplete with belladonna elixir	Elixir (4 cc): Phenobarbital, 15 mg.; vitamin B_1, 1.5 mg.; vitamin B_2, 1 mg.; vitamin B_6, 0.33 mg.; vitamin B_{12}, 1.66 mg.; niacinamide, 10 mg.; pantothenol, 0.2 mg.; belladonna alkaloids, 0.2 mg.	Wyeth Laboratories.
Bexadonna	Tablet: Phenobarbital, 16 mg.; homatropine methylbromide, 10 mg.; hyoscine hydrobromide, 0.0065 mg.; hyoscyamine sulfate, 0.1 mg.	Bexar Pharmaceuticals.
Bilamide	Tablet: Phenobarbital, ¼ gr.; dried ox bile, 2 gr.; dehydrocholic acid, 2 gr.; homatropine methylbromide, 1/48 gr.	Norgine Laboratories, Inc.
Binitrin	Tablet: Butabarbital sodium, 15.0 mg.; nitroglycerin, 0.3 mg.; pentaerythritol tetranitrate, 10.1 mg.	The Vale Chemical Co., Inc.
Biosatphen	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.06 mg.; bismuth subnitrate, 120 mg.; cerium oxalate, 120 mg.	The Zemmer Co.
Bismuth, belladonna, and phenobarbital.	Capsule: Phenobarbital, ¼ gr.; bismuth subgallate, 5 gr.; extract belladonna leaf, ½ gr.	The Bernard Co.
Buffadyne A-S	Tablet: Amobarbital, 15 mg.; aspirin, 300 mg.; phenacetin, 150 mg.; caffeine, 30 mg.; homatropine methylbromide, 2.5 mg.; aluminum hydroxide gel, 75 mg.; magnesium hydroxide, 45 mg.	Lemmon Pharmacal Co.
Buffadyne with barbiturates	Tablet: Secobarbital sodium, 8 mg.; amobarbital, 8 mg.; aspirin, 300 mg.; phenacetin, 150 mg.; caffeine, 30 mg.; aluminum hydroxide gel, 75 mg.; magnesium hydroxide, 45 mg.	Do.
Bunesia	Tablet: Butabarbital sodium, 10 mg.; homatropine methylbromide, 2.5 mg.; magnesium hydroxide, 330 mg.	McNeil Laboratories, Inc.
Buren	Tablet: Butabarbital, 15 mg.; phenazopyridine hydrochloride, 150 mg.; scopolamine hydrobromide, 0.0065 mg.; atropine sulfate, 0.0194 mg.; hyoscyamine sulfate, 0.1037 mg.	B. F. Ascher & Co., Inc.
Burrinem	Tablet: Butabarbital sodium, 15 mg.; reserpine, 0.1 mg.; rutin, 20 mg.; mannitol hexanitrate, 30 mg.	The Zemmer Co.
Butabarbital and hyoscyamine sulfate.	Tablet of elixir (5 cc.): Butabarbital, 15 mg.; hyoscyamine sulfate, 0.125 mg.	McNeil Laboratories, Inc.
Do	Capsule: Butabarbital, 45 mg.; hyoscyamine sulfate, 0.375 mg.	Do.
Butibel	Tablet or elixir (5 cc.): Butabarbital sodium, 15 mg.; belladonna extract, 15 mg. (hyoscyamine sulfate, 0.138 mg.; hyoscine hydrobromide, 0.027 mg.; atropine sulfate, 0.067 mg.).	McNeil Laboratories, Inc.
Butibel R-A	Tablet: Butabarbital sodium, 30 mg.; belladonna extract, 30 mg.	Do.
Butibel-gel suspension	Suspension (15 cc.): Butabarbital sodium, 7.5 mg.; belladonna extract, 7.5 mg. (total alkaloids 0.187 mg.); activated attapulgite, 1.5 mg.; pectin, 75 mg.	Do.
Butibel-gel tablets	Tablet: Butabarbital sodium, 7.5 mg.; belladonna extract, 7.5 mg. (total alkaloids 0.0935 mg.); activated attapulgite, 300 mg.; pectin, 45 mg.	Do.

Trade name or other designation	Composition	Manufacturer or supplier
Butibel-Zyme	Tablet: Butabarbital sodium, 15 mg.; belladonna extract, 15 mg. (total alkaloids 0.187 mg.); proteolytic enzyme standardized, 10 mg.; amylolytic enzyme standardized, 20 mg.; cellulolytic enzyme standardized, 5 mg.; lipolytic enzyme standardized, 100 mg.; iron ox bile (45% cholic acid), 30 mg.	Do.
Butigetic	Tablet: Butabarbital sodium, 15 mg.; acetaminophen, 200 mg.; phenacetin, 150 mg.; caffeine, 30 mg.	Do.
Cafergot P-B	Tablet: Phenobarbital sodium, 30 mg.; ergotamine tartrate, 1 mg.; caffeine, 100 mg.; levorotatory alkaloids of belladonna, 0.125 mg.	Sandoz Pharmaceuticals.
Do	Suppository: Pentobarbital, 60 mg.; ergotamine tartrate, 2 mg.; caffeine, 100 mg.; levorotatory alkaloids of belladonna, 0.25 mg.	Do.
Cal-Ma-Phen	Tablet: Phenobarbital, ¼ gr.; calcium-carbonate, 5 gr.; magnesium hydroxide, 5 gr.; atropine sulfate, 1/150 gr.	Physicians Supply Co.
Cantil with phenobarbital	Tablet: Phenobarbital, 16 mg.; mepenzolate bromide, 25 mg.	Lakeside Laboratories, Inc.
Carbonates No. 3 with phenobarbital and atropine.	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.11 mg.; calcium carbonate, 224 mg.; magnesium carbonate, 160 mg.; bismuth subcarbonate, 32 mg.	P. J. Noyes Co.
Cardalin-Phen	Tablet: Phenobarbital, ¼ gr.; aminophylline, 3 gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr.	Mallinckrodt Chemical Works.
Cardilate-P	Tablet: Phenobarbital, 15 mg.; erythrityl tetranitrate, 10 mg.	Burroughs Wellcome & Co. (U.S.A.) Inc.
Cholarsee	Tablet: Pentobarbital, 27.5 mg.; oxtriphylline, 200 mg.; racephedrine, 20 mg.	Warner-Chilcott Laboratories.
Co-Elorine 25	Capsule: Amobarbital, 8mg.; tricyclamol chloride, 25 mg.	Eli Lilly and Co.
Co-Elorine 100	Capsule: Amobarbital, 16 mg.; tricyclamol chloride, 100 mg.	Do.
Cold Preparation, special	Tablet: Phenobarbital, 8.1 mg.; chlorpheniramine maleate, 2 mg.; pseudoephedrine hydrochloride, 60 mg.; salicylamide, powder, 300 mg.	Knight Pharmacal Co.
Covadil	Tablet: Butabarbital sodium, 30 mg.; pentaerythritol tetranitrate, 15 mg.	The Blue Line Chemical Co.
Dactil with phenobarbital	Tablet: Phenobarbital, 16 mg.; piperidolate hydrochloride, 56 mg.	Lakeside Laboratories, Inc.
Dalnite	Tablet: Pentobarbital sodium, ¼ gr. aminophylline, 3 gr.; ephedrine hydrochloride, ¼ gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr.	Mallinckrodt Chemical Works.
Dalnite-KI	Tablet: Phenobarbital, ¼ gr.; aminophylline, 3 gr.; ephedrine hydrochloride, ¼ gr.; potassium iodide, 5 gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr.	Do.
Dalnite Night	Tablet: Phenobarbital, ½ gr.; pentobarbital sodium, ½ gr.; aminophylline, 4 gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr.	Do.
Darleon PB	Tablet: Phenobarbital, 15 mg.; oxyphencyclimine hydrochloride, 6 mg.	Pfizer Laboratories.
Distraegus	Tablet: Diallylbarbituric acid, ¼ gr.; nitroglycerin, 1/150 gr.; sodium nitrite, 1 gr.; tincture crataegus, 2 minims.	Buffington's, Inc.
Dis-Tropine	Tablet: Diallylbarbituric acid, ¼ gr.; atropine sulfate, 1/200 gr.; magnesium carbonate, 2½ gr.; calcium carbonate, 3½ gr.; bismuth subcarbonate, 1 gr.	Do.
Dilantin with phenobarbital	Capsule: Phenobarbital, ¼ gr.; diphenylhydantoin sodium, 0.1 gm.	Parke, Davis & Co.
Do	Capsule: Phenobarbital, ½ gr.; diphenylhydantoin sodium, 0.1 gm.	Do.
Dolonil	Tablet: Butabarbital, 15 mg.; phenazopyridine hydrochloride, 150 mg.; hyoscyamine hydrobromide, 0.3 mg.	Warner-Chilcott Laboratories.
Donabarb	Tablet: Phenobarbital, ¼ gr.; powder extract belladonna, ¼ gr.	Paul B. Elder Co., Inc.
Donaphen, new special donaphen	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.024 mg.; scopolamine hydrobromide, 0.0072 mg.; hyoscyamine hydrobromide, 0.128 mg.	Burt Krotz Co.
Donna-Sed elixir	Elixir (5 cc.): Phenobarbital, 16.2 mg.; hyoscyamine hydrobromide, 0.1037 mg.; atropine sulfate, 0.0194 mg.; hyoscine hydrobromide, 0.0065 mg.	North American Pharmacal, Inc.
Donnasep	Tablet: Phenobarbital, 8.1 mg.; phenazopyridine hydrochloride, 50.0 mg.; methenamine mandelate, 500 mg.; hyoscyamine sulfate, 0.0519 mg.; atropine sulfate, 0.0097 mg.; hyoscine hydrobromide, 0.0033 mg.	A. H. Robins Co., Inc.
Donphen	Tablet: Phenobarbital, 15 mg.; hyoscyamine sulfate, 0.1 mg.; atropine sulfate, 0.02 mg.; scopolamine hydrobromide, 8 µg.	Lemmon Pharmacal Co.
Dormital-HM	Tablet: Phenobarbital, ¾ gr.; homatropine methylbromide, 1/144 gr.; strontium bromide, 1 gr.	Buffington's Inc.
Dynapin with phenobarbital	Tablet: Phenobarbital, 15 mg.; nitroglycerin, 0.5 mg.; pentaerythritol tetranitrate, 15 mg.	Key Pharmacal Co.
Ehnaloin with phenobarbital	Capsule: Phenobarbital, 15 mg.; diphenylhydantoin, 1½ gr.	Paul B. Elder Co., Inc.
Ephedrine and sodium phenobarbital.	Tablet: Sodium phenobarbital, ¼ gr.; ephedrine sulfate, ¼ gr.	The Vale Chemical Co., Inc.
Ephedrine sulfate and phenobarbital.	Tablet: Phenobarbital, 15 mg.; ephedrine sulfate, 25 mg.	The Zemmer Co.
Ephedrine with phenobarbital	Tablet: Phenobarbital, ¼ gr.; ephedrine sulfate, ¼ gr.	P. J. Noyes Co.
Ercadital	Tablet: Phenobarbital, 7.5 mg.; ergotamine tartrate, 0.5 mg.; caffeine, 60 mg.	The Blue Line Chemical Co.
Ethrava-trate	Tablet: Mephobarbital, 16 mg.; pentaerythrityl tetranitrate, 20 mg.; ethaverine hydrochloride, 30 mg.	North American Pharmacal, Inc.
En-Phed-Amin	Tablet: Phenobarbital, 30 mg.; aminophylline, 0.1 gm.; ephedrine sulfate, 30 mg.; extract euphorbia, 0.1 gm.	Warren-Teed Pharmaceuticals Inc.
En-Phed-Ital	Tablet: Phenobarbital sodium, 30 mg.; ephedrine sulfate, 30 mg.; extract euphorbia, 0.12 gm.	Do.
Fensobel	Tablet: Phenobarbital, 8.1 mg.; belladonna extract, 2.95 mg.; aluminum hydrochloride gel, dried, 63 mg.; magnesium trisilicate, 63 mg.; bismuth subcarbonate, 32.5 mg.; magnesium carbonate, 252 mg.; precipitated calcium carbonate, 303.5 mg.; malt diastase, 12.5 mg.; peppermint oil, 3 mg.	United States Vitamin & Pharmaceutical Corp.
Franol	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; benzylephedrine hydrochloride, 32 mg.	Winthrop Laboratories.
Homechol	Tablet: Pentobarbital sodium, 8.0 mg.; homatropine methylbromide, 2.5 mg.; dehydrocholic acid, 60.0 mg.; ox bile extract, 150.0 mg.	Lemmon Pharmacal Co.
Homopent	Tablet: Pentobarbital sodium, 15 mg.; homatropine methylbromide, 2.5 mg.; magnesium trisilicate, 300 mg.	Lemmon Pharmacal Co.
H-P-A (modified)	Tablet: Phenobarbital, ½ gr.; aspirin, 5 gr.; extract hyoscyamus, ⅓ gr.	Paine Drug Co.
Hybephen	Tablet: Phenobarbital, 15 mg.; hyoscyamine sulfate, 0.1277 mg.; atropine sulfate, 0.0233 mg.; hyoscine hydrobromide, 0.0094 mg.	The S. E. Massengill Co.
Hybephen elixir	Elixir (5 cc.): Phenobarbital, 15 mg.; hyoscyamine sulfate, 0.1277 mg.; atropine sulfate, 0.0233 mg.; hyoscine hydrobromide, 0.0094 mg.	Do.
Hydrochol plus	Tablet: Amobarbital, 15 mg.; dehydrocholic acid, 200 mg.; scopolamine methylnitrate, 0.5 mg.; ox bile desiccated, 50 mg.	Paul B. Elder Co., Inc.
Hytrona antispasmodic elixir	Elixir (5 cc.): Phenobarbital, 16 mg.; belladonna alkaloids, 0.2 mg.	Pitman-Moore.
Hytrona antispasmodic tablets	Tablet: Phenobarbital, 16 mg.; belladonna alkaloids, 0.2 mg.	Do.
Hocalm	Tablet: Methobarbital, 30 mg.; methscopolamine nitrate, 2.5 mg.; d-calcium pantothenate, 25 mg.	Warren-Teed Pharmaceuticals Inc.
Isordil with phenobarbital	Tablet: Phenobarbital, 15 mg.; isosorbide dinitrate, 10 mg.	Ives Laboratories Inc.
Isuprenol	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; benzylephedrine, 32 mg.; isoproterenol hydrochloride, 10 mg.	Winthrop Laboratories.
Isuprenol, mild	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; benzylephedrine, 32 mg.; isoproterenol hydrochloride, 5 mg.	Do.

Trade name or other designation	Composition	Manufacturer or supplier
Isuprel compound elixir	Elixir (15 cc.); Phenobarbital, 6 mg.; isoproterenol hydrochloride, 2.5 mg.; ephedrine sulfate, 12 mg.; theophylline, 48 mg.; potassium iodide, 150 mg.	Do.
Kaphebel	Tablet: Phenobarbital, 1/3 gr.; belladonna root, 1/4 gr.; kaolin colloidal, 7 1/2 gr.	Paul B. Elder Co., Inc.
Kanumodic	Tablet: Pentobarbital, 8 mg.; methscopolamine nitrate, 2 mg.; cellulase, 9 mg.; pancrestin, 300 mg.; glutamic acid hydrochloride, 200 mg.; ox bile extract, 100 mg.; pepsin, 150 mg.	Dorsey Laboratories.
Kavatrate	Tablet: Phenobarbital sodium, 1/4 gr.; veratrum veride, 1/4 gr.; mistletoe, 1/6 gr.; hawthorn tincture, 30 minims; sodium nitrite, 1 gr.	Key Pharmacal Co.
Kie with phenobarbital	Tablet: Phenobarbital, 16 mg.; potassium iodide 400 mg.; ephedrine sulfate, 24 mg.	Laser Inc.
Klophyllin	Tablet: Phenobarbital, 15 mg.; aminophyllin, 130 mg.; potassium iodide, 125 mg.	G. D. Searle & Co.
Luftodil suspension	Suspension (5 cc.): Phenobarbital, 8 mg.; theophylline, 50 mg.; ephedrine hydrochloride, 12 mg.; glyceryl guaiacolate, 100 mg.	Mallinckrodt Chemical Works.
Luftodil tablets	Tablet: Phenobarbital, 16 mg.; theophylline, 100 mg.; ephedrine hydrochloride, 24 mg.; glyceryl guaiacolate, 200 mg.	Do.
Lufyllin-EP	Tablet: Phenobarbital, 16 mg.; lufyllin (dyphylline), 100 mg.; ephedrine hydrochloride; 16 mg.	Do.
Magnesium hydroxide-phenobarbital compound.	Tablet: Phenobarbital sodium, 15 mg.; magnesium hydroxide, 300 mg.; atropine sulfate with aromatics, 0.12 mg.	McNeil Laboratories, Inc.
Malgiyn compound	Tablet or suspension (5 cc.): Phenobarbital, 16.2 mg.; belladonna alkaloids, 0.162 mg.; dihydroxy aluminum aminoacetate, 0.8 gm.	Brayten Pharmaceutical Co.
Mannaphen	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.	The Vale Chemical Co., Inc.
Mannaphen with rutin	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.; rutin, 20 mg.	Do.
Mannitol hexanitrate with phenobarbital.	Tablet: Phenobarbital, 1/4 gr.; mannitol hexanitrate, 1/6 gr.	P. J. Noyes Co.
Do	Tablet: Phenobarbital, 1/4 gr.; mannitol hexanitrate, 1/6 gr.	The Blue Line Chemical Co.
Maxitol	Tablet: Phenobarbital, 15 mg.; mannitol hexanitrate, 15 mg.; rutin, 15 mg.; ascorbic acid, 15 mg.	Burt Krone Co.
Meprane phenobarbital	Tablet: Phenobarbital, 16 mg.; promethestrol dipropionate, 1 mg.	Reed & Carnrick.
Mesopin-PB	Tablet or elixir (5 cc.): Phenobarbital, 15 mg.; homatropine methylbromide, 5 mg.	Endo Laboratories Inc.
Metamine with butabarbital	Tablet: Butabarbital, 16.2 mg.; trolnitrate phosphate, 2 mg.	Pfizer Laboratories.
Do	Tablet: Butabarbital, 48.6 mg.; trolnitrate phosphate, 10 mg.	Do.
Mezal	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.	The S. E. Massengill Co.
Milprem-200	Tablet: Meprobamate 200 mg. conjugated estrogens—equine 0.4 mg.	Wallace Pharmaceuticals.
Milprem-100	Tablet: Meprobamate 400 mg. conjugated estrogens—equine 0.4 mg.	Do.
Milpath-200	Tablet: Meprobamate 200 mg. tridihexethyl chloride, 25 mg.	Do.
Milpath-100	Tablet: Meprobamate 400 mg. tridihexethyl chloride, 25 mg.	Do.
Miltrate-10	Tablet: Meprobamate 200 mg. pentaerythritol tetranitrate, 10 mg.	Do.
Miltrate-20	Tablet: Meprobamate 200 mg. pentaerythritol tetranitrate, 20 mg.	Do.
Monomeb	Tablet: Mephobarbital, 32 mg.; penthienate bromide, 5 mg.	Winthrop Laboratories.
Mudrane	Tablet: Phenobarbital, 21 mg.; potassium iodide, 195 mg.; aminophylline, 130 mg.; ephedrine hydrochloride, 16 mg.	Wm. P. Poythress & Co., Inc.
Mudrane G G elixir	Elixir (5 cc.): Phenobarbital, 5.4 mg.; theophylline 20 mg.; ephedrine hydrochloride, 4 mg.; glyceryl guaiacolate, 26 mg.	Do.
Nactisol	Tablet: Butabarbital sodium, 15 mg.; poldine methylsulfate, 4 mg.	McNeil Laboratories, Inc.
Natrona compound	Tablet: Phenobarbital, 15 mg.; extract hawthorn berries, 30 mg.; extract mistletoe, 15 mg.; sodium nitrite, 60 mg.; sodium bicarbonate, 0.2 gm.	The Zemmer Co.
Neocholan	Tablet: Phenobarbital, 8 mg.; dehydrocholic acid, 250 mg.; bile extract, 15 mg.; homatropine methylbromide, 1.2 mg.	Pitman-Moore.
Nergestic	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.10 mg.; magnesium trisilicate, 0.5 gm.	The S. E. Massengill Co.
Nitrased	Tablet: Secobarbital, 15 mg.; nitroglycerin, 0.4 mg.; pentaerythrityl tetranitrate, 15 mg.	Lemmon Pharmacal Co.
Nophesan tablets	Tablet: Phenobarbital, 8 mg.; acetylsalicylic acid, 300 mg.	P. J. Noyes Co.
Novalene	Tablet: Phenobarbital, 16 mg.; ephedrine sulfate, 24 mg.; potassium iodide, 162 mg.; calcium lactate, 162 mg.	Lemmon Pharmacal Co.
Oxsorbil-PB	Capsule: Phenobarbital, 7.5 mg.; belladonna extract, 7.5 mg.; dehydrocholic acid, 32 mg.; desoxycholic acid, 32 mg.; ox bile extract, 65 mg.; sorbitan mono-oleate, 180 mg.; oleic acid, 180 mg.	Ives Laboratories, Inc.
Paminal elixir	Elixir (5 cc.): Phenobarbital, 8 mg.; methscopolamine bromide, 1.25 mg.	The Upjohn Co.
Pamine PB elixir	Elixir (5 cc.): Phenobarbital, 8 mg.; methscopolamine bromide, 1.25 mg.	Do.
Pamine PB, half strength	Tablet: Phenobarbital, 8 mg.; methscopolamine bromide, 1.25 mg.	Do.
Pediatric piptal antipyretic	Solution (0.6 cc.): Phenobarbital, 3 mg.; pipenzolate bromide, 5 mg.; acetaminophen, 60 mg.	Lakeside Laboratories, Inc.
Pedatric piptal with phenobarbital	Solution (0.5 cc.): Phenobarbital, 3 mg.; pipenzolate bromide, 2 mg.	Do.
Penocetylon	Tablet: Phenobarbital, 1/4 gr.; acetylsalicylic acid, 5 gr.	Paul B. Elder Co., Inc.
Pentaerythrityl tetranitrate with phenobarbital.	Tablet: Phenobarbital, 16 mg.; pentaerythrityl tetranitrate, 10 mg.	P. J. Noyes Co.
Do	Tablet: Phenobarbital, 16 mg.; pentaerythrityl tetranitrate, 20 mg.	Do.
Pentratrol with phenobarbital	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	North American Pharmacal Co.
Pentraline	Tablet: Butabarbital sodium, 10 mg.; reserpine, 0.05 mg.; pentaerythrityl tetranitrate, 10 mg.	McNeil Laboratories, Inc.
Perbuzem	Tablet: Butabarbital sodium, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	The Zemmer Co.
Peribar L-A No. 1	Tablet: Phenobarbital, 48.6 mg.; pentaerythrityl tetranitrate, 30 mg.	Whittier Laboratories, Inc.
Peritrate with phenobarbital	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	Warner-Chilcott.
Do	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 20 mg.	Do.
Peritrate with phenobarbital SA	Tablet: Phenobarbital, 45 mg.; pentaerythrityl tetranitrate, 80 mg.	Do.
Phedorine	Tablet: Diallylbarbituric acid, 16 mg.; extract stramonium, 8 mg. (alkaloids 0.0015 gr.); ephedrine, 8 mg.; theophyline, 100 mg.	Buffington's, Inc.
Phenaphen plus	Tablet: Phenobarbital, 16.2 mg.; phenacetin, 194 mg.; aspirin, 162 mg.; hyoscyamine sulfate, 0.031 mg.; phenbramine maleate, 12.5 mg.; phenylephrine hydrochlorida, 10 mg.	A. H. Robins Co., Inc.
Phenobarbital and atropine	Tablet: Phenobarbital, 1/4 gr.; atropine sulfate, 1/100 gr.	The Blue Line Chemical Co.
Do	do	Meyers & Co.
Do	do	Paine Drug Co.
Do	Tablet: Phenobarbital, 1/4 gr.; atropine sulfate, 1/100 gr.	The Vale Chemical Co., Inc.
Phenobarbital with atropine sulfate.	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.06 mg.	The Zemmer Co.
Phenobarbital with atropine sulfate No. 2.	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.12 mg.	Do.
Phenobarbital and atropine sulfate.	Tablet: Phenobarbital, 1/4 gr.; atropine sulfate, 1/100 gr.	Buffington's Inc.
Phenobarbital and atropine No. 1	Tablet: Phenobarbital, 16 mg.; atropine sulfate, 0.13 mg.	Pitman-Moore.
Phenobarbital and atropine No. 2	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.65 mg.	Do.

Trade name or other designation	Composition	Manufacturer or supplier
Phenobarbital and atropine tablets	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 1/4000 gr.	P.J. Noyes Co.
Do	Tablet: Phenobarbital, 16 mg.; atropine sulfate, 1/200 gr.	Do.
Phenobarbital and atropine tablets No. 2.	Tablet: Phenobarbital, 1/4 gr.; atropine sulfate, 1/200 gr.	Do.
Phenobarbital and atropine tablets No. 3.	Tablet: Phenobarbital, 1/2 gr.; atropine sulfate, 1/200 gr.	Do.
Phenobarbital and belladonna	Tablet: Phenobarbital, 1/4 gr.; belladonna leaves 1/2 gr. (total alkaloids 0.0015 gr.).	The Vale Chemical Co., Inc.
Do	Tablet: Phenobarbital, 1/4 gr.; belladonna extract, 1/4 gr.	Paine Drug Co.
Do	Tablet: Phenobarbital, 16 mg.; belladonna extract, 8 mg.	Eli Lilly and Co.
Phenobarbital and belladonna No. 2.	Tablet: Phenobarbital, 1/4 gr.; belladonna extract, 1/4 gr. (alkaloids 0.00156 gr.)	The Upjohn Co.
Phenobarbital with mannitol hexanitrate.	Tablet: Phenobarbital, 7.5 mg., mannitol hexanitrate 15 mg.; ascorbic acid powder, 25 mg.; rutin, 25 mg.	Paul B. Elder Co., Inc. (Harold M. Harter, D.V. M.)
Phenobarbital and mannitol hexanitrate.	Tablet: Phenobarbital, 1/4 gr.; mannitol hexanitrate, 1/2 gr.	Meyer Drug & Surgical Supply Co.
Phenobarbital sodium atropine No. 1.	Tablet: Phenobarbital sodium, 8 mg.; atropine sulfate, 60 µg.	McNeil Laboratories, Inc.
Phenobarbital sodium atropine No. 2.	Tablet: Phenobarbital sodium, 15 mg.; atropine sulfate, 120 µg.	Do.
Phenobarbital sodium atropine No. 3.	Tablet: Phenobarbital sodium, 30 mg.; atropine sulfate, 200 µg.	Do.
Phenobarbital and sodium nitrite.	Tablet: Phenobarbital, 1/4 gr.; sodium nitrite, 1 gr.	P.J. Noyes Co.
Phenobarbital theocalcin	Tablet: Phenobarbital, 15 mg.; theobromine calcium salicylate, 0.5 gm.	Knoll Pharmaceutical Co.
Phenodonna tablets	Tablet: Phenobarbital, 1/4 gr.; tincture belladonna, 6 minims.	Flint Medical & Surgical Supply Co.
Phenodrox	Tablet: Phenobarbital, 1/4 gr.; atropine sulfate, 1/200 gr.; magnesium trisilicate, 4 gr.; aluminum hydroxide gel, dried, 4 gr.	North American Pharmacal Inc.
Phyldros	Tablet: Phenobarbital, 15 mg.; neothylline, 100 mg.; ephedrine sulfate, 25 mg.	Lemmon Pharmacal Co.
Piptal PHB elixir	Elixir (5cc.): Phenobarbital, 16 mg.; pipenzolate bromide 5 mg.	Lakeside Laboratories, Inc.
Piptal PHB tablets	Tablet: Phenobarbital, 16 mg.; pipenzolate bromide, 5 mg.	Do.
Prantal with phenobarbital	Tablet: Phenobarbital, 16 mg.; diphemanil methylsulfate, 100 mg.	Schering Corp.
Premarin with phenobarbital	Tablet: Phenobarbital 32 mg.; conjugated estrogense-equin, 6.626 mg.	Ayerst Laboratories.
Probanthine with phenobarbital	Tablet: Phenobarbital, 15 mg.; probanthine, 15 mg.	G. D. Searle & Co.
Probital	Tablet: Phenobarbital, 15 mg.; probanthine, 7.5 mg.	Do.
Propenite	Tablet: Phenobarbital sodium, 12 mg.; sodium nitrite, 60 mg.; hawthorn berries extract, 120 mg.; mistletoe extract, 60 mg.	The Zemmer Co.
Prydonnal Spansule	Capsule: Phenobarbital, 65 mg.; belladonna alkaloids, 0.4 mg. (hyoscyamine sulfate, 0.305 mg.; atropine sulfate, 0.06 mg.; scopolamine hydrobromide, 0.035 mg.).	Smith Kline & French Laboratories.
Quadrinal	Tablet: Phenobarbital, 24 mg.; ephedrine hydrochloride 24 mg.; theophylline calcium salicylate, 130 mg.; potassium iodide, 300 mg.	Knoll Pharmaceutical Co.
Do	Suspension (5 cc.): Phenobarbital, 12 mg.; ephedrine hydrochloride, 12 mg.; theophylline calcium salicylate, 65 mg.; potassium iodide 160 mg.	Do.
Quintrate with nitroglycerin and phenobarbital.	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 20 mg.; nitroglycerin, 0.4 mg.	Paul B. Elder Co., Inc. (Glynn A. Beard).
Quintrate with phenobarbital	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	Do.
Do	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 20 mg.	Do.
Robinul-PH	Tablet: Phenobarbital, 16.2 mg.; glycopyrrolate, 1.0 mg.	A. H. Robins Co., Inc.
Robinul-PH forte	Tablet: Phenobarbital, 16.2 mg.; glycopyrrolate, 2.0 mg.	Do.
Rubexatal	Tablet: Phenobarbital, 15 mg.; mannitol hexanitrate, 30 mg.; ascorbic acid, 10 mg.; rutin, 20 mg.	Lemmon Pharmacal Co.
Rutol	Tablet: Phenobarbital, 8.0 mg.; mannitol hexanitrate, 16 mg.; rutin, 10 mg.	Pitman-Moore.
Salisil with phenobarbital	Tablet: Phenobarbital, 1/4 gr.; acetylsalicylic acid, 5 gr.; magnesium trisilicate, 2 gr.	Paul B. Elder Co., Inc.
Selbella	Tablet: Phenobarbital, 1/3 gr.; aluminum hydroxide gel, 5 gr.; belladonna extract, 1/3 gr.	Wyeth Laboratories
Sed-Tens	Tablet (12 hr.): Amobarbital, 50 mg.; homatropine methylbromide, 7.5 mg.	Lemmon Pharmacal Co.
Sibena	Tablet: Butabarbital sodium, 16 mg.; simethicone, 25 mg.; belladonna extract, 16 mg. (total alkaloids 0.20 mg.).	Plough Laboratories, Inc.
Sodium nitrite with phenobarbital.	Tablet: Phenobarbital sodium, 1/3 gr.; sodium nitrite, 1 gr.; sodium bicarbonate, 2 gr.; hawthorn berries, fluid extract, 1/4 minim.	Paine Drug Co.
Do	Tablet: Phenobarbital, 1/2 gr.; sodium nitrite, 1 gr.	Buffalo Pharmaceutical Supply Corp.
Spasticol PB	Tablet: Phenobarbital, 15 mg.; homatropine methylbromide, 2.5 mg.	Key Pharmaceuticals, Inc.
Spastosed	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.13 mg.; calcium carbonate, 227 mg.; magnesium hydroxide, 162 mg.	North American Pharmacal, Inc.
Synirin	Tablet: Pentobarbital, 8 mg.; aspirin, 324 mg.	Wm. P. Poythress & Co., Inc.
TCS	Tablet: Phenobarbital, 16 mg.; theobromine salicylate, 0.4 gm., calcium salicylate, 0.06 gm.	Do.
Tedral-25	Tablet: Butabarbital 25 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Warner-Chilcott Laboratories.
Tedral S.A	Tablet: Phenobarbital, 25 mg.; theophylline, 180 mg.; ephedrine hydrochloride, 48 mg.	Do.
Tensodin	Tablet: Phenobarbital, 15 mg.; ethaverine hydrochloride, 30 mg.; theophylline calcium salicylate, 260 mg.	Knoll Pharmaceutical Co.
Tensophen	Tablet: Phenobarbital, 16 mg.; nitroglycerin, 0.26 mg.; sodium nitrite, 32 mg.; podophyllin, 1 mg.; extract beef bile, 16 mg.	P. J. Noyes Co.
Thedritem	Tablet: Phenobarbital, 8 mg.; theophylline, hydrous, 100 mg.; ephedrine hydrocloride, 25 mg.	The Zemmer Co.
Theobarb	Tablet: Phenobarbital, 32 mg.; theobromine, 325 mg.	Mallinckrodt Chemical Works.
Theobarb-R	Tablet: Phenobarbital, 10 mg.; reserpine, 0.1 mg.; theobromine, 324 mg.	Do.
Theobarb special	Tablet: Phenobarbital, 16 mg.; theobromine, 325 mg.	Do.
Theobromine and phenobarbital	Tablet: Phenobarbital, 16 mg.; theobromine, 0.3 gm.	P. J. Noyes Co.
Theobromine-phenobarbital	Tablet: Phenobarbital, 30 mg.; theobromine, 0.3 gm.	The S. E. Massengill Co.
Do	Tablet: Phenobarbital, 32 mg.; theobromine, 324 mg.	The Upjohn Co.
Theobromine-phenobarbital compound.	Tablet: Phenobarbital, 1/4 gr.; theobromine, 2 1/2 gr.; potassium iodide, 2 1/2 gr.; potassium bicarbonate, 2 gr.	Do.
Theobromine with phenobarbital No. 1.	Tablet: Phenobarbital, 15 mg.; theobromine, 324 mg.	Buffington's, Inc.
Theobromine and sodium acetate with phenobarbital.	Tablet: Phenobarbital, 1/4 gr.; theobromine and sodium acetate, 3 gr.	Paul B. Elder Co., Inc.
Theobromine sodium salicylate with phenobarbital.	Tablet: Phenobarbital, 15 mg.; theobromine sodium salicylate, 300 mg.	The Zemmer Co.
Theocardone No. 1	Tablet: Phenobarbital, 15 mg.; theobromine, 300 mg.	Haack Laborstories, Inc.
Theocardone No. 2	Tablet: Phenobarbital, 30 mg.; theobromine, 300 mg.	Do.
Theodide	Tablet: Phenobarbital, 1/4 gr.; potassium iodide, 2 1/2 gr.; theobromine sodium salicylate, 2 1/2 gr.	The Vale Chemical Co., Inc.
Theoglycinate with phenobarbital.	Tablet: Phenobarbital, 16 mg.; theophylline-sodium glycinate, 324 mg.	Brayten Pharmaceutical Co.
Theoglycinate with racephedrine and phenobarbital.	Tablet: Phenobarbital, 16 mg.; theophylline-sodium glycinate, 324 mg.; racephedrine hydrochloride, 24 mg.	Do.

Trade name or other designation	Composition	Manufacturer or supplier
Theoplaphen	Tablet: Phenobarbital, 15 mg.; theobromine sodium salicylate, 0.2 gm.; calcium lactate, 0.1 mg.	The S. E. Massengill Co.
Theominal	Tablet: Phenobarbital, 32 mg.; theobromine, 320 mg.	Winthrop Laboratories.
Theominal M	Tablet: Phenobarbital, 16 mg.; theobromine, 320 mg.	Do.
Theominal R S	Tablet: Phenobarbital, 16 mg.; theobromine, 320 mg.; alseroxylon, 1.5 mg.	Do.
Theophen	Tablet: Phenobarbital, ¾ gr.; theobromine sodium salicylate, 5 gr.; calcium carbonate, 2½ gr.	The Vale Chemical Co., Inc.
Theorate	Tablet: Phenobarbital, 16.2 mg.; theobromine, 324 mg.	Whittier Laboratories, Inc.
Thymodyne	Tablet: Phenobarbital, 32 mg.; theophylline anhydrous, 130 mg.; ephedrine sulfate, 24 mg.	P. J. Noyes Co.
Trocinate with phenobarbital	Tablet: Phenobarbital, 16 mg.; thiphenamil hydrochloride, 100 mg.	Wm. P. Poythress & Co., Inc.
Tricloid	Tablet: Phenobarbital, 16 mg.; tricyclamol chloride, 50 mg.	Burroughs Wellcome & Co.
Triophen	Tablet: Phenobarbital, ¼ gr.; astropinesulfate, 1/150 gr.; magnesium trisilicate, 7 gr.	The Vale Chemical Co., Inc.
Valpin-PB	Tablet or elixir (5 cc.): Phenobarbital, 8 mg.; anisotropine methylbromide, 10 mg.	Endo Laboratories Inc.
Vasorutin	Tablet: Diallylbarbituric acid, ¾ gr.; nitroglycerin, 1/100 gr.; sodium nitrite, 1 gr.; tincture crataegus, 2 minims; rutin, 20 mg.	Buffington's, Inc.
Veralzem	Tablet: Phenobarbital, 15 mg.; veratrum viride, 80 mg.; sodium nitrite, 60 mg.	The Zemmer Co.
Veratrite	Tablet: Phenobarbital, ¼ gr.; cryptenamine, 40 CSR (carotid sinus reflex) units; sodium nitrite, 1 gr.	Neisler Laboratories, Inc.
Veritag	Tablet: Phenobarbital, 16 mg.; veratrum viride, 40 mg.; sodium nitrite, 65 mg.	S. J. Tutag and Co.
Vertegus	Tablet: Phenobarbital, ¼ gr.; veratrum viride, ¼ gr.; sodium nitrite, 1 gr.; mistletoe, ½ gr.; hawthorn berries, ½ gr.	Burt Krone Co.
Veruphen	Tablet: Phenobarbital, 15 mg.; rutin, 20 mg.; veratrum viride, 15 mg.; sodium nitrite, 60 mg.	The Zemmer Co.
Viritin	Tablet: Phenobarbital, 15 mg.; mannitol hexanitrate, 30 mg.; veratrum viride alkaloids, 1.5 mg.; rutin, 20 mg.	Lemmon Pharmacal Co.
W-T	Powder (4 gm.): Phenobarbital, 15 mg.; belladonna extract, 10 mg. (0.12 mg. belladonna alkaloids); benzocaine, 15 mg.; calcium carbonate, 1.55 gm.; magnesium oxide, 0.5 gm.; aluminum hydroxide gel, dried, 60 mg.	Warren-Teed Pharmaceuticals Inc.
W-T	Tablet: Phenobarbital, 1/16 gr.; belladonna extract, 1/324 gr.; benzocaine, 1/16 gr.; calcium carbonate, 6 gr.; magnesium trisilicate, 3¾ gr.; aluminum hydroxide gel, dried, 2½ gr.; chlorophyll extract, 1%.	Do.
Xanlephen	Tablet: Phenobarbital, 16.2 mg.; theobromine, 162 mg.; ethylenediamine dihydriodide, 32.4 mg.	Pitman-Moore.
Zallegen compound	Tablet: Phenobarbital, 8 mg.; tocamphyl, 75 mg.; homatropine methylbromide, 2.5 mg.	The S. E. Massengill Co.
Zantrate	Tablet: Cyclopentenylallylbarbituric acid, ½ gr.; ephedrine sulfate, ¾ gr.; theophylline anhydrous, 2 gr.	The Upjohn Co.
Zem-Dab	Tablet: Butabarbital sodium, 16 mg.; dehydrocholic acid, 60 mg.; ox bile desiccated, 120 mg.; homatropine methylbromide, 2.5 mg.	The Zemmer Co.
No. 23	Tablet: Phenobarbital, ½ gr.; aminophylline, 3 gr.	Stayner Corp.
No. 35	Tablet: Phenobarbital, ½ gr.; aminophylline, 1.5 gr.; ephedrine sulfate, ¾ gr.	Do.
No. 36	Tablet: Pentabarbital sodium, ¾ gr.; ephedrine sulfate, ¾ gr.; aminophylline, 3 gr.	Do.
No. 65	Tablet: Phenobarbital, ¼ gr.; extract belladonna, ¼ gr.	Do.
No. 66	Tablet: Phenobarbital, ¼ gr.; extract belladonna, ¼ gr.	Do.
No. 75	Tablet: Phenobarbital, ¼ gr.; belladonna, ¼ gr.	Bariatric Corp.
No. 88	Tablet: Phenobarbital, ¼ gr.; aminophylline, 1.5 gr.	Stayner Corp.
No. 89	Tablet: Phenobarbital, ½ gr.; aminophylline, 1.5 gr.	Do.
No. 111	Tablet: Phenobarbital, ½ gr.; ephedrine sulfate, ¾ gr.	Do.
No. 136	Tablet: Phenobarbital, 30 mg.; homatropine methylbromide, 5 mg.	Do.
No. 643	Tablet: Phenobarbital, ¼ gr.; theophylline, 2 gr.; ephedrine hydrochloride, ¾ gr.	Do.
Rx. No. 4104	Tablet: Phenobarbital, ¼ gr.; calcium carbonate, 7½ gr.; magnesium oxide, 4 gr.; atropine sulfate, 1/200 gr.	The Zemmer Co.
Rx. No. 4105	Tablet: Phenobarbital, ¼ gr.; calcium carbonate, 10 gr.; atropine sulfate, 1/200 gr.	Do.
Rx. No. 4108	Capsule: Phenobarbital, ¼ gr.; atropine sulfate, 1/100 gr.; calcium carbonate, 6½ gr.; magnesium oxide, heavy, 2 gr.	Do.
Rx. No. 4123	Capsule: Phenobarbital, ¼ gr.; bismuth subgallate, 5 gr.; extract belladonna, ½ gr.	Do.
Rx. No. 4126	Capsule: Pentobarbital sodium, 15 mg.; extract belladonna, 10 mg.	Do.
Rx. No. 4143	Capsule: Phenobarbital, ¼ gr.; aminophylline, 1.5 gr.; potassium iodide, 1 gr.	Do.
Rx. No. 4152	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/200 gr.	Do.
Rx. No. 4155	Tablet: Phenobarbital, ½ gr.; atropine sulfate, 1/1000 gr.; aluminum hydroxide gel, 3¾ gr.; kaolin, 3¾ gr.	Do.
Rx. No. 4170	Tablet: Phenobarbital, ½ gr.; atropine sulfate, 1/200 gr.; calcium carbonate, 10 gr.	Do.
Rx. No. 4184	Capsule: Sodium butabarbital, 15 mg.; belladonna extract, 15 mg.	Do.

HEARINGS

§ 308.41 Hearings generally.

In any case where the Director shall hold a hearing on the issuance, amendment, or repeal of rules pursuant to section 201 of the Act, the procedures for such hearing and accompanying proceedings shall be governed generally by the rulemaking procedures set forth in the Administrative Procedure Act (5 U.S.C. 551–559) and specifically by section 201 of the Act (21 U.S.C. 811), by §§ 308.42–308.51, and by §§ 316.41–316.67 of this chapter.

§ 308.42 Purpose of hearing.

If requested by any interested person after proceedings are initiated pursuant to § 308.44, the Director shall hold a hearing for the purpose of receiving factual evidence and expert opinion regarding the issues involved in the issuance, amendment or repeal of a rule issuable pursuant to section 201(a) of the Act (21 U.S.C. 811(a)). Extensive argument should not be offered into evidence but rather presented in opening or closing statements of counsel or in memoranda or proposed findings of fact and conclusions of law.

§ 308.43 Waiver or modification of Rules.

The Director or the presiding officer (with respect to matters pending before him) may modify or waive any rule in this part by notice in advance of the hearing, if he determines that no party in the hearing will be unduly prejudiced and the ends of justice will thereby be served. Such notice of modification or waiver shall be made a part of the record of the hearing.

§ 308.44 Initiation of proceedings for rulemaking.

(a) Any interested person may submit a petition to initiate proceedings for the issuance, amendment, or repeal of any rule or regulation issuable pursuant to the provisions of section 201 of the Act.

(b) Petitions shall be submitted in quintuplicate to the Director in the following form:

(Date)

DIRECTOR, BUREAU OF NARCOTICS
AND DANGEROUS DRUGS
Department of Justice,
Washington, D.C. 20537.

DEAR SIR: The undersigned ---- hereby petitions the Director to initiate proceedings for the issuance (amendment or repeal) of a rule or regulation pursuant to section 201 of the Controlled Substances Act.

Attached hereto and constituting a part of this petition are the following:

(A) The proposed rule in the form proposed by the petitioner. (If the petitioner seeks the amendment or repeal of an existing rule, the existing rule, together with a reference to the section in the Code of Federal Regulations where it appears, should be included.)

(B) A statement of the grounds which the petitioner relies for the issuance (amendment or repeal) of the rule. (Such grounds shall include a reasonably concise statement of the facts relied upon by the petitioner,

including a summary of any relevant medical or scientific evidence known to the petitioner.)

All notices to be sent regarding this petition should be addressed to:

(Name)

(Street Address)

(City and State)

Respectfully yours,

(Signature of petitioner)

(c) Within a reasonable period of time after the receipt of a petition, the Director shall notify the petitioner of his acceptance or nonacceptance of the petition, and if not accepted, the reason therefor. The Director need not accept a petition for filing if any of the requirements prescribed in paragraph (b) of this section is lacking or is not set forth so as to be readily understood. If the petitioner desires, he may amend the petition to meet the requirements of paragraph (b) of this section. If accepted for filing, a petition may be denied by the Director within a reasonable period of time thereafter if he finds the grounds upon which the petitioner relies are not sufficient to justify the initiation of proceedings.

(d) The Director shall, before initiating proceedings for the issuance, amendment, or repeal of any rule either to control a drug or other substance, or to transfer a drug or other substance from one schedule to another, or to remove a drug or other substance entirely from the schedules, and after gathering the necessary data, request from the Secretary a scientific and medical evaluation and the Secretary's recommendations as to whether such drug or other substance should be so controlled, transferred, or removed as a controlled substance. The recommendations of the Secretary to the Director shall be binding on the Director as to such scientific and medical matters, and if the Secretary recommends that a drug or other substance not be controlled, the Director shall not control that drug or other substance.

(e) If the Director determines that the scientific and medical evaluation and recommendations of the Secretary and all other relevant data constitute substantial evidence of potential for abuse such as to warrant control or additional control over the drug or other substance, or substantial evidence that the drug or other substances should be subjected to lesser control or removed entirely from the schedules, he shall initiate proceedings for control, transfer, or removal as the case may be.

(f) If and when the Director determines to initiate proceedings, he shall publish in the FEDERAL REGISTER general notice of any proposed rule making to issue, amend, or repeal any rule pursuant to section 201 of the Act. Such published notice shall include a statement of the time, place, and nature of any hearings on the proposal in the event a hearing is requested pursuant to § 308.45. Such hearings may not be commenced until after the expiration of at least 30 days from the date the general notice is published in the FEDERAL REGISTER. Such published notice shall also include a reference to the legal authority under which the rule is proposed, a statement of the proposed rule, and, in the discretion of the Director, a summary of the subjects and issues involved.

(g) The Director may permit any interested persons to file written comments on or objections to the proposal and shall designate in the notice of proposed rule making the time during which such filings may be made.

§ 308.45 Request for hearing or appearance; waiver.

(a) Any interested person desiring a hearing on a proposed rulemaking, shall, within 30 days after the date of publication of notice of the proposed rulemaking in the FEDERAL REGISTER, file with the Director a written request for a hearing in the form prescribed in § 316.47 of this chapter.

(b) Any interested person desiring to participate in a hearing pursuant to § 308.41 shall, within 30 days after the date of publication of the notice of hearing in the FEDERAL REGISTER, file with the Director a written notice of his intention to participate in such hearing in the form prescribed in § 316.48 of this chapter. Any person filing a request for a hearing need not also file a notice of appearance; the request for a hearing shall be deemed to be a notice of appearance.

(c) Any interested person may, within the period permitted for filing a request for a hearing, file with the Director a waiver of an opportunity for a hearing or to participate in a hearing, together with a written statement regarding his position on the matters of fact and law involved in such hearing. Such statement, if admissible, shall be made a part of the record and shall be considered in light of the lack of opportunity for cross-examination in determining the weight to be attached to matters of fact asserted therein.

(d) If any interested person fails to file a request for a hearing; or if he so files and fails to appear at the hearing, he shall be deemed to have waived his opportunity for the hearing or to participate in the hearing, unless he shows good cause for such failure.

(e) If all interested persons waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing, if scheduled, and issue his final order pursuant to § 308.48 without a hearing.

§ 308.46 Burden of proof.

At any hearing, the proponent for the issuance, amendment, or repeal of any rule or regulation shall have the burden of proof.

§ 308.47 Time and place of hearing.

The hearing will commence at the place and time designated in the notice of proposed rulemaking published in the FEDERAL REGISTER but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without notice other than announcement thereof by the presiding officer at the hearing.

§ 308.48 Final order.

As soon as practicable after the presiding officer has certified the record to the Director, the Director shall cause to be published in the FEDERAL REGISTER his order in the proceeding, which shall set forth the final rule and the findings of fact and conclusions of law upon which the rule is based. This order shall specify the date on which it shall take effect, which shall not be less than 30 days from the date of publication in the FEDERAL REGISTER unless the Director finds that conditions of public health or safety necessitate an earlier effective date, in which event the Director shall specify in the order his findings as to such conditions.

§ 308.49 Control required under international treaty.

Pursuant to section 201(d) of the Act (21 U.S.C. 811(d)), where control of a substance is required by U.S. obligations under international treaties, conventions, or protocols in effect on May 1, 1971, the Director shall issue and publish in the FEDERAL REGISTER an order controlling such substance under the schedule he deems most appropriate to carry out obligations. Issuance of such an order shall be without regard to the findings required by subsections 201(a) or 202(b) of the Act (21 U.S.C. 811(a) or 812(b)) and without regard to the procedures prescribed by § 308.41 or subsections 201 (a) and (b) of the Act (21 U.S.C. 811 (a) and (b)). An order controlling a substance shall become effective 30 days from the date of publication in the FEDERAL REGISTER, unless the Director finds that conditions of public health or safety necessitate an earlier effective date, in which event the Director shall specify in the order his findings as to such conditions.

§ 308.50 Control of immediate precursors.

Pursuant to section 201(e) of the Act (21 U.S.C. 811(e)), the Director may, without regard to the findings required by subsection 201(a) or 202(b) of the Act (21 U.S.C. 811(a) or 812(b)) and without regard to the procedures prescribed by § 308.41 or subsections 201 (a) and (b) of the Act (21 U.S.C. 811 (a) and (b)), issue and publish in the FEDERAL REGISTER an order controlling an immediate precursor. The order shall designate the schedule in which the immediate precursor is to be placed, which shall be the same schedule in which the controlled substance of which it is an immediate

precursor is placed or any other schedule with a higher numerical designation. An order controlling an immediate precursor shall become effective 30 days from the date of publication in the FEDERAL REGISTER, unless the Director finds that conditions of public health or safety necessitate an earlier effective date, in which event the Director shall specify in the order his findings as to such conditions.

§ 308.51 Pending proceedings.

All administrative proceedings pending before the Bureau on the effective date of this part, including the matter of listing chlordiazepoxide and its salts and diazepam as drugs subject to control under the Drug Abuse Control Amendments of 1965, shall be continued and brought to final determination in accord with the laws and regulations in effect prior to such effective date.

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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: (1) The effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). 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
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alabama	Lowndes	Benton, Town of.	I 01 085 0315 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Staggers Clinic, 117 Market St., Benton, AL 36785.	Feb. 25, 1972. Emergency. Apr. 6, 1973. Regular.
Do	Jefferson	Birmingham, City of.	----------	----------	----------	Mar. 30, 1973. Emergency.
Colorado	El Paso	Colorado Springs, City of.	----------	----------	----------	Do.
Connecticut	Litchfield	Deep River, Town of.	----------	----------	----------	Do.
Delaware	Sussex	Bethany Beach, Town of.	I 10 005 0020 01 I 10 005 0020 02	Division of Soil and Water Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capital Complex, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, DE 19901.	President of the Board of Commissioners, Town of Bethany Beach, Bethany Beach, Del. 19930.	Nov. 12, 1972. Emergency. Mar. 30, 1973. Regular.
Florida	Manatee	Holmes Beach, City of.	----------	----------	----------	July 10, 1970. Emergency. June 11, 1971. Regular. Sept. 15, 1972. Suspension. Mar. 26, 1973. Reinstated.
Illinois	Cook	LaGrange, Village of.	----------	----------	----------	Mar. 30, 1973. Emergency.
Do	Lake	Mundelein, Village of.	----------	----------	----------	Do.
Do	St. Clair	Unincorporated areas.	----------	----------	----------	Do.
Indiana	Dearborn	Aurora, City of	I 18 029 0230 01 through I 18 029 0230 04.	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Aurora Planning Commission, Third and Main Sts., P.O. Box 158, Aurora, IN 47001.	Jan. 19, 1973. Emergency. Apr. 6, 1973. Regular.
Do	Elkhart	Goshen, City of	----------	----------	----------	Mar. 30, 1973. Emergency.
Do	Marion	Speedway, Town of.	----------	----------	----------	Do.
Kentucky	Harlan	Loyall, City of	I 21 095 2100 01	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	City Clerk's Office, City of Loyall, Loyall, Ky. 40854.	Dec. 3, 1971. Emergency. Apr. 6, 1973. Regular.
Do	Woodford	Unincorporated areas.	----------	----------	----------	Mar. 30, 1973. Emergency.
Maine	York	Saco, City of	----------	----------	----------	Do.
Maryland	Charles	Unincorporated areas.	----------	----------	----------	Do.
Massachusetts	Plymouth	Marion, Town of	I 25 023 0677 01 through I 25 023 0677 07	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.	The Town Hall, 2 Spring St., Marion, MA 02738.	Oct. 8, 1971. Emergency. Apr. 6, 1973. Regular.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Michigan	Bay	Unincorporated Townships of Fraser, Garfield, Gibson, Kawkawlin only.				Mar. 30, 1973.
Do	do	Bangor, Township of.				Do.
Do	do	Bay City, City of				Do.
Do	do	Essexville, City of				Do.
Do	do	Frankenlust, Township of.				Do.
Do	do	Hampton, Township of.				Do.
New York	Cattaraugus	Allegany, Town of.				Do.
Do	do	Allegany, Village of.				Do.
Do	Cortland	Dryden, Village of.				Do.
Do	Monroe	Wheatland, Town of.				Do.
Do	Niagara	Youngstown, Village of.				Do.
Do	Ontario	Geneva, Town of				Do.
Do	Orleans	Kendall, Town of				Do.
Do	Wayne	Palmyra, Town of				Do.
Do	do	Sodus, Town of				Do.
Ohio	Delaware	Westerville, City of.				Do.
Do	Erie	Huron, City of				Do.
Do	Cuyahoga	Lakewood, City of.				Do.
Do	do	Merritt, Township of.				Do.
Do	do	Pinecoming, Township of.				Do.
Do	Kent	Grandville, City of.				Do.
Do	do	Kentwood, City of.				Do.
Do	Monroe	Estral Beach, Village of.				Do.
Do	Oakland	Farmington, Township of.				Do.
Do	do	West Bloomfield, Township of.				Do.
Do	Wayne	Grosse Pointe Woods, City of.				Do.
Do	do	Trenton, City of				Do.
Minnesota	Hennepin	Champlin, Village of.				Do.
Oregon	Tillamook	Tillamook, City of.				Do.
Pennsylvania	Berks	Lower Alsace, Township of.				Do.
Do	Blair	Hollidaysburg, Borough of.				Do.
Do	Centre	Bellefonte, Borough of.				Do.
Do	do	Haines, Township of.				Do.
Do	Chester	East Bradford, Township of.				Do.
Do	Dauphin	Hummelstown, Borough of.				Do.
Do	do	Londonderry, Township of.				Do.
Do	do	South Hanover, Township of.				Do.
Do	Juniata	Port Royal, Borough of.				Do.
Do	Lycoming	Armstrong, Township of.				Do.
Do	do	Wolf, Township of.				Do.
Do	Montgomery	Lower Providence, Township of.				Do.
Do	Northampton	Freemansburg, Borough of.				Do.
Do	Schuylkill	Blythe, Township of.				Do.
Rhode Island	Kent	Warwick, City of	I 44 003 0230 07 I 44 003 0230 08	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, RI 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, RI 02903.	Department of City Plan, City Hall, Warwick, R.I. 02886.	June 19, 1970. Emergency. Apr. 6, 1973. Regular.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Texas	Potter and Randall	Amarillo, City of				Mar. 30, 1973.
Virginia	Shenandoah	Unincorporated areas.				Do.
Wisconsin	Iron	Hurley, City of	I 55 051 2230 01	Department of Natural Resources, P.O. Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	City Clerk's Office, City Hall, City of Hurley, Hurley, Wis. 54534.	May 28, 1971. Emergency. Apr. 6, 1973. Regular.
Do.	Outagamie	Appleton, City of	I 55 087 0170 01 I 55 087 0170 02	do	Department of Planning and Development, City Hall, City of Appleton, Appleton, Wis. 54911.	Apr. 23, 1971. Emergency. Apr. 6, 1973. Regular.
Do.	Pierce	River Falls, City of.				Mar. 30, 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: March 23, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-5863 Filed 3-29-73;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comments and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective March 29, 1973. 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
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alabama	Lowndes	Benton, Town of.	H 01 085 0315 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Staggers Clinic, 117 Market St., Benton, AL 36785.	Apr. 6, 1973.
Delaware	Sussex	Bethany Beach, Town of.	H 10 005 0020 01 H 10 005 0020 02	Division of Soil and Water Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capital Complex, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, DE 19901.	President of the Board of Commissioners, Town of Bethany Beach, Bethany Beach, Del. 19930.	Do.
Florida	Broward	Pembroke Pines, City of.	H 12 011 2408 01 H 12 011 2408 02	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Office of the City Engineer, City Hall, City of Pembroke Pines, Pembroke Pines, Fla. 33023.	Do.
Illinois	Cook	Flossmoor, Village of.	H 17 031 3080 01 through H 17 031 3080 03.	Department of Local Government Affairs, 309 West Washington St., Chicago, IL 60606. Illinois Insurance Department, 525 West Jefferson St., Springfield, IL 62702.	Village Manager's Office, Village of Flossmoor, Flossmoor, Ill. 60422.	Do.
Indiana	Dearborn	Aurora, City of	H 18 029 0230 01 through H 18 029 0230 04.	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, 46204.	Aurora Planning Commission, Third and Main Sts., P.O. Box 158, Aurora, IN 47001.	Do.
Kentucky	Harlan	Loyall, City of	H 21 095 2100 01	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	City Clerk's Office, City of Loyall, Loyall, Ky. 40854.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Massachusetts...	Plymouth.....	Marion, Town of..	H 25 023 0677 01 through H 25 023 0677 07.	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.	The Town Hall, 2 Spring St., Marion, MA 02738.	Do.
Michigan.....	Oakland.....	Birmingham, City of.	H 26 125 0490 01.. H 26 125 0490 02	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, MI 48913.	City Engineering Department, 151 Martin St., Birmingham, MI 42012.	Do.
New York.....	Tioga.....	Owego, Village of.	H 36 107 4580 01..	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Enforcement Office of the Town, 111 East Main St., Owego, NY 13827.	Do.
Pennsylvania...	Delaware.....	Eddystone, Borough of.	H 42 045 2400 01..	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Eddystone Municipal Bldg., 12th and Saville Ave., Eddystone, Pa. 19013.	Do.
Do.....	Lycoming.....	Jersey Shore, Borough of.	H 42 081 3690 01.....	do.....	Municipal Bldg., 232 Smith St., Jersey Shore, PA 17740.	Do.
Rhode Island...	Kent.....	Warwick, City of.	H 44 003 0230 07.. H 44 003 0230 08	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, RI 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, RI 02903.	Department of City Plan, City Hall, Warwick, R.I. 02886.	Do.
Wisconsin.....	Iron.....	Hurley, City of.	H 55 051 2230 01..	Department of Natural Resources, P.O. Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	City Clerk's Office, City Hall, city of Hurley, Hurley, Wis. 54534.	Do.
Do.....	Outagamie.....	Appleton, City of.	H 55 087 0170 01.. H 55 087 0170 02	.....do.....	Department of Planning and Development, City Hall, city of Appleton, Appleton Wis. 54911.	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: March 23, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-5864 Filed 3-29-73;8:45 am]

Proposed Rules

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 rulemaking prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 11]

BOTTLED WATER

Proposed Quality Standards; Extension of Time for Filing Comments

In the FEDERAL REGISTER of January 8, 1973 (38 FR 1019), the Commissioner of Food and Drugs proposed to amend 21 CFR Part 11 (37 FR 20038) by adding to Subpart B a new § 11.7 *Bottled Water*. Interested persons were invited to file written comments regarding this proposal on or before March 9, 1973.

The Commissioner has received a request for extension of such time and, good reason therefor appearing, the time for filing written comments regarding this proposal is extended to April 10, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(h), 701, 52 Stat. 1046, 1047 and 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 343(h), 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 26, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-6132 Filed 3-29-73;8:45 am]

[21 CFR Parts 1, 3, 5, 20]

FOOD LABELING

Extension of Time for Filing Comments

The following notices of proposed rulemaking published in the FEDERAL REGISTER of January 19, 1973, provided for the filing of written comments on or before March 20, 1973:

1. Amendment of § 1.8 *Food in package form, labeling; identity* (38 FR 2138).

2. Revocation of 21 CFR 3.10, 3.23(b), and 3.201 and amendment of § 1.12 *Food; labeling; artificial flavoring or coloring, chemical preservatives* (38 FR 2139).

3. Revocation of § 1.10(e), (f), and (g), redesignation of § 1.10(h) as § 1.10 (e), establishment of new § 1.10a *Food; labeling; exemptions from labeling requirements*, revocation of 21 CFR 3.1 and 3.26, and revocation of 21 CFR Part 5 (38 FR 2141).

4. Revocation of 21 CFR 3.39 and amendment of 21 CFR Part 20 to establish new identity standards for mellorine and parevine (38 FR 2150).

The Commissioner of Food and Drugs has received requests for an extension of such time and, good reason therefore appearing, the time for filing comments is extended to April 20, 1973. To be considered, such comments must be received at the Office of the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, by the close of business (5 p.m.) on April 20, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403, 701, 52 Stat. 1046, as amended, 1047, as amended, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 348, 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 26, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-6131 Filed 3-29-73;8:45 am]

Office of the Secretary

[45 CFR Part 5]

AVAILABILITY OF INFORMATION TO THE PUBLIC

Notice of Proposed Rulemaking

Notice is hereby given of proposed amendments to the Department regulation on availability of records to the public, pursuant to 5 U.S.C. 552 and 42 U.S.C. 1306. The substance of the Department's regulation has remained unchanged since it was first promulgated in 1967. It is now advisable in light of our experience under the Freedom of Information Act and the regulation to revise the format of the regulation. The new format would specifically identify types of records which the Department as a matter of policy, has determined will be available to the public and those types of records which will not normally be disclosed by the Department. This format would give greater guidance to both Department personnel and to the general public on what records will be freely available.

Certain technical and conforming changes are also made to reflect the current organization of the Department. In Subpart A, § 5.3 is amended to list the current operating agencies of the Department and § 5.4 is amended to correctly list the heads of the operating agencies. In Subpart B, § 5.11 is amended to list the regulations of the operating agencies which, with qualifications identified in Subpart F, continue in full force and effect. Such agency regulations will be revised after publication of this regulation to conform to this regulation. In Subpart C, §§ 5.31 and 5.32 are amended to reflect the Department's current organization. Section 5.32 also adds an information center officer for Food and Drug Administration, thereby delegating to an official of Food and Drug Administration authority to make initial denials of requests for records. Appeal from such denial will continue to lie with the Assistant Secretary for Health.

Section 5.51(c) expresses a new policy that all requests for information be responded to within 10 days of receipt, allowing a reasonable time for locating and reproducing the materials. If the request cannot be acted upon within 10 days, an interim reply will be made.

Section 5.61 is revised to set forth the fee schedule for the Office of the Secretary and to refer to agency regulations for fee schedules applicable to such agencies.

Subpart F is entirely revised. Section 5.70 reiterates the policy of the Department to make fullest possible disclosure consistent with its obligations of confidentiality and administrative necessity. Section 5.71 identifies the kinds of information, in whatever record contained, which will not be disclosed. Section 5.72 sets forth, with such additional clarification as is necessary, those types of records which will generally be made available. Disclosure, however, will be subject to the limitations indicated in §§ 5.71 and 5.73. Significant changes effected by this subpart include:

(1) The deletion of the exemption for correspondence or other communications between the Department and State or local governmental officials; and

(2) The release of final reports of audits, surveys, reviews or evaluations, whether made by, for or on behalf of the Department, of performance by any grantee, contractor, or provider.

Section 5.73 lists those types of records which, in the judgment of the Department fall within the exemptions and for which the protection of the proper exemptions will normally be invoked by the Department. These include:

(1) All interagency and intraagency communcations which reflect opinions or judgments of agency officials or other Government officials;

(2) Files relating to pending investigations for law enforcement purposes; and

(3) Financial and commercial information, trade secrets and other normally confidential materials.

Section 5.74 gives discretion to the head of an operating agency to release otherwise exempt records, except where prohibited by law, when he determines that disclosure is in the public interest and is consistent with obligations of confidentiality and administrative necessity.

Section 5.82 is revised to require the concurrence of the Assistant Secretary for Public Affairs in denials on review by the Assistant Secretary for Administration and Management or the Assistant Secretary for Health.

Appendix A is entirely revised. Instead of listing only examples of exempt records, the appendix now provides examples of both specific records which are and those which are not generally available.

Prior to the final adoption of the proposed amendments to the Regulations, consideration will be given to any data, views, or arguments, pertaining thereto which are submitted in writing on or before April 30, 1973.

Comments should be addressed to:

Director of Public Services, Department Information Center Officer, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201.

Comments received will be available for inspection at the Department's Information Center, Room 1528 at the above address.

Dated: March 27, 1973.

CASPAR W. WEINBERGER,
Secretary.

1. Section 5.3 is revised to read as follows:

§ 5.3 Operating agency.

As used in this part,, "operating agency" means the constituent operating agencies of the Department, i.e., the Health Services and Mental Health Administration, the National Institutes of Health, the Food and Drug Administration, the Office of Education, the National Institute of Education, the Social Security Administration, and the Social and Rehabilitation Service. Three operating agencies, the Health Services and Mental Health Administration, the National Institutes of Health, and the Food and Drug Administration constitute the Public Health Service.

2. Section 5.4 is revised to read as follows:

§ 5.4 Heads of Office of Secretary and operating agencies.

The heads of the Office of the Secretary, the Public Health Service, and the operating agencies are as follows:

Office of the Secretary—Secretary of Health, Education, and Welfare.
Public Health Service—Assistant Secretary for Health.
Food and Drug Administration—Commissioner of Food and Drugs.
Health Services and Mental Health Administration—Administrator, Health Services and Mental Health Administration.
National Institutes of Health—Director, National Institutes of Health.
Office of Education—Commissioner of Education.
National Institute of Education—Director, National Institute of Education.
Social Security Administration—Commissioner of Social Security.
Social and Rehabilitation Service—Administrator, Social and Rehabilitation Service.

3. Section 5.11 is revised to read as follows:

§ 5.11 Purpose and scope.

This part constitutes the regulation of the Department respecting the availability to the public, pursuant to the Act, of records of the Department. It informs the public what records are generally available and where and how they may be obtained. To the extent that they are not inconsistent with this regulation, it does not revoke, modify, or supersede the following regulations of the Public Health Service, of the operating agencies, or of subsidiaries of operating agencies:

Public Health Service—42 CFR Part 1.
Food and Drug Administration—21 CFR Parts 1, 2, 4, 8, 121, 130, 135, 146, and 191 (see Notice of Proposed Rulemaking 37 FR 9128 May 5, 1972).
Saint Elizabeths Hospital, NIMH, PHS—42 CFR Part 300.
Social Security Administration—20 CFR Part 401 and Part 422, Subpart E.

4. Section 5.31 is amended to read as follows:

§ 5.31 Information centers or facilities.

* * * * *

(b) * * *

* * * * *

Region III—P.O. Box 12900, Philadelphia, PA 19108.

* * * * *

Region X—Arcade Plaza Building, 1321 Second Avenue, Seattle, WA 98101.

(c) Centers are maintained for the Office of the Secretary and the operating agencies, or subsidiaries thereof, at the following locations:

Office of the Secretary	HEW North Building, 330 Independence Avenue SW., Washington, DC 20201.
Food and Drug Administration	Federal Building No. 8, 200 C Street SW., Washington, DC 20204.
National Institutes of Health	Building No. 1, 9000 Rockville Pike, Bethesda, MD 20014.
Health Services and Mental Health Administration.	Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852.
Office of Education	Federal Office Building No. 6, 400 Maryland Avenue SW., Washington, DC 20202.
Social Security Administration	Social Security Building, 6401 Security Boulevard, Baltimore, MD 21235 (as set forth in 20 CFR, Part 401).
Social and Rehabilitation Service	HEW North Building, 330 Independence Avenue SW., Washington, DC 20201.
Saint Elizabeths Hospital, National Institute of Mental Health, Public Health Service.	Administration Building, St. Elizabeths Hospital, Martin Luther King, Jr. Avenue SE., Washington, DC 20032.
National Institute of Education	[To be designated.]

Section 5.32(c) is revised to read as follows:

§ 5.32 Information center officers.

* * * * *

(c) The information center officer for each of the operating agency information centers shall have, concurrently with other duly authorized officers, a like responsibility for the records of his operating agency. The information center officer for the respective operating agencies shall be as follows:

Health Services and Mental Health Administration and National Institutes of Health.	Director of Public Services, Department Information Center Officer.
Food and Drug Administration	Assistant Commissioner for Public Affairs.
Office of Education	Assistant Commissioner for Public Affairs.
Social Security Administration	Assistant Commissioner for Public Affairs.
Social and Rehabilitation Service	Assistant Commissioner for Public Affairs.
National Institute of Education	Assistant to the Director for Public Information.

* * * * *

6. Section 5.51(c) is revised to read as follows:

§ 5.51 Procedure.

* * * * *

(c) A request should identify the requested record by brief description, containing the name, number, or date as applicable, sufficient to enable the record to be identified and located. It is the policy of the Department that requests be answered within 10 days from date of receipt; however, a reasonable time should be allowed for records to be located, evaluated, reproduced, and mailed. If the action cannot be completed within 10 days, a letter will be sent to the requester explaining the reasons for the delay.

* * * * *

7. Section 5.61 is revised to read as follows:

§ 5.61 Fee schedules.

The fee schedule for Office of the Secretary is as follows:

1. Search for records—$3 per hour; provided however that no charge will be made for the first one-half hour.
2. Reproduction, duplication, or copying of records—10 cents per page; provided however that no charge will be made where the total amount does not exceed 50 cents.
3. Certification or authentication of records—$3 per certification or authentication.
4. Forwarding material to destination—postage, insurance, and special fees will be charged on an actual cost basis.

Fee schedules for operating agencies may be found in the applicable agency regulations; see § 5.11.

8. Subpart F—Exemptions, is deleted and the following new Subpart F—Availability of Specific Records, is substituted in lieu thereof:

Subpart F—Availability of Specific Records

Sec.
5.70 Policy.
5.71 Protection of personal privacy and proprietary information.
5.72 Records available.
5.73 Records not available.
5.74 Further disclosure by agency head.
5.82 By whom review is made.
Appendix

Subpart F—Availability of Specific Records

§ 5.70 Policy.

This subpart specifies the types of records which the Department shall, in keeping with its policy of fullest possible disclosure, make available for inspection and copying. For clarity and purposes of guidance, there are also set forth below the kinds or portions of records which generally will not be released, except as may be determined under § 5.74. The appendix to this part contains some examples of the kinds of materials which, in accordance with § 5.72, will generally be released and other materials which, in accordance with § 5.73, are not normally available. Regulations of the operating agencies (see § 5.11) may provide for disclosure of records beyond that provided for in § 5.72.

In the event that any record contains both information which is discloseable and that which is not discloseable under this regulation, the nondiscloseable information will be deleted and the balance of the record disclosed unless the nondiscloseable material is so intertwined that deletion would render the balance of the record unintelligible.

§ 5.71 Protection of personal privacy and proprietary information.

As set forth with more particularity below, certain types of information in whatever record or document contained shall not be disclosed where disclosure would be inconsistent with individual rights of personal privacy or would violate obligations of confidentiality.

(a) Except to the extent specifically otherwise provided by regulations of operating agencies, no disclosure will be made of information of a personal and private nature, such as information in personnel and medical files, in welfare and social security records and any other information of a private and personal nature.

(b) Except to the extent specifically otherwise provided by regulations of operating agencies, information having a commercial, financial, or professional value and in which the person providing the information has a proprietary interest will not be disclosed if it is in fact confidential. In determining whether such information is in fact confidential, consideration may be given to such factors as (1) the general custom or usage in the occupation or business to which the information relates that it be held confidential, (2) the number and situation of the individuals who have access to such information, (3) the type and degree risk of financial injury to be expected if disclosure occurs, and (4) the length of time such information should be regarded as retaining the characteristics noted above.

(c) Information solicited and obtained by the Department from any individual or organization, relying upon provision for confidentiality authorized by applicable statute or regulation, will not be disclosed. This subpart does not itself authorize the giving of any pledge of confidentiality authorized by applicable statute or regulation, will not be disclosed. This subpart does not itself authorize the giving of any pledge of confidentiality by any officer or employee of the Department.

This section does not preclude use of nondiscloseable records or information from such records for authorized program purposes, including law enforcement purposes and litigation. Release of information of the nature described in this section to the individual or the organization to whom the information pertains or to an authorized representative of either will not be deemed a disclosure within the meaning of this part.

§ 5.72 Records available.

The following records of the Department shall, subject to the exceptions set forth in §§ 5.71 and 5.73, be available upon request for inspection and copying.

(a) *Correspondence.* Correspondence between the Department or any official of the Department and individuals or organizations outside the executive branch of the Federal Government relating to or resulting from the conduct of the official business of the Department.

(b) *Records pertaining to grants.* (1) Portions of funded grant applications and other supporting documents submitted by applicants which are not excepted from disclosure by this subpart.

(2) Grant award documents.

(3) All State plans, amendments, and supplements thereto, including applications for the waiver of any provision thereof.

(c) *Contracts.* (1) Contract instruments.

(2) Portions of offers reflecting final prices submitted in negotiated procurements.

(d) *Reports on grantee, contractor, or provider performance.* Final reports of audits, surveys, reviews, or evaluations (excluding those which are subject to the provisions of 20 CFR Parts 401 and 422), by, for, or on behalf of the Department, of performance by any grantee, contractor, or provider under any departmentally financed or supported program or activity, which reports have been transmitted to the grantee, contractor, or provider. However, except as may be provided in 20 CFR, such reports will be available only after 14 days have elapsed following transmittal of the report to the grantee, contractor, or provider.

(e) *Research, development, and demonstration project records.* The final report of a grantee or a contractor of the performance under any research, development, or demonstration project. Records, other than reports, produced in such projects, such as films, computer software, other copyrightable materials and reports of inventions, will be available, except that considerations relating to obtaining copyright and patent protection may require delay in disclosure for such period as necessary to accomplish such protection. Disclosure of records which are copyrightable or which reflect patentable inventions shall not confer upon the requester any license under any copyright or patent without regard to the holder or owner thereof.

§ 5.73 Records not available.

The following types of records or information contained in any record, in addition to those prohibited by law from disclosure, are not available for inspection or copying, any provision of § 5.72 notwithstanding:

(a) *Intra-agency and inter-agency communications.* Communications within the Department, other than those described in § 5.72(D) or between the Department or any official of the Department and any other agency, department, or official of the executive branch of the Federal Government, to the extent they reflect the views or judgment of the writer or of other individuals. If disclosure of any factual portion of the communication would tend to indicate the views or judgment being withheld from disclosure, then such factual portions will also be withheld.

(b) *Investigatory files.* (1) Investigatory files compiled for law enforcement purposes in cases not yet closed. A file is closed within the meaning of this regulation when a final decision has been made not to take enforcement action or enforcement action has been taken and has been concluded. For the purpose of this section "enforcement action" means any authorized action intended to abate, prevent, counteract, deter, or terminate violations of law and includes action involving possible civil, criminal, or administrative sanctions, whether such sanctions involve adversary proceedings or other procedures, such as termination of benefits, protective measures, etc.

(2) Investigatory files compiled for law enforcement purposes in cases that

have been closed, to the extent that disclosure of such files would tend to:

(i) Identify informants;

(ii) Name or otherwise identify, or make available statements with respect to, persons referred to in such file, so as unjustly to defame, embarrass, or prejudice such persons or their successors, affiliates, families, or descendents in their professional, commercial, occupational, community, or personal activities, or otherwise result in a clearly unwarranted invasion of personal privacy;

(iii) Release trade secrets, commercial or financial information, personnel files or medical files; or

(iv) Reveal policy recommendations, or other expression of views or opinions.

§ 5.74 Further disclosure by agency head.

(a) The head of any operating agency, or the Assistant Secretary for Administration and Management with respect to documents in the possession of the Office of the Secretary, or the Assistant Secretary for Health with respect to documents of the three operating agencies comprising the Public Health Service, or the designee of either may in particular instances disclose documents or portions of documents described in § 5.73 if he determines that disclosure is in the public interest and is consistent with obligations of confidentiality and administrative necessity.

(b) In making such a determination, consideration may be given to the Department's responsibilities under law for dissemination to the public of information relating to public health, safety of products or services, education, and welfare.

(c) When such determination has been made, the particular document or portion of document to which it relates shall thereafter be available upon request for inspection and copying: *Provided however,* That use of nondiscloseable records or information from such records for authorized program purposes, including law enforcement purposes and litigation is not a disclosure within the meaning of this section.

§ 5.82 By whom review is made.

(a) Request for review shall be addressed to the Assistant Secretary for Administration and Management, or his designee, with respect to records of the Office of the Secretary, to the Assistant Secretary for Health, or his designee, with respect to the records of the Food and Drug Administration, Health Services and Mental Health Administration, and National Institutes of Health, and to the head of the operating agency, or his designee, with respect to the records of the other operating agencies.

(b) The decision of the Assistant Secretary for Administration and Management or of the Assistant Secretary for Health, if adverse to the requester, shall be made only with the concurrence of the Assistant Secretary for Public Affairs.

APPENDIX

The following are some examples of specific records (or specific information relating to personnel, programs, or activities of this Department) listed according to whether or not they are available upon request for inspection and copying.

GRANTS

Generally Available [1]	*Generally not Available* [1]
Name of grantee, date, subject matter, and amount of grant.	Research protocol, design, processing, and other technical information to the extent proprietary or of a confidential nature.
Fact sheet of funded grant application.	Confidential financial information of grantee.
Final report of grantee.	Raw research data and interim reports on research prior to submission of the final report.
Records of any funded grant other than research grants.	Research or research training grant application on which award is not made.
Final report of any review or evaluation of grantee performance conducted or caused to be conducted by the Department.	
Application for demonstration, experimental, or pilot project under section 1115 of the Social Security Act.	
Sate plan material.	

CONTRACTS

Name of contractor, subject matter, date, and amount of contract.	Trade secrets.
Contract performance review report.	Confidential pricing data contained in contract proposal if in the Department's judgment it is properly so designated by the offeror.
Deficiency report.	Proprietary technical data contained in a contract proposal if in the Department's judgment it is properly so designated by offeror.
Report on performance of providers of medicare services.	Confidential financial information of contractor.
	Draft of proposed final report submitted for comment prior to acceptance.
	Research protocol, design, processing, and other technical information to the extent proprietary or of a confidential nature, including proprietary contents of unsolicited proposals.

ADVISORY COMMITTEES

Name of committee.	Minutes or transcripts of committee meetings or portions thereof which are involved with matters exempt from mandatory disclosure under Freedom of Information Act.
Final report.	
Minutes or transcripts of meetings open to the public and not involved with matters exempt from disclosure under Freedom of Information Act.	

PERSONNEL INFORMATION

Name of employee, title of position, and location of regular duty station.	Home addresses of employees.
Grade, position description, and salary of public employees.	

AFFIRMATIVE ACTION PLAN FILED PURSUANT TO EXECUTIVE ORDER 11246

Approved action plan, including analysis, proposed remedial or affirmative steps to be taken with goals and timetables, policies on recruitment, hiring, and promotion, and description of grievance procedures.	

MISCELLANEOUS

	Names of individual beneficiaries of departmental programs or a list of the benefits they receive if release would be an unwarranted invasion of privacy.
	Earnings records, claims file, and other personal information maintained by or for the Social Security Administration.
	Office for Civil Rights investigatory files in open cases.

[FR Doc.73-6145 Filed 3-29-73;8:45 am]

[1] Since there may be unforeseen variations in the contents of documents in the examples given, or in the circumstances pertinent to the Government's activities concerning matters relating to such documents, these examples do no apply in each and every instance, and they do not override provisions of the regulation that may be applicable in a given case.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 73-59 P]

ANCHORAGE GROUNDS; BARBERS POINT, OAHU, HAWAII

Pipeline Terminal Anchorage

This proposed amendment to 33 CFR 110.236 and 237 would create a new anchorage for barges and small tankers off Barber's Point, and would combine the two sections establishing the three existing tanker anchorages and nonanchorages off Barber's Point.

The Coast Guard finds good cause to follow only a 20 day public comment period and to eliminate the 30 day effective date of the regulation. This is because extensive contacts with the public have already occurred regarding the substantive change made by this proposal, and because the additional anchorages will ease overcrowding and enhance safety.

The proposed consolidation of 33 CFR 110.236 and 237 was publicized by the Commander, Fourteenth Coast Guard District, Honolulu, Hawaii, by a Public Notice 14-71-03 on December 22, 1971. All known interested persons were advised of the proposal. Copies of the notice were mailed to agencies of the Federal, State, and local governments as well as to Members of Congress, shipping and boating interests, newspapers and copies were posted at various post offices. One comment was received from the Standard Oil Company of California, Western Operations, recommending minor changes in the heading and wording in the regulations to permit the bunkering and watering of vessels occupying the anchorages. As these recommendations had merit, and would not affect the overall operations of the anchorages, the suggestions have been adopted and incorporated into the proposal.

The proposed establishment of an additional anchorage for barges and small tankers off Barbers Point (proposed below as 33 CFR 110.236(a)(7)) was promulgated by the Commander, Fourteenth Coast Guard District, by Public Notice 14-72-01 on July 17, 1972. All known interested persons were advised of the proposal. One response to the proposal was received from the Department of Parks and Recreation, city and county of Honolulu, Hawaii, objecting to the establishment of the anchorage because of a possible threat of pollution in the event of a leakage or spillage. Representatives of Conoco Dillingham Oil Co., met with the representatives of the Department of Parks and Recreation and explained the contents of the Oil Spill Contingency Plan and the Department of Parks and Recreation withdrew their objection.

The existing regulations contained in § 110.236 were published on May 11, 1960. Since that time numerous changes have occurred and some of the original regulations do not apply or are unnecessary. These include provisions when the U.S. Navy is conducting mining exercises, periods of time when the anchorages will be occupied, reference to the restriction of prohibition on the operations of military aircraft in the vicinity of the anchorages, restriction to the use of "Butterworth" equipment, restrictions on the pumping of bilges, and the reference to the installation of mooring buoys. All of the above regulations are either outdated or redundant, and are omitted from this proposed consolidation of 33 CFR 110.236.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander(mps), Fourteenth Coast Guard District, 677 Ala Moana, Honolulu, HI 96813. Each person submitting comments should include his name and address and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the Office of the Commander, Fourteenth Coast Guard District. The Commander, Fourteenth Coast Guard, will forward any comments received before April 20, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposal may be changed in light of the comments received.

If no substantive changes are warranted, the regulation will by a subsequent FEDERAL REGISTER document, be made effective upon publication of that document. The usual 30-day waiting period will not be used because the interest of safety requires that the creation of this anchorage be hastened.

In view of the foregoing, it is proposed that § 110.237 of 33 CFR Part 110 be revoked, and that § 110.236 of 33 CFR Part 110 be revised to read as follows:

§ 110.236 Pacific Ocean off Barbers Point, Island of Oahu, Hawaii: Offshore pipeline terminal anchorages.

(a) *The anchorage grounds.* (1) *Anchorage A.* The waters within an area described as follows: A circle of 1,000-feet radius centered at latitude 21°17'55'' N., longitude 158°07'46'' W.

(2) *Nonanchorage Area A.* The waters extending 300 feet on either side of a line bearing 059° from Anchorage A to the shoreline at latitude 21°18'22'' N., longitude 158°06'57'' W.

(3) *Anchorage B.* The waters enclosed by a line beginning at latitude 21°16'31.5'' N., longitude 158°05'09.0'' W.; thence to latitude 21°16'03.9'' N., longitude 158°05'16.9'' W.; thence to latitude 21°16'11.1'' N., longitude 158°05'45.8'' W.; thence to latitude 21°16'38.8'' N., longitude 158°05'37.9'' W.; thence to the point of beginning.

(4) *Nonanchorage Area B.* The waters extending 300 feet on either side of a line bearing 334.5° from Anchorage B to the shoreline at latitude 21°17'50.5'' N., longitude 158°06'13.1'' W.

(5) *Anchorage C.* The waters enclosed by a line beginning at latitude 21°16'58'' N., longitude 158°04'39'' W.; thence to latitude 21°16'58'' N., longitude 158°04'12'' W.; thence to latitude 21°16'44'' N., longitude 158°04'12'' W.; thence to latitude 21°16'44'' N., longitude 158°04'39'' W.; thence to the point of beginning.

(6) *Nonanchorage Area C.* The waters extending 300 feet on either side of a line bearing 306° from Anchorage C to the shoreline at latitude 21°17'54.9'' N., longitude 158°06'07.8'' W.

(7) *Anchorage D.* The waters enclosed by a line beginning at latitude 21°18'00'' N., longitude 158°07'20'' W.; thence to latitude 21°17'56'' N., longitude 158°07'16'' W.; thence to latitude 21°17'49'' N., longitude 158°07'24'' W.; thence to latitude 21°17'53'' N., longitude 158°07'28'' W.; thence to the point of beginning.

(b) *The regulations.* (1) No vessels may anchor, moor, or navigate in Anchorages A, B, C, or D except—

(i) Vessels using the anchorages and their related pipelines for loading or unloading;

(ii) Commercial tugs, lighters, barges, launches, or other vessels engaged in servicing the anchorage facilities or vessels using them;

(iii) Public vessel of the United States.

(2) When vessels are conducting loading or unloading operations as indicated by the display of a red flag (International Code Flag "B") at the masthead, passing vessels of over 100 gross tons shall not approach within 1,000 yards at a speed in excess of 6 knots.

(3) The owner of any vessel wanting to use an anchorage ground and use of the related pipeline facilities shall notify the Captain of the Port, Honolulu, Hawaii, and the Commanding Officer, U.S. Naval Air Station, Barbers Point, Hawaii, at least 25 hours in advance of desired occupancy of the anchorage ground by the vessel. Such notification must include the maximum height above the waterline of the uppermost portion of the vessel's mast and a description of the masts' lighting including height of the highest anchor light and any aircraft warning lights to be displayed by the vessel at night.

(4) When, in the opinion of the Captain of the Port, or his authorized representative, oil transfer operations within these anchorages could jeopardize the safety of vessels or facilities in the area, or cause an undue risk of oil pollution, such oil transfer operations shall be immediately terminated until such time as the cognizant Coast Guard officer determines that the danger has subsided.

(5) Nonanchorage Areas A, B, and C are established for the protection of submerged pipelines. Except for vessels servicing pipeline facilities, no anchoring, draggin, seining, or other potential pipeline fouling activities are permitted within these areas.

(6) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from complying with the rules of the road and safe navigation practice.

(7) The regulations of this section are enforced by the Captain of the Port or his duly authorized representative.

(Sec. 7, 38 Stat. 1053, as amended; sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1), 33 CFR 1.05-1(c)(1))

Dated: March 27, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-6179 Filed 3-29-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-RM-9]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Minot, N. Dak., transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, CO 80207. All communications received on or before April 25, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, CO 80010.

An extension to the southeast of the existing 700-foot transition area is necessary in order to provide additional controlled airspace for the protection of aircraft executing the proposed ILS Runway 30 instrument approach procedure for the Minot International Airport, Minot, N. Dak.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (38 FR 435), the description of the Minot, N. Dak., transition area is amended to read in part:

MINOT, N. DAK.

In the description of the 700-foot transition area, delete "within 5 miles each side of the Minot VORTAC 129° radial extending from the 10-mile radius to 12 miles southeast of the VORTAC", and insert "and within 4 miles each side of the Minot VORTAC 138° radial extending from the 10-mile-radius area to 15.5 miles southeast of the VORTAC."

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colo., on March 21, 1973.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.73-6062 Filed 3-29-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SO-9]

VOR FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter Federal Airway No. 159 and revoke 159W between Ocala, Fla., and Greenville, Fla.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320. All communications received on or before April 30, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of 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.

Victor Airway No. 159, as alined, transits Moody 2 Intensive Student Jet Training Area (ISJTA), which extends from 10,000 to 18,000 feet m.s.l. Moody AFB was the sole user of this airspace.

Recently, an agreement was executed with NAS Cecil and NAS Jacksonville to share Moody 2 ISJTA. Navy training activities include acrobatic maneuvers requiring descent below 10,000 feet. Airway V-159 prevents acrobatic maneuvers, thus adversely affecting the Navy training mission. We have encouraged military sharing of airspace in the interest of more efficient utilization.

The distance between Ocala and Greenville via Gainesville, Fla., or via Cross City is identical (119 NM); therefor, no additional burden would be imposed on the flying public operating between Ocala and Greenville.

To accommodate traffic to and from the Gainesville area from the northwest, a Part 95 route would be established between Gainesville and Greenville. This off-airway route would be used when training activity is not being conducted in the Moody 2 ISJTA.

The proposed amendment would realine V-159 from Ocala, Fla., via Cross City, Fla., via Greenville, Fla., and also revoke V-159W between Ocala and Greenville.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 23, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-6061 Filed 3-29-73;8:45 am]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 405]

ACCOUNTING FOR UNALLOWABLE COSTS

Proposed Cost Accounting Standard

Notice is hereby given of a proposed cost accounting standard on accounting for unallowable costs which the Cost Accounting Standards Board is considering for promulgation to implement further the requirements of section 719 of the Defense Production Act of 1950, as amended, Public Law 91-379, 50 U.S.C. App. 2168. When promulgated, the standard will be used by all relevant Federal agencies and national defense contractors and subcontractors.

The proposed standard, if adopted, will be one of a series of cost accounting standards which the Board is promulgating "to achieve uniformity and consistency in the cost-accounting principles followed by defense contractors and subcontracts under Federal contracts." (See section 719(g) of the Defense Production Act of 1950, as amended.) It is anticipated that any contractor receiving an award of a contract on or after the effective date of this standard will be required to follow it as of the date of such award.

The Cost Accounting Standards Board solicits comments on the proposed cost accounting standard from any interested person on any matter which will assist the Board in its consideration of the proposal.

Interested persons should submit written data, views, and arguments concerning the proposed cost accounting standard to the Cost Accounting Standards Board, 441 G Street NW., Washington, DC 20548.

To be given consideration by the Board in its determination relative to final promulgation of the cost accounting standard covered by this notice, written submissions must be made to arrive no later than Friday, June 1, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Board's offices during regular business hours.

PART 405—COST ACCOUNTING STANDARD—ACCOUNTING FOR UNALLOWABLE COSTS

Sec.
405.10 General applicability.
405.20 Purpose.
405.30 Definitions.
405.40 Fundamental requirement.
405.50 Techniques for application.
405.60 Illustrations.
405.70 Exemptions.

AUTHORITY: Public Law 91-379, 84 Stat. 796 (50 U.S.C. App. 2168).

§ 405.10 General applicability.

This standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof, and by all relevant Federal agencies, in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract national defense procurements with the United Staes in excess of $100,000, other than contracts or subcontracts where the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

§ 405.20 Purpose.

(a) The purpose of this cost accounting standard is to facilitate contract negotiation, audit, administration, and settlement of prime contracts and subcontracts by establishing guidelines covering:

(1) Identification by contractors of specific costs which are unallowable, at the time such costs first become defined as unallowable; and (2) the cost accounting treatment to be accorded such identified costs.

(b) This standard is predicated on the concept that certain costs, which are a constituent part of a contractor's total costs incurred in carrying out his activities, are not allowable under Government contracts, but nevertheless are allocable to the particular cost pools/cost objectives with which they are identified.

(c) Coverage of this standard does not encompass determination of the particular categories or types of costs which are to be defined as unallowable, a function of the appropriate procurement authority.

§ 405.30 Definitions.

(a) The following are definitions of terms prominent in this standard:

(1) *Allocate.* To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Directly associated cost.* Any cost which is generated solely as a result of the incurrence of another cost and which would not have been incurred had the other cost not been incurred.

(3) *Indirect cost.* Any cost not directly identified with a single final cost objective, but identified with two or more final cost objectives or with at least one intermediate cost objective.

(4) *Unallowable cost.* Any cost item(s), or the total costs of any organizational activity, which because of applicable laws, regulations, and/or contractual agreements cannot be included as costs used for pricing, billing, or settlement of a particular prime contract or subcontract.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this standard: None.

§ 405.40 Fundamental requirement.

(a) Contractors shall identify any costs which are patently unallowable under the specific provisions of applicable laws, regulations, or the terms and conditions of a contract. Contractors shall also identify, from the date of agreement or decision, any specific costs which become designated as unallowable as a result either of mutual agreement or a final decision of the contracting officer issued pursuant to contract disputes procedures. Such identification will be reflected in any proposals, billings, or claims involving cost recovery; identification for interim indirect billing rates need not be made except at the time such rates are established or revised.

(b) The contractor's accounting records shall provide an appropriate detail and depth of cost accounting treatment (see § 405.50(b) below) for any unallowable costs which are identified pursuant to the requirements of paragraph (a) of this section.

(c) Unallowable costs shall include directly associated costs, and shall remain subject to the same cost accounting requirements for cost determination as allowable costs. In circumstances where these costs, apart from considerations of allowability, would be a part of a contractor's regular indirect cost allocation base(s), they shall remain as a part of such base(s) and have allocated thereto their full pro rata share of the allocable indirect costs, including general and administrative costs. Where directly associated costs, or any part of the total unallowable costs of an organizational activity, are also part of an indirect expense pool which will be allocated over a base that includes the related unallowable cost(s), they shall be retained in the indirect expense pool and allocated through the normal indirect expense allocation process in lieu of being included directly.

§ 405.50 Techniques for application.

(a) Costs which have specifically been identified as unallowable in accordance with § 405.40(a) shall be clearly designated as direct or indirect costs allocable to the specific cost objectives to which they would normally be related, apart from considerations of allowability. This accounting distinction shall be maintained in any subsequent estimating, accumulating, or reporting of costs which include the identified costs or other costs incurred for the same purpose in like circumstances.

(b) The detail and depth of cost accounting treatment required of a contractor as backup support for proposals, billings, or claims, shall be the minimum necessary to establish and maintain visibility as to the following:

(1) The amount and nature of the costs which have been identified as unallowable, and

(2) The accounting treatment which has been accorded such costs.

(c) The visibility requirement of paragraph (b) of this section, for actual costs, may be satisfied by the contractor through segregation of unallowable costs in separate accounts maintained for this purpose in the regular books of account, through development and maintenance of separate accounting records or worksheets, or through use of any other accounting technique which establishes and maintains adequate cost identification. The visibility requirement for estimated costs may be satisfied either (1) by designation and description (in backup data, workpapers, etc.) of the amounts and types of any unallowable costs which the contractor has identified and excluded in making the estimates, or (2) by description of any equivalent means employed by the contractor to insure that the estimates do not include such costs without appropriate identification thereof.

(d) Where any work project is undertaken which is related to performance of a proposed or existing contract(s), but which is not contractually authorized and is therefore excluded from contract cost/price coverage by statute, regulation, or contract, the costs of such work project shall, to the extent appropriate, be accounted for separately from those of authorized work projects. The costs of such noncovered work projects shall be subject to the same cost accounting principles as would apply to authorized work performed under like circumstances.

(e) Where the total of the allocable and otherwise allowable costs exceeds a limitation-of-cost or ceiling-price provision in a contract, full direct and indirect cost allocation shall be made to the contract cost objective, in accordance with established cost accounting practices and standards which regularly govern a given contractor's allocations to cost objectives for purposes of Government contract pricing, billing, and settlement. The overrun amount is identifiable in terms of the excess of allowable costs, rather than through specific identification of particular cost items or cost elements.

(f) Separate accounting for unallowable costs is not required in circumstances where the low incidence of negotiated Government contracts relative to other types of work warrants the conclusion that the purposes of the standard can be satisfied through negotiation and prior agreement on the basis of past experience or other reliable indicators.

§ 405.60 Illustrations.

(a) An auditor recommends disallowance of certain direct labor and direct material costs, for which a claim for payment has been submitted under a contract, on the basis that these particular costs were not required for performance and were not authorized by the contract. The contracting officer issues a final decision which supports the auditor's position that the questioned costs are unallowable. Following the contracting officer's final decision, the contractor must separately identify the disallowed direct labor and direct material costs in his accounting records, and must allocate thereto the full pro rata share of any indirect cost pool(s) for which the contractor's base for allocation consists of direct labor (dollars or hours), direct material, total prime cost, total cost input, etc. He must thereafter clearly identify these direct and indirect cost totals in any subsequent claim.

(b) A contractor incurs, and separately identifies, as a part of his manufacturing overhead, certain costs which are patently unallowable under the existing and currently effective agency regulations. If the contractor is claiming a share of his manufacturing overhead as a contract cost, he must also separately identify any directly associated costs in his accounting records and reports covering his manufacturing overhead pool. Also, if manufacturing overhead is regularly a part of his base for allocation of general and administrative (G&A) or other indirect expenses, the contractor must allocate the G&A or other indirect expenses over a base which includes the identified unallowable costs.

(c) The entire salary and wage costs of certain indirect labor personnel included by a contractor in his G&A expense pool are designated as unallowable by a final decision of the contracting officer. G&A expenses are not part of any base used by the contractor for allocation of other indirect expenses. In this situation, labor fringe benefit costs attributable to the unallowable salary and wage costs constitute one example of directly associated costs which shall be included as part of the contractor's unallowable costs.

(d) The president, general counsel, and the head of the engineering department of a contractor travel to participate in the prosecution of a contract disputes clause claim against the Government. Their corporate duties involve all facets of the company's overall operation. Under pertinent Government regulations, the costs of prosecuting such claims are unallowable costs, and the contractor agrees that these costs are, in fact, unallowable. The salaries and travel costs of the first two officials are charged regularly as general and administrative (G&A) expenses, while those of the head of the engineering department are charged as departmental overhead. G&A expenses are not part of any indirect cost allocation base; engineering department overhead, however, is regularly included in the base for allocation of G&A. Under these circumstances, the travel and subsistence expenses of all three contractor officials would constitute directly associated costs, to be included with other unallowable costs of prosecuting the contractor's claim. Also, the travel and subsistence costs of the head of the engineering department would be accounted for as engineering department overhead costs for purposes of their inclusion in the contractor's base for G&A allocation. Because the salary costs of the officials involved in this example were not generated solely as a result of the unallowable claim cost activity, but rather constituted indirect expenses which would have been incurred in any event, no part of such salaries is considered as directly associated costs of the unallowable claim prosecution costs.

(e) An auditor recommends disallowance of the total direct and indirect costs attributable to an organizational planning activity, including a pro rata share of utility costs and space costs devoted to this activity. The contractor claims that these costs are allowable under the Armed Services procurement regulation as "Economic Planning Costs" (ASPR 15–205.47); the auditor contends that they constitute "Organization Costs" (ASPR 15–205.23) and therefore are unallowable. The issue is referred to the contracting officer for resolution pursuant to the contract disputes clause. The contracting officer issues a final decision supporting the auditor's position that the total costs questioned are unallowable under the regulation. Following the contracting officer's final decision, the contractor must identify the disallowed costs or other costs incurred for the same purpose in like circumstances in any subsequent estimating, cost accumulation or reporting for Government contracts, in which such costs are included.

(f) An official of a company, whose salary, travel, and subsistence expenses are charged regularly as general and administrative (G&A) expenses, takes several business associates on what is clearly a business entertainment trip. The cost of such trips is patently unallowable because it constitutes entertainment expense and is separately identified by the contractor. The contractor does not regularly include his G&A expenses in any indirect expense allocation base. In these circumstances, the official's travel and subsistence expenses would be directly associated costs for identification with the unallowable entertainment expense. However, unless this type of activity constituted a significant part of the official's regular duties and responsibilities on which his salary was based, no part of the official's salary would be required to be identified as a directly associated cost of the unallowable entertainment expense.

§ 405.70 Exemptions.

None for this standard.

Effective date. The effective date of this standard is [reserved].

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.73-6310 Filed 3-29-73;10:18 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19712; FCC 73-322]

RADIO BROADCAST SERVICES

Frequency Monitors and Maintenance of Operating Frequency of Stations

In the matter of amendments of §§ 73.40, 73.49, 73.60, 73.63, 73.89, 73.113, 73.114, 73.252, 73.255, 73.283, 73.284, 73.295, 73.297, 73.317, 73.330, 73.331, 73.552, 73.555, 73.583, 73.584, 73.595, 73.596, 73.638, 73.672, 73.687, 73.690, 73.692, and 73.693 of the rules, concerning frequency monitors and the maintenance of the operating frequency of stations, Docket No. 19712.

1. In its continuing study concerning reregulation of the broadcasting services the Commission has under consideration amendment of its rules to delete: (1) The requirement that standard (AM) and FM broadcasting stations have in operation a type-approved frequency monitor; (2) the requirement that television stations perform daily frequency checks; and (3) the requirement that SCA subcarrier and stereo pilot subcarrier frequency checks be made daily.

2. Consistent with the Commission's effort to up-date its rules to reflect current technology, we note that present state-of-the-art of automatic frequency control of transmitters provides an inherent stability which substantially exceeds that required by our rules. Relating this observation to the requirement that each AM and FM station have in operation an approved frequency monitor, a valid question is raised regarding the need for this requirement.

3. The Commission recognizes that there are a number of transmitters in use today which do not incorporate features representing current state-of-the-art technology. Even so, performance of such transmitters must be in compliance with all pertinent Commission rules. Accordingly, the operating frequency of all broadcast transmitters must be maintained within prescribed tolerances and rule amendments proposed herein will not relieve the licensee of this responsibility. Adoption of the proposed rules will merely delete the requirement that frequency be monitored continuously, or in the case of television, that it be checked daily. In lieu thereof, we would require, as a minimum, a monthly measurement of the actual transmitter frequency.

4. In making this proposal the Commission is adopting the position that licensees using transmitters with automatic frequency control systems which perform

reliably and do indeed maintain frequency within prescribed tolerances will find it adequate to measure the actual transmitter frequency once each month. Other licensees who may experience some difficulty in maintaining frequency within tolerance will be expected to make frequency measurements more often. The ultimate responsibility for proper performance rests with the licensee and he must expect to be held strictly accountable for operation not in compliance with Commission rules.

5. In developing this proposal we have examined existing rules which relate to the subject of this proceeding and feel that it will be helpful to explain our position regarding particular rules or requirements, and our treatment of them, which may raise questions. Specifically, we are deleting rules for AM, FM, and TV which specify requirements for type approval of frequency monitors. In doing so, we take the position that, if approved frequency monitors are not required, proper performance of such devices will be a matter of concern solely between manufacturers and users. We have also examined our application forms and take the position that it is unnecessary to change them at this time. Those sections of the form which refer to frequency monitors will no longer be applicable. At such time as the Commission's reregulation study undertakes an overall examination of application forms all appropriate changes will be considered and hopefully accomplished in a single exercise.

6. In the matter of SCA subcarrier and stereo pilot subcarrier frequencies, existing rules specify tolerances allowed and require frequency checks as often as necessary to insure operation within tolerance. The proposal herein would delete the requirement which calls for making and logging daily frequency checks. In lieu thereof, we would require that these subcarrier frequencies be measured at least once each month and appropriate log entries be made at that time. We wish to emphasize again that this relaxation concerning daily frequency checks continues unaltered the licensees ultimate responsibility for proper operation at all times and he must expect to be held strictly accountable for operation not in compliance with Commission rules.

7. Set out in the appendix are the specific rule amendments being proposed. The Commission solicits comments from interested parties on all aspects of this proposal. Pursuant to § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before May 3, 1973, and reply comments on or before May 14, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. In reaching its decision in this matter, the Commission may take into account any relevant information before it in addition to the specific comments received.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

9. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW).

10. Authority for the action proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

Adopted: March 21, 1973.

Released: March 26, 1973.

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

1. Section 73.40(a)(10) is amended to read as follows:

§ 73.40 Transmitter; design, construction, and safety of life requirements.

(a) * * *

(10) Means are provided for connection and continuous operation of an approved modulation monitor.

* * * * *

§ 73.49 [Deleted]

2. Section 73.49 is deleted.

3. Section 73.60 is amended to read as follows:

§ 73.60 Frequency measurements.

(a) The carrier frequency of the transmitter shall be accurately measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. However, in no event shall the interval between successive measurements be more than 1 month.

(b) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of stations WWV, WWVB, WWVH, and WWVL of the National Bureau of Standards.

4. Section 73.63 is amended by adding a new paragraph (g) and redesignating existing paragraphs (g) and (h) as (h) and (i) respectively, and as amended, reads as follows:

§ 73.63 Auxiliary transmitter.

* * * * *

(g) The carrier frequency of the auxiliary transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. If the transmitter is used daily for a period of more than 1 month, the interval between successive measurements shall not exceed 1 month.

(h) The authorized antenna input power of an auxiliary transmitter may be less, but not more, than that of the regular transmitter. If it is less, the actual operating power is not limited to 105 percent of the authorized antenna input power of the auxiliary transmitter but shall in no event exceed the authorized antenna input power produced by the regular transmitter.

(i) All regulations as to safety requirements and spurious emissions applying to broadcast transmitting equipment shall apply also to an auxiliary transmitter.

5. Section 73.89 is amended to delete the reference to frequency monitors, and as amended reads as follows:

§ 73.89 Use of modulation monitors at auxiliary transmitters.

(a) The following shall govern the installation of approved modulation monitors at auxiliary transmitters:

(1) Installation of an approved modulation monitor at the location of the auxiliary transmitter, when different from that of the main transmitter, is optional with the licensee. However, when it is necessary to operate the auxiliary transmitter beyond two (2) calendar days, a modulation monitor shall be installed and operated at the auxiliary transmitter. The monitor, if taken from the main transmitter, shall be reinstalled at the main transmitter immediately upon resumption of operation of the main transmitter.

(2) In all cases where the auxiliary transmitter and the main transmitter have the same location, the same modulation monitor may be used for monitoring both transmitters, provided the installation permits ready switching from one transmitter to the other.

* * * * *

6. Section 73.113 is amended by deleting paragraph (a)(1)(iv)(B) thereunder and redesignating paragraph (a)(1)(iv)(C) as paragraph (a)(1)(iv)(B) and, as amended, reads as follows:

§ 73.113 Operating log.

(a) * * *
(1) * * *
(iv) * * *

(B) Antenna current on remote antenna current (for nondirectional operation); common point current or remote common point current (for directional operation).

* * * * *

7. Sections 73.114(a)(1)(iii) and (a)(2)(i), (ii), (iii), (iv), (v), and (vi) are amended to read as follows:

§ 73.114 Maintenance log.

(a) * * *
(1) * * *

(iii) A notation of all frequency measurements, including date performed and description of method used.

* * * * *

(2) * * *
(i) Modulation monitor.
(ii) Final stage plate voltmeter.
(iii) Final stage plate ammeter.
(iv) Base current ammeter(s).
(v) Common point ammeter.

(vi) Antenna monitor.

* * * * *

8. Section 73.252 is amended to read as follows:

§ 73.252 Frequency measurements.

(a) The carrier frequency of the transmitter shall be measured as often as is necessary to insure that it is maintained within the prescribed tolerance. However, in no event shall the interval between successive measurements be more than 1 month.

(b) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of Stations WWV, WWVB, WWVH, and WWVL of the National Bureau of Standards.

9. Section 73.255 is amended by adding a new paragraph (f) and redesignating existing paragraph (f) as paragraph (g), and as amended reads as follows:

§ 73.255 Auxiliary transmitter.

* * * * *

(f) The carrier frequency of the auxiliary transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. If the transmitter is used daily for a period of more than 1 month, the interval between successive measurements shall not exceed 1 month.

(g) The authorized operating power of an auxiliary transmitter may be less, but not more, than that of the regular transmitter. If it is less, the actual operating power is not limited to 105 percent of the authorized operating power of the auxiliary transmitter, but shall in no event exceed the authorized operating power of the regular transmitter.

10. Section 73.283 is amended by deleting paragraphs (a)(3)(iii) and (a)(6) thereunder, and, as amended, reads as follows:

§ 73.283 Operating log.

(a) * * *

(3) * * *

(i) Operating constants of last radio stage (total plate voltage and plate current).

(ii) RF transmission line meter reading, except when power is being determined by the indirect method.

(iii) [Deleted]

* * * * *

(6) [Deleted]

* * * * *

11. Sections 73.284(a)(2) and (a)(4)(i), (ii), (iii), and (iv) are amended to read as follows:

§ 73.284 Maintenance log.

(a) * * *

(2) A notation of all frequency measurements, including date performed and description of method used.

* * * * *

(4) * * *

(i) Modulation monitor.

(ii) Final state plate voltmeter.

(iii) Final stage plate ammeter.

(iv) Transmission line radio frequency voltage, current, or power meter.

* * * * *

12. Section 73.295 is amended by deleting paragraph (f)(5), adding a new paragraph (g), redesignating existing paragraphs (g)–(i) and amending (i), and as amended reads as follows:

§ 73.295 Operating under Subsidiary Communications Authorizations.

* * * * *

(f) * * *

(5) [Deleted]

(g) Each licensee or permittee shall determine the frequency of each SCA subcarrier at least once each month and shall make an entry in the station maintenance log, showing results obtained and describing method employed.

(h) Program and operating logs for SCA operation may be kept on special columns provided on the station's regular program and operating log sheets.

(i) Technical standards governing SCA operation (§ 73.319) shall be observed by all FM broadcasting stations engaging in such operation.

(j) The frequency of each SCA subcarrier shall be measured as often as necessary to ensure that it is kept at all times within 500 Hz of the authorized frequency. The choice of method of performing the frequency measurement is left to the discretion of the licensee. However, whatever method is used shall be capable of sufficient accuracy to reveal deviations of the operating frequency in excess of the 500 Hz tolerance.

13. Section 73.297 is amended by revising paragraph (b) and adding a new paragraph (c), and as amended reads as follows:

§ 73.297 Stereophonic broadcasting.

* * * * *

(b) The pilot subcarrier frequency shall be measured as often as necessary to insure that it is kept at all times within the prescribed tolerance. The choice of method of performing the frequency measurement is left to the discretion of the licensee. However, whatever method is used shall be capable of sufficient accuracy to reveal deviations of the pilot subcarrier frequency in excess of the prescribed 2 Hz tolerance.

(c) Each licensee or permittee engaging in stereophonic broadcasting shall measure the pilot subcarrier frequency at least once each month and shall make an entry in the station maintenance log, showing results obtained and describing method employed.

14. Section 73.317 is amended by revising paragraphs (a)(10) and (c)(5), and as amended reads as follows:

§ 73.317 Transmitters and associated equipment.

(a) * * *

(10) Means should be provided for connection and continuous operation of an approved modulation monitor.

* * * * *

(c) * * *

(5) The modulation monitor and radio frequency lines to the transmitter shall be thoroughly shielded.

* * * * *

15. Section 73.330 is amended to delete the reference to frequency monitors, and as amended reads as follows:

§ 73.330 Use of modulation monitors at auxiliary transmitters.

(a) The following shall govern the installation of approved modulation monitors at auxiliary transmitters:

(1) Installation of an approved modulation monitor at the location of the auxiliary transmitter, when different from that of the main transmitter, is optional with the licensee. However, when it is necessary to operate the auxiliary transmitter beyond two (2) calendar days, a modulation monitor shall be installed and operated at the auxiliary transmitter. The monitor, if taken from the main transmitter, shall be reinstalled at the main transmitter immediately upon resumption of operation of the main transmitter.

(2) In all cases where the auxiliary transmitter and the main transmitter have the same location, the same modulation monitor may be used for monitoring both transmitters: *Provided*, The installation permits ready switching from one transmitter to the other.

§ 73.331 [Deleted]

16. Section 73.331 is deleted.

17. Section 73.552 is amended to read as follows:

§ 73.552 Frequency measurements.

(a) The carrier frequency of transmitters licensed for transmitter power output greater than 10 w. shall be measured as often as necessary to insure that it is maintained within the prescribed tolerance. However, in no event shall the interval between successive measurements be more than 1 month.

(b) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of Stations WWV, WWVB, WWVH and WWVL of the National Bureaus and Standards.

(c) The licensee of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 W or less shall provide for the measurement of the station frequency by a means independent of the frequency control of the transmitter. The station frequency shall be measured (1) when the transmitter is initially installed, (2) at any time the frequency determining elements are changed, and (3) at any time the licensee may have reason to believe the frequency has shifted beyond the tolerance specified by the Commission's rules.

18. Section 73.555 is amended by adding a new paragraph (f) and redesignating existing paragraph (f) as paragraph (g), and as amended, reads as follows:

§ 73.555 Auxiliary transmitter.

* * * * *

(f) The carrier frequency of the auxiliary transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. If the transmitter is used daily for a period of more than 1 month, the interval between successive measurements shall not exceed 1 month.

(g) The authorized operating power of an auxiliary transmitter may be less, but not more, than that of the regular transmitter. If it is less, the actual operating power is not limited to 105 percent of the authorized operating power of the auxiliary transmitter, but shall in no event exceed the authorized operating power of the regular transmitter.

19. Section 73.583 is amended by deleting paragraphs (a)(3)(iii) and (a)(6) thereunder, and, as amended, reads as follows:

§ 73.583 Operating log.

(a) * * *

(3) * * *

(i) Operating constants of last radio stage (total plate voltage and plate current).

(ii) RF transmission line meter reading, except when power is being determined by the indirect method.

(iii) [Deleted]

* * * * *

(6) [Deleted]

* * * * *

20. Sections 73.584 (a)(2) and (a)(4) are amended to read as follows:

§ 73.584 Maintenance log.

(a) * * *

(2) A notation of all frequency measurements, including date performed and description of method used.

* * * * *

(4) * * *

(i) Modulation monitor.

(ii) Final stage plate voltmeter.

(iii) Final stage plate ammeter.

(iv) Transmission line radiofrequency voltage, current, or power meter.

* * * * *

21. Section 73.595 is amended by deleting paragraph (f)(5), adding a new paragraph (g), redesignating existing paragraphs (g)–(i) and amending (i), and as amended reads as follows:

§ 73.595 Operating under subsidiary communications authorizations.

* * * * *

(f) * * *

(5) [Deleted]

(g) Each licensee or permittee shall determine the frequency of each SCA subcarrier at least once each month and shall make an entry in the station maintenance log, showing results obtained and describing method employed.

(h) Program and operating logs for SCA operation may be kept on special columns provided on the station's regular program and operating log sheets.

(i) Technical standards governing SCA operation (§ 73.319) shall be observed by all FM broadcasting stations engaging in such operation.

(j) The frequency of each SCA subcarrier shall be measured as often as necessary to insure that it is kept at all times within 500 Hz of the authorized frequency. The choice of method of performing the frequency measurement is left to the discretion of the licensee. However, whatever method is used shall be capable of sufficient accuracy to reveal deviations of the operating frequency in excess of the 500 Hz tolerance.

22. Section 73.596 is amended by revising paragraph (b) and adding a new paragraph (c), and as amended reads as follows:

§ 73.596 Stereophonic broadcasting.

* * * * *

(b) The pilot subcarrier frequency shall be measured as often as necessary to insure that it is kept at all times within the prescribed tolerance. The choice of method of performing the frequency measurement is left to the discretion of the licensee. However, whatever method is used shall be capable of sufficient accuracy to reveal deviations of the pilot subcarrier frequency in excess of the prescribed 2 Hz tolerance.

(c) Each licensee or permittee engaging in stereophonic broadcasting shall measure the pilot subcarrier frequency at least once each month and shall make an entry in the station maintenance log, showing results obtained and describing method employed.

23. Section 73.638 is amended by adding a new paragraph (f) and redesignating existing paragraph (f) as paragraph (g) and as amended reads as follows:

§ 73.638 Auxiliary transmitter.

* * * * *

(f) The visual carrier frequency of an auxiliary transmitter and the difference between the visual carrier frequency and the center frequency of the auxiliary aural transmitter shall be measured as often as is necessary to ensure that they are maintained within the prescribed tolerance. If the transmitters are used daily for a period of more than 1 month, the interval between successive measurements shall not exceed 1 month.

(g) The operating power of auxiliary transmitters may be less than the authorized power of the main transmitters, but in no event shall it be greater than such power.

24. Section 73.672(a)(3) is amended by deleting paragraph (i) and incorporating (ii) within subparagraph (3). As amended § 73.672(a)(3) will read as follows:

§ 73.672 Maintenance log.

(a) * * *

* * * * *

(3) An entry whenever the frequency measurement required by § 73.690(a) is made, including the date performed and description of method used.

* * * * *

25. § 73.687 paragraph (e)(5) is amended to read as follows:

§ 73.687 Transmitters and associated equipment.

* * * * *

(e) * * *

(5) The modulation monitors and radio frequency lines to the transmitters shall be thoroughly shielded.

* * * * *

26. Section 73.690 is amended by deleting paragraphs (a) and (b) and redesignating paragraphs (c) and (d) as (a) and (b). As amended § 73.690 will read as follows:

§ 73.690 Frequency measurements.

(a) The visual carrier frequency and the difference between the visual carrier frequency and the center frequency of the aural transmitter shall be measured as often as necessary to ensure that they are maintained within the prescribed tolerance. However, in no event shall the interval between successive measurements be more than 1 month.

(b) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of Stations WWV, WWVB, WWVH, and WWVL of the National Bureau of Standards.

27. Section 73.692 is amended to delete the reference to frequency monitors and by revising the section title and paragraphs (a) and (b). As amended it will read as follows:

§ 73.692 General requirements for type approval of modulation monitors.

(a) A manufacturer desiring to submit a monitor for type approval shall supply the Commission with full specification details (two sworn copies) as well as the test data specified in § 73.694. If this information appears to meet the requirements of the rules shipping instructions will be issued to the manufacturer. The shipping charges to and from the laboratory at Laurel, Md., shall be paid for by the manufacturer. Approval of a monitor will only be given on the basis of the data obtained from the sample monitor submitted to the Commission for test.

(b) In approving a monitor upon the basis of tests conducted by the Laboratory, the Commission merely recognizes

that the type of monitor has the inherent capability of functioning in compliance with the rules, if properly constructed, maintained, and operated.

* * * * *

§ 73.693 [Deleted]

28. Section 73.693 is deleted.

[FR Doc.73-6135 Filed 3-29-73;8:45 am]

[47 CFR Part 87]

[Docket No. 19699]

AVIATION SERVICES

Notification Procedures of Aircraft Operating Under Fleet License; Correction

In the matter of amendment to Part 87 of the rules to provide for procedures to notify the Commission of the aircraft operating under a fleet license, Docket No. 19699.

In the notice of proposed rulemaking released March 3, 1973 (FCC 73-253; 38 FR 7402), some editorial errors of omission make it difficult to determine which aircraft are excluded from the proposed new notification procedure. The intention of paragraph (b) of the proposed new § 87.140 is to exclude aircraft which are identified solely by company radiotelephony designator and flight number because there is no problem in determining current owner or operator. In order that this intent be fully understood, it is necessary that the proposed subparagraph be changed to read:

(b) The notification procedure set forth in subparagraph (2) of this paragraph, does not apply to any aircraft station which will be identified solely by a radiotelephony designator in accordance with § 87.115(e)(1)(ii).

An additional 10 days for the filing of comments and reply comments is granted. The new dates for interested parties to file comments are April 30, 1973, and reply comments May 10, 1973.

Released: March 26, 1973.

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

[FR Doc.73-6136 Filed 3-29-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

AUTOMOBILES OR OTHER CONVEYANCES

Proposed Regulatory Development

The Administrator of Veterans Affairs proposes a regulatory revision reflecting a policy change in providing financial assistance to veterans in purchasing automobiles or other conveyances under authority of Chapter 39, title 38, United States Code. Section 1902(a) of that chapter provides that the Administrator will pay the total purchase price or $2,800 whichever is lesser. "Total purchase price" has been construed to mean the basic price of the vehicle exclusive of taxes. Under this interpretation, when the basic price of the vehicle is less than the statutory allowance of $2,800, only the basic price is payable by the Veterans Administration and the veteran is required to pay any State or local sales or excise taxes even though the total amount payable may not equal or exceed $2,800. This regulatory change recognizes that, insofar as it affects the veteran, "total purchase price" includes all charges involved in the purchase and should be so construed. Under this construction, charges for State and local taxes may be included in the amount payable by the Veterans Administration up to a maximum of $2,800. To effect this change, it is proposed to amend Part 3, title 38, Code of Federal Regulations, as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration, Central Office, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before April 30, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address of the above room number.

Notice is also given that it is proposed to make this regulatory change effective the date of final approval.

In § 3.808, the portion preceding paragraph (a) is amended to read as follows:

§ 3.808 **Automobiles or other conveyances; certification.**

A certification of eligibility for financial assistance in the purchase of one automobile or other conveyance in an amount not exceeding $2,800 (including State and/or local taxes where such are applicable and included in the purchase price) and of basic entitlement to necessary adaptive equipment will be made where the claimant meets the requirements of paragraphs (a), (b), and (c) of this section. State and local taxes may be included only when the sales agreement is signed by seller and claimant on or after _____, 1973.

* * * * *

Approved: March 25, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-6148 Filed 3-29-73;8:45 am]

[38 CFR Part 21]

VETERAN-STUDENT SERVICES

Proposed Regulatory Development

The following changes, implementing a provision of Public Law 92-540 (86 Stat. 1074), provide for a veteran-student services benefit in addition to the allowance the veteran receives under the Veterans Administration Vocational Rehabilitation program or under the GI bill.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before April 30, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting central office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in central office and furnished the address and the above room number.

Notice is also given that it is proposed to make any regulations that are adopted effective October 24, 1972, as provided in Public Law 92-540.

It is proposed to amend Subparts A and D to read as follows:

Subpart A—Vocational Rehabilitation Under 38 U.S.C. Chapter 31

1. Section 21.145 is added to read as follows:

§ 21.145 **Veteran-student services.**

(a) *Eligibility.* Veteran-students who are pursuing full-time programs of education or training under chapter 31 are eligible to receive a work-study allowance. This allowance will be paid in advance in the amount of $250 in return for the veteran-student's agreement to perform services totaling 100 hours during an enrollment period. Advances of lesser amounts may be made in return for agreements to perform services for periods of less than 100 hours.

(b) *Selection criteria.* Whenever feasible, veteran-students with disabilities rated at 30 percent or more are to be given priority in selection for this allowance. In addition the following selection criteria should be considered:

(1) Need of the veteran to augment his subsistence allowance;

(2) Availability to the veteran of transportation to the place where his services are to be performed;

(3) Motivation of the veteran; and

(4) Compatibility of the work assignment to the veteran's physical condition.

(c) *Utilization.* Veteran-student services may be utilized in connection with:

(1) Outreach services program as carried out under the supervision of a Veterans Administration employee;

(2) Preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Veterans Administration;

(3) Hospital and domiciliary care and medical treatment at Veterans Administration facilities; and

(4) Any other appropriate activity of the Veterans Administration.

(d) *Employment limitation.* Total veteran-student services under either Chapter 31 or Chapter 34 are limited to 800 man-years or their equivalent in man-hours during any fiscal year. A survey of each regional office will be conducted annually to determine the number of veteran-students whose services can be effectively utilized.

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

2. Section 21.4145 is added to read as follows:

§ 21.4145 Veteran-student services.

(a) *Eligibility.* Veteran-students who are pursuing full-time programs of education or training under Chapter 34 are eligible to receive a work-study allowance. This allowance will be paid in advance in the amount of $250 in return for the veteran-student's agreement to perform services totaling 100 hours during an enrollment period. Advances of lesser amounts may be made in return for agreements to perform services for periods of less than 100 hours.

(b) *Selection criteria.* Whenever feasible, veteran-students with disabilities rated at 30 percent or more are to be given priority in selection for this allowance. In addition the following selection criteria should be considered:

(1) Need of the veteran to augment his subsistence allowance;

(2) Availability to the veteran of transportation to the place where his services are to be performed;

(3) Motivation of the veteran; and

(4) Compatibility of the work assignment to the veteran's physical condition.

(c) *Utilization.* Veteran-student services may be utilized in connection with:

(1) Outreach services program as carried out under the supervision of a Veterans Administration employee;

(2) Preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Veterans Administration;

(3) Hospital and domiciliary care and medical treatment at Veterans Administration facilities; and

(4) Any other appropriate activity of the Veterans Administration.

(d) *Employment limitation.* Total veteran-student services under either Chapter 31 or Chapter 34 are limited to 800 man-years or their equivalent in man-hours during any fiscal year. A survey of each regional office will be conducted annually to determine the number of veteran-students whose services can be effectively utilized.

Approved: March 25, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-6147 Filed 3-29-73;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 DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD

Certain Committee Meetings

MARCH 26, 1973.

The Ad Hoc Committee on Engine Development will hold closed meetings on April 2 and 3, 1973, from 9 a.m. until 5 p.m., at the Pentagon, Room 1E801, Washington, D.C.

The committee will receive classified briefings on topics pertinent to Air Force engine development programs.

The Aeronautical Systems Division Advisory Group Avionics Subcommittee will hold closed meetings on April 10, 11, and 12, 1973, from 8:30 a.m. until 5 p.m., at the Aeronautical Systems Division Commanders' Conference Room, Wright-Patterson Air Force Base, Ohio.

The committee will receive classified briefings on avionics aspects of the B-52 and AGM-86 integration.

For additional information on these meetings, telephone 202-697-4648.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of the Judge Advocate General.

[FR Doc.73-6057 Filed 3-29-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

BUZZARD POINT BOATYARD CORP.

Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, National Capital Parks—East, proposes to issue a concession permit to the Buzzard Point Boatyard Corp., authorizing it to provide marina services for the public at the foot of First Street SW., Washington, D.C., for a period of 5 years from September 1, 1972, through August 31, 1977.

The foregoing concessioner has performed its obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before April 30, 1973.

Interested parties should contact the Superintendent, National Capital Parks—East, 5210 Indian Head Highway, Oxon Hill, MD 20021, for information as to the requirements of the proposed permit.

Dated: February 21, 1973.

ABNER M. BRADLEY,
Superintendent, National Capital Parks—East.

[FR Doc.73-6058 Filed 3-29-73;8:45 am]

GUS CAREY ET AL.

Intention To Issue Concession Permit

Pursuant to the provision of section 5, of the Act of October 9, 1965 (79 Stat. 969, 16 U.S.C. 20) public notice is hereby given that on April 30, 1973, the Department of the Interior, through the Superintendent, Amistad Recreation Area, proposes to extend present concessions permits Nos. 14-10-3-930-239 in the name of Gus Carey, Del Rio, Tex.; 14-10-3-930-238 in the name of David Crawley, Del Rio, Tex.; 14-10-3-930-232 in the name of W. P. Fisher, Del Rio, Tex.; 14-10-3-930-231 in the name of Glenn McGonagill, Del Rio, Tex.; 14-10-3-930-233 in the name of Joe R. Morgan, Del Rio, Tex.; 14-10-3-930-237 in the name of Jack Skipworth, Del Rio, Tex., authorizing them to provide fishing guide services for the public at Amistad Recreation Area for the period March 14, 1973, through August 31, 1973.

The foregoing concessioners have performed their obligations under the existing permits to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, are entitled to be given preference in the extension of the permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before April 30, 1973.

Interested parties should contact the Superintendent, Amistad Recreation Area, P.O. Box 1463, Del Rio, TX 78840, for information as to the requirements of the proposed permit.

Dated: February 27, 1973.

COLEMAN C. NEWMAN,
Superintendent, Amistad Recreation Area.

[FR Doc.73-6059 Filed 3-29-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

New York and Pennsylvania Grain Inspection Points

Statement of considerations. The New York Produce Exchange, New York N.Y., has proposed that effective April 1, 1973, its designation under section 3(m) of the U.S. Grain Standards Act (sec. 3, 39 Stat. 482, as amended, 82 Stat. 762; 7 U.S.C. 75(m)) to operate an official grain inspection agency at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., be transferred.

The International Commercial Exchange, Inc., New York, N.Y., has applied for designation (in accordance with § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act) to operate an official grain inspection agency at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa. This application does not preclude other interested agencies and persons from making similar applications.

Other interested persons are hereby given opportunity to make application for designation to operate an official inspection agency at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., according to the requirements in § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act.

NOTE: Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Members of the grain industry who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate an official inspection agency at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa.

Opportunity is hereby afforded all interested persons to submit written data, views, or arguments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions shall be in duplicate and shall be mailed to the Hearing Clerk not later than June 1, 1973. All 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)). Consideration will be given to the written data, views, or arguments so filed with the Hearing Clerk and to other information available

to the U.S. Department of Agriculture before final determination is made with respect to this matter.

In order to avoid disruption of the orderly marketing of grain pending a final determination as to the designation of an official inspection agency to provide grain inspection services at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., and after consultation with the New York and Pennsylvania Departments of Agriculture and local official inspection agencies, and in accordance with the views expressed thereby, the International Commercial Exchange, Inc., New York, N.Y., is hereby designated on an interim basis to provide official grain inspection services in Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., pending final determination of this matter.

Done in Washington, D.C., on March 28, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-6297 Filed 3-29-73;8:45 am]

Food and Nutrition Service

[FSP No. 1973-1]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted annually to reflect changes in the prices of food published by the Bureau of Labor Statistics. Therefore, Notice FSP No. 1972-1, which is issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is superseded, effective July 1, 1973, by this Notice FSP No. 1973-1.

For the first time the total monthly coupon allotments for households of one, two, three, and five persons are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

In view of the need for placing this notice into effect on July 1, 1973, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this notice. Notice FSP No. 1973-1 reads as follows:

MAXIMUN MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: 48 STATES AND DISTRICT OF COLUMBIA

As provided in § 271.3(b), households in which all members are included in the federally aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance, in any State other than Alaska or Hawaii or in the District of Columbia, shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in such States or the District of Columbia prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards:

Household size:	*Maximul Allowable monthly income standards—48 States and District of Columbia*
One	$183
Two	240
Three	313
Four	387
Five	460
Six	533
Seven	600
Eight	667
Each additional member	+53

"Income" as the term is used in the notice is as defined in paragraph (b) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to section 7 (a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in the 48 States and the District of Columbia are as follows:

MONTHLY COUPON ALLOTMENTS AND PURCHASE REQUIREMENTS—48 STATES AND DISTRICT OF COLUMBIA

Monthly Net Income	For a Household of—							
	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is—							
	$38	$66	$94	$116	$138	$160	$180	$200
	And the monthly purchase requirement is—							
$0-19.99	0	0	0	0	0	0	0	0
20-29.99	1	1	0	0	0	0	0	0
30-39.99	4	4	4	4	5	5	5	5
40-49.99	6	7	7	7	8	8	8	8
50-59.99	8	10	10	10	11	11	12	12
60-69.99	10	12	13	13	14	14	15	16
70-79.99	12	15	16	16	17	17	18	19
80-89.99	14	18	19	19	20	21	21	22
90-99.99	16	21	21	22	23	24	25	26
100-109.99	18	23	24	25	26	27	28	29
110-119.99	21	26	27	28	29	31	32	33
120-129.99	23	29	30	31	33	34	35	36
130-139.99	25	32	33	34	36	37	38	39
140-149.99	27	35	36	37	39	40	41	42
150-169.99	27	37	40	41	42	43	44	45
170-189.99	28	43	46	47	48	49	50	51
190-209.99		45	52	53	54	55	56	57
210-229.99		45	58	59	60	61	62	63
230-249.99		46	64	65	66	67	68	69
250-269.99			70	71	72	73	74	75
270-289.99			75	77	78	79	80	81
290-309.99			75	83	84	85	86	87
310-329.99			76	89	90	91	92	93
330-359.99				89	96	97	98	99
360-389.99				92	103	106	107	108
390-419.99					107	115	116	117
420-449.99					109	119	125	126
450-479.99					110	123	133	135
480-509.99						127	137	141
510-539.99						128	141	145
540-569.99							143	149
570-599.99							143	153
600-629.99							144	157
630-659.99								159
660-689.99								160

FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA:

A. *Value of the total allotment.* For each person in excess of eight, add $16 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.* 1. Use the purchase requirement shown for the eight-person household for households with income of $599.99 or less per month.

2. For households with monthly income of $600 or more, use the following formula:

For each $30 worth of monthly income (or portions thereof) over $599.99, add $4 to the monthly purchase requirement shown for an eight-person household with an income of $599.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $12 for each person over eight to the maximum purchase requirement shown for an eight-person household.

Effective date. The provisions of this notice shall become effective on July 1, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

MARCH 23, 1973.

[FR Doc.73-5933 Filed 3-29-73;8:45 am]

Forest Service

HOOSIER NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Off-Road Vehicle Policy on the Hoosier National Forest, USDA-FS-DES(Adm.) 73-51.

This draft environmental statement proposes a policy to permit and regulate the use of off-road motor vehicles on the Hoosier National Forest. The policy will divide the forest into two different type zones. The use of motor vehicles off the public roads will pe permitted on designated trails on part of the forest (57,500 acres) and will be prohibited on the remainder of the forest (105,600 acres). This policy does not affect ORV use on private lands within the Hoosier National Forest located in southern Indiana.

This draft environmental statement was filed with CEQ on March 14, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, WI 53203.

USDA, Forest Service, Wayne-Hoosier National Forests, 1615 J Street, Bedford, IN 47421.

A limited number of single copies are available upon request to the Forest Supervisor, Wayne-Hoosier National Forests, 1615 J Street, Bedford, IN 47421.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Donald S. Girton, Forest Supervisor, Wayne-Hoosier National Forests, 1615 J Street, Bedford, IN 47421. Comments must be received by April 27, 1973, in order to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,
Acting Deputy Chief,
Forest Service.

MARCH 27, 1973.

[FR Doc.73-6183 Filed 3-29-73;8:45 am]

Packers and Stockyards Administration

CLEBURNE COUNTY LIVESTOCK AUCTION SALE ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, location of stockyard, and date of posting

AR-119 Cleburne County Livestock Auction Sale, Heber Springs, Ark., Feb. 17, 1959.
IN-124 Middletown Sale Barn, Middletown, Ind., Nov. 4, 1959.
MS-149 Columbus Stockyard, Inc., Columbus, Miss., Aug. 1, 1972.
NB-157 Neligh Livestock, Inc., Neligh, Neb., Apr. 21, 1959.
OH-130 Producers Livestock Association, Marion, Ohio, Feb. 5, 1934.
TX-130 Caldwell Livestock Commission Company, Inc., Caldwell, Tex., Mar. 6, 1959.
WV-112 Union Livestock Sales Co., Inc., Parkersburg, W. Va., Nov. 5, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly depositing a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective March 30, 1973.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 26th day of March 1973.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.73-6186 Filed 3-29-73;8:45 am]

CLEBURNE COUNTY LIVESTOCK AUCTION SALE ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyard Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AR-148 Cleburne County Livestock Auction Sale, Heber Springs, Ark.
GA-176 Tri-County Feeder Pig Sales, Broxton, Ga.
GA-177 Longhorn Livestock Auction, Inc., Poulan, Ga.
IA-247 Decorah Sales Commission, Decorah, Iowa.
NC-142 Albermarle Marketing Association, Inc., Edenton, N.C.
SC-126 Greer Livestock Company, Greer, S.C.
TX-303 Caldwell Livestock Commission Company, Inc., Caldwell, Tex.
WA-127 Puget Sound Horse and Mule Auction, Olympia, Wash.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

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

Done at Washington, D.C., this 26th day of March 1973.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.73-6188 Filed 3-29-73;8:45 am]

MO-ARK LIVESTOCK MARKET ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility No., name, location of stockyard, and date of posting

MISSOURI

MO-232 Mo-Ark Livestock Market, Poplar Bluff, Mar. 19, 1973.
MO-229 West Plains Livestock Auction, West Plains, Jan. 31, 1973.

OKLAHOMA

OK-190 Oklahoma Auction Center, Chickasha, Feb. 27, 1973.

TEXAS

TX-302 Algoa Livestock Commission Company, Inc., Algoa, Feb. 24, 1973.
TX-301 Tri-County Stockyard, Rio Grande City, Feb. 6, 1973.

VIRGINIA

VA-146 Virginia-Carolina Livestock and Agricultural Market, Inc., Danville, Nov. 1, 1972.

WISCONSIN

WI-130 Kettle Moraine Auctions, Inc., Waukesha, Feb. 23, 1973.

Done at Washington, D.C., this 26th day of March 1973.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.73-6187 Filed 3-29-73;8:45 am]

Soil Conservation Service

SOWASHEE CREEK WATERSHED PROJECT

Availability of Draft 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 draft environmental statement for the Sowashee Creek Watershed Project, Lauderdale County, Miss., USDA-SCS-ES-WS-(ADM)-73-1(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by 13 floodwater retarding structures, one multiple purpose structure for floodwater retardation and recreation, basic facilities and about 54.2 miles of channel modification.

Copies of the draft environmental statement are available 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, Room 502, Milner Building, 310 South Lamar Street, Jackson, MS 39201.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $3.50.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to William L. Heard, State Conservationist, Soil Conservation Service, P.O. Box 610, Jackson, MS 39205.

Comments must be received on or before May 25, 1973, in order to be considered in the final environmental statement.

Dated: March 26, 1973.

WM. B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

[FR Doc. 73-6182 Filed 3-29-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-339]

AMERICAN STEAMSHIP CO.

Notice of Application for Operating-Differential Subsidy

Notice is hereby given that American Steamship Co. has filed an application dated March 5, 1973, under the Merchant Marine Act of 1936, as amended, for extension of its Operating-Differential Subsidy Agreement, Contract No. MA/MSB-137 for a 2-year period beyond the close of the 1973 season. Inasmuch as American Steamship Co. and related companies, own and/or operate U.S.-flag bulk cargo vessels which are employed in the domestic Great Lakes service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for American Steamship Co. if its application for extension of operating-differential subsidy is granted.

American Steamship Co. and its subsidiary or affiliated companies own or operate a total of 20 U.S.-flag vessels. American Steamship Co., accordingly, requests permission in its operating-differential subsidy contract for the transportation of bulk cargoes within the area of the Great Lakes with free interchange of the vessels in that domestic trade.

As information, the following U.S.-flag bulk cargo vessels are owned, managed, or operated by American Steamship Co., its subsidiaries or affiliates:

Adam E. Cornelius, Jr.	Harris N. Snyder.
John J. Boland.	United States Gypsum.
Detroit Edison.	Ben W. Calvin.
H. Lee White.	Richard J. Reiss.
John T. Hutchinson.	Charles C. West.
Consumers Power.	John A. Kling.
Diamond Alkali.	Peter Reiss.
Joseph S. Young.	Nicolet.
J. F. Schoellkopf, Jr.	Hennepin.
Fred A. Manske.	McKee Sons.

Interested parties may inspect this application in the Office of the Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must by close of business on April 10, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m. on April 12, 1973, in Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

By order of the Maritime Administration.

Dated: March 27, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-6192 Filed 3-29-73;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON STATE AND LOCAL GOVERNMENTS STATISTICS

Notice of Meeting

The Census Advisory Committee on State and Local Government Statistics will convene on April 13, 1973, at 9:30 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 on State and Local Governments Statistics was established in October 1948 to advise the Director, Bureau of the Census, on planning current work and various censuses of Governments, and to advise on where the needs of users of the statistics could be served better.

The Committee is composed of 10 members appointed by the Secretary of Commerce, and five members appointed by the organization they represent.

The agenda for the meeting is: (1) Revenue Sharing Program, (2) discussion of current surveys, and (3) status of the 1972 Census of Governments.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside 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 planning to attend and wishing additional information concerning this meeting should contact Mr. Curtis Hill, Division Chief, Governments Division, Bureau of the Census, Federal Building 3, Suitland, Md. (Mail address: Washington, D.C. Telephone 301–763–5203.)

Dated: March 26, 1973.

JOSEPH R. WRIGHT, Jr.,
Acting Administrator, Social and Economic Statistics Administration.

[FR Doc.73-6121 Filed 3-29-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI's 5378, 5504; Dockets Nos. FDC–D–582, FDC–D–587; NDA's 9–946, etc., 5–674, 5–757]

AMPHETAMINES FOR HUMAN USE

Notice of Withdrawal of Approval of New Drug Applications

In the FEDERAL REGISTER of February 12, 1973 (38 FR 4249), the Commissioner of Food and Drugs revised § 130.46 of Part 130, Subpart A concerning amphetamines (amphetamine, dextroamphetamine, and their salts, and levamphetamine and its salts) for human use. That revision became effective March 14, 1973.

When published in the FEDERAL REGISTER on August 8, 1970 (35 FR 12652), § 130.46 permitted continued marketing of these amphetamines based upon receipt of a new drug application. In response to that regulation, 106 new drug applications were received and continued marketing of those products was permitted pending their detailed review in conjunction with a review of all anorectic drugs and consideration of any issues they presented.

Also published in the FEDERAL REGISTER on February 12, 1973 were notices of opportunity for a hearing to withdraw approval of all previously approved new drug applications providing for anorectic drugs in combination with other ingredients such as sedatives, tranquilizers, rauwolfia derivatives, or vitamins (38 FR 4279) and for parenteral methamphetamine hydrochloride (38 FR 4282). Thirty days were allowed for holders of the new drug applications or any interested person who manufactures or distributes a drug similar, related, or identical to a drug provided for in the approved new drug applications to file a written appearance requesting a hearing and giving the reasons why new drug application approval should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they were prepared to prove in support of their opposition.

In accordance with the decision announced with the revision of § 130.46 published in the FEDERAL REGISTER of February 12, 1973 (38 FR 4249), each of the new drug applications providing for a combination anorectic drug for oral administration or for parenteral methamphetamine hydrochloride, whether submitted pursuant to § 130.46 or the subject of a previous approval, has been the subject of a notice of opportunity for hearing, either in a letter mailed to the firm or through notice in the FEDERAL REGISTER, or both.

Pursuant to those notices, requests for hearings have been received with respect to the following combination drugs:

NDA No.	Drug	NDA holder
11-522..	Obetrol-10 and Obetrol-20 tablets, containing methamphetamine saccharate, methamphetamine hydrochloride, amphetamine sulfate, and dextroamphetamine sulfate.	Obetrol Pharmaceuticals, Division of Rexar Pharmacal Corp., 382 Schenek Ave., Brooklyn, NY 11207.
12-012..	Eskatrol Spansules (sustained release capsules), containing dextroamphetamine sulfate and prochlorperazine (as the maleate).	Smith Kline & French Laboratories, 1500 Spring Garden St., Philadelphia, PA 19101.
12-570..	Bamadex Sequels (sustained release capsules), containing dextroamphetamine sulfate and meprobamate.	Lederle Laboratories Division, American Cyanamid, P.O. Box 500, Pearl River, NY 10965.
	Dexamyl Tablets, Dexamyl Elixir, Dexamyl Spansules (No. 1) (sustained release capsules), and Dexamyl Spansules (No. 2) (sustained release capsules), containing amobarbital and dextroamphetamine sulfate.	Smith Kline & French Laboratories.
	Delcobese Tablets, Delcobese Sustained Release Tablets, Delcobese Capsules, and Delcobese Sustained Release Capsules, containing dextroamphetamine sulfate, methamphetamine hydro chloride, methamphetamine adipate, and amphetamine sulfate.	Delco Chemical Co., Inc., 7 MacQuesten Parkway North, Mount Vernon, NY 10550.

The products specifically named above may continue to be marketed pending a ruling on the requests for hearing.

Also, pursuant to the notice of opportunity for hearing for parenteral methamphetamine hydrochloride proposing to withdraw approval on the grounds that the drug is not shown to be safe, a request for hearing was received from Merle Diment, M.D. pertaining to all such products. Included in the request were the writer's opinion concerning the effectiveness of parenteral amphetamines in improving the mental status and well being of patients in their toleration of, and recovery from, anesthetic procedures, and his statements taking exception to the Commissioner's conclusion that the well-documented history of abuse of this dosage form, the severe risk of dependence, and the availability of effective, alternative drugs constitute lack of proof of safety. The contentions of Dr. Diment have been considered and the Commissioner of Food and Drugs concludes that there is no genuine and substantial issue of fact requiring a hearing. No charge was made in the notice of opportunity for hearing that parenteral methamphetamine hydrochloride lacks substantial evidence of effectiveness; rather, the notice stated that such products were considered effective. However, the use for which Dr. Diment recommends continued availability of the drugs has not been approved in the new drug applications, and no substantial evidence to support such use accompanied the request. His comments concerning safety of the drug and espousing a principle that allows continued availability notwithstanding the known potential for misuse and abuse are testimonial at best and do not comprise adequate proof of safety. Thus, based on the information before him and a review of the statements made by Dr. Diment to support his contention that approval of the new drug applications should not be withdrawn, the Commissioner finds that there has been a failure to present adequate evidence of safety for parenteral methamphetamine hydrochloride and the request for a hearing is denied.

Comments were received from two physicians, Dr. William K. Hamilton, Professor and Chairman, Department of Anesthesia, School of Medicine, University of California, San Francisco, and Dr. Jack Moyers, Chief of Anesthesia, Professor and Head of Department of Anesthesia, University of Iowa, both objecting to the removal of a useful drug from the market because of its use and abuse for nontherapeutic purposes. No data accompanied the responses.

In response to the notices of opportunity for hearing published in the FEDERAL REGISTER of February 12, 1973 (38 FR 4279 and 4282), none of the holders of the following new drug applications named in those notices have filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing:

NDA No.	Drug	NDA holder
9-946...	Du-Oria tablets, containing methamphetamine hydrochloride and reserpine.	Formerly marketed by B. F. Ascher & Co., Inc., P.O. Box 827, Kansas City, MO 64130.
10-207...	Dexserpine "5" tablets, containing dextroamphetamine sulfate and reserpine.	Formerly marketed by Nysco Laboratories, Inc., 34-24 Vernon Boulevard, Long Island City, NY 11106.
11-280...	Bamadex tablets, containing dextroamphetamine sulfate and meprobamate.	Lederle Laboratories Division, American Cyanamid Co., P.O. Box 500, Pearl River, NY 10965.
11-338...	Biphetamine-T "12½" capsules and Biphetamine-T "20" capsules, containing dextroamphetamine, amphetamine, and methaqualone, all as cation exchange resin complexes of sulfonated polystyrene.	Strasenburgh Pharmaceutical, Division Pennwalt Corp., 755 Jefferson Rd., Rochester, NY 14623.
12-127...	Appetrol tablets, containing dextroamphetamine sulfate and meprobamate.	Wallace Pharmaceuticals, Division of Carter-Wallace, Inc., Half Acre Rd., Cranbury, NJ 08512.
12-371...	Preiu-Vite capsules, containing phenmetrazine hydrochloride, vitamin A, vitamin D, thiamine mononitrate, riboflavin, niacinamide, calcium pantothenate, pyridoxine hydrochloride, cobalamin concentrate, ascorbic acid, iron, calcium, phosphorus, iodine, and copper.	Formerly marketed by Geigy Pharmaceuticals, Division of Ciba Geigy Co., Saw Mill River Rd., Ardsley, NY 10502.
12-415...	Delfeta-sed Stedytabs (sustained release tablets), containing dl-methamphetamine hydrochloride and amobarbital.	Eastern Research Laboratories Inc., 302 South Central Ave., Baltimore, MD 21202.
12-624...	Appetrol-S.R. (sustained release capsules), containing dextroamphetamine sulfate and meprobamate.	Wallace Pharmaceuticals.
5-674...	Methedrine Injection, containing methamphetamine hydrochloride.	Formerly marketed by Burroughs Wellcome & Co., Inc., 3030 Cornwallis Rd., Research Triangle Park, NC 27709.
5-757...	Drinalfa Injection, containing methamphetamine hydrochloride.	E. R. Squibb & Sons, Georges Rd., New Brunswick, NJ 08903.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120) finds on the basis of new information before him, evaluated together with the evidence available to him at time of approval of the applications that, with respect to the above-listed combination preparations for which no hearing was requested: (1) there is a lack of substantial evidence that the drugs will have all the effects they purport or are represented to have; and (2) the drugs are not shown to be safe for use under the conditions of use prescribed, recommended, or suggested in their labeling; and with respect to the parenteral drug products containing methamphetamine hydrochloride, such products are not shown to be safe for use under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to foregoing findings, approval of the above new drug applications (except for those for which a request for hearing was received), and all amendments and supplements applying thereto is withdrawn effective on March 30, 1973. Shipment in interstate commerce of any combination drug product other than those few listed above that may continue to be marketed pending a ruling on the request for a hearing, or of any parenteral amphetamine product (e.g., amphetamine, dextroamphetamine, levamphetamine, or methamphetamine) is henceforth unlawful.

Dated: March 28, 1973.

WILLIAM F. RANDOLF,
Acting Associate Commissioner for Compliance.

[FR Doc.73-6230 Filed 3-29-73;8:45 am]

[FAP 3B 2881]

EMERY INDUSTRIES, INC.

Filing of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B 2881) has been filed by Emery Industries, Inc., 4900 Este Avenue, Cincinnati, OH 45232, proposing that § 121.2562 Rubber articles intended for repeated use (21 CFR 121.2562) be amended to provide for the safe use of di(2-ethylhexyl) azelate as a plasticizer in rubber articles intended for repeated use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food.

Dated: March 22, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-6134 Filed 3-29-73;8:45 am]

[FAP 3B2889]

SHELL CHEMICAL CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2889) has been filed by Shell Chemical Co., 1700 K Street NW., Washington, DC 20006, proposing that § 121.2622 Styrene block polymers with 1,3-butadiene (21 CFR 121.2622) be amended to provide for the safe use of styrene block polymers with 2-methyl-1,3-butadiene as articles or components of articles intended to contact food.

Dated: March 22, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-6133 Filed 3-29-73;8:45 am]

NATIONAL ADVISORY COMMITTEES

Notice of Meetings

The Acting Administrator, Health Services and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble during the month of April 1973:

Committee name	Date, time, place	Type of meeting and/or contact person
National Migrant Health Advisory Committee.	Apr. 11-13, 9 a.m., Parklawn Bldg., Conference Room L, 5600 Fishers Lane, Rockville, Md.	Open—Contact Billy M. Sandlin, Parklawn Bldg., Room 6-37, 5600 Fishers Lane, Rockville, Md. Code 301-443-2226.

Purpose: The committee is charged with advising the Administrator on national policies and priorities; program guidelines, standards, and evaluation techniques; and other crucial issues relating to the migrant health program.

Agenda: The committee will consider the program's legislative authority, hospitalization policy, and new models of care for migrant and seasonal farmworkers.

Committee name	Date, time, place	Type of meeting and/or contact person
Long Term Care for the Elderly Research Review and Advisory Committee.	Apr. 23-24; 9 a.m., Parklawn Bldg., Conference Room G, 5600 Fishers Lane, Rockville, Md.	Closed—Contact Elliott Lesser, Parklawn Bldg., Room 15-29, 5600 Fishers Lane, Rockville, Md. Code 301-443-2950.

Purpose: The committee is charged with the review of research grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development relating to research on long-term care, including research approaches for studying and improving the delivery of care in nursing homes and other long-term care facilities and for identifying alternatives to institutional care.

Agenda: The committee will be performing review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Loan Guarantee Programs in Health Advisory Committee.	Apr. 26, 9 a.m., New York Room, Statler-Hilton Hotel, 16th and K Sts. NW., Washington, D.C.	Open—Contact Rosemary J. Jackson, Parklawn Bldg., Room 9-06, 5600 Fishers Lane, Rockville, Md. Code 301-443-1920.

Purpose: The major objective of this committee is to advise the Administrator, Health Services and Mental Health Administration, on developing marketing procedures, pricing estimation and practices for Department of Health, Education, and Welfare issues, federally backed securities and various alternatives available in the administration of the loan program vis-a-vis the private financial community.

Agenda: The committee will advise on implementation of the provisions of Title II, Public Law 91-296, "Loan Guarantee and Loans for Modernization and Construction of Hospitals and Other Medical Facilities."

Committee name	Date, time, place	Type of meeting and/or contact person
Health Services Developmental Grants Study Section.	Apr. 26-27, 8:30 a.m., Parklawn Bldg., Conference Room C, 5600 Fishers Lane, Rockville, Md.	Closed—Contact David McFall, Parklawn Bldg., Room 15-29, 5600 Fishers Lane, Rockville, Md. Code 301-443-2930.

Purpose: The study section is charged with the initial review of developmental grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development.

Agenda: The study section will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to Public Law 92-463, section 10(d).

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding open sessions may be obtained from the contact persons listed above.

Dated: March 22, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.73-6017 Filed 3-29-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-73-144]

ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS

Notice of Assistant Secretaryship and Establishment

There has been established in the Department of Housing and Urban Development the Office of Assistant Secretary for Legislative Affairs.

The Assistant Secretary for Legislative Affairs is authorized to exercise the power and authority of the Secretary with respect to legislative affairs and congressional relations. The Assistant Secretary for Legislative Affairs shall perform all duties and functions heretofore performed by the Assistant to the Secretary for Congressional Relations.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

Effective date. This notice shall be effective March 7, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.73-6193 Filed 3-29-73;8:45 am]

[Docket No. N-73-146]

OFFICE OF DEPUTY UNDER SECRETARY FOR FIELD OPERATIONS

Notice of Deputy Under Secretaryship and Establishment

There has been established within the Immediate Office of the Secretary of Housing and Urban Development the Office of Deputy Under Secretary for Field Operations. The Deputy Under Secretary for Field Operations shall be responsible for overseeing general headquarters—field relationships of the Department, for assuring coordination and consistency of the Department's field activities and for assisting in the continual improvement of the Department's field office operations.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

Effective date. This notice shall be effective March 9, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.73-6194 Filed 3-29-73;8:45 am]

ATOMIC ENERGY COMMISSION

SPECIAL NUCLEAR MATERIAL

Modification of Leasing Policy

The Atomic Energy Commission hereby gives notice that effective June 30, 1973, it will modify its policy of leasing special nuclear material to both domestic and foreign customers. No special nuclear material will thereafter be furnished on a lease basis except as hereinafter provided.

As exceptions to the foregoing policy, leasing of special nuclear material will be permitted in the following situations:

1. For use by certain domestic lessees participating in the power demonstration program who are exempt from the statutory prohibitions on leasing for power reactor use;

2. To further AEC's programmatic objectives when such objectives can best be achieved through lease arrangements;

3. In the supply of relatively scarce material which, because of its scarcity or unique properties, the AEC desires to have returned for subsequent use;

4. For use by other Government agencies.

Existing leases (other than those with section 103 and section 104b licensees) may, at the lessee's option, be extended to December 31, 1974, by which date the lessee must obtain title to the material through an in-situ enriching services arrangement, direct purchase or other mechanism, or return the material in accordance with the provisions of the lease.

Dated at Germantown, Md., this 26th day of March 1973.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-6094 Filed 3-29-73;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Order Changing Location of Evidentiary Hearing

Due to unavoidable circumstances, the location of the hearing scheduled for April 9, 1973, must be changed from Courtroom No. 24, U.S. District Court, Third and Constitution Avenue NW., Washington, D.C., to the first floor hearing room, Woodmont Building, 8120 Woodmont Avenue, Bethesda, MD.

Wherefore, it is ordered, And notice is hereby given, in accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that the location for the evidentiary hearing scheduled to convene at 9 a.m. on Monday, April 9, 1973, is the first floor hearing room, Woodmont Building, 8120 Woodmont Avenue, Bethesda, MD.

Issued: March 27, 1973, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.73-6100 Filed 3-29-73;8:45 am]

[Docket No. 50-423]

MILLSTONE POINT CO., ET AL.

Receipt of Application for Construction Permit and Facility License and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters

The Millstone Point Co.; the Connecticut Light and Power Co.; the Hartford Electric Light Co.; Western Massachusetts Electric Co.; New England Power Co.; the United Illuminating Co.; Public Service Company of New Hampshire; Central Vermont Public Service Corp.; Vermont Electric Power Corp.; city of Burlington, Vt., Green Mountain Power Corp.; Montaup Electric Co.; Fitchburg Gas and Electric Light Co., Chicopee; Massachusetts Municipal Lighting Plant; town of South Hadley Electric Light Department, Westfield; Massachusetts Gas and Electric Light Department, Peabody; Massachusetts Municipal Light Plant, North Attleborough; Massachusetts Electric Department, Boylston; Massachusetts Municipal Lighting Plant, West Boylston; Massachusetts Municipal Lighting Plant, Wakefield; Massachusetts Municipal Light Department, Shrewsbury; Massachusetts Light Plant, Paxton; Massachusetts Municipal Light Department, Middleton; Massachusetts Municipal Light Department, Ashburnham; Massachusetts Municipal Lighting Plant, Templeton; Massachusetts Municipal Lighting Plant, and Marblehead; Massachusetts Municipal Light Department (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application, which was docketed February 10, 1972, for authorization to construct and operate a pressurized water nuclear reactor at its site, located in the town of Waterford, New London County, Conn. The site consists of 500 acres of land, and is located on the north shore of Long Island Sound approximately 3 miles from New London, Conn., and 40 miles southeast of Hartford, Conn.

The proposed nuclear facility, designated by the applicants as Millstone Nuclear Power Station, Unit 3, is designed for initial operation at approximately 3,425 megawatts (thermal) with a net electrical output of approximately 1,156 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission by May 22, 1973.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Conn. 06385.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, a report entitled, "Environmental Report—Construction Permit Stage," dated February 7, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Millstone Nuclear Power Station, Unit 3, is also being made available at the Office of State Planning, Department of Finance and Control, 340 Capitol Avenue, Hartford, CT 06115, and at the Southeastern Connecticut Regional Planning Agency, 139 Boswell Avenue, Norwich, CT 06360.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement related to the proposed action will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 15th day of March 1973.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Pressurized Water Reactors Branch No. 1 Directorate of Licensing.

[FR Doc.73-5659 Filed 3-22-73;8:45 am]

[Dockets Nos. 50-352, 50-353]

PHILADELPHIA ELECTRIC CO.

Supplementary Notice of Hearing on Application for Construction Permits

On December 3, 1971, a notice of hearing on Application for Construction Permits was published by the Atomic Energy Commission (the Commission) in the FEDERAL REGISTER (36 FR 23087) in the captioned proceeding. That notice indicated that an Atomic Safety and Licensing Board (Board) would be designated by the Commission to conduct the hearing, specified the issues to be determined by the Board, provided an opportunity to intervene with respect to the issues specified in such notice to persons whose interests may be affected by the proceeding, and provided an opportunity to make limited appearances to other persons who wished to make a statement in the proceeding but who did not wish to intervene. That notice also indicated that the Commission would give further public notice regarding hearing consideration of the matters covered by the Commission's regulations in 10 CFR Part 50, Appendix D, "Implementation of the National Environmental Policy Act of 1969".

Notice is hereby given, pursuant to 10 CFR Part 2, rules of practice, and Appendix D of 10 CFR Part 50, "Licensing of Production and Utilization Facilities," that in the conduct of the captioned proceeding, the Atomic Safety and Licensing Board will, in addition to considering and determining the issues pertaining to radiological health and safety and the common defense and security specified for hearing in the notice of hearing in this proceeding published on December 3, 1971, consider and make determinations, pursuant to the National Environmental Policy Act of 1969, on the following issue:

Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties within sixty (60) days after this notice of hearing or such time as may be appropriate, at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing on the issue covered by this supplementary notice. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding is or becomes a contested proceeding, the Board will consider and decide, as issues in this proceeding, the issue above as a basis for determining whether the construction permits should be issued to the applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, with respect to said issue, or their counsel, to be held on or before May 29, 1973, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference and within sixty (60) days after discovery has been completed, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

Notices of the dates and places of the special prehearing conference, the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102 (2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied

with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

This supplementary notice does not affect the status of any person previously admitted as a party to this proceeding with respect to, or provide an additional opportunity to any person to intervene on the basis of, or to raise matters encompassed within, the issues pertaining to radiological health and safety and the common defense and security specified for hearing in the above-referenced notice of hearing published December 3, 1971.

For further details, see the applicant's Environmental Report (Revised) dated May 1972 and Supplements 1 and 2 thereto dated August 11 and September 18, 1972, respectively, and the AEC Draft Environmental Statement dated December 1972, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of these documents are also available at the Pottstown Public Library, 500 High Street, Pottstown, PA 19464, for inspection by members of the public between the hours of 10 a.m. and 9 p.m. Monday through Friday and 10 a.m. and 5 p.m. on Saturday. Transcripts of the prehearing conferences and of the hearing are also available at the above locations. As they become available, a copy of the Commission's final environmental statement and other relevant documents will also be available at the above locations. Copies of the Commission's final environmental statement may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than April 29, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding with respect to the issue set forth in this notice must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 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 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 the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than April 29, 1973.

A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

The presiding Board has previously admitted certain parties as intervenors to this proceeding with respect to the issues set forth in the notice of hearing published December 3, 1971. Such persons need not again specify contentions relating to their interest and right to be made a party to the proceeding, but shall set forth their other contentions in the same manner and with the same particularity as is required for other persons filing a petition for leave to intervene in accordance with this supplementary notice. Such contentions shall be filed within the time period provided by this supplementary notice for the filing of a petition for leave to intervene.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant not later than April 19, 1973.

Papers required to be filed in the proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy of the petition or request for a limited appearance 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 Troy B. Conner, Esq., Conner & Knotts, 1701 K Street NW., Washington, DC 20006, attorney for the applicant.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

Dated at Germantown, Md., this 27th day of March 1973.

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

[FR Doc.73-6268 Filed 3-29-73;8:45 am]

[Dockets Nos. 50-354, 50-355]

PUBLIC SERVICE ELECTRIC & GAS CO.

Supplementary Notice of Hearing on Application for Construction Permits

On December 7, 1971, a notice of hearing on application for construction permits was published by the Atomic Energy Commission (the Commission) in the FEDERAL REGISTER (36 FR 23266), in the captioned proceeding. That notice indicated that an Atomic Safety and Licensing Board (Board) would be designated by the Commission to conduct the hearing, specified the issues to be determined by the Board, provided an opportunity to intervene with respect to the issues specified in such notice to persons whose interests may be affected by the proceeding, and provided an opportunity to make limited appearances to other persons who wished to make a statement in the proceeding but who did not wish to intervene. That notice also indicated that the Commission would give further public notice regarding hearing consideration of the matters covered by the Commission's regulations in 10 CFR Part 50, Appendix D, "Implementation of the National Environmental Policy Act of 1969."

Notice is hereby given, pursuant to 10 CFR Part 2, rules of practice, and appendix D of 10 CFR Part 50, "Licensing of Production and Utilization Facilities," that in the conduct of the captioned proceeding, the Atomic Safety and Licensing Board will, in addition to considering and

determining the issues pertaining to radiological health and safety and the common defense and security specified for hearing in the notice of hearing in this proceeding published on December 7, 1971, consider and make determinations, pursuant to the National Environmental Policy Act of 1969, on the following issue:

Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties within sixty (60) days after this notice of hearing or such time as may be appropriate, at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing on the issue covered by this supplementary notice. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding is or becomes a contested proceeding, the Board will consider and decide, as issues in this proceeding, the issue above as a basis for determining whether the construction permits should be issued to the applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, with respect to said issue, or their counsel, to be held on or before May 29, 1973, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference and within sixty (60) days after discovery has been completed, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

Notices of the dates and places of the special prehearing conference, the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

This supplementary notice does not affect the status of any person previously admitted as a party to this proceeding with respect to, or provide an additional opportunity to any person to intervene on the basis of, or to raise matters ecompassed within, the issues pertaining to radiological health and safety and the common defense and security specified for hearing in the above-referenced notice of hearing published December 7, 1971.

For further details, see the applicant's environmental report, dated March 1971, as amended, and the Commission's draft environmental statement, dated December 1972, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of these documents are also available at the Trenton Free Public Library, 120 Academy Street, Trenton, NJ 08608, for inspection by members of the public between the hours of 9 a.m. and 9 p.m. Monday through Friday and 9 a.m. and 6 p.m. on Saturday As they become available, copies of the Commission's final environmental statement and other relevant documents will also be available at the above locations. Transcripts of the prehearing conferences and of the hearing are also available at the above locations. Copies of the Commission's final environmental statement may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than April 29, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding with respect to the issue set forth in this notice must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 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 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 the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, not later than April 29, 1973. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714 (a)(1)–(4) and 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

The presiding Board has previously admitted certain parties as intervenors to this proceeding with respect to the issues set forth in the notice of hearing published December 7, 1971. Such persons need not again specify contentions relating to their interest and right to be made a party to the proceeding, but shall set forth their other contentions in the same manner and with the same particularity as is required for other persons filing a petition for leave to intervene in accordance with this supplementary notice. Such contentions shall be filed within the time period provided by this supplementary notice for the filing of a petition for leave to intervene.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant not later than April 19, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention:

Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy of the petition or request for limited appearance 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 Troy B. Conner Jr., Esq., Conner & Knotts, 1701 K Street NW., Washington, DC 20006, attorney for the applicant.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

Dated at Germantown, Md., this 27th day of March 1973.

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

[FR Doc.73-6269 Filed 3-29-73;8:45 am]

[Docket No. 50-406]

TUSKEGEE INSTITUTE

Issuance of Construction Permit

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on February 14, 1973 (38 FR 4430), the Atomic Energy Commission (the Commission) has issued Construction Permit No. CPRR-117 to the Tuskegee Institute as proposed in that notice, except that the earliest and latest dates for completion of the construction of the reactor have been changed from March 15, 1973, and June 15, 1973, to June 15, 1973, and October 15, 1973, respectively. The construction permit authorizes Tuskegee Institute to receive, possess, transport, and construct the AGN-201 (Serial No. 102) nuclear research reactor on its campus in Tuskegee, Ala., for subsequent operation at power levels up to 100 milliwatts for teaching and training purposes, in accordance with Tuskegee's application dated March 14, 1972, as supplemented. The permit also authorizes Tuskegee to receive, transport, and store up to 700 grams of contained uranium 235 and the small quantity of byproduct material contained in the reactor components that are being transferred from the Oklahoma State University.

The Commission has found that the application for the construction permit complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the remainder of the findings required by the Act and the Commission's regulations, which are set forth in the construction permit, and has concluded that the issuance of the construction permit will not be inimical to the common defense and security or to the health and safety of the public. The Tuskegee Institute is executing an indemnity agreement which satisfies the requirements of section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

A copy of the construction permit and a copy of the Safety Evaluation dated February 2, 1973, are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, or may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 23d day of March 1973.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2 Directorate of Licensing.

[FR Doc.73-6108 Filed 3-29-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23333; Order 73-3-99]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Reduced Fares for Cargo Sales Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of March 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted for March 1, 1973, effectiveness pursuant to the fourth meeting of the Cargo Agency Committee held November 28-30, 1972, in Montreal.

The agreement would revise the basis upon which reduced fare concessions for U.S.-based cargo sales agents are allocated. The general effect is to establish an incentive program geared to productivity in place of the present allocation of a fixed number of tickets to each agency location.

The current resolution permits each IATA—approved agency location two tickets annually, at a 75 percent reduction from the applicable fare. Under the new proposal, each agency registered in a particular country is entitled to a total of two such tickets, regardless of the number of locations it operates. The productivity provision would allot two additional tickets, at a 50 percent discount of the applicable first-class or normal economy fare, for each 100 percent (or fraction thereof) by which an agent's total international sales[1] exceed the annual average for the country of registration.[2] The maximum annual allowance of these tickets would be set at 40.

Trans World Airlines, Inc. (TWA), has filed comments in support of the agreement, and claims that the new program represents a significant improvement over the present system. TWA alleges that allocation of reduced-fare tickets by agency location is obsolete since IATA now registers its agents by country rather than individual location, and that in any event the number of locations is not a reliable index of growth and progress in aircargo sales. It is contended that sales volume is more directly related to the agents' bona fide travel requirements since it is a reliable index of productivity. TWA further alleges a need for prompt action since the current agreement is scheduled to expire March 31, 1973.

The matter of reduced fares for cargo agents has historically been one of considerable controversy, and the present proposal may be expected to provoke substantial comment from interested persons. The Board has repeatedly expressed its opinion that any system of reduced-fare concessions for cargo agents should be directly related to the legitimate business requirements of each agent.[3] However, it is unclear to what extent the subject agreement would accomplish this objective, and we are unable to determine, from the information now available, what the practical effect would be on the number of reduced-fare tickets available to individual agents or to the cargo agency industry as a whole. We will, therefore, require that each air carrier party to the agreement submit data relating to the number of reduced-fare tickets issued under the existing system in 1972, and an estimate of the number of such tickets which would have been issued had the new method of allocation been in effect.

For these reasons, and in view of the need for prompt disposition of the agreement, we will provide a 30-day period for the receipt of comments and supporting data in support of or in opposition to the agreement. In view of the fact that the current agreement will expire March 31, we would not oppose extension of the present system pending final action on the subject agreement.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, finds that it would be in the public interest to defer action on Agreement CAB 23516, R-3, pending the receipt, within 30 days

[1] On IATA members' waybills only.

[2] Country averages, as well as each agent's allotment, are to be determined by the IATA Agency Administrator on the basis of annual reports already required of each agent under terms of the IATA Cargo Agency Agreement; $1 million would be used as the average for any country whose actual average exceeds that amount. Reports submitted in a given year would be used to calculate quotas for following year, i.e., reports covering 1971, required to be submitted by Mar. 1, 1972, would determine the allocations for 1973.

[3] See order 72-5-59 of May 15, 1972, and Order 72-1-52 of Jan. 17, 1972.

of the date of service of this order, of comments and supporting data in support of or in opposition to the agreement.

Accordingly, it is ordered, That:

1. Action on Agreement CAB 23516, R-3, be and hereby is deferred pending the receipt, within 30 days of the date of service of this order, of statements in writing from any air carrier party to the agreement, or any interested person, together with supporting data in support of or in opposition to the agreement; [4]

2. Each air carrier party to the agreement shall submit within 30 days of the date of service of this order, data relating to the number of reduced-fare tickets issued to cargo sales agents under the existing system in 1972; and an estimate of the number of such tickets which would have been issued had the proposed method of allocation been in effect; and

3. This order shall be served upon all carrier parties to the agreement, the Air Freight Forwarders Association of America, and the International Airfreight Agents' Association, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-6173 Filed 3-29-73;8:45 am]

[Docket No. 24488; Order 73-3-96]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare and Currency Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of March 1973.

The Board, by Order 72-12-95 dated December 20, 1972, approved the subject agreement establishing rules for currency conversion adopted by the carrier members of the International Air Transport Association (IATA), subject to the following condition:

"2. The outstanding approval of Resolution 001, Permanent Effectiveness Resolution is subject to the following condition:

"No provision of any resolution shall be construed so as to require payment in United States dollars of fares, rates, or charges in excess of the dollar amounts stipulated in the appropriate tariffs on file with the Board."

IATA Resolution 021f provides that when currency exchange rates vary more than 2¼ percent from previously agreed IATA relationships, all rates and fares are to be sold in local currencies. The effect of the resolution is to create stability in airline rates and fares during periods of unstable monetary relationships until such time as new currency exchange relationships can be agreed in IATA.

Although the resolution may require the expenditure in certain currencies in certain countries at higher than U.S. tariff levels for temporary periods, the resolution also prevents "shopping" for transportation services in the most favorable currency market. For example, with devaluation of the dollar, the purchase of air transportation in Germany would presently require a higher than tariff fares expenditure in dollars for the required conversion into marks for the period until new tariffs reflecting new currency relationships are filed and approved. U.S. carriers thus suffer a loss of revenues if prevented from collecting more than tariff dollar fares for air transportation originating and sold abroad. In the present monetary situation our condition is also conducive to the purchase in the United States in dollars of air transportation originating abroad with a consequent loss in revenues to the carriers. The reverse of the examples cited above can, of course, occur when the relationship of other major IATA currencies vary from agreed exchange rates. Thus the resolution seeks to establish a practical stability in air transportation for interim periods until currencies stabilize and new tariffs can be filed. This stability is warranted in our opinion for such interim periods in the interests of both the traveling public and the carriers.[1]

Upon consideration of these various factors the Board finds that the noted condition on the operation of IATA Resolution 021f should be removed.

Accordingly, it is ordered, That:

Order 72-12-95, December 20, 1972, be and hereby is amended by the deletion of ordering paragraph 2.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 73-6171 Filed 3-29-73;8:45 am]

[Docket No. 24697]

TRANS WORLD AIRLINES, INC.-FLYING MERCURY, INC.

Postponement of Hearing

By motion filed March 22, 1973, Trans World Airlines, Inc., and Flying Mercury, Inc., requested an indefinite postponement of the hearing in this proceeding in order to explore settlement possibilities with the Bureau of Enforcement. In its answer, the Bureau objected to an indefinite postponement but agreed to a limited delay for this purpose.

Upon consideration of the request and answer, notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on April 3, 1973 (38 FR 4436, Feb. 14, 1973), is postponed to May 15, 1973, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Administrative Law Judge.

Dated at Washington, D.C., March 27, 1973.

[SEAL] THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc.73-6172 Filed 3-29-73;8:45 am]

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[4] An original and nineteen copies of the statements should be filed with the Board's Docket Section.

[1] The carriers are directed to file an appropriate rule in their tariffs providing for collections consistent with our action herein.

COMMISSION ON CIVIL RIGHTS

COLORADO 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 Colorado State Advisory Committee will convene at 9 a.m. on April 7, 1973, at Room 216, Ross Building, 1726 Champa Street, Denver, CO 80202.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission at Room 216, Ross Building, 1726 Champa Street, Denver, CO 80202.

The purpose of this meeting shall be to inform members of the Prison Subcommittee to the Colorado State Advisory Committee of the redirection of the Prison Project, and to request that the State Advisory Committee have some input into the Preliminary Report on the Prison Project.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., March 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-6152 Filed 3-29-73;8:45 am]

DELAWARE STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provision of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Delaware State Advisory Committee will convene at 12 noon on April 3, 1973, in Conference Room 205, Young Women's Christian Association, 908 King Street, Wilmington, DE 19801. Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission at 2120 L Street NW., Room 510, Washington, DC 20426.

The purposes of this meeting shall be to discuss the mounting of a scheduled Open Meeting on Prison Reform in Delaware.

This meeting will be conducted pursant to rules and regulations of the Commission.

Dated at Washington, D.C., March 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-6153 Filed 3-29-73;8:45 am]

MAINE 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 Maine State Advisory Committee will convene at 7:30 p.m. on April 3, 1973, at the Lady of the Rosary, Maxwell Gill Hall, Eye Street, Sabbatus, Maine 04280.

Persons wishing to attend this meeting should contact the committee chairman, or the Northeastern Regional Office of the Commission at Room 1639, 26 Federal Plaza, New York, NY 10007.

The purpose of this meeting shall be to discuss a preliminary report of the Maine State Advisory Committee's draft report on its recent open meeting on "Federal and State Services and the Maine Indian."

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., March 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-6154 Filed 3-29-73;8:45 am]

NEW HAMPSHIRE 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 Hampshire State Advisory Committee will convene at 8 p.m. on April 2, 1973, at the New Hampshire Highway Motel in Concord, N.H. 03301. This meeting shall be open to the public and the press.

Persons wishing to attend this meeting should contact the committee chairman, or the Northeastern Regional Office of the Commission at Room 1639, 26 Federal Plaza, New York, NY 10007.

The purpose of this meeting shall be to discuss a proposed joint meeting of the New Hampshire State Advisory Committee and the New Hampshire Commission for Human Rights.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., March 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-6155 Filed 3-29-73;8:45 am]

VERMONT STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provision of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont State Advisory Committee will convene at 7:30 p.m. on April 5, 1973, at the Tavern Motor Inn in Montpelier, Vt. 05602. Persons wishing to attend this meeting should contact the committee chairman, or the Northeastern Regional Office of the Commission at 26 Federal Plaza, Room 1639, New York, NY 10007.

The purposes of this meeting shall be to receive reports from the various subcommittees and to develop program plans for the balance of fiscal year 1973.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., March 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-6156 Filed 3-29-73;8:45 am]

WASHINGTON STATE ADVISORY COMMITTEE

Notice of Meeting; Correction

This is an amendment to FR Doc. 73-5509 appearing in the FEDERAL REGISTER of March 22, 1973, on page 7487.

This amendment pertains to a 2-day open meeting being held on March 30-31, 1973, at Seattle, Wash. 98401.

In addition to this 2-day open meeting, there will be a closed or executive session of the Washington State Advisory Committee which will convene on March 29, 1973, at 7:30 p.m., at the Seattle Hilton Hotel, Chinook Room, Sixth and University Streets, Seattle, WA 98101. At this session committee members will discuss matters which may tend to defame, degrade, or incriminate individuals, and as such this session is closed to the public.

The meeting being scheduled to be held on March 30-31, 1973, at the Seattle Public Library, Main Library Building, Fourth and Madison Streets, Seattle, Wash., shall be open to the public and the press.

Dated at Washington, D.C., March 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-6157 Filed 3-29-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE TREASURY

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Director, Office of Tax Legislative Counsel, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6090 Filed 3-29-73;8:45 am]

DEPARTMENT OF THE TREASURY

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary (Debt Management).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6089 Filed 3-29-73;8:45 am]

DEPARTMENT OF THE TREASURY

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy to the Assistant Secretary for Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6077 Filed 3-29-73;8:45 am]

DEPARTMENT OF THE TREASURY

Noncareer Executive Assignment Revocation of Authority To Make a

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Deputy Secretary, Office of the Under Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6078 Filed 3-29-73;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General for Enforcement, Internal Security Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6080 Filed 3-29-73;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Special Trial Section, Antitrust Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6079 Filed 3-29-73;8:45 am]

DEPARTMENT OF COMMERCE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Solicitor, Office of the Solicitor, Patent Office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6085 Filed 3-29-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary for Health Policy, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6088 Filed 3-29-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator, Social and Rehabilitation Service, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6082 Filed 3-29-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary for Congressional Relations, Office of the Secretary, Division of Congressional Relations.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6081 Filed 3-29-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Special Projects Officer, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6086 Filed 3-29-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the Administrator, Federal Aviation Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6087 Filed 3-29-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary (Special Projects), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6084 Filed 3-29-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Small Business Administration to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6083 Filed 3-29-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Environmental impact statements received by the Council from March 19 through March 23, 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 DEFENSE

Contact: Mr. Robert L. Gilliat, Office of General Counsel, Room 3E977, Department of Defense, the Pentagon, Washington, D.C. 20301.

Draft, March 19

Air installations compatible use zones. The proposal is the publishing of a policy which would recognize the characteristics of air installations operations as incompatible with certain possible land uses in the vicinity of the installation. The policy would define the methods by which compatible use zones may be determined and delineated, and require that the Military Departments develop programs to establish compatible use zones. Methods would range from local zoning, through State legislation, and acquisition of restrictive easements or fee title by the Federal Government. The establishment of compatible use zones would promote the development of non-noise sensitive activities in the high noise areas. (27 pages) (ELR Order No. 00468) (NTIS Order No. EIS 73 0468-D)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attention: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202-693-7168.

Supplement, March 20

Jacksonville Harbor, Fla. The document provides supplemental information to final environmental impact statements on section 1 and section 2 of Jacksonville Harbor. The statements, which were received on February 15, 1972, and July 3, 1972, respectively, are numbered ELR No. 1899, NTIS No. PB 199 880-F, and ELR No. 4826, NTIS No. EIS 72 4826-F. (91 pages) (ELR Order No. 00476) (NTIS Order No. EIS 73 0476-D)

Draft, March 8

Weymouth Landing Local Protection. County, Norfolk. The proposal is for a flood protection project, which would consist of a concrete dam, 1,200 feet of 96-inch pressure pipe and a 230-foot long arch conduit, and 1,000 feet of channel works. Some hardwood trees and other vegetation will be lost to the project. (32 pages) (ELR Order No. 00400) (NTIS Order No. EIS 73 0400-D)

Draft, March 9

Tybee Island, Ga. County, Chatham. The proposed project is one of restoration and periodic nourishment of 13,200 feet of ocean beach and an 800-foot rubble stone groin. Proposed for the future is the placement of two additional 760-foot rubble groins, and a 1,200-foot extension to the terminal groin. There will be adverse impact to marine biota. (29 pages) (ELR Order No. 00403) (NTIS Order No. EIS 73 0403-D)

Draft, March 14

Mississippi River, Baton Rouge to Gulf of Mexico, Louisiana. The proposed project is the maintenance of operation of navigation channels in the Mississippi River from Baton Rouge to deep water in the Gulf of Mexico. There will be maintenance dredging at 8 crossings in the Mississippi River, New Orleans Harbor, south and southwest passes, and bar channels; regulating and contracting works at the head of passes in south and southwest passes; regulating and controlling of outlets below New Orleans; and maintenance of jetty systems at the seaward ends of south and southwest passes. Placement of spoil on 725 acres of marsh and existing spoil banks below head of passes destroys wildlife habitat. (91 pages) (ELR Order No. 00444) (NTIS Order No. EIS 73 0444-D)

Draft, March 6

Dixon Farm Levee Improvement, Clackamas River, Oreg. The proposed project is the raising and extension of an existing levee to provide protection against floods to a 240 acre area. Land acquired for the project totals 5.3 acres, of which 2.25 acres is timber and brush cover. An increase in stream velocities would occur causing additional erosion and higher water pollution levels. (27 pages) (ELR Order No. 00378) (NTIS Order No. EIS 73 0378-D)

Draft, March 5

Seattle Bulk Mail Center, Federal Way, Washington. County, King. The proposed project is the construction of a U.S. Postal Service facility at Federal Way, Seattle. Fifty-five acres of wildlife habitat and timber land will be lost. Major adverse effects which will result are: increased noise and air pollution levels, reduction of tax base, and increased traffic congestion. (47 pages) (ELR Order No. 00363) (NTIS Order No. EIS 73 0363-D)

Final, March 19

Patterson Watershed, California. County, Stanilus. The statement considers the land treatment measures; the construction of a subsurface drainage system (10.9 miles of open joint tile and 4.5 miles of closed joint tile); and the cleaning and deepening of 1.6 miles of existing open drainage ditches. The project will improve drainage, lowering the high water table on 4,190 acres, removing accumulated salts from the soil and eliminating health hazards. The salt content of water delivered from the area to the San Joaquin River will be increased. (40 pages) Comments made by: COE, DOC, DOI, HEW, and EPA (ELR Order No. 0465) (NTIS Order No. EIS 73 0465-F)

Calcasieu River, Coon Island, La. County, Calcasieu. The statement refers to the proposed construction of a 40' x 200' ship channel and a 750' x 1000' turning basin in order to allow more efficient use of the channel by larger and deeper-draft vessels. Approximately 3,252 acres of dredged spoil will be deposited at diked sites. The project will stimulate industrial growth. There will be adverse impacts upon fish, wildlife, water, and recreational resources in the project area. (53 pages) Comments made by: DOC, DOI, HEW, and EPA State agencies (ELR Order No. 00467) (NTIS Order No. EIS 73 0467-F)

Final, March 20

Chincoteague Inlet, Va. County, Accomack. The statement considers the construction of a navigation channel (2,600' long and 150' wide by 12' deep), across the ocean bar at Chincoteague Inlet. The purpose of the project is that of providing navigational improvements which will enhance commercial usage of existing resources. Approximately 43,000 cubic yards of material will be dredged. Marine biota will be damaged; 3 acres of low upland terrain will be used for spoil deposit. (28 pages) Comments made by: DOC, EPA, and DOI State agencies (ELR Order No. 00475) (NTIS Order No. EIS 73 0475-F)

INTERSTATE COMMERCE COMMISSION

Contact: Mr. James Tao, Office of the General Counsel, Room 5107, Washington, D.C. 20423, 202 343-2097.

Draft, March 16

Ex parte 281, increased freight rates and charges. The proposed action involves authorization for increases in railroad rates and charges on commodities moving for purposes of recycling. Final agency action is planned to become effective on June 7, 1973. (240 pages) (ELR Order No. 00391) (NTIS Order No. EIS 73 0391-D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202-466-4357.

FEDERAL AVIATION ADMINISTRATION

Draft, March 8

Kasigluk Airport, Alaska. The statement refers to the proposed development of a new airport to serve the villages of Kasigluk, Nunapitchuk, and Atmautlauk. The project will involve the construction of a landing strip, a parking apron, and the connecting taxiway. Noise and air pollution from aircraft operation will be introduced to the area. (12 pages) (ELR Order No. 00393) (NTIS Order No. EIS 73 0393-D)

Nampa Municipal Airport, Idaho, county: Canyon. The proposed project is the construction of a new general utility runway, together with taxiway, apron, terminal, and parking facilities. Approximately 40 acres will be acquired for clear zones and future development. There will be an increase in noise and air pollution. (20 pages) (ELR Order No. 00398) (NTIS Order No. EIS 73 0398-D)

Mississippi County Airport, Mo., county: Mississippi. The statement refers to the proposed acquisition of 100 acres of land for the development of a new airport facility. The development of the facility includes a 3,800 foot by 75 foot primary runway, a 3,000 foot crosswind runway, and related facilities. Adverse effects include exposure of a new area to airport operation and increased air and noise pollution. (27 pages) (ELR Order No. 00396) (NTIS Order No. EIS 73 0396-D)

Modisett Field, Nebr., county: Sheridan. The statement refers to the acquisition of approximately 11 acres of land and 7 acres by easement or clear zone for additional airport development at Modisett Field. The project includes the construction of a 4,300 foot by 150 foot safety area and 3,900 foot by 50 foot primary runway, segmented circle, perimeter fencing along new areas, and safety fencing. Noise and air pollution levels will increase. (17 pages) (ELR Order No. 00394) (NTIS Order No. EIS 73-0394-D)

Linton Municipal Airport, N. Dak., county: Emmons. The statement refers to the acquisition of 5.3 acres of land and 14.6 acres of clear zone easements to upgrade the present airport facility. The project will realine, lengthen, and hard surface the present runway (3,100 feet by 50 feet); a connecting taxiway, a ramp, and related facilities will be constructed. There will be an increase in noise and air pollution. (41 pages) (ELR Order No. 00395) (NTIS Order No. EIS 73 0395-D)

Stigler Municipal Airport, Okla., county: Haskell. The statement refers to the proposed acquisition of 160 acres of land for the development of a new airport and clear zones. The project involves constructing a 50 foot by 3,000 foot runway, stub taxiway, tiedown aprons, and medium intensity runway lights, including VASI. There will be an increase in air and noise pollution. (15 pages) (ELR Order No. 00397) (NTIS Order No. EIS 73 0397-D)

Madison Municipal Airport, S. Dak., county: Lake. The proposed project includes land acquisition (53 acres), navigation easements for the extension of the existing runway from 50 feet by 3,100 feet to 75 feet by 4,200 feet. The action also contemplates constructing a connecting taxiway and apron; installing a MIRL/VASI lighting system; relocating a county road; and fencing, seeding, and obstruction removal. Noise and air pollution will increase with increased usage. (34 pages) (ELR Order No. 00399) (NTIS Order No. EIS 73 0399-D).

FEDERAL HIGHWAY ADMINISTRATION

Draft, March 14

SR 80, Florida, county: Palm Beach. The proposed project is the improvement of SR 80. Depending upon the alternate chosen, the project will: Vary in length 23.7 to 24.3 miles; acquire 317.3 to 392 acres of land; and displace 14 to 31 families and 19 to 60 businesses. Construction of the facility may affect the drainage system and water table. Increases in noise and air pollution levels will occur. (63 pages) (ELR Order No. 00437) (NTIS Order No. EIS 73 0437-D)

Draft, March 9

Iowa 330, Iowa, counties: Jasper, Story, and Marshall. The proposed project is an upgrading of present Iowa 330 on the existing alinement. It would involve either building two new lanes or reconstructing the existing roadway and purchasing additional right-of-way for an eventual four-lane facility. Two residences and two farmsteads will be displaced. The project would remove cropland from productivity and several timbered tracts which constitute wildlife habitat will be lost. Noise and exhaust emissions will increase. (ELR Order No. 00402) (NTIS Order No. EIS 73 0402–D)

Draft, March 12

US 20, Iowa, county: Webster. The proposed project is the construction of 0.8 mile of US 20. Nine residences and eight businesses will be displaced. Numerous trees will be lost to right-of-way. Increases in noise and air pollution levels will occur. (20 pages) (ELR Order No. 00427) (NTIS Order No. EIS 73 0427–D)

Draft, March 14

SR 193 relocated, Md., county: Prince Georges. The proposed project is the relocation and improvement of State Route 193. Length of the project is 3 miles. Depending upon the alternate chosen, between 9 and 13 families will be displaced. Increases in noise and air pollution will result from the project. (69 pages) (ELR Order No. 00435) (NTIS Order No. EIS 73–0435–D).

Draft, March 9

US 311, High Point to Winston-Salem, N.C., counties: Guilford and Forsyth. The statement refers to the proposed relocation of US 311 between High Point and Winston-Salem, a distance of 12.2 miles. The project will consist of a four-lane divided highway with full access control. Approximately 800–900 acres of land will be committed to right-of-way; 50 families and three businesses will require relocation. (38 pages) (ELR Order No. 00406) (NTIS Order No. EIS 73 0406–D)

Final, March 9

State Route 50, Groveland to Clearmont, Fla., county: Lake. The statement considers two alternate corridors for the improvement of SR 50 from SR 33 in Groveland to SR 561 in Clearmont. The action involves upgrading an existing two-lane facility to a multilane highway. Project length is 4.7 miles. The number of displacements and the amount of right-of-way acquired will depend upon the alinement selected. (48 pages) Comments made by: EPA, DOI, HEW, and USDA. (ELR Order No. 00411) (NTIS Order No. EIS 73 0411–F)

Hess Creek-Chehalem Creek, Pacific Highway West, Oreg., county: Yamhill. The project proposal consists of a couplet system constructed through the city of Newberg from River Street to the Southern Pacific Transportation Co. railroad tracks. First and Hancock Streets would be utilized as couplet elements with First Street one way east and Hancock Street one way west. A small amount of land will be acquired for right-of-way. (36 pages) Comments made by: COE, DOI, and State and local agencies. (ELR Order No. 00410) (NTIS Order No. EIS 73 0410–F)

BRYAN P. JENNY,
Acting General Counsel.

[FR Doc.73-6170 Filed 3-29-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

N-sec-BUTYL-4-tert-BUTYL-2,6-DINITROANILINE

Notice of Establishment of Temporary Tolerance

Amchem Products, Inc., Ambler, Pa. 19002, submitted a petition (PP 2G1285) requesting establishment of temporary tolerances for negligible residues of the herbicide *N-sec*-butyl-4-*tert*-butyl-2,6-dinitroaniline in or on the raw agricultural commodities cottonseed and soybeans at 0.1 part per million.

It has been determined that these temporary tolerances are safe and will protect the public health. They are therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Amchem Products, Inc. name.

These temporary tolerances expire March 26, 1974.

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

Dated: March 26, 1973.

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

[FR Doc.73-6045 Filed 3-29-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19716; FCC 73-331]

OBSCENITY IN BROADCASTING

Inquiry; Procedures for Investigation

1. The Commission has under consideration information and complaints from the public that certain broadcast licensees or permittees may have broadcast obscene, indecent, or profane material in violation of section 1464, title 18 of the United States Code, which raises serious questions as to whether the licensees or permittees are operating in the public interest. Similar questions have arisen in connection with cablecasting.

2. *Therefore, it is ordered*, On the Commission's own motion, pursuant to sections 403 and 409(e) of the Communications Act of 1934, as amended, that an inquiry is hereby instituted to determine whether any licensee, permittee, or cable system, or any principal, agent, or employee thereof, has engaged in the above-described practice, and if so to what extent and under what circumstances.

3. *It is further ordered*, That the inquiry shall be a nonpublic proceeding unless and until the Commission orders that public sessions be held after determining that the public interest would be served thereby. Such nonpublic proceedings are in accord with the Commission's practices in investigations of the nature indicated above.

4. *It is further ordered*, That, pursuant to section 5(d)(1) of the Communications Act of 1934, as amended, for the purpose of this inquiry, authority is hereby delegated to the Chief Administrative Law Judge of the Commission to require by subpena the production of books, papers, correspondence, memorandums, and other records deemed relevant to the inquiry; to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and to perform such other duties in connection therewith as may be necessary or appropriate to the compilation of a complete record concerning the subject matter of this inquiry.

5. *It is further ordered*, That the Chief Administrative Law Judge is specifically authorized to designate a Commission Administrative Law Judge to exercise the authority conferred by this order; and to require witnesses to testify and produce evidence under authority of, and in the manner provided in, section 409 of the Communications Act of 1934, as amended, when requested to do so by Commission Counsel.

6. *It is further ordered*, That the subpena powers delegated by this order shall be exercised in accordance with §§ 1.331 through 1.340 of the Commission's rules. Motions to quash or limit subpena shall be directed to the presiding Administrative Law Judge in accordance with § 1.334 of the rules. Applications for review of the presiding Administrative Law Judge's rulings on such motions may be filed with the Commission within ten (10) days after the issuance by the presiding Administrative Law Judge of such rulings.

7. *It is further ordered*, That the provisions of § 1.27 of the Commission's rules shall apply to the production of oral and documentary evidence under subpena.

8. *It is further ordered*, That upon conclusion of the inquiry ordered herein, the presiding Administrative Law Judge shall certify the record thereof to the Commission for appropriate action.

Adopted: March 22, 1973.

Released: March 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-6143 Filed 3-29-73;8:45 am]

[1] Commissioner Johnson dissenting; Commissioner Hooks absent.

[Dockets Nos. 19519, 19581; FCC 73R-120]

WESTERN COMMUNICATIONS, INC., AND LAS VEGAS VALLEY BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Western Communications, Inc. (KORK-TV), Las Vegas, Nev., Docket No. 19519, File No. BRCT-327, for renewal of license; Las Vegas Valley Broadcasting Co., Las Vegas, Nev., Docket No. 19581, File No. BPCT-4465, for construction permit for new television broadcast station.

1. This proceeding involves the mutually exclusive applications of Western Communications, Inc. (Western), for renewal of its license for Station KORK-TV, Channel 3, Las Vegas, Nev., and Las Vegas Valley Broadcasting Co. (Valley), for a construction permit for a new television broadcast station to operate on Channel 3, Las Vegas, Nev. (38 FR 7140). Now before the Review Board is a petition to enlarge issues, filed October 6, 1972, by Valley, which requests disqualifying and comparative issues inquiring into alleged fraudulent billing practices, network clipping, and false sponsorship identification at stations wholly owned or operated by Donald W. Reynolds, the owner of Station KORK-TV, as well as disqualifying and comparative issues relative to Western's efforts to ascertain community needs and interests.[1]

BILLING, CLIPPING, AND SPONSORSHIP IDENTIFICATION ISSUES

2. A brief statement of the history of this proceeding will facilitate an understanding of the Board's present disposition of the requested issues. Western is owned by Donrey, Inc., which is wholly owned by Donald W. Reynolds, who also owns or controls Station KFSA-TV, Fort Smith, Ark., and Station KOLO-TV, Reno, Nev. As a result of complaints filed with the Commission, an investigation was initiated which resulted in a letter to Western, FCC 72-75, dated January 26, 1972, detailing various alleged instances of network clipping[2] at all three stations, and fraudulent billing practices with local businesses and false sponsorship identification in certain political announcements at Station KFSA-TV. Subsequently, on June 9, 1972, the Commission issued a notice of apparent liability to Station KFSA-TV, FCC 72-502, for a forfeiture in the amount of $5,000; thereafter, the forfeiture was paid in full. The application for renewal of license for Station KOLO-TV was granted without hearing on June 15, 1972, FCC Report No. 10731. The Commission did, however, designate the renewal application of Station KORK-TV for hearing by order, FCC 72-503, 35 FCC 2d 517, on an issue to determine whether it had engaged in fraudulent billing practices by network clipping, as well as a misrepresentation and candor issue. A subsequent order, FCC 72-767, released September 1, 1972, consolidated Valley's application with the KORK-TV renewal proceeding under the same issues, and a comparative issue.

3. Citing the above-described Commission investigation, information contained in the letter to Western and the notice of apparent liability issued to and paid by KFSA-TV, Valley contends that a consistent pattern of conduct by stations under common ownership is evidenced, and "must raise questions as to the principal licensee's character and qualifications to remain a Commission licensee." Furthermore, argues Valley, it is significant that after Western's response to a Commission letter of May 14, 1971, transmitting certain viewer complaints of clipping, the other commonly owned stations continued clipping, at least through June 1971, the end of the period covered by the Commission investigation. Such violations by other stations owned by an applicant, argues Valley, are clearly a proper basis for addition of qualifying issues in a comparative hearing, regardless of whether such violations have resulted in a forfeiture, citing, e.g., "Harvit Broadcasting Corp.," 31 FCC 2d 876, 22 RR 2d 1062 (1971); and "Du Page County Broadcasting, Inc.," 21 FCC 2d 395, 18 RR 2d 321 (1970). Valley concludes that the above circumstances represent a consistent pattern of "deliberate fraud" requiring disqualifying issues and, in the event Western is determined qualified to continue as a Commission licensee, a comparative issue for "evaluation of the licensee's overall broadcast record."

4. The Broadcast Bureau agrees with Valley that the Commission investigation provides an adequate basis for adding issues inquiring into network clipping at KFSA-TV and KOLO-TV, and into the local double billing at KFSA-TV. The Bureau believes that the "cumulative impact of all the violations" should be considered on both a disqualifying and comparative basis. The Bureau does not believe, however, that the violations of Stations KOLO-TV and KFSA-TV, standing alone, can determine whether Western is basically qualified because of the Commission's actions regarding these stations. As for the alleged sponsorship identification violations, the Bureau is satisfied that Western's response to the Commission inquiry was sufficient to negate the need for that inquiry.

5. In opposition, Western initially opposes the requested issues on procedural grounds. Western's renewal application was first designated for hearing on June 9, 1972, supra, and the order was published in the FEDERAL REGISTER on June 22, 1972, 37 FR 12346; therefore, argues Western, since § 1.229 requires that petitions to enlarge be filed not later than 15 days after the issues "have first been published" in the FEDERAL REGISTER, Valley's petition is nearly 3 months late. Moreover, argues Western Valley cannot "take advantage" of the fact that its application was not formally designated for consolidated hearing with the Western application until September 1, 1972, because Valley was well aware of the status of the Western renewal proceeding and its own interest therein, as evidenced by various other pleadings filed and, concludes Western, it was therefore Valley's obligation to intervene and file a timely petition to enlarge. Substantively, Western argues that Valley's request is defective because it seeks to add issues pertaining to alleged rule violations which have already been fully considered by the Commission. Specifically, Western notes that all of the information relied upon by Valley was available to the Commission prior to either the June 9, or the September 1, 1972, designation order, and the Commission must have concluded that no action was necessary. In this regard, Western relies heavily on Commissioner Johnson's dissenting opinion to the June 9, 1972, designation order, which was based on the Commission's decision not to issue an order to show cause why KFSA-TV's license should not be revoked nor to take any action against KOLO-TV. Western also points to the notice of apparent liability issued to KFSA-TV, arguing that both it and Commissioner Johnson's dissent clearly indicate that the Commission gave full consideration to the matters raised by Valley and that, therefore, the Board is precluded from reconsidering such matters, citing "Atlantic Broadcasting Co.", 5 FCC 2d 717, 8 RR 2d 991 (1966). Moreover, contends Western, "Harvit Broadcasting", supra, and "Du-Page County Broadcasting", supra, are inapposite because in those cases additional or continuing rule violations were brought to light after designation. Finally, argues Western, the orderly presentation of evidence would be disrupted if rule violations issues at KFSA-TV and KOLO-TV are added, because meritorious programing issues regarding those stations would also have to be added, citing "Friendly Broadcasting Co.", 35 FCC 2d 611, 24 RR 2d 712 (1972).

6. In reply, Valley urges that it could not have filed a petition to enlarge prior to the issuance of the consolidated designation order because it was not a party to the proceeding (§ 1.229(a)), and that it was not required to intervene because, in the order, released June 12, 1972, the Commission indicated that, if Valley wished to prosecute its application on a comparative basis, a subsequent order would be issued. Moreover, argues Valley, the order released September 1, 1972, clearly stated that the issues there designated superseded the previously specified issues. Substantively, petitioner argues that neither the "mere consideration by the Commission" of the matters at issue nor the notice of apparent liability precludes addition of the requested

[1] Also before the Board are the following related pleadings: (a) Broadcast Bureau's comments, filed Nov. 20, 1972; (b) opposition, filed Nov. 27, 1972, by Western; and (c) reply, filed Dec. 22, 1972, by Valley.

[2] The instances of network clipping included discontinuing the broadcast of network programs before their completion, joining programs after they had begun and expanding station breaks within network programs so as to fail to carry such programs in their entirety and, then, falsely representing to the networks that each of the programs was broadcast in its entirety.

issues so long as factual matters relating to the qualifications of an applicant remain unresolved, as they do here. Whether violations come to light "prior to or subsequent to designation * * * is immaterial", petitioner contends, so long as the Commission did not provide a "reasoned analysis," citing "Atlantic," supra. Valley concludes that no such analysis has been provided by the Commission, and therefore urges the Board to add the requested issue (citing "National Broadcasting Co., Inc.", 21 FCC 2d 195, 18 RR 2d 74 (1970)).

7. The Board will add the issues relating to fraudulent billing practices and network clipping at Stations KFSA-TV and KOLO-TV; however, in light of previous Commission actions, the issues will be added on a comparative basis only. The requested sponsorship identification issue will be denied. As to the timeliness of Valley's petition, the Board believes that, while Valley may have technically been under an obligation to seek timely intervention subsequent to the release of the June 12, 1972, designation order, in view of the language of the June 12 order indicating that the proceeding would be redesignated if a proposed merger was terminated, and the fact that the proceeding was redesignated, the petition should be treated as having been timely filed. Cf. "WPIX, Inc. (WPIX)," 34 FCC 2d 419, 24 RR 2d 59 (1972), review denied FCC 72-616, released July 12, 1972. Turning to the merits of the petition, the Board is of the view that the question of the effect on Western's basic qualifications of the alleged fraudulent billing practices and network clipping at KFSA-TV and KOLO-TV, as detailed in the Commission letter dated June 9, 1972, and the Notice of Apparent Liability issued to KFSA-TV, was resolved by the Commission when the license renewal application of KOLO-TV was routinely granted and the Notice of Apparent Liability issued to KFSA-TV. The timing of these actions, considered in light of Commissioner Johnson's dissent to the Commission order, released June 12, 1972, in which he urged the issuance of an order to show cause to KFSA-TV and designation of KOLO-TV's renewal application for hearing, clearly indicates that the Commission considered the consequences of the alleged violations in question in designating this proceeding for hearing. The Board cannot agree with Western, however, that the Board is precluded from adding issues inquiring into these matters on a comparative basis in this proceeding. These allegations, taken together with the allegations in the instant case, raise a substantial question as to whether individual acts or a consistent pattern of misconduct of substantial proportions over a relatively lengthy period of time by three stations under common ownership has occurred. The consequences of such actions are clearly relevant to the comparative qualifications of Western. Nor is the Board precluded by the doctrine set forth in "Atlantic," supra because the prior Commission actions relate to the individual stations and the effect of the alleged violations on the basic qualifications of the licensees. These matters are clearly separate from the question of Western's comparative qualifications and, consequently, there can be no "reasoned analysis" in the orders designating the KORK-TV application for hearing.

8. In our view, the "NBC" case, cited by the petitioner, supports our conclusion that, although we are not barred from allowing consideration of these alleged violations on a comparative basis, their effect on Western's basic qualifications has already been determined. In that case, involving the renewal of an NBC station in Los Angeles, the Board added disqualifying issues inquiring into the circumstances surrounding certain allegedly misleading programs produced and presented by NBC, even though, as noted by petitioner, the Commission had previously renewed the license for the NBC station in New York. However, the Board believes this aspect of the case to be inapplicable to the present proceeding because, in granting the New York renewal application, the Commission had indicated that the allegedly misleading programs were being considered in the Los Angeles proceeding and, in a footnote to the Los Angeles proceeding designation order, indicated the programs would "be considered in this proceeding." No comparable circumstances are present in this proceeding. Rather, in our view, the present circumstances more closely parallel another aspect of the same "NBC" case where the Board, when presented with requests for disqualifying issues pertaining to other allegedly misleading programs, indicated that such requests must be denied due to previous adjudication of such matters, including appropriate sanctions and subsequent renewal of all the NBC licenses at least once; the Board indicated, however, that these matters could be considered on a comparative basis. 21 FCC 2d at 204, 18 RR 2d at 85. Here, the Commission has also imposed sanctions with regard to one, and renewed the license of the other, offending station. And, like the "NBC" case, the Board is nevertheless of the view that the allegations can be considered in the comparative evaluation of the two applicants. Finally, as to the requested sponsorship identification issue, we agree with the Broadcast Bureau that Western's March 20, 1972, response to the Commission's inquiry adequately dispels the need for further inquiry. That response indicates that it identified the main contributors to the candidates' campaigns as the sponsors because neither candidate had established a formal campaign committee. It therefore appears that KFSA-TV acted in good faith and without intentional wrongdoing and that further inquiry would serve no useful purpose.

SUBURBAN AND COMPARATIVE EFFORTS ISSUES

9. In support of the requested ascertainment issue, petitioner initially alleges that Western has relied upon "outdated" census figures and county school registration records which have resulted in inaccurate population and minority group statistics, citing the "Primer" (Q. & A. 9).[3] Thus, argues Valley, Western has no valid basis for determining the composition of its community of license. Petitioner urges that the inaccuracies are demonstrated by comparing Western's figures with 1970 U.S. Census statistics. For example, argues Valley, Western's renewal application places more than 50 percent of Clark County's population in Las Vegas, whereas the 1970 Census reduces that figure to 46 percent; in addition, Western's application projects 7 percent of the population in North Las Vegas, 6 percent in Henderson and 3 percent in Boulder City, while the 1970 Census indicates that those communities have 13 percent, 6 percent, and 1.9 percent, respectively, of the population. Valley points to similar discrepancies in the minority group breakdown. Petitioner also contends that the use of outdated statistics has resulted in an "imbalance" in Western's community leader survey because the communities listed above did not receive adequate examination. Finally, Valley asserts that, even though Western's service area has a 5.5 percent Spanish-surnamed population, no leader was contacted "who could truly be classified" as a member of that minority. Valley also contends that its ascertainment efforts are sufficiently superior to those of Western's to require a comparative efforts issue. In support of this contention, Valley alleges that it utilized a much wider range of current sources in compiling its population statistics and in the number and breakdown of its community surveys. In this regard, Valley notes that Western interviewed only 84 community leaders, 80 of whom reside in Las Vegas, and 145 members of the general public, with little or no breakdown into smaller, more revealing groups. In contrast, argues petitioner, it interviewed 198 community leaders, 16 of whom reside in the smaller communities surrounding Las Vegas, and 211 members of the general public. In addition, Valley contends, the community leaders it interviewed, unlike those of its opponent, are broken down into representative minority and ethnic groups. In conclusion, Valley argues that all of the above requires a disqualifying Suburban issue against Western and a comparative efforts issue in the event Western satisfies the disqualifying issue.

10. In opposition, Western initially responds to Valley's attack on its alleged inaccurate statistics by arguing that the 1970 Census data was not available, at least in part, at the time it conducted its prerenewal survey. Moreover, argues Western, its total population estimate was based on an approximate 10 percent per year increase since 1960, which percentage is reflected in the current Census data, and, therefore, Western's

[3] Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 682, 21 RR 2d 1507, 1541 (1971).

1971 estimate of 300,000 for the population of Clark County is more current and accurate than Valley's use of the 1970 Census figure of approximately 273,000. As to the minority percentages, Western argues that its estimate of a larger black population (13 percent) than the 1970 Census determined (9.1 percent) is not a basis for penalty, and the difference in Mexican-American population percentages (3.5 percent) by Western and 5.5 percent by 1970 Census) is insignificant. With regard to its estimates of the populations in the smaller communities surrounding Las Vegas, Western argues that the percentage differences from the 1970 Census are similarly insignificant and that, in the absence of any current data, Western's estimates represent a good faith and adequately accurate attempt to comply with the Primer. In reference to its community leader surveys, Western argues that its first survey was adequate but that, in addition, the Presiding Judge accepted a Western amendment by Order, FCC 72M-1320, released October 24, 1972, which clearly demonstrates compliance with the Primer. This amendment shows consultations with 124 more community leaders, including those representing the smaller communities and minority groups. Finally, Western opposes Valley's request for a comparative efforts issue on the grounds that all of the above demonstrates that Western's ascertainment efforts are not defective and, in fact, are in many respects superior to those of valley. The Broadcast Bureau opposes addition of both issues, basically for the reasons stated by Western.

11. The Review Board will deny the requested issues. In reference to the requested Suburban issue, the Board believes that the Western amendment sufficiently dispels any doubt as to the adequacy of Western's surveys and showing. See, e.g., "Eastern Broadcasting Corp.," 31 FCC 2d 724, 22 RR 2d 966 (1971). In all, Western interviewed 226 community leaders with a fair and representative percentage of minorities, as well as of the smaller communities in the area. As to the population figures and minority percentages derived therefrom, the Board believes that the percentage disparities are not sufficient to require addition of a Suburban issue—particularly since 1970 Census data does not appear to have been readily available and the methods used by Western to estimate the population percentages were reasonably explained and substantially accurate.[4] In view of the above determination and after a review of Valley's ascertainment efforts, the Board is similarly of the opinion that no useful purpose would be served by adding a comparative efforts issue. Valley's central basis for comparison appears to be on numerical differences; however, the Western amendment substantially equalizes any imbalance of this nature. For example, Western has conducted 226 community leader interviews and 245 general public interviews, while Valley has contacted 220 community leaders and 311 members of the general public. Nor do the other differences suggest a significant disparity. Therefore, the Board will add neither of the requested issues.

12. *Accordingly, it is ordered*, That the petition to enlarge issues, filed October 6, 1972, by Las Vegas Valley Broadcasting Co., is granted to the extent indicated below, and is denied in all other respects; and

13. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issues:

1. a. To determine whether the American Television Co., Inc., former licensee of Station KFSA-TV, Channel 5, Fort Smith, Ark., owned wholly by Donald W. Reynolds, engaged in fraudulent billing practices in violation of § 73.1205 of the Commission's rules and regulations, by sending invoices to distributors and manufacturers representing charges for advertising in excess of the amounts actually charged a local advertiser, and by certifying to the CBS and NBC Television Networks in certain documents that the licensee broadcast certain network programs in their entirety, including commercial content, whereas the licensee had deleted portions of said programs, including certain network commercial advertisements in the programs certified as having been broadcast in their entirety.

b. To determine whether Nevada Radio-Television, Inc., licensee of Station KOLO-TV, Channel 8, Reno, Nev., owned wholly by Donald W. Reynolds, engaged in fraudulent billing practices in violation of § 73.1205 of the Commission's rules and regulations, by certifying to the CBS Television Network in certain documents that the licensee broadcast certain network programs in their entirety, including commercial content, whereas the licensee had deleted certain network commercial advertisements in the programs certified as having been broadcast in their entirety.

c. To determine the effect, if any, of the evidence adduced under the foregoing issues, considered individually or together with the evidence adduced under Issues 1 (a), (b), and (c), on the comparative qualifications of Western Communications, Inc. (KORK-TV).

Adopted: March 16, 1973.

Released: March 23, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73-6140 Filed 3-29-73;8:45 am]

[4] In this regard the Board finds significant the statement in the Primer (in reference to the number of persons who should be consulted) that,

(N)o set number or formula has been adopted. Community leaders from each significant group must be consulted. A sufficient number of members of the general public to assure a generally random sample must also be consulted. The number of consultations will vary, of course, with the size of the city in question and the number of distinct groups or organizations. No formula has been adopted as to the number of consultations in the city of license compared to other communities falling within the station's coverage contours. (Primer, Q. & A. 14.)

[5] Board Member Nelson concurring in result.

[Dockets Nos. 19519, 19581; FCC 73R-123]

WESTERN COMMUNICATIONS, INC., AND LAS VEGAS VALLEY BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In re applications of Western Communications, Inc. (KORK-TV), Las Vegas, Nev., Docket No. 19519, File No. BRCT-327, for renewal of license; Las Vegas Valley Broadcasting Co., Las Vegas, Nev., Docket No. 19581, File No. BPCT-4465, for construction permit for new television broadcast station.

1. On January 18, 1973, Western Communications, Inc. (Western), filed its sixth motion to enlarge issues in this proceeding (38 FR 7140), requesting the Board to add the following issues:[1]

To determine whether Mr. Meyer (Mike) Gold, vice president, director, 12.5 percent stockholder/subscriber and proposed full-time general manager of Las Vegas Valley Broadcasting Co., made misrepresentations to the Commission, or exhibited lack of candor, concerning his reasons for assigning his licenses for KLUC and KLUC-FM in December 1969, and the effect of these matters on the qualifications of Valley to be a licensee.

To determine whether grant of the application of Las Vegas Valley Broadcasting Co. for Channel 3 in Las Vegas would be in violation of § 73.636(a) of the Commission's rules, or in violation of the Commission's "cross-interest" policy.

2. Western alleges that Meyer (Mike) Gold, a vice president, a member of the Board of Directors, and a 12.5 percent stock subscriber and proposed full-time general manager of Las Vegas Valley Broadcasting Co. (Valley), as an individual formerly was the licensee of Stations KLUC and KLUC-FM, Las Vegas, Nev., and that on December 23, 1969, he tendered applications to assign those licenses to others, stating as his reason for the transfer:

Assignor desires to concentrate his time on the operation of station KLOM, Lompoc, Calif., of which he is president and 50 percent owner, and to develop a new syndicated program service.

Petitioner alleges that Gold has not in fact concentrated his time on the operation of KLOM in Lompoc nor has he developed a new syndicated program service or tried to do so. Moreover, Western notes that in Gold's deposition in the instant proceeding, taken January 8, 1973, he stated that after the sale of his Las Vegas radio stations, his only other business interest was KLOM; that he had more time on his hands which he devoted to his hobbies; that he devotes only 10 or 15 days out of the year at the most to KLOM; and that he now spends a little less time on the affairs of the KLOM station than he did before he sold his Las Vegas station. Moreover, Western notes that Gold stated on deposition that he sold his Las Vegas stations, which were not for sale at the time, because

[1] The Board also has before it the Broadcast Bureau comments, filed Jan. 31, 1973; Valley's opposition, filed Feb. 22, 1973, and a reply to the opposition, filed by Western on Mar. 5, 1973.

he received an offer that was so attractive. Under these circumstances, Western contends, a misrepresentation issue must be added to this proceeding.

3. In opposition, Valley contends that Western's petition is late filed and that Western has not shown good cause for its delay. Valley submits an affidavit of Gold, who states that at the time he sold the Las Vegas stations, he did in fact intend to devote substantial time to the affairs of KLOM; however, afer a trip to Lompoc, he ascertained: That the area was somewhat depressed, that his partner was doing an excellent job in operating the station, and that no useful purpose would be served by devoting his full time to the station's affairs. Moreover, Gold contends that the transcript of his deposition supports his contention that he and his son, Steven, did devote considerable effort to the development of a syndicated program service which did not prove to be successful.

4. On the current state of the record before us, the requested issue will be included in the proceedings. There are a number of inconsistencies among Gold's statement made at the time he transferred his station, at his subsequent depositions, and in his affidavit filed with the Review Board. In view of these inconsistencies, the questions can best be resolved in the context of the hearing process.

5. Western also requests addition of an issue to determine whether a grant of Valley's application would be in violation of § 73.636(a) of the Commission's rules or of the Commission's "cross-interest" policy. In support of this request, Western alleges that Steven J. Gold, who is the son of Meyer (Mike) Gold is a 51 percent stockholder, president, director, and general manager of Broadcast Associations, Inc., licensee of standard broadcast Station KBMI, Henderson, Nev.; that Las Vegas and Henderson are located approximately 15 miles apart and that the entire city of Henderson lies within the proposed principal city and Grade A contours of Valley's proposed television station. Western notes that § 73.636(a) and the related cross-interest policy precludes the same person from acquiring an interest in both an AM and TV station serving substantially the same area, and argues that, although Steven Gold is not an officer, director, stockholder, or employee of Valley, the nature of the relationship between Steven Gold and his father and mother is such that a cross-interest issue should be added. More specifically, Western relies on the facts that Steven Gold is 28 years of age, unmarried, that he has resided with his parents at their home for the past several years, and that he will apparently continue to reside with them. Western also contends that Steven Gold and his parents have a record of close-knit relationships in the broadcasting business; that Steven Gold was employed full time at Stations KLUC and KLUC-FM until those stations were sold by Meyer Gold; that Steven Gold did not continue his employment at those stations after their sale; and that, after the sale of the stations, Steven Gold was largely unemployed until he purchased his interest in Station KBMI. Western alleges further that there is a creditor/debtor or other form of intimate financial relationship between Steven Gold and his interest in KBMI, on one hand, and his mother and father on the other hand. In this regard, Western notes that Steven Gold relied upon a $52,000 promissory note from his father to him, and a $10,000 loan from his mother for his financial contribution to Broadcast Associates. Moreover, Western contends that KBMI and Valley have a common mailing address; that Steven Gold's accountant, W. Irving Haut, is the treasurer, a director, and a 12.5 percent stockholder in Valley, that the September 30, 1971, balance sheet of Mr. and Mrs. Meyer Gold filed with the KBMI amendment of April 3, 1972, is the same balance sheet filed by Meyer Gold with Valley's application 5 or 6 months earlier, and that the demographic survey relied on in the KBMI is the same demographic survey relied on by Valley, except that on three of the four pages of the copy used for KBMI, the Valley exhibit numbers have been lined through with pen or pencil. In these circumstances, Western contends, an issue to determine whether a grant will be in conflict with the Commission's rules or its cross-interest policy should be added to the proceeding.

6. The requested issue will be denied. Initially, the Board agrees with Valley that the request for this issue is untimely and that good cause for the delay has not been shown. Although Western contends that the matters relied upon were not available to it prior to Mr. Gold's deposition, it is apparent that these circumstances are such that Western could have, with due diligence, known of them in time to file a timely request for the issue. As to the merits of the request, Steven Gold is not a stockholder-subscriber, officer, director, or employee of Valley. Nor do either of his parents hold any position with or stock in Broadcast Associates. Moreover, based on our examination of the pleadings, we are not satisfied that the relationship between Steven Gold and his parents is such as to warrant the requested issue. It is clear from the affidavits filed with the opposition that as of that date Steven Gold was not financially dependent upon his parents. The $52,000 note to Steven Gold was given to him by his father as a bonus for past service and the loan from his mother has been fully repaid. Thus, no debtor-creditor relationship exists. Nor do we find grounds in the other circumstances alleged to warrant inclusion of the requested issue. The Commission has consistently held that family relationship alone is insufficient to create a presumption of common control, and the allegations relied on by the petitioner show little more than an ordinary family relationship. Cf. "Community Broadcasting Co. of Hartsville," 16 FCC 2d 891, 15 RR 2d 1093 (1969); and "L & S Broadcasting Co.," 6 FCC 2d 535, 9 RR 2d 423 (1967).

7. *Accordingly, it is ordered,* That the sixth motion to enlarge issues, filed by Western Communications, Inc., on January 18, 1973, is granted to the extent indicated herein, and is denied in all other respects; and the issues are enlarged as follows:

To determine whether Mr. Meyer (Mike) Gold, Vice President, Director, 12.5 percent stockholder/subscriber and proposed full-time general manager of Las Vegas Valley Broadcasting Co., made misrepresentations to the Commission, or exhibited lack of candor, concerning his reasons for assigning his licenses for KLUC and KLUC-FM in December 1969, and the effect of these matters on the basic or comparative qualifications of Valley to be a licensee.

8. *It is further ordered,* That burden of going forward with the evidence under the issue added herein is on Western and the burden of proof is on Valley.

Adopted: March 19, 1973.

Released: March 23, 1973.

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

[FR Doc.73-6142 Filed 3-29-73;8:45 am]

[Dockets Nos. 19468, 19469, 19471; FCC 73R-118]

WIOO, INC. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of WIOO, Inc., Carlisle, Pa., Docket No. 19468, file No. BPH-6572; Howard J. Hilton, John E. McGowan, and John E. Hilton, doing business as Hilton, McGovern & Hilton, Carlisle, Pa., Docket No. 19469, File No. BPH-6631; Alexander Contract and Sylvia Contract doing business as Cumberland Broadcasting Co., Carlisle, Pa., Docket No. 19471, File No. BPH-7404, for construction permits.

1. The above-captioned mutually exclusive applications for an FM broadcast station in Carlisle, Pa., were designated for hearing by Commission Order, FCC 72-233, 34 FCC 2d 919, released March 24, 1972. Since then, the Board has added several issues against both WIOO, Inc. (WIOO), and Cumberland Broadcasting Co. (Cumberland), including issues inquiring into the character qualifications of each.[1] Now before the review board are two petitions requesting the addition of more issues to this proceeding (38 FR 6430): (a) A further petition to enlarge issues, filed October 30, 1972, by WIOO;[2] and (b) a petition to enlarge issues, filed

[1] See, e.g., FCC 73R-45, 26 RR 2d 704, released Jan. 31, 1973, and 37 FCC 2d 740, 25 RR 2d 567, released Oct. 19, 1972.

[2] The following related pleadings are also before the Board: (1) Broadcast Bureau's comments, filed Nov. 14, 1972; (2) Cumberland's opposition, filed Nov. 22, 1972; (3) Cumberland's supplement to its opposition, filed Nov. 29, 1972; and (4) WIOO's reply, filed Dec. 11, 1972.

January 10, 1973, by WIOO.[2] The "further petition" requests the addition of the following five issues against Cumberland:

(a) To determine whether the hiring practices and policies of Cumberland Broadcasting Co. will comport with equal opportunity employment requirements.

(b) To determine whether Cumberland Broadcasting Co. may be relied upon to program its station as proposed, and in the best interests of the entire population of its service area, with particular reference to the black population.

(c) To determine the history of dealings of Cumberland Broadcasting Co.'s principals with blacks and the surrounding facts and circumstances.

(d) To determine whether the principals of Cumberland Broadcasting Co. possess the requisite character qualifications to be a Commission licensee.

(e) To determine, in light of evidence adduced under the foregoing issues, the effect thereof upon the comparative and absolute qualifications of Cumberland Broadcasting Co.

The January petition arose out of Cumberland's response to WIOO's further petition and requests the addition of an issue to determine whether Cumberland's principals knowingly submitted false information to the Commission. The requests will be considered seriatim.

WIOO's Further Petition

2. In its October 30, 1972, petition, WIOO makes several allegations which purportedly evidence on the part of Cumberland principal Alexander Contract, a "clear pattern of discrimination and denial of opportunity", and which, in WIOO's opinion, demonstrate that Cumberland "would not in fact treat its black employees in the fair and nondiscriminatory manner which Commission policy requires." WIOO also accuses Contract of salacious behavior with several women in Carlisle, contending that this conduct, too, reflects adversely on Cumberland's character qualifications. To support its allegations, petitioner relies on several affidavits and unsworn statements which it attaches to it petition. The affidavits and statements are from local residents who allege that they know Contract and who denounce him for various reasons (e.g., racial discrimination, salacious behavior). WIOO deduces from this potpourri of complaints and denunciations that "(i)t would be completely unrealistic for the Commission to expect fair and sympathetic treatment of black persons, either as employees or as members of the public, by a station owner having the attitudes described here." Petitioner relies on "Chapman Radio and Television Co.", 24 FCC 2d 282, 19 RR 2d 589 (1970) (hereinafter "Chapman I"), as precedent for inquiring into whether the hiring practices [4] comport with Commission policy, and "Chapman Radio and Television Co.", 34 FCC 2d 159, 24 RR 2d 51 (1972) (hereinafter "Chapman II"), in support of the contention that Contract's rental practices as a Carlisle landlord [5] also "raise the most serious questions about the spirit in which Cumberland could reasonably be expected to follow equal employment policies." WIOO acknowledges that its request is filed "sometime after the original designation for hearing", but argues that it was unaware of the serious matters raised "until recently".

3. The Broadcast Bureau supports the addition of an issue with respect to Contract's employment policies, and also favors an evidentiary inquiry into allegations concerning Contract's discriminatory policies as a landlord. Citing "Chapman II", the Bureau asserts that alleged past discriminatory conduct constitutes "clear cause for exploration by the Commission in the form of a more searching scrutiny of the applicant in this important respect." However, the Bureau does not concur with WIOO's request for a programing inquiry because, in the Bureau's view, the petitioner fails to show the shortcomings of Cumberland's proposal vis-a-vis the needs of the black community and neglects to substantiate its claims with supporting factual data. Finally, the Bureau recommends the use of "broad language" in framing an issue in order to facilitate "inquiry into the other allegations which have a reasonable relationship" to a determination of Contract's character qualifications.

4. Cumberland's opposition is based upon both procedural and substantive grounds. Cumberland first impugns the veracity of all of WIOO's affidavits and unsworn statements by charging that one affiant was paid by WIOO; Cumberland then points to the untimeliness of the petition wherein "good cause isn't ever mentioned"; and finally Cumberland suggests that the subject matter raised in the petition is more properly within the jurisdiction of the Human Relations Commission of the Commonwealth of Pennsylvania. On the merits, Cumberland denies that Contract has exhibited bias or prejudice, or ungentlemanly behavior. A number of affidavits and statements are submitted which purportedly illumine Contract's "true" relationship with the black community and which, in Cumberland's words, present "(h)ardly a picture of a racist or one who has discriminated with respect to race," but rather "one who has helped black people tremendously and treats them with fairness and respect."

5. In reply, WIOO characterizes Cumberland's charge with respect to the payment of an affiant as "hearsay" and "conjecture," and swears that no money was ever exchanged. WIOO submits that Contract's representations in the opposition are either unverified or unsubstantiated and that WIOO's allegations continue to raise questions of a sufficiently serious nature so as to necessitate an inquiry, citing the Edgefield-Saluda case.[6]

6. The Review Board will deny the requested issues. First, the petition is grossly late because more than 7 months have expired since the designation order was published on March 24, 1972, and because the facts relied upon allegedly occurred prior thereto. Further, petitioner's explanation that it was unaware of the matters raised "until recently" is too vague and less than adequate to excuse the untimeliness. "WENY, Inc.", 12 FCC 2d 606, 12 RR 2d 1160 (1968). The Board also agrees with Cumberland that the issues raised should be initially pleaded before the Pennsylvania Human Relations Commission, a local forum better suited to handle complaints of the nature submitted by WIOO. The Commission is, of course, very concerned about the specific allegations encompassing discrimination by applicants for broadcast licenses.[7] However, the allegations in WIOO's petition relate to conduct in a local business not per se within our jurisdiction, no action in an appropriate forum is pending, and the allegations themselves do not raise a serious question regarding discrimination. The Board has in the past ordinarily declined to intervene in matters of alleged violations of Federal or local law where the matters have not been presented to or acted upon by the authority charged with the responsibility of interpreting and enforcing those laws. See, e.g., "Bangor Broadcasting Corp.", 33 FCC 2d 687, 689, 23 RR 2d 883, 886 (1972); "Lamar Life Broadcasting Co.", 26 FCC 2d 112, 120, 20 RR 2d 509, 520 (1970). Under the particular circumstances of this case, we are of the view that this principle should be applied here. Moreover, the charges, particularly those regarding proposed programing, amount to mere speculation and unsupported conclusions, and, as such, are insufficient to require the addition of an issue.[8]

7. Neither do the "Chapman" cases, supra, support the addition of an issue in this proceeding. In "Chapman I," the Commission "deem(ed) it appropriate to delve into the matter of (the applicant's) employment policies" because of an adverse civil judgment, because of possible misrepresentations concerning

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[2] The following related pleadings are also before the Board: (1) Comments of the Broadcast Bureau, filed Jan. 23, 1973; (2) opposition of Cumberland, filed Feb. 2, 1973; and (3) reply of WIOO, filed Feb. 12, 1973.

[4] Contract is the owner and operator of a Carlisle laundry business.

[5] Contract rents apartments in Carlisle.

[6] The "Edgefield-Saluda Radio Co. (WJES)", 5 FCC 2d 148, 8 RR 2d 611 (1966).

[7] "If a violation has been established, this clearly raises a question as to the applicant's qualifications" and "* * * even where no violation of a specific statute is established or alleged, specific allegations may raise serious public interest issues warranting a full hearing." "Notice of Proposed Rulemaking to Require Broadcast Licensees to Show Nondiscrimination in Their Employment Practices," 13 FCC 2d 766, 769, 13 RR 2d 1645, 1650 (1968), and cases cited therein.

[8] The Board notes, and the petitioner as much as acknowledges, that Cumberland's survey includes members of the black community, including leaders thereof, and that the applicant has proposed certain programs which are apparently responsive to the needs and interests of that community.

the incident involved therein, and because of the applicant's "apparent failure to contact members of minority groups with regard to community needs * * *." In "Chapman II," an issue was added to inquire "into the significance of the civil judgment" entered against two of the applicant's principals for Civil Rights Act violations, in the evaluation of the applicant's qualifications, but inquiry was stayed pending resolution of an appeal from the civil judgment. In addition, the case was remanded to the presiding judge for a further hearing under an existing equal opportunity employment issue encompassing "an inquiry into the civil rights compliance of the companies owned by (the applicant's) directors * * *." The important and distinctive elements are missing in the instant proceeding: there is no outstanding adverse judgment against Cumberland; there is none pending; and there is no existing equal opportunity employment issue. "Chapman I and II" are, therefore, inapposite.

WIOO's JANUARY PETITION

8. Cumberland, in opposition to WIOO's further petition, charged that WIOO had purchased a sworn statement, and, in support, appended an affidavit of George Corbin, dated November 10, 1972, relating an allegedly incriminating conversation he had with the paid affiant, his brother. WIOO, in its reply, denied the allegation, and on January 10, 1973, filed a petition requesting the addition of an issue:

> To determine the circumstances under which Cumberland submitted the affidavit of "George Corbin" with its November 22, 1972, opposition, and in the light thereof, to determine whether Cumberland's principals knowingly submitted false information to the Commission.

In support, WIOO submits an affidavit of George Corbin, dated January 6, 1973, in which he relates that he was out of town on November 10, 1972 (the date of the alleged first Corbin affidavit), that he did not sign that affidavit, and further, that the facts regarding payment for the sworn statement are untrue. The notary public for the November 10 affidavit, states that the individual signing that affidavit, and the individual who appeared before him on January 8, 1973, are not the same person. The Broadcast Bureau supports the addition of the requested issue, urging that the serious public interest questions raised override the defect of untimeliness.[3] The Bureau also suggests the addition of an issue encompassing a determination of "the effect of a resolution of the requested issue on Cumberland's requisite and/or comparative qualifications" which, the Bureau points out, the Board did in adding a similar issue in this proceeding (37 FCC 2d 740, 25 RR 2d 567, released October 19, 1972).

9. In opposition, Cumberland characterizes WIOO's petition as a "total fabrication". George Corbin submits two more affidavits in which he swears that he is the same individual who signed all of the affidavits bearing the signature of his November 10 affidavit (submitted with Cumberland's opposition to the further petition); and that he repudiates the truth of the affidavits signed by him and submitted by WIOO with its January petition. Corbin claims that he signed the affidavits for WIOO while under the influence of alcohol offered to him by a WIOO principal, who also paid him. Cumberland submits a laboratory report of a document examiner who finds that all of the signatures of "George Corbin" were "written by the same writer". Cumberland concludes that if the issue is to be added at all, it should include a determination of "the facts and circumstances concerning the procurement of WIOO, Inc. of its January 6, 1973, affidavit and its January 8, 1973, statement."

10. WIOO, in reply, submits affidavits from one of its principals, from various witnesses and from its attorney, all of whom deny any wrongdoing on the part of WIOO, and attempt to rebut the countercharges asserted by Cumberland. WIOO notes Cumberland's suggestion to inquire into the circumstances surrounding the procurement of all of the affidavits in question, and "earnestly entreats" the Board to go into the "entire matter".

11. It appears from an examination of the affidavits submitted to the Board that someone may not be telling the truth regarding this matter and, because the glaring conflicts in the affidavits preclude our resolution of the serious questions raised, they must be resolved at the hearing. "Christian Voice of Central Ohio," 26 FCC 2d 76, 81–82, 20 RR 2d 389, 395 (1970); "Sumiton Broadcasting Co., Inc.," 15 FCC 2d 400, 404, 14 RR 2d 1000, 1005 (1968), and cases cited therein. Because both parties agree that all the matters raised should be subject to inquiry at the hearing, the Board will add appropriate issues against both Cumberland and WIOO.

12. Finally, the Board notes that, according to the Commission's files, no less than 25 interlocutory requests have been filed in this proceeding, giving rise to responsive pleadings, which, in turn, generate supplements and supplements to supplements, and more pleadings responsive thereto. This activity frustrates an orderly and efficient administrative process, and introduces unnecessary delay. In view of the plethora of pleadings filed in the instant proceeding, the Board suggests that the parties may wish to reappraise their approach to the case, with the understanding that the ultimate determination will be based on facts of record rather than arguments and allegations contained in a seemingly endless chain of interlocutory pleadings. See "RKO General, Inc. (WNAC–TV)," 34 FCC 2d 736, 737, 24 RR 2d 200, 201 (1972).

13. *Accordingly, it is ordered*, That the further petition to enlarge issues, filed October 30, 1972, by WIOO, Inc., is denied; and

14. *It is further ordered*, That the petition to enlarge issues, filed January 10, 1973, by WIOO, Inc., is granted; and

15. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine the facts and circumstances surrounding the procurement of the affidavits of Jerry Corbin and George Corbin in connection with the pleadings submitted by Cumberland Broadcasting Co. and WIOO, Inc.

(b) To determine in light of the evidence adduced pursuant to issue (a), the effect thereof on the basic and/or comparative qualifications of Cumberland Broadcasting Co.

(c) To determine in light of the evidence adduced pursuant to issue (a), the effect thereof on the basic and/or comparative qualifications of WIOO, Inc.

16. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issues added herein shall be on WIOO, Inc., and the burden of proof under issues (a) and (b) shall be on Cumberland Broadcasting Co., and the burden of proof under issues (a) and (c) shall be on WIOO, Inc.

Adopted: March 16, 1973.

Released: March 22, 1973.

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

[FR Doc.73-6141 Filed 3-29-73;8:45 am]

[3] In support, the Bureau cites "RKO General, Inc. (WNAC–TV)," 30 FCC 2d 138, 22 RR 2d 178 (1971).

FEDERAL MARITIME COMMISSION

FREIGHT BROKERS INTERNATIONAL, INC.

Applicants for Independent Ocean Freight Forwarder License

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.

Freight Brokers International, Inc., 43 Park Place, New York, NY 10007.

OFFICERS

John T. Colligan, President-Secretary.
Matthew K. Fitzgerald, Vice President-Treasurer.
Michael Alan Baker, 3521 Mentone Avenue, Apartment 7, Los Angeles, CA 90034.
Fresh Air Incorporated, Fresh Air Cargo, 5600 Arbor Vitae, Los Angeles, CA 90045.

OFFICERS

Bill E. King, President.
Homer H. Carr, Vice President.
Phyllis K. Gordon, Secretary-Treasurer.

By the Commission.

Dated: March 26, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-6160 Filed 3-29-73;8:45 am]

HARRY KAUFMAN DOING BUSINESS AS INTERNATIONAL SHIPPERS CO. OF NEW YORK

Notice of Revocation

Notice is hereby given that effective March 15, 1973, independent ocean freight forwarder license No. 35 issued to Harry Kaufman doing business as International Shippers Co. of New York, was revoked pursuant to section 44, Shipping Act, 1916, and pursuant to report and order of the Federal Maritime Commission served February 13, 1973, in Docket No. 71–15.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–6159 Filed 3–29–73;8:45 am]

[Docket No. 71–92]

C. E. TOLONEN CO., INC.

Order of Suspension

By motion filed July 12, 1972, respondent requested that the Commission order the subject proceeding discontinued with suspension of respondent's independent ocean freight forwarder license (FMC 1347) for a period of 90 days from the service date of the order. Hearing counsel have no objection to respondent's motion.

Therefore, it is ordered, That pursuant to section 44 of the Shipping Act, 1916 (46 U.S.C. 841(b)) and § 510.9(c) of the Commission's General Order 4 (46 CFR 510.9(c)), the independent ocean freight forwarder license (FMC 1347), issued in the name of C. E. Tolonen Co., Inc., is hereby suspended for 90 days from the date of service of this order.

It is further ordered, That license No. 1347 be returned to the Commission to be held during the period of suspension which will expire June 24, 1973.

It is further ordered, That respondent be allowed to complete any forwarding transactions in which it is currently engaged, but that respondent neither solicit nor accept any new forwarding business during this suspension period.

It is further ordered, That, provided respondent does not operate as an independent ocean freight forwarder, except as set forth in the preceding paragraph, this proceeding be discontinued upon completion of the suspension period.

It is further ordered, That should respondent operate as an independent ocean freight forwarder during this suspension period, its license will be subject to revocation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–6161 Filed 3–29–73;8:45 am]

[Docket No. 72–47]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Extension of Authority for Intermodal Services; Order of Clarification

The Commission instituted this proceeding on September 1, 1972, in response to a petition filed by Seatrain Lines, Inc., requesting the Commission to reconsider its approval of Agreement No. 150–54.

Agreement No. 150–54, as approved by the Commission on March 30, 1972, modifies the basic agreement of the Trans-Pacific Freight Conference of Japan to permit it to: (1) Broaden its jurisdiction to include inland points in the United States; (2) establish port-to-point, including through and joint, rates in addition to its conventional port-to-port rates; and (3) prohibit any conference line from negotiating, establishing, publishing, filing, or operating under "any transportation arrangement except as the conference may specifically authorize in its tariff".

When Agreement No. 150–54 was originally noticed in the FEDERAL REGISTER it was protested by both Seatrain and American Mail Line, Ltd. (AML). The gravamen of these parties' protests was that the approval of the subject agreement would compel them to cancel their intermodal tariffs on file with this Commission and the Interstate Commerce Commission. AML subsequently withdrew its protest when on March 3, 1972, the Conference adopted a resolution which permits any Conference line to publish its own intermodal tariffs until such time as the Conference, pursuant to Agreement No. 150–54, adopts its own Conference-wide intermodal tariff.[1]

Although Seatrain did not withdraw its protest to the approval of Agreement No. 150–54, it joined the Conference on March 23, 1972. Believing that the Conference-adopted resolution satisfied Seatrain's complaint (by allowing it to publish its own intermodal tariffs), the Commission approved Agreement No. 150–54.

Subsequently, Seatrain filed a petition for reconsideration of the Commission's approval of Agreement No. 150–54, and the Commission instituted this proceeding. In view of the circumstances surrounding its prior approval of Agreement No. 150–54, particularly that Seatrain is permitted to retain and utilize its "landbridge" tariff, the Commission did not vacate its order of approval, but rather set the matter down for hearing as to whether the agreement should be granted continued approval.

[1] This resolution further provides that cargoes carried by Conference members under intermodal tariffs which are permitted by the Conference are fully subject to the Conference's self-policing provisions, including requirements for the reporting of misrating and statistical data.

In addition to the continued approvability of Agreement No. 150–54, the Commission also raised as an issue for determination in this proceeding the question of whether:

> * * * any modification of Agreement No. 150–54 is warranted in order to establish more clearly defined standards governing the cancellation of individual intermodal tariffs published by conference members or in order to restrict the rights of members to vote on matters related to intermodal traffic and tariffs to only those lines who offer and participate in such services, or in order to prohibit the application of Conference self-policing procedures to independent tariffs published by any of its member lines.

In response to a Seatrain prehearing memorandum, and as a result of certain discussions held at the prehearing conference, as well as the intervention of several ports into this proceeding, the Conference has now filed a motion to clarify issues, to which Seatrain and Hearing Counsel have replied. This matter is now before the Commission for consideration and disposition.[2]

The Conference, through its motion, requests that the Commission rule that its order of investigation and hearing does not raise the following issues for determination in this proceeding:

1. The question whether by adoption of the Conference resolution of March 3, 1972, the Conference had carried out an unapproved section 15 agreement without the Commission's prior approval;

2. The question whether approval of Agreement No. 150–54 may cause the diversion of traffic from gulf ports to movement through west coast ports; and

3. The question whether the Commission ordered an unlimited de novo review of Agreement No. 150–54.

Seatrain believes that all three issues described above are incorporated in the Commission's Order of Investigation and Hearing served in this proceeding and

[2] Seatrain in its reply, questions, as a "preliminary matter", whether the Conference's motion is properly before the Commission in view of the requirements of Rule 5(m) of the Commission's rules of practice and procedure that "all motions * * * be addressed to and passed upon by the presiding officer". Seatrain views this rule as requiring the Administrative Law Judge "to rule on * * * (the Conference's) motion in the first instance" and accuses the Conference of attempting to prevent the presiding officer from performing his duty under the regulations by initially filing its motion with the Commission. Whatever may have been the merits of Seatrain's argument at the time it was made, it is clear that Judge Levy's referral of the Conference's motion to the Commission for disposition satisfies the requirements of Rule 5(m). In transmitting the motion to the Commission, the presiding officer has for all intents and purposes "passed upon" said motion. The Conference's motion to clarify, therefore, is properly before the Commission.

accordingly urges the Commission to deny the Conference's motion to clarify in toto.

Hearing Counsel in their reply suggest that the Commission clarify its order as requested with regard to the first issue raised, but decline decision as to the remainder of the motion on the grounds that it is merely an attempt to narrow issues and that "the responsibility for narrowing issues at this stage of the proceeding rests with the parties and the Presiding Administrative Law Judge".

Since we feel that our Order of Investigation and Hearing of September 1, 1972, fully and adequately sets forth the matters of fact and law to be explored in this proceeding, our disposition of the Conference's motion here is offered not so much as a clarification as it is an affirmance thereof.

First, the Conference and Hearing Counsel are correct in reading our order to exclude the status of the Conference's resolution of March 2, 1972, from the scope of this proceeding. The question of whether the Conference resolution constitutes an unfiled and unapproved section 15 agreement is not, nor was it intended to be, an issue for resolution in this proceeding. While we did specifically express an interest in, and raise issues as to, those portions of the resolution which relate to the cancellation of individual intermodal tariffs and the application of Conference self-policing procedures to such tariffs, the status of the resolution itself insofar as its filing and implementation are concerned was not made an issue for consideration.

Since the resolution appears to be a proper and acceptable implementation of the authority accorded in Agreement No. 150–54, we saw no reason when instituting this proceeding, nor do we see any now, to consider the resolution anything other than an interstitial type of arrangement. We are therefore acceding to the Conference's request by making it clear, if it was not before, that our order of September 1, 1972, does not include as an issue the question whether by adoption of the Conference resolution of March 3, 1972, the Conference had carried out an approved section 15 agreement without the Commission's prior approval.

We cannot agree with the Conference, however, that (1) possible "cargo diversion" is not an issue to be considered in this proceeding, and/or (2) the Commission did not order an "unlimited de novo review" of Agreement No. 150–54.

While the Commission did not specifically assign "cargo diversion" as an issue for determination in this proceeding, the fact remains that the question of whether Agreement No. 150–54 does result in the diversion of cargo generally is a matter which must be considered along with all the others, in determining the continued approvability of the agreement under investigation. It is axiomatic that any matter that legitimately goes to the approvability of an agreement before the Commission raises a proper issue for consideration in that proceeding. Accordingly, evidence pertaining to cargo diversion should be admitted if it is reasonably related to the ultimate issue to be resolved in this proceeding, i.e., whether Agreement No. 150–54 should be disapproved, canceled, or modified, and we would expect the Administrative Law Judge to make whatever rulings are necessary in that respect.

Finally, as regards the scope of the Commission's investigation in this proceeding, we believe that the first ordering paragraph, to wit:

Therefore, it is ordered, That a proceeding be instituted pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814, 821) to determine whether Agreement No. 150–54 should be disapproved, canceled, or modified in accordance with the standards enunciated in section 15 of the Act.

clearly indicates that the Commission intended to subject Agreement No. 150–54 to a complete and thorough review. Thus, while the other ordering paragraphs do single out particular matters which we felt should be considered, they were not intended to limit the scope of the Commission's review in anyway. Agreement No. 150–54, therefore, is before the Commission in this proceeding for all intents and purposes, and any attempt by the Conference to limit the proceeding to anything less than a full and comprehensive investigation must be rejected.

Therefore, it is ordered, That the motion to clarify filed by the Trans-Pacific Freight Conference of Japan in this proceeding is, except to the extent granted herein, denied.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-6158 Filed 3-29-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. R-432]

MONTHLY REPORT OF COST AND QUALITY OF FUELS FOR STEAM ELECTRIC PLANT

Order Permitting Intervention

MARCH 27, 1973.

On February 26, 1973, Consolidated Edison Company of New York (Petitioner), filed a petition to intervene in the matter of Docket No. R–432, Monthly Report of Cost and Quality of Fuels for Steam Electric Plants, and an accompanying motion requesting: (1) Amendment of Commission regulations to provide for the reporting of fossil fuel cost information on the basis of average cost per million B.t.u.; (2) Commission authorization pendente lite to report fuel cost information only on an average cost per million B.t.u. basis; and (3) confidential treatment by the electric utilities on Form No. 423, and release of that information on a confidential basis only to other Federal agencies.

By order issued March 2, 1973, the Commission denied a Petition for Amendment of the Commission's regulations with respect to Form No. 423, as promulgated under Order No. 453, requesting revision to: (1) Require the reporting of average cost of fossil fuels, rather than actual prices; (2) eliminate the reporting of identity of the fuel supplier and the date of contract expiration; and (3) assure that Form No. 423 data be made available only to Commission members or other Federal agencies. The Commission issued an additional order March 2, 1973, denying a motion to stay pendente lite the public dissemination of information required by Commission Order No. 453 to be provided on Monthly Form No. 423, and to treat Form No. 423 confidentially.

The Commission ruled upon similar matters contained in Petitioner's motion in the orders of March 2, 1973. Petitioner's allegations here do not differ materially from those considered and rejected on March 2, 1973. Petitioner maintains that the public disclosure of the specific price data on fuel supply costs contained in Form No. 423 is causing injury to itself and its customers by providing its fuel suppliers with specific price data for use in negotiations on new contracts; that the collection and dissemination of such data are inconsistent with the antitrust laws; and that the purposes for which Form No. 423 was adopted can be satisfied without public disclosure. We reject these same allegations for reasons set forth in the orders of March 2, 1973.

Those orders, however, did allow Petitioners in that case to file an offer of proof, under oath, on or before April 2, 1973, setting forth facts and other circumstances to support their allegations that disclosure of data under Form No. 423 resulted in injury to electric utilities and that such injury outweighs the public benefit from full disclosure and the relief which the Commission can grant, if any. We will grant Consolidated Edison Co. a similar opportunity in this docket to submit a written Offer of Proof on or before April 2, 1973.

The Commission finds:

(1) The participation in this proceeding of Petitioner may be in the public interest.

(2) Petitioner's Motion for Confidential Treatment of Form No. 423 and amendment of the Commission's regulations with respect to Form No. 423 should be denied.

(3) Petitioner should be afforded the opportunity to file an Offer of Proof, under oath, on or before April 2, 1973, to support its allegations of injury.

The Commission orders:

(1) Petitioner is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of the intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene: *And provided, further,* That the admission of intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in the proceeding.

(2) Petitioner's Motion for Confidential Treatment of Form No. 423 and Amendment of the Commission's regulations with respect to Form No. 423 is hereby denied.

(3) Petitioner may file an Offer of Proof, under oath, on or before April 2, 1973, setting forth facts and other circumstances to support its allegation that disclosure of data under Form No. 423 has resulted in injury to electric utilities and that such injury outweighs the public benefit from full disclosure and the relief which the Commission can grant, if any.

By the Commission.

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

[FR Doc.73-6279 Filed 3-29-73;9:10 am]

SUPPLY-TECHNICAL ADVISORY TASK FORCE—LIQUEFIED NATURAL GAS (LNG)

Agenda of Meeting

Meeting to be held in Conference Room 2043 of the Federal Power Commission, 441 G Street NW., Washington, DC, April 3, 1973—9 a.m. Presiding: Mr. Randolph E. Mathura, Alternate TF FPC Survey Coordinating Representative and Secretary.

1. Call to Order and Introductory Remarks—Mr. Mathura.

2. Objectives and Purposes of Meeting:

A. Discussion of the activities and progress of the Task Force—Mr. George D. Carameros, Jr., Director, Supply-Technical Advisory Task Force—Liquefied Natural Gas (LNG).

B. Discussion of the draft of the Task Force Report—Mr. Carameros.

C. Discussion of the environmental aspects concerning the work of the Task Force—Mr. Carameros.

D. Status of assigned work and estimated date for completion—Mr. Carameros.

E. Time of the next meeting.

F. Other business.

3. Adjournment—Mr. Mathura.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Task Force, which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Task Force.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-6114 Filed 3-29-73;8:45 am]

[Docket No. E-7616]

CITIZENS UTILITIES CO.

Notice of Application

MARCH 26, 1973.

Take notice that on February 9, 1973, Citizens Utilities Co. (Applicant), filed a supplemental application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of short-term promissory notes in an aggregate principal amount not to exceed $27,500,000 outstanding at any one time.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of Arizona, Colorado, Connecticut, Hawaii, Idaho, and Vermont.

The notes are to be issued pursuant to a credit arrangement with Marine Midland Bank—New York, or, in the alternative, in the form of commercial paper to an established commercial paper dealer or dealers for resale in the customary commercial paper market without limitation as to the number of offerees or purchasers public. All notes are to have a final maturity on or before April 2, 1974. The interest rate for notes issued pursuant to the bank credit agreement shall be at the prime commercial interest rate at Marine Midland Bank—New York for 90 day notes as of the date of issuance. The maximum principal amount of all notes to be issued pursuant to the supplemental application shall not exceed $27,500,000 outstanding at any one time.

The net proceeds from the sale of the notes will be used, together with other funds of the Applicant, for the replenishment of the treasury for expenditures for current transactions and for the construction, extension, and improvement of facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 2, 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 is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-6095 Filed 3-29-73;8:45 am]

[Docket No. CI73-614]

EXXON CORP.

Application

MARCH 23, 1973.

Take notice that on March 19, 1973, Exxon Corp. (Applicant), P.O. Box 2180, Houston, TX 77001, filed in Docket No. CI73-614 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to South Texas Natural Gas Gathering Co. from the Aurora Field Area, Jim Hogg County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 7,500 Mcf of gas per day until February 1, 1974, at 38 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-6098 Filed 3-29-73;8:45 am]

[Docket No. RP73-4]

GREAT LAKES GAS TRANSMISSION CO.

Further Extension of Time and Postponement of Hearing

MARCH 20, 1973.

On March 15, 1973, Natural Gas Pipeline Company of America filed a motion for an extension of the procedural dates previously fixed by notice issued January 4, 1973. The motion states that all parties concur in or have no objection to the requested postponement.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Intervener evidence, April 17, 1973.
Service of Great Lakes' rebuttal evidence, May 18, 1973.
Commencement of cross-examination, June 5, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-6115 Filed 3-29-73;8:45 am]

[Docket No. E-8076]

GULF STATES UTILITIES CO.

Amendatory Application

MARCH 23, 1973.

Take notice that on March 14, 1973, Gulf States Utilities Co. (Applicant), filed an amendment to its Interconnection and Interchange Agreement pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, between Applicant and Beauregard Electric Cooperative, Inc. (Coop), and designated in Gulf States Utilities Company Rate Schedule FPC No. 73. The amendment gives notice that service between Applicant and Coop will commence at or near Hecker, La., located 10 miles north of Iowa, La., on March 9, 1973. Delivery at this point will be made over a 3 phase wye, 7,620/13,200 volt facility with an initial load of 250 kw.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6113 Filed 3-29-73;8:45 am]

[Docket No. E-8077]

GULF STATES UTILITIES CO.

Supplemental Agreements

MARCH 23, 1973.

Take notice that on March 14, 1973, Gulf States Utilities Co. (Applicant), filed a supplemental application, pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, relating changes in points of delivery in accordance with Interconnection and Interchange agreements between Applicant and (1) Sam Rayburn Dam Electric Cooperative, Inc., designated Gulf States Utilities Company Rate Schedule FPC No. 98, and (2) Sam Houston Electric Cooperative, Inc., agreement designated Gulf States Utilities Company Rate Schedule FPC No. 69.

According to the application Applicant proposes to discontinue its 13.2 kv. service to aforementioned cooperatives at the following delivery points:

(1) Effective February 20, 1973, at the Cude Cemetary Road metering point located on Cude Cemetary Road at FM Road 830 southwest of Willis, Tex., and

(2) Effective February 23, 1973, at Coldsprings, Tex., located on Coldsprings Highway 150 West.

The Applicant also proposes to commence delivery of service at SHECO Metering Point, located 4 miles east of SHECO Substation on Line No. 565 to above-mentioned cooperatives. This new service will deliver 3,400 kv.-a., 34.5 kv. at the above point, effective on February 23, 1973.

Additional temporary service between Applicant and aforementioned cooperatives is proposed to be delivered to a point on FM Road 1011, located 0.3 mile off State Highway 146 north of Liberty, Tex. This facility will carry a voltage of 13.8 kv.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6112 Filed 3-29-73;8:45 am]

[Docket No. E-7898, etc.]

MINNESOTA POWER & LIGHT CO., ET AL.

Notice of Applications

MARCH 22, 1973.

Take notice that each of the applicants listed herein has filed an application pursuant to section 204 of the Federal Power Act and Part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 12, 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 applications are on file with the Commission and available for public inspection.

Docket No.	Date filed	Name of applicant
E-7898.....	Dec. 8, 1972	Minnesota Power & Light Co.

Applicant files September 22, 1972, Transmission Service Agreement between Lake Superior District Power Co., and Minnesota Power & Light Co. This Agreement amends Rate Schedule FPC No. 108 by including U.S. Bureau of Reclamation replacement and maintenance power and energy. The agreement is to take effect as soon as possible.

Docket No.	Date filed	Name of applicant
E-7984.....	May 8, 1972 June 12, 1972	Consumers Power Co. The Detroit Edison Co.

Consumers Power Co. and the Detroit Edison Co. file separate Agreements for sale of portion of generating capability of Ludington Pumped Storage Plant by Consumers and Detroit Edison to Commonwealth Edison Co., dated June 1, 1971, by and among Consumers Power Co., Detroit Edison Co., Commonwealth Edison Co. and Indiana & Michigan Electric Co. Applicants also file August 15, 1971, amendments to the Agreement. The Agreements become effective (a) on the date on which the fifth unit of the Ludington Plant is declared to be commercial operation if such date is prior to January 1, 1974, or (b) on January 1, 1974 if at least one unit of the plant is declared to be in commercial operation on or before January 1, 1974, or (c) on the date on which the first unit of the Plant is declared to be in commercial operation if such date is subsequent to January 1, 1974, whichever of (a), (b) or (c) occurs first.

Docket No.	Date filed	Name of applicant
E-7990.....	Jan. 22, 1973	Northern States Power Co.

Applicant files October 23, 1972, Supplement No. 1 to the Transmission Service Agreement, dated August 31, 1966, between Renville Sibley Cooperative Power Association and Northern States Power Co., designated Northern States Power Co. (Minnesota), Rate Schedule FPC No. 331. Supplement No. 1 deletes Exhibit A in its entirety, provides for a first revision of Exhibit A adding the Troy Connection, and supersedes August 31, 1966, Letter Agreement, designated Northern States Power Co., Rate Schedule FPC No. 331.1.

Docket No.	Date filed	Name of applicant
E-8065.....	Mar. 5, 1973	Mississippi Power Co.

Applicant files February 13, 1973, Supplement to January 4, 1972 Contract for Electric Service for Resale between Mississippi Power Co. and Coast Electric Power Association, establishing a new service delivery point at Bayon Lacroix on or about June 1, 1973. Applicant also

files January 11, 1973 Supplement to January 4, 1972 Contract for Electric Service for Resale between Mississippi Power Co. and Singing River Electric Power Association, establishing a new delivery point at Hickory Hills on or about March 1, 1973.

Docket No.	Date filed	Name of applicant
E-8068.....	Mar. 5, 1973	Public Service Company of Indiana, Inc.

Applicant files November 1, 1972 Supplement to November 1, 1964 Supply for Retail Sale Agreement between Tipmont Rural Electric Membership Corp. and Public Service Company of Indiana, designated Rate Schedule FPC No. 187. The Supplement amends "Exhibit A" of the Rate Schedule by adding of a new delivery point designated TETC-69 delivery point, to take effect February 21, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6117 Filed 3-29-73;8:45 am]

[Docket No. CP72-233]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Availability of Environmental Impact Statement

MARCH 27, 1973.

Notice is hereby given in the captioned Docket that on March 27, 1973, as required by § 2.82(b) of Commission Order No. 415-C, a draft environmental statement prepared by the staff of the Federal Power Commission, was made available for comments. This statement deals with the environmental impact in the proceeding under Docket No. CP72-233, Natural Gas Pipeline Company of America for certificate of public convenience and necessity under section 7(c) of the Natural Gas Act for construction of approximately 27 miles of 16-inch pipeline, a side tap connection on an existing natural gas transmission pipeline of the applicant in the area, measurement facilities and miscellaneous appurtenant facilities, including a liquid removal facility. All construction would occur in the Sabine Pass area of Texas, near Port Arthur, Tex.

This statement has been circulated for comments to Federal, State, and local agencies, has been placed in the public files of the Commission's Office of Public Information, Room 2523, General Accounting Office Building, 441 G Street NW., Washington, DC, and at its Regional Office located at 819 Taylor Street, Fort Worth, TX. Copies may be ordered from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The Commission has found that it is necessary and appropriate in the public interest to dispense with the 45-day time period for review and comment and herewith shortens the period to 30 days from the above date to afford the Commission the opportunity to decide in as expeditious manner as possible if the merits of this application serve the public convenience and necessity.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before April 26, 1973.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedure. Petitioners must also file timely comments on the draft statement in accordance with § 2.82(c) of Order No. 415-C.

All petitions to intervene must be filed on or before April 26, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6118 Filed 3-29-73;8:45 am]

[Docket No. E-8069]

NEPOOL POWER POOL AGREEMENT

Proposed Changes in Rates and Charges

MARCH 23, 1973.

Take notice that NEPOOL on March 5, 1973, tendered for filing the following rate schedule materials:

NEPOOL POWER POOL AGREEMENT, dated as of September 1, 1971 (amended July 1, 1972).

NEPOOL AGREEMENT, signature page executed by Newport Electric Corp.

NEPOOL states that the materials filed here do not change in any manner the NEPOOL agreement previously filed with the Commission, other than to make Newport Electric Corp. an additional participant in the power pool. NEPOOL also states that no estimates of transactions and revenues relating to Newport Electric Corporation's participation in the power pool were submitted because they cannot be made with relative accuracy. NEPOOL states that electric service under the NEPOOL agreement, as related to Newport Electric Corp., will commence on April 1, 1973. NEPOOL further states that copies of this letter and copies of the additional page bearing the conformed signature of Newport Electric Corp. have been mailed to all systems rendering or delivering service under the NEPOOL agreement and to each of the persons on the Commission's service list in Docket No. E-7690.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street 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). All such petitions or protests should be filed on or before April 2, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6110 Filed 3-29-73;8:45 am]

[Docket No. CI73-615]

PHILLIPS PETROLEUM CO.

Application

MARCH 27, 1973.

Take notice that on March 16, 1973, Phillips Petroleum Co. (Applicant), Bartlesville, Okla. 74004, filed in Docket No. CI73-615 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Co. at Applicant's Crane Gasoline Plant in Crane County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on February 16, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 2 years from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 62,000 Mcf of gas per month at 45 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6096 Filed 3-29-73;8:45 am]

[Project 2494]

PUGET SOUND POWER & LIGHT CO.

Application for Withdrawal of Application for Major License

MARCH 23, 1973.

Public notice is hereby given that an application was filed on January 15, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by Puget Sound Power & Light Co. (Correspondence to: Mr. Lucius H. Biglow, Jr., Perkins, Coie, Stone, Olsen & Williams, 1900 Washington Building, Seattle, Wash. 98101) for approval of withdrawal of application for major license for White River Project No. 2494 located on the White River in Pierce County, Wash.

The request to withdraw the application is based on a decision of the U.S. Court of Appeals for the Second Circuit, Farmington River Power Company v. Federal Power Commission, 455 F. 2d 86 (2d Cir. 1972), that a Federal license under these circumstances is not required.

The White River Project consists of the following: (1) a rock-filled crib and concrete diversion dam 352 feet long and 4 feet high with 7-foot flashboards; (2) a concrete intake to which has been added a Corps of Engineers' fish trap; (3) a 7-mile long flow line consisting of: (a) A 5,000-foot timber flume; (b) a 2-mile long series of desilting basins; (c) 7,000 feet of unlined canal; (d) a 2-mile long timber lined canal; (e) a 1,600-foot long storage basin and short canal; and (f) Lake Tapps, a 2,566 acre reservoir with storage capacity of 46,000 acre feet; (4) a lined tunnel to a forebay; (5) steel penstocks; (6) a powerhouse containing two 18,000 hp. turbines each connected to a 15,000 kw. generator and two 23,000 hp. turbines each connected to a 20,000 kw. generator; and (7) a 0.5-mile long tailrace and appurtenant facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before April 30, 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 a 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6111 Filed 3-29-73;8:45 am]

[Docket No. CP72-118]

SEA ROBIN PIPELINE CO.

Notice of Filing Amendment to Transportation Agreement

MARCH 23, 1973.

Take notice that on March 9, 1973, Sea Robin Pipeline Co. (Sea Robin) tendered for filing First Revised Sheet No. 63 amending Rate Schedule X-4 of its FPC Gas Tariff, Original Volume No. 2, a transportation agreement dated September 29, 1971, between Sea Robin and Tennessee Gas Pipeline Co. (Tennessee).

The subject transportation agreement was authorized, under a temporary certificate issued in Docket No. CP72-118, by Commission letter dated December 23, 1971. It is proposed that the revised tariff sheet be accepted and made effective January 1, 1973, the date agreed upon by the parties in the amendment to the original contract.

The company states that copies of the filing have been mailed to Tennessee.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 6, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6116 Filed 3-29-73;8:45 am]

[Docket No. CI73-616]

SUPERIOR OIL CO.

Notice of Application

MARCH 26, 1973.

Take notice that on March 19, 1973, The Superior Oil Co. (Applicant), P.O. Box 1521, Houston, TX 77001, filed in Docket No. C173-616 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America from the Sand Dunes Field, Eddy County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 7,500 Mcf of gas per month for 1 year at 35 cents per million Btu Within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6097 Filed 3-29-73;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION, INC.

Proposed Acquisition of Linwood Mortgage Co.

American Bancorporation, Inc., Kansas City, Mo., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Linwood Mortgage Co., Kansas City, Mo. Notice of the application was published on October 30, 1972, in The Kansas City Star, a newspaper circulated in Kansas City, Mo.

Applicant states that the proposed subsidiary would engage in the following activities: Extending credit for the account of Linwood Mortgage Co., or others, such as would be made by a mortgage company, and selling and servicing such

loans; acting as an insurance agent or broker for certain types of insurance, including fire and extended coverage, and credit life insurance, which are directly related to such extensions of credit and loans, or insurance which is sold as a convenience to the purchaser, so long as such convenience insurance does not constitute a significant portion of the aggregate insurance premium income of American Bancorporation, Inc. Applicant states that such activities have been determined by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

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

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

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 18, 1973.

Board of Governors of the Federal Reserve System, March 22, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-6176 Filed 3-29-73;8:45 am]

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Banks

Barnett Banks of Florida, Inc., Jacksonville, 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 90 percent or more of the voting shares of Southern Bank of West Palm Beach, West Palm Beach, Fla. (West Palm Beach Bank), and Florida Southern Bank, Palm Beach County (P.O. Lake Worth), Fla. (Palm Springs Bank).

Notice of the applications, 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 applications 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 controls 37 banks with aggregate deposits of $1 billion, representing 7 percent of total deposits of commercial banks in the State and is the second largest banking organization in Florida. (All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through February 28, 1973.) The acquisitions of West Palm Beach Bank ($24 million deposits) and Palm Springs Bank ($6 million deposits) would increase applicant's share of Florida deposits by two-tenths of one percentage point, and it would remain the second largest State banking organization.

The proposed subsidiaries are located in the West Palm Beach banking market, and the proposal would represent applicant's initial entry into the area. West Palm Beach Bank and Palm Springs Bank hold 2.66 and 0.6 percent of total market deposits and rank 18th and 26th, respectively, among the 28 banks represented in this market area. Seven of the market's 16 banking organizations are multibank holding companies, two of which hold approximately 34 percent of aggregate market deposits. Although West Palm Beach and Palm Springs Banks are 4 miles apart they do not actively compete with each other due to the fact that Palm Springs Bank was organized in 1970 by directors and principal stockholders of West Palm Beach Bank, and both are under common management and control. It appears that no present or future competition between the banks would be eliminated by this proposal.

Applicant's closest subsidiary banking office is located 40 miles south of the banks. There is no significant competition between these banks and any of applicant's subsidiary offices, and due to the densely populated areas, the distances involved, and Florida's restrictive branching laws, it appears that there is little likelihood of the development of future competition. Consequently, competitive considerations are consistent with approval of the applications.

The financial condition and managerial resources of applicant and its subsidiaries are satisfactory in view of applicant's commitment to improve the capital position of its banks, and prospects for the group are favorable. The capital of West Palm Beach Bank has been recently increased and the financial condition of both banks is satisfactory, their managements capable, and prospects favorable. Banking factors are consistent with approval of the applications. Although the 28 market banks satisfactorily serve the more important banking needs of the area, applicant's proposed expansion and improvement of services now available at the banks, especially development of trust services at West Palm Beach Bank, would benefit the public and enable the banks to become stronger competitors with the larger area banking offices. Accordingly, considerations relating to the convenience and needs of the communities to be served are consistent with and lend slight support toward approval of the applications. It is the Board's judgment that consummation of the proposed acquisitions would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is 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,[1] effective March 23, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-6175 Filed 3-29-73;8:45 am]

BERKSHIRE BANCORP, INC.

Acquisition of Bank

Berkshire Bancorp, Inc., Pittsfield, Mass., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Guaranty Bank & Trust Co., Worcester, Mass. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 18, 1973.

Board of Governors of the Federal Reserve System, March 22, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc. 73-6177 Filed 3-29-73;8:45 am]

HAMBROS BANK, LTD.

Order Granting Determination Under Bank Holding Company Act

In the matter of the request by Hambros Bank, Ltd., on behalf of itself, Hambros Investment Co. A.G., Hambros, Ltd., The Hambros Trust, Ltd., all of London, England, and Hambro American Corp., New York, N.Y. (collectively referred to as the "Hambros Group"), for a determination pursuant to section 2(g)(3) of the Bank Holding Company Act of 1956, as amended.

The Hambros Group, bank holding companies within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)), on the

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Daane.

basis of their direct and indirect ownership of 100 percent of the voting shares of Hambro American Bank & Trust Co., New York, N.Y. (Bank), seeks to terminate said status as a bank holding company as a result of transferring all of its shares of Bank to First Empire State Corp., Buffalo, N.Y. (First Empire).[1]

Hambros Bank, Ltd., and the Hambros Group seek a determination pursuant to section 2(g)(3) of the Bank Holding Company Act of 1956, as amended, that notwithstanding the existing interlocking director relationship between Hambros Bank, Ltd., and First Empire, they will not be capable of controlling the transferee of shares of the aforementioned Bank.

Under the provisions of section 2(g)(3) of the Act (12 U.S.C. 1841(g)(3)), shares transferred after January 1, 1966, by any bank holding company to a transferee that has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, are deemed to be indirectly owned or controlled by the transferor unless the Board of Governors of the Federal Reserve System, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee.

Mr. C. R. Diebold, president and a member of the board of directors of First Empire, is a member of the board of directors of Hambros Bank, Ltd. The Hambros Group was advised by the Board that consummation of the transfer of Bank to First Empire would not terminate the Hambros Group's ownership and control of Bank, unless the Board, after opportunity for hearing, made a determination of the kind described in section 2(g)(3). The Hambros Group has requested such a determination, and it has submitted to the Board documentary evidence to support its contention that none of the Hambros Group companies can in fact control First Empire.

Notice of an opportunity for hearing with respect to the Hambros Group's request for a determination under section 2(g)(3) was published in the FEDERAL REGISTER on Friday, July 7, 1972 (37 FR 13382). The time provided for requesting a hearing expired on August 6, 1972. No such request has been received by the Board, nor has any evidence been received to show that Hambros Bank, Ltd., or any of the Hambros Group companies is in fact capable of controlling First Empire.

It is hereby determined that neither Hambros Bank, Ltd., nor any of the Hambros Group companies is in fact capable of controlling First Empire. This determination is based upon the evidence of record in this matter, including (1) a certified copy of a resolution passed by the board of directors of Hambros Bank, Ltd., on October 23, 1972, to the effect that neither Hambros Bank, Ltd., nor any of the Hambros Group companies controls or will control or exert a controlling influence over First Empire through common directorships; (2) a certified copy of a resolution adopted on October 30, 1972, by the executive committee of the board of directors of First Empire to the effect that neither Hambros Bank, Ltd., nor any of the Hambros Group companies controls or will control or exert a controlling influence over First Empire through common directorships; (3) an affidavit of October 30, 1972, by Mr. Diebold stating, that in performing his responsibilities as a director of First Empire he is not acting pursuant to any agreement or understanding with, or under instructions from, any of the Hambros Group companies, and that he does not report to any of the Hambros Group companies the nature of actions taken at meetings of the board of directors of First Empire, nor report to First Empire the nature of actions taken at meetings of the board of directors of any Hambros Group company; and (4) statements in a letter of May 10, 1972, that neither Hambros Bank, Ltd., nor any of the Hambros Group companies owns directly or indirectly, in a fiduciary capacity, or has options to acquire, any of the capital shares or indebtedness of First Empire.

Accordingly, it is ordered, That the request of Hambros Bank, Ltd., on behalf of itself and the Hambros Group companies for a determination pursuant to section 2(g)(3) be and hereby is granted.

By order of the Board of Governors, acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2), March 23, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-6178 Filed 3-29-73;8:45 am]

[1] By order of May 9, 1972 (1972 Federal Reserve Bull. 582), the Board of Governors approved the application of First Empire to acquire, for cash, 100 percent of the voting shares of Hambro American Bank & Trust Co.

MOUNTAIN BANKS, LTD.

Order Approving Merger of Bank Holding Companies and Acquisition of Bank

Mountain Banks, Ltd., Colorado Springs, Colo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with Boulder National Corp., Boulder, Colo., a registered bank holding company, and to thereby acquire all of the voting shares of Boulder National Bank, Boulder, Colo. (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 eighth largest banking organization in Colorado, controls five banks with aggregate deposits of $195.6 million, representing slightly less than 4 percent of the total deposits in commercial banks in Colorado.[1] Upon acquisition of Bank, Applicant's share of commercial bank deposits in the State would increase insignificantly and it would become the seventh largest banking organization in the State.

Bank, with deposits of $15.1 million, is the fourth largest of six banks in the city of Boulder and the sixth largest of 13 banks in Boulder County. Bank is located approximately 40 miles from Applicant's closest subsidiary bank. Due to the distances separating Bank and Applicant's existing subsidiary banks and the number of competing banks in the intervening area, it does not appear that consummation of the proposed transaction would eliminate any significant existing or potential competition.

The financial and managerial resources and future prospects of Applicant and its existing subsidiary banks appear generally satisfactory and consistent with approval, particularly in view of Applicant's commitment to augment the capital of its existing subsidiary banks within the next year. The financial and managerial resources and future prospects of Bank are satisfactory, taking into account Applicant's commitment to increase Bank's capital by $750,000 upon acquisition. The banking factors are consistent with and lend some weight toward approval of the application. While the banking needs of the area appear to be adequately met at present, Applicant's acquisition of Bank and its addition to Bank's capital should enable Bank to expand and improve its services. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. 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. 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 the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective March 23, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-6174 Filed 3-29-73;8:45 am]

[1] Banking data are as of June 30, 1972, adjusted to reflect bank holding company formations and acquisitions approved through Dec. 31, 1972.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Daane.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. E-25, Supp. 1]

SOLE SOURCE ADPE PROCUREMENTS

To: Heads of Federal agencies.

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation E-25.[1]

2. *Effective date.* This regulation is effective on March 30, 1973.

3. *Expiration date.* This regulation expires December 31, 1973, unless sooner superseded or canceled.

4. *Revised date.* The expiration date shown in paragraph 3 of FPMR Temporary Regulation E-25 is extended to December 31, 1973. This extension will provide adequate time for the full consideration of agency comments.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

MARCH 28, 1973.

[FR Doc.73-6309 Filed 3-29-73;10:13 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

WOLF CREEK COLLIERIES CO.

Notice of Opportunity for Public Hearing Regarding Application for Renewal Permit

Application for Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg./m.^{3}) has been received as follows:

ICP Docket No. 20801, Wolf Creek Collieries Co., Inc., No. 3 Mine, USBM ID No. 15 02061 0, Lovely, Ky.
Section ID No. 001.
Section ID No. 006.
Section ID No. 007.

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

MARCH 26, 1973.

[FR Doc.73-6091 Filed 3-29-73;8:45 am]

[1] First appeared at 37 FR 21462, Oct. 11, 1972.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

WATER LEVELS OF LAKE SUPERIOR

Notice of Public Hearings Regarding Future Regulation

The International Joint Commission, a permanent Canada-United States body established under the terms of the Boundary Waters Treaty of 1909, will hold public hearings at the times and places noted below on the question of the future regulation of the water levels of Lake Superior.

In 1964, during a period of extreme low water, the Governments of Canada and the United States requested the International Joint Commission to determine the practicability of further regulating the levels of the Great Lakes or any of them and their connecting channels so as to establish a more beneficial range of stage. The International Great Lakes Levels Board was established to carry out the necessary technical investigations and studies and to report its findings and recommendations to the Commission. It is expected that the Board's comprehensive report on these studies will be submitted to the Commission later this year. Shortly thereafter, the International Joint Commission will hold public hearings at several locations in the Great Lakes Basin to receive public comment on that report and will then prepare its final report to Governments.

However, because of the unusually high levels experienced on the Great Lakes this year and the concern expressed by Governments and by shore property owners and municipalities located along the shores of the Great Lakes, the Commission requested its Great Lakes Levels Board to submit an Interim Report focusing upon the further regulation of Lake Superior and the effects of such regulation of downstream waters. This would allow the Commission to give earlier consideration to the desirability of amending the present Regulation Rule for Lake Superior. The Board's "Interim Report on Lake Superior and Lake Ontario" has now been received and is being distributed to interested individuals, organizations and governmental agencies. Copies may be obtained upon request by writing to the International Joint Commission in either Washington or Ottawa at the addresses noted below.

The purpose of these public hearings is to receive testimony and evidence relating to the regulation of Lake Superior. Opportunity will be given to anyone, either on his own behalf or in a representative capacity, to offer pertinent information which may assist the Commission in determining the advisability of prescribing a new regulation plan for Lake Superior. The Commission will hold a further hearing to consider the regulation of Lake Ontario levels. The time and place of this hearing will be announced later.

The Commission's hearings are international in nature and irrespective of the location in which they are held, the citizens of both the United States and Canada are invited. Statements may be made orally or in writing. If written statements are submitted it is requested that if possible, thirty (30) copies be provided for the Commission's use. Additional copies may be deposited with the Secretaries at the hearing for the use of the news media and others present.

Times and Places of Hearings

Tuesday, May 8, 1973, 9:30 a.m., Engineering Society of Detroit, ESD Theater, Rackham Memorial Building, 100 Farnsworth Street, Detroit, MI 48202.

Thursday, May 10, 1973, 9:30 a.m., Clayton Auditorium, Collegiate Institute, 95 Fauquier Street, Sault Ste. Marie, ON.

W. A. Bullard, Secretary, U.S. Section, International Joint Commission, Suite 203, 1717 H Street NW., Washington, DC 20440, Stop No. 86.

D. G. Chance, Secretary, Canadian Section, International Joint Commission, Suite 850, 151 Slater Street, Ottawa, ON, Canada, K1P 5H2.

MARCH 28, 1973.

[FR Doc.73-6109 Filed 3-29-73;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

EDUCATION PANEL

Notice of Closed Meeting

APRIL 2, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Education Panel will take place in Washington, D.C., on April 18, 19, 1973.

The purpose of the meeting is to review humanities program grant proposals and development grant proposals that have been submitted to the endowment for possible grant funding.

Based on section b (4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, DC 20506, or call area core 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-6119 Filed 3-29-73;8:45 am]

PUBLIC PROGRAMS PANEL

Notice of Closed Meeting

MARCH 26, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Public Programs Panel will take place in Washington, D.C., on April 13, 1973.

The purpose of this meeting is to review museum program proposals that have been submitted to the Endowment for possible grant funding.

Based on section b (4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, DC 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee,
Management Officer.

[FR Doc.73–6120 Filed 3–29–73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

FIRST LEISURE CORP.

Order Suspending Trading

MARCH 26, 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 First Leisure 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 March 27, 1973, through April 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–6106 Filed 3–29–73;8:45 am]

[File No. 500–1]

LILAC TIME, INC.

Order Suspending Trading

MARCH 23, 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 Lilac Time, 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 March 26, 1973, through April 4, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73–6104 Filed 3–29–73;8:45 am]

[File No. 500–1]

LOCATING DEVICES, INC.

Order Suspending Trading

MARCH 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units, and all other securities of Locating Devices, 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 2:30 p.m., e.s.t., March 22, 1973, through March 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–6103 Filed 3–29–73;8:45 am]

[File No. 500–1]

LOGOS DEVELOPMENT CORP.

Order Suspending Trading

MARCH 23, 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 Logos Development 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 in effect for the period from March 26, 1973, through April 4, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73–6105 Filed 3–29–73;8:45 am]

[812–3406]

MASSMUTUAL INCOME INVESTORS, INC.

Filing of Application

MARCH 26, 1973.

Notice is hereby given that MassMutual Income Investors, Inc., 1295 State Street, Springfield, MA 01111 (the Fund), a closed-end, diversified management investment company registered under the Investment Company Act of 1940 (the Act), has filed an application for an order of the Commission pursuant to section 6(c) of the Act declaring that Howard Weaver McCall, Jr., a director of the Fund, shall not be considered an "interested person" (as defined in section 2(a)(19) of the act) of the Fund solely by reason of the fact that Mr. McCall is a director of the Mutual Life Insurance Company of New York (MONY). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Mr. McCall is a director of MONY, a New York mutual life insurance company which is principally engaged in the business of selling life insurance, health insurance, retirement plans for individuals and employee groups and variable annuities and acting as investment adviser to MONY Mortgage Investors, a real estate investment trust. Solely because it sells variable annuity contracts, including contracts for funding HR–10 plans, MONY has registered as a broker-dealer under the Securities Exchange Act of 1934. MONY does not otherwise act as a broker-dealer. Through its subsidiary, MONY Sales, Inc. (MONY Sales), MONY distributes to the public shares of The MONY Fund, Inc. (MONY Fund). Solely because it distributes shares of MONY Fund, including shares for funding HR–10 plans, MONY Sales has registered as a broker-dealer under the Securities Exchange Act of 1934. MONY Sales does not otherwise, directly or indirectly, act as a broker-dealer. The Fund represents that neither MONY nor MONY Sales has ever engaged in securities transactions on behalf of the Fund. Furthermore, the Fund has undertaken that, so long as Mr. McCall remains one of its directors, the Fund will not knowingly purchase any securities from or through, or sell any securities to or through, MONY or any subsidiary of MONY.

Mr. McCall in no way participates in the day-to-day operations of MONY or MONY Sales and is neither a director nor an officer of MONY Sales.

Section 2(a)(19) of the Act defines an "interested person" of any investment company to include, among others, any broker or dealer registered under the Securities Exchange Act of 1934, or any affiliated person of such a broker or dealer. Section 2(a)(3) of the Act defines an affiliated person of another person to include any director of another person.

Because Mr. McCall is a director of MONY, he is an affiliated person of a registered broker-dealer and an affiliated person of an affiliated person of a registered broker-dealer, MONY Sales. Accordingly, he may be deemed to be an "interested person" of the Fund.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision of the Act if such exemption is necessary or appropriate in the public

interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that Mr. McCall should not be deemed an "interested person" of the Fund because his affiliation with MONY does not affect, and will not impair, his independence in acting on behalf of the Fund and its shareholders, and the requested exemption is therefore consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 19, 1973, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6102 Filed 3-29-73;8:45 am]

[File No. 500-1]

PELOREX CORP.

Order Suspending Trading

MARCH 26, 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 Pelorex 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 March 27, 1973, through April 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6107 Filed 3-29-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License 01/01-5070]

NORTH AMERICAN MESBIC, INC.

Notice of Surrender of License

Notice is hereby given that North American MESBIC, Inc., 114 State Street, Boston, MA 02109, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the rules and regulations of the Small Business Administration (SBA), governing small business investment companies (13 CFR 107.105 (1972)).

North American MESBIC, Inc., a Massachusetts corporation, was licensed by SBA on January 11, 1971, to operate solely as a minority enterprise small business investment company (MESBIC) under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), and the SBA regulations issued thereunder.

Under the authority vested by the Act, and pursuant to the cited regulation, the surrender by North American MESBIC, Inc. of its license is hereby accepted and all rights, privileges and franchises derived therefrom are hereby canceled.

Dated: March 20 1973.

DAVID A. WOLLARD,
Associate Administrator for Finance and Investment.

[FR Doc.73-6056 Filed 3-29-73;8:45 am]

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

ADVISORY COMMITTEE ON DRUG DETECTION

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Advisory Committee on Drug Detection on April 9, 1973, 9:30 a.m., Room 3104, The New Executive Office Building, 726 Jackson Place NW., Washington, D.C. The principal purpose of the meeting is to review the results of the initial proficiency testing survey conducted by the Center for Disease Control.

This meeting is open to the public. Any member of the public wishing to attend or participate should contact the Chairman, Watson Reid, M.D., 202-456-6276. If attendance is not possible, the committee will receive written statements which will be read at the time and in the manner permitted by the committee.

WATSON REID,
Chairman.

[FR Doc.73-6092 Filed 3-29-73;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 73-3]

TRADE INFORMATION COMMITTEE

Notice of Public Hearing

Notice of public hearing requesting views regarding trade agreements between the European Communities and five EFTA countries.

Notice is hereby given pursuant to § 2003.2 of the Regulations of the Trade Information Committee of the Office of the Special Representative for Trade Negotiations (15 CFR Ch. XX, Part 2003) that a public hearing will be held beginning at 10 a.m. on May 15 and 16, 1973, to adjourn and reconvene at a later date if needed, in Conference Room 730, 1800 G Street NW., Washington, DC. The purpose of said hearings is to provide an opportunity to the public to present all facts and views pertaining to the effect on U.S. exports and other commercial interests of the trade agreements between the European Communities and five countries belonging to the European Free Trade Association—Austria, Iceland, Portugal, Sweden, and Switzerland—signed in Brussels on July 22, 1972.

With the exception of the EC-Iceland agreement, which has not yet been fully implemented, these arrangements became effective on January 1, 1973.

Interested parties are invited to express their views on this subject by written brief or other communication, submitted in not less than 20 copies, to the Chairman of the Trade Information Committee. Interested parties are also invited to express their views on this subject in person at the aforementioned public hearing, provided they notify the Chairman of the Trade Information Committee, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Room 725, Washington, DC 20506. Such notification must be received by April 24, 1973. Requests to appear in person should be submitted in an original and 15 copies which must be legibly typed, printed, or duplicated and must include the following information:

(a) The name, address, and telephone number of the party submitting the request;

(b) The name, address, telephone number, and official position of the person submitting the request on behalf of the party referred to in subparagraph (a);

(c) A brief indication of the interest of, and the position to be taken by, the party;

(d) The name, address, and telephone number of the person or persons who will present oral testimony; and

(e) The amount of time desired for the presentation of oral testimony.

Requests to present oral testimony should not contain any confidential information. Any requests marked "For Official Use Only" or similarly marked will not be accepted.

Each party will be notified if his request to appear in person has been granted. If so, he will be notified of the date on which he is scheduled to appear and the amount of time allotted for his presentation. If not, the reasons for the denial shall be given. (The Committee reserves the right to restrict the time allotted for presentation of oral testimony.) Each party desiring to present oral testimony is required to submit a written brief to the Chairman of the Trade Information Committee which must be received at least 1 week prior to the commencement of the hearing at which oral testimony shall be presented. The brief must include a statement in nonconfidential form of the position taken and supporting arguments. It must be submitted in not less than 20 copies which must be legibly typed, printed, or duplicated.

Parties are encouraged to support their briefs with all available information, including material that may be of a confidential nature. Reference should be had to § 2003.8 of the Regulations of the Committee governing information exempt from public inspection. All written materials other than confidential information filed with the Committee in connection with the hearing will be open to public inspection by appointment, at Room 725, 1800 G Street NW., Washington, DC 20506.

Interested parties should note that pursuant to § 2003.4(d), a "written brief shall state clearly the position taken and shall describe with particularity the evidence supporting such position." Parties should focus their briefs and oral testimony on the following:

(a) The effects upon U.S. exports and other commercial interests of the elimination of tariffs and other restrictions on trade between the parties to these agreements (Austria, Iceland, Portugal, Sweden, Switzerland, and the European Communities) pursuant to the schedules set forth in the respective agreements; and

(b) The effects upon U.S. exports and other commercial interests of other provisions of the agreements including the definition of the concept of "originating products" commonly referred to as "rules of origin" and methods of administrative cooperation relating thereto as set forth in the agreements.

Information about these trade agreements can be obtained by addressing inquiries to the Ombudsman for Business, Department of Commerce, Washington, D.C. 20230, or telephoning 202—967–3176. Parties wishing to determine whether particular agricultural commodities are affected by these trade agreements are referred to "The EC Nine and EFTA Negotiate on Farm Trade," "Foreign Agriculture," February 12, 1973. Additional information may be obtained by addressing inquiries to the Director, Trade Policy Division, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250, or telephoning 202–447–7677.

JOHN H. JACKSON,
General Counsel, Office of the Special Representative for Trade Negotiations, Acting Chairman, Trade Information Committee.

[FR Doc.73–6130 Filed 3–29–73;8:45 am]

TARIFF COMMISSION

[TEA–W–192]

I. JABLOW & CO., INC.

Workers' Petition for Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of I. Jablow & Co., Inc., Philadelphia, Pa., the U.S. Tariff Commission, on March 26, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with boys' dress and sport shirts, knit and nonknit, with chief value of cotton or man-made fibers (of the types provided for in Items 380.00, 380.04, 380.06, 380.27, 380.81, and 380.84 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before April 10, 1973.

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

Issued: March 27, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73–6196 Filed 3–29–73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DELAWARE, MARYLAND, PENNSYLVANIA, DISTRICT OF COLUMBIA, AND WEST VIRGINIA DEVELOPMENTAL PLANS

Change in Location for Regional Inspection; Changes in Notices

The notices of the submission of the State plans under section 18 of the Occupational Safety and Health Act of 1970 (29 CFR 667) and availability for public comment appearing respectively on January 16, January 22, February 1, March 2 and March 5, 1973 (38 FR 1619, 2189, 3123, 5702, and 5956), with regard to the occupational safety and health programs for the States of Delaware, Maryland, Pennsylvania, District of Columbia, and West Virginia, are hereby amended to change the address given in paragraph 2 thereof for the Regional Administrator, Occupational Safety and Health Administration to read as follows:

Suite 15220, Gateway Building, 3535 Market Street, Philadelphia PA 19104.

Signed at Washington, D.C., this 27th day of March 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73–6191 Filed 3–29–73;8:45 am]

Office of the Secretary

MONTANA

Determination of Temporary on Indicator and Beginning of Temporary Benefit Period

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92–224, title II as amended by Public Law 92–329), hereinafter referred to as the Act, and 20 CFR 617.13(a), I hereby give notice of my determination as follows:

1. There is a "temporary on" indicator for the week ending February 10, 1973, for the State of Montana.

2. This determination is based on my finding that the rate of unemployment as defined in the Act for the 13-week period ending February 10, 1973, was 6.62 percent in the State of Montana.

3. A temporary benefit period as provided in section 202(c)(3)(A)(iii) of the Act and 20 CFR 617.5 began on February 25, 1973, the first day of the third calendar week after which there is a "temporary on" indicator in the State of Montana.

Temporary compensation, as defined in 20 CFR 617.2(d), shall be payable to eligible individuals who have received temporary compensation for a week or weeks beginning before January 1, 1973, and who file claims for such compensation for weeks of unemployment which begin in the temporary benefit period with respect to the State of Montana. However, no temporary compensation under the Act is payable for any week of unemployment which ends after March 31, 1973, even though such week is in a temporary benefit period..

Signed at Washington, D.C., this 26th day of March 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73–6127 Filed 3–29–73;8:45 am]

NEVADA

Determination of Temporary On Indicator and Beginning of Temporary Benefit Period

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92–224, title II, as amended by Public Law 92–329), hereinafter referred to as the Act, and 20 CFR 617.13(a), I hereby give notice of my determination as follows:

1. There is a "temporary on" indicator for the week ending January 27, 1973, for the State of Nevada.

2. This determination is based on my finding that the rate of unemployment as defined in the Act for the 13-week period ending January 27, 1973, was 6.57 percent in the State of Nevada.

3. A temporary benefit period as provided in section 202(c)(3)(A)(iii) of the Act and 20 CFR 617.5 began on February 11, 1973, the first day of the third calendar week after which there is a "temporary on" indicator in the State of Nevada.

Temporary compensation, as defined in 20 CFR 617.2(d), shall be payable to eligible individuals who have received temporary compensation for a week or weeks beginning before January 1, 1973, and who file claims for such compensation for weeks of unemployment which begin in the temporary benefit period with respect to the State of Nevada. However, no temporary compensation under the Act is payable for any week of unemployment which ends after March 31, 1973, even though such week is in a temporary benefit period.

Signed at Washington, D.C., this 26th day of March 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73-6128 Filed 3-29-73;8:45 am]

VERMONT

Determination of Temporary on Indicator and Beginning of Temporary Benefit Period

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92–224, title II, as amended by Public Law 92–329), hereinafter referred to as the Act, and 20 CFR 617.13(a), I hereby give notice of my determination as follows:

1. There is a "temporary on" indicator for the week ending February 3, 1973, for the State of Vermont.

2. This determination is based on my finding that the rate of unemployment as defined in the Act for the 13-week period ending February 3, 1973, was 6.53 percent in the State of Vermont.

3. A temporary benefit period as provided in section 202(c)(3)(A)(iii) of the Act and 20 CFR 617.5 began on February 18, 1973, the first day of the third calendar week after which there is a "temporary on" indicator in the State of Vermont.

Temporary compensation, as defined in 20 CFR 617.2(d), shall be payable to eligible individuals who have received temporary compensation for a week or weeks beginning before January 1, 1973, and who file claims for such compensation for weeks of unemployment which begin in the temporary benefit period with respect to the State of Vermont. However, no temporary compensation under the Act is payable for any week of unemployment which ends after March 31, 1973, even though such week is in a temporary benefit period.

Signed at Washington, D.C., this 26th day of March 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73-6129 Filed 3-29-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 209]

ASSIGNMENT OF HEARINGS

MARCH 27, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC–121600 Sub 1, Averitt Express, Inc., now being assigned hearing May 21, 1973 (1 week), at Nashville, Tenn., in a hearing room to be later designated.

MC–16550 Sub 6, Roscoe V. Smith, Now being assigned hearing June 25, 1973 (1 week), at Nashville, Tenn., in a hearing room to be later designated.

MC–8872 Sub 7, Dyersburg Express, Inc., now being assigned hearing June 4, 1973 (1 week), at Nashville, Tenn., in a hearing room to be later designated.

MC 130173, Caravan Tours, Inc., now assigned April 2, 1973, at New York, N.Y., is canceled and reassigned to April 2, 1973, at the Holiday Inn, 707, U.S. Route 46, Parsippany, NJ.

MC 107295 Sub 631, Pre-Fab Transit Co., now assigned April 17, 1973, at Washington, D.C., is postponed to April 25, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

AB–5–Sub 94, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment between Zionsville and Lebanon, Boone County, Ind., now assigned April 19, 1973, will be held in Room 1020, State Office Building, 100 North Senate Avenue, Indianapolis, IN.

MC–59124 Sub 16, Maiers Motor Freight Co., now assigned April 9, 1973, will be held in Room 545, Post Office Building, Sixth and Broadway Street, Louisville, Ky.

MC–112617 Sub 299, Liquid Transporters, Inc., now assigned April 16, 1973, will be held in Rom 545, Post Office Building, Sixth and Broadway Street, Louisville, Ky.

MC–112617 Sub 300, Liquid Transporters, Inc., and MC–117344 Sub-221, the Maxwell Co., now assigned April 11, 1973, will be held in Room 545, Post Office Building, 6th and Broadway Street, Louisville, Ky.

MC 83539 Sub 345, C & H Transportation Co., Inc., now assigned May 29, 1973, MC 108207 Sub 340, Frozen Food Express, Inc., now assigned May 30, 1973, MC 115841 Sub 434, Colonial Refrigerated Transportation, Inc., now assigned June 4, 1973, MC 110098 Sub 124, Zero Refrigerated Lines, now assigned June 6, 1973, will be held in Room 5A15–17, New Federal Building, 1100 Commerce Street, Dallas, TX.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6162 Filed 3-29-73;8:45 am]

[Notice 37]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 23, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before April 16, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 39568 (Sub-No. 11 TA), filed March 14, 1973. Applicant: ARROW TRANSFER & STORAGE CO., a corporation, 1124 Market Street, Chattanooga, TN 37402. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber mounted cranes and power shovels*, in driveaway service, and *their booms and parts thereof*, when moving at the same time, from Chattanooga, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Koehring, Lorain Division, 409 Signal Mountain Road, Chattanooga, TN 37405. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations,

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Interstate Commerce Commission, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 102567 (Sub-No. 161 TA), filed March 14, 1973. Applicant: EARL GIBBON TRANSPORT, INC., a corporation, 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent acid* (hydrofluoric), in bulk, in tank vehicles, from Gore, Okla., to points in Louisiana, Mississippi, and Texas, for 180 days. Supporting shipper: Allied Chemical Corp., P.O. Box 1139R, Morristown, NJ 07960, John Engelhardt, Distribution Analyst. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 113678 (Sub-No. 487 TA), filed March 13, 1973. Applicant: CURTIS, INC., office address, 4810 Pontiac Street, Commerce City, CO 80022; and Mail: P.O. Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representative: David L. Metzler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products*, (A) from Cozad, Nebr., to Denver, Colo.; Salina, Wichita, Liberal, and Kansas City, Kans.; Oklahoma City, Okla.; Joplin, Kansas City, and St. Louis, Mo.; Albuquerque, Hobbs, and Demming, N. Mex.; Casa Grande, Safford, Pine Top, and Phoenix, Ariz.; Abeline, San Angelo, Houston, Dallas, Fort Worth, and Austin, Tex.; Detroit, Mich.; Fort Wayne, Ind.; Omaha, Nebr.; Chicago, Ill.; Milwaukee, Wis.; Columbus, Ohio; Pittsburgh and Philadelphia, Pa.; New York, N.Y.; and Minneapolis, Minn., and (2) *such commodities* as are used in the manufacture of bakery products, and *materials, supplies, and equipment* used by bakery product manufacturers, (A) from Muleshoe, Tex., to Wichita, Kans.; Denver, Colo.; and Cozad, Nebr.; (B) from Wichita, Kans., to Denver, Colo.; Kansas City, Mo.; Dallas and Fort Worth, Tex.; Minneapolis, Minn.; Chicago, Ill.; Fort Wayne, Ind.; and Cozad, Nebr.; (C) from Kansas City, Kans., to Cozad, Nebr.; and (D) from Oklahoma City, Okla., to Cozad, Nebr., for 180 days. Supporting shipper: Evans Bakery, Inc., P.O. Box 284, Cozad, NE 69130. Send protests to: District Supervisor Herbert C. Ruoff, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 115331 (Sub-No. 341 TA), filed March 14, 1973. Applicant: TRUCK TRANSPORT, INC., 1931 North Geyer Road, St. Louis, MO 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer and fertilizer material*, in bulk, from Augusta, Ark., to points in Missouri, for 180 days. Supporting shipper: Mississippi Chemical Corp., P.O. Box 388, Yazoo City, MS 39194. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 123048 (Sub-No. 246 TA), filed March 12, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, P.O. Box A, Box ZIP 53401, Racine, WI 53403. Applicant's representative: Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Elevators, conveyors and truck hoists*, from Bloomington, Ill., to points in Georgia, Indiana, Kentucky, Maryland, Michigan, New York, North Carolina, Ohio, Pennsylvania, Tennessee, and Virginia, for 180 days. Supporting shipper: Portable Elevator Division, Dynamics Corporation of America, 920 Grove Street, P.O. Box 847, Bloomington, IL 61701 (Jerry L. Nussbaum, sales manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 128570 (Sub-No. 16 TA), filed March 13, 1973. Applicant: BROOKS ARMORED CAR SERVICE, INC., a corporation, 13 East 35th Street, Wilmington, DE 19802. Applicant's representative: L. Agnew Myers, Jr., Suite 406-7 Walker Building, 734 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood, blood samples, blood derivatives, and related articles* used by hospitals or blood banks, between Philadelphia, Pa., and Wilmington, Del, for 180 days. Supporting shippers: Veterans Administration, 1601 Kirkwood Highway, Wilmington, DE 19805, and Blood Bank of Delaware, Inc., James F. McCloskey, Sr. Building, 301 E. Matson Run Parkway, Wilmington, DE 19802. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 134426 (Sub-No. 3 TA), filed March 12, 1973. Applicant: McCORT DRIVE A WAY, INC., 7032 Barkwood Drive, Jacksonville, FL 32211. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boat trailers*, set up and assembled and *spare parts and accessories*, for boat trailers, from Fort Wayne, Ind., to points in Kentucky, Illinois, Minnesota, Michigan, Wisconsin, Missouri, Tennessee, Ohio, West Virginia, and Pennsylvania, for 180 days. Supporting shipper: Gator Trailer Corp., 1925 East Beaver Street, Jacksonville, FL 32209. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 135152 (Sub-No. 7 TA) (correction), filed January 19, 1973, published in the FEDERAL REGISTER issue of February 12, 1973, and republished as corrected this issue. Applicant: CASKET DISTRIBUTORS, INC., Mailing: Rural Route 2; Office: West Harrison, Ind. 45030; Harrison, Ohio 45030. Applicant's representative: Edgar Bischoff (same address as above). NOTE: The purpose of this partial republication is to add Illinois as a destination State in Part 2 of the application, which was omitted in error. The rest of the application will remain the same.

No. MC 136211 (Sub-No. 9 TA), filed March 12, 1973. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 210 St. Mary's Drive, Suite G, P.O. Box 5067, Oxnard, CA 93030. Applicant's representative: James C. Tipton (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New home furnishings, appliances, and recreational equipment*, restricted against the transportation of shipments to retail or commercial enterprises, between Cincinnati (Sharonville), Ohio, on the one hand, and, on the other, points in Indiana and Kentucky, bounded by a line beginning at the junction of the Indiana-Ohio boundary and Interstate Highway 70; thence over Interstate Highway 70 to its junction with Interstate Highway 65; thence over Interstate Highway 65 to its junction with Interstate Highway 64 at or near the Indiana-Kentucky boundary; thence over Interstate Highway 64 to its junction with Kentucky Highway 11; thence over Kentucky Highway 11 to its junction with the Kentucky-Ohio boundary, including points and their commercial zones located on the highways and boundaries indicated, under a continuing contract or contracts with Wickes Furniture, Division of The Wickes Corp., for 180 days. Supporting shipper: Wickes Furniture, Division of The Wickes Corp., 351 West Dundee Road, Wheeling, IL 60090. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 138435 (Sub-No. 1 TA), filed March 6, 1973. Applicant: LORBER TRUCK SALES & SERVICE, INC., 1140 Military Road, Buffalo, NY 14217. Applicant's representative: William J. Hirsch, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Products for waste or rectification*, in bulk, in tank vehicles, from points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, to points in Erie, Monroe, and Niagara Counties, N.Y., for 90 days. Supporting shipper: Chem-Trol Pollution Services, Inc., P.O. Box 200, Model City, NY 14107. Send protests to: George M. Parker, District

Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 138467 (Sub-No. 1 TA), filed March 6, 1973. Applicant: CLAYWAY, INC., 3338 Tomson, Trenton, MI 48183. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum Rock*, crushed, ground, or pulverized, in bulk, in dump vehicles, from Shoals, Ind., to Wyandotte, Mich., for 150 days. Supporting shipper: Wyandotte Cement, Inc., 3509 Biddle, Wyandotte, MI 48192. Send protests to: District Supervisor Melvin Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 David Broderick Tower, 10 Witherill Street, Detroit, MI 48226.

No. MC 138488 TA, filed March 14, 1973. Applicant: HUNTERS' TRANSPORTATION CO., INC., 1027 South Fourth Street, Chickasha, OK 73018. Applicant's representative: J. C. Hunter (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires and advertising matter*, from Lansdale, Pa., to points in Arkansas, New Mexico, Oklahoma, and Texas, for 180 days. Supporting shipper: Robert F. McCarthy, President, Doral Tire & Rubber Co., Inc., 200 West Fifth Street, Lansdale, PA 19446. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 138489 TA, filed March 13, 1973. Applicant: C. C. STARCHER, doing business as STARCHER'S TRANSFER, P.O. Box 122, Charmco, WV 25958. Applicant's representative: Charles E. Anderson, 1421 Kanawha Valley Building, Charleston, W. Va. 25332. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Articles of clothing*, from Rainelle, W. Va., to Memphis, Tenn., Atlanta, Ga., Mechanicsburg, Pa., New York, NY., Florence, Ky., and Richmond, Va., and (B) *cloth*, from New York, N.Y., to Rainelle, W. Va., for 180 days. Supporting shipper: Kestrel Corp., Rainelle, W. Va. Send protests to: H. R. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6163 Filed 3-29-73;8:45 am]

[Notice 38]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 26, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before April 16, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 20992 (Sub-No. 27 TA), filed March 15, 1973. Applicant: DOTSETH TRUCK LINE, INC., a corporation, Knapp, Wis. 54749. Applicant's representative: Robert G. Planansky, P.O. Box 82028, 605 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by lawn and garden dealers (except chemicals and commodities in bulk), from the plants, warehouse site, and experimental farms of Deere & Co. in Dodge County, Wis., to points in Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 150 days. Restriction: The authority in (1) above is restricted to traffic originating at the plants, warehouse sites, and experimental farms of Deere & Co. Supporting shipper: Deere & Co., Moline, Ill. 61265. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 59367 (Sub-No. 86 TA), filed March 16, 1973. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, 3584 Fifth Avenue South, Fort Dodge, IA 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and nonedible foods*, when moving in vehicles equipped with mechanical refrigeration, from the facilities of Terminal Ice & Cold Storage Co. at Bettendorf, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shippers: Lamb-Weston, Inc., Division of Amfac, Inc., 6600 Southwest Hampton Street, P.O. Box 23507, Portland, OR 97223, and Terminal Ice & Cold Storage Co., 1618 Southwest First Avenue, Portland, OR 97201. Send protests to: Herbert W. Allen, Transportation Specialist Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 61396 (Sub-No. 243 TA), filed March 16, 1973. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Post Office Box 189, Downtown Station Box, ZIP 68101, Omaha, NE 68110. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Nitrogen fertilizer solution*, in bulk, in tank vehicles, from Burlington, Iowa, to points in Illinois, Missouri, and Wisconsin, for 180 days. Supporting shipper: Terra Chemicals International, Inc., 507 Sixth Street, Sioux City, IA 51101, and Kaiser Agricultural Chemicals, P.O. Box 246, Savannah, GA 31402. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Omaha, Nebr. 68102.

No. MC 82841 (Sub-No. 110 TA), filed March 14, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, NE 68127. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corp. at Lackawanna, N.Y., to Beatrice, Grand Island, and Omaha, Nebr.; and points in Illinois, Iowa, Missouri, and Wisconsin, for 180 days. Supporting shipper: Bethlehem Steel Corp., 701 East Third Street, Bethlehem, PA 18016. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 89716 (Sub-No. 48 TA), filed March 15, 1973. Applicant: DICK JONES TRUCKING, a Corporation, P.O. Box 965, Powell, WY 82435. Authority sought to operate as a *common carrier*, by motor

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

vehicle, over irregular routes, transporting: *Oilfield submergible motors, pumps, equipment, and supplies* when used in connection with submergible motors and pumps, between the plantsite of TRW Reda Pump Co., adjacent to Thermopolis, Wyo., on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, and Utah, for 180 days. Supporting shipper: TRW Reda Pump Co., P.O. Box 1366, Thermopolis, WY 82443. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, 1006 Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

No. MC 107064 (Sub-No. 92 TA), filed March 16, 1973. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, 2808 Fairmount Street, Dallas, TX 75201. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Catron County, N. Mex., to points in Arizona, Colorado, Utah, Texas, Oklahoma, Kansas, and New Mexico, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: William J. Anderson, Pueblo Representative, Zuni Tribe of Indians, P.O. Box 338, Zuni, NM 87327. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 107162 (Sub-No. 33 TA) (Amendment), filed November 28, 1972, published in the FEDERAL REGISTER issue of December 15, 1972, and republished as amended this issue. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, Mich. 49715. Applicant's representative: John D. Varda, 121 South Pinckney Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse and Sheboygan, Wis., to Sault Ste. Marie and Engadine, Mich., for 180 days. Supporting shipper: John C. Jorgenson, partner, Marchetti Distributing Co., 700 Emeline Street, Sault Ste. Marie, MI. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 225, Federal Building, Lansing, Mich. 48933. NOTE: The purpose of this republication is to show that applicant now seeks to operate as a *common carrier*, in lieu of contract carrier, shown in error in the previous publication.

No. MC 107403 Sub 841 TA, filed March 16, 1973. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *No. 2 fuel oil*, in bulk, in tank vehicle, from Bay City, Mich., to Gibsonburg, Ohio, for 180 days. Supporting shipper: Harold C. Halm, General Distribution Manager, Midwest Region, Gold Bond Building Products, Division of National Gypsum Co., 325 Delaware Avenue, Buffalo, NY 14202. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 112822 (Sub-No. 264 TA), filed March 16, 1973. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 North Little, Cushing, OK 74023. Applicant's representative: Joe W. Ballard, P.O. Box 1191, Cushing, OK 74023. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* and *such commodities* that are dealt in by R. T. French Co., from Springfield, Mo., to points in Texas, for 180 days. Supporting shipper: E. J. Shirley, Corporate Traffic Manager, the R. T. French Co., 1 Mustard Street, Rochester, NY 14609. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 115092 (Sub-No. 23 TA), filed March 15, 1973. Applicant: WEISS TRUCKING, INC., P.O. Box "0", Vernal, UT 84078. 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: *Cheese and cheese products* from Logan, Utah, to points in California, Oregon, and Washington, for 180 days. Supporting shipper: L. D. Schreiber Cheese Co., Inc., P.O. Box 610, Green Bay, WI 54305, Robert B. Buchberger, Traffic Manager. Send protests to: Lyle D. Helfer, Interstate Commerce Commission, District Supervisor, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

No. MC 119086 (Sub-No. 4 TA), filed March 16, 1973. Applicant: MILLER TRUCKING CO., INC., R.F.D. No. 2, Taneytown, MD 21787. Applicant's representative: William B. Dulany, 127 East Main Street, Box 525, Westminster, MD 21157. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* for the account of Smith Bakeries, Inc., from Ladiesburg, Md., to New York, N.Y., commercial zone, Brentwood and Plainview, N.Y., for 180 days. Supporting shipper: Mr. Robert W. Smith, Vice President, Smith Bakeries, Inc., Ladiesburg, Md. 21759. Send protest to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 123048 (Sub-No. 247 TA), filed March 14, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, P.O. Box A, Box zip 53401, Racine, WI 53403. Applicant's representative: Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garden tractors, compact front-end loaders*, and *attachments and parts* in mixed loads with garden tractors and compact front-end loaders, from Winneconne, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: J. I. Case Co., Outdoor Power and Equipment Division, 119 South First Street, Winneconne, WI 54986 (Robert A. Olsen, Supervisor, Shipping, Receiving, and Stores). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 127762 (Sub-No. 4 TA), filed March 15, 1973. Applicant: CONTRACT CARRIERS, INC., Box 444, Ellensburg, WA 98926. Applicant's representative: Don Williams, Box 444, Ellensburg, WA 98926. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk tallow, bulk meat, scrap, or meal*, between Sunnyside, Wash., and Portland, Oreg., and between Everett, Wash., and Portland, Oreg., for 180 days. Supporting shipper: Yakima Rendering Division, Darling-Delaware Co., Inc., P.O. Box 448, Sunnyside, WA 98944. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine, Portland, OR 97204.

No. MC 133095 (Sub-42 TA), filed March 15, 1973. Applicant: TEXAS CONTINENTAL EXPRESS, INC., 2603 West Euless Boulevard, P.O. Box 434, Euless, TX 76039. Applicant's representative: Rocky Moore, P.O. Box 434, Euless, TX 76039. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol* and *alcoholic beverages*, from the plantsite and warehouse facilities of Widmer's Wine Cellars, Inc., at Naples, N.Y., to Little Rock, Ark.; Shreveport, Alexandria, Lake Charles, Baton Rouge, and New Orleans, La.; and Beaumont, Tex., for 180 days. Supporting shipper: Mr. Chester Guarinin, Southwest Regional Manager, Widmer's Wine Cellars, Inc., 2101 San Sebastian Court, Apartment 113, Houston, TX 77058. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 133846 (Sub-No. 5 TA), filed March 14, 1973. Applicant: FLITE LINE SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, PA 19079. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, and commodities the transportation of which, because of size and weight, require the use of special equipment), in aircargo containers, between Logan International Airport, Boston, Mass.; John F. Kennedy International Airport, New York, N.Y.; Newark Airport, Newark, N.J.; LaGuardia Airport, New York, N.Y.; and Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, Miami International Airport, at or near Miami, Fla.; Atlanta Municipal Airport, at or near Atlanta, Ga., Douglas Municipal Airport, at or near Charlotte, N.C.; New Orleans International Airport at or near New Orleans, La.; Houston Intercontinental Airport at or near Houston, Tex.; Lambert Municipal Airport at or near St. Louis, Mo., and Orangeburg, S.C., for 180 days. Restriction: Service authorized hereby is restricted to the transportation of traffic: (1) Which has a prior or subsequent movement by air or (2) which is tendered by an air carrier. Supporting shippers: Eastern Air Lines Inc., International Airport, Miami, Fla. 33148, and Seaboard World Airlines, Inc., J. F. Kennedy International Airport, Building No. 178, Jamaica, N.Y. 11430. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 133966 (Sub-No. 24 TA), filed March 16, 1973. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 61, Mountaintop, PA 18707. 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: *Mineral wool, insulation, and insulation materials*, from points in Wright Township, Luzerne County, Pa., to Norfolk, Newport News, Roanoke, Staunton, Lynchburg, Richmond, Alexandria, Suffolk, and Petersburg, Va.; Washington, D.C.; Lewisburg, Clarksburg, Princeton, and Charleston, W. Va.; Elwood, Indianapolis, South Bend, Evansville, Bedford, Clarksville, Terre Haute, Fort Wayne, Bloomington, and Gary, Ind., for 150 days. Supporting shipper: Certain-Teed Saint Gobain Insulation Corp., Valley Forge, Pa. 19481. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135878 (Sub-No. 3 TA), filed March 15, 1973. Applicant: AVERIL W. HUNTER, Florenceville, New Brunswick, Canada. Applicant's representative: William D. Pinansky, 443 Congress Street, Portland, ME 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips* from Ashland, Presque Isle, Sherman Station, Smyrna Mills, and Mattawamkeag, Maine, to the ports of entry at the international boundary line between the United States and Canada at or near Houlton and Bridgewater, Maine, for 90 days. Supporting shipper: Valley Forest Products Ltd., Woodlands Subsidiary of St. Anne-Nackawic Pulp and Paper Co., Ltd., Nackawic, York County, New Brunswick, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, P.O. Box 167, PSS, Portland, ME 04112.

No. MC 138486 (Sub-No 1 TA), filed March 16, 1973. Applicant: DAVE WHITE, doing business as DAVE WHITE TRUCKING, P.O. Box 488, Cerro Gordo, IL 61818. Applicant's representative: Wilbur Casey, Archer Daniels Midland Company, P.O. Box 1470, Decatur, IL 62525. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, animal or poultry*, prepared, in bulk or in bags; *feed supplements*, in bags; *condimental or medicinal feeding compounds* for animals or poultry, from Decatur, Ill., to points in Indiana, Iowa, Missouri, and Wisconsin, for 180 days. Restriction: Restricted to operations limited to a transportation service to be performed under a continuing contract with Gooch Feed Mill Corp. Supporting shipper: Andrew J. Roberts, Manager of Operations, Gooch Feed Mill Corp. (Gooch Feed), P.O. Box 1470, Decatur, IL 62525. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 138487 (Sub-No. 1 TA), filed March 16, 1973. Applicant: JOHN GOETZ, doing business as JOHN GOETZ TRUCKING, 715 West Main Street, Box 466, Bethany, IL 61914. Applicant's representative: Wilbur Casey, Archer Daniels Midland Co., P.O. Box 1470, Decatur, IL 62525. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, animal or poultry*, prepared, in bulk or in bags; *feed supplements* in bags; *condimental or medicinal feeding compounds* for animals or poultry, from Decatur, Ill., to points in Indiana, Iowa, Missouri, and Wisconsin, for 180 days. Restrictions: Restricted to operations limited to a transportation service to be performed under a continuing contract with Gooch Feed Mill Corp. Supporting shipper: Andrew J. Roberts, Manager of Operations, Gooch Feed Mill Corp. (Gooch Feed), P.O. Box 1470, Decatur, IL 62525. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 138490 TA, filed March 15, 1973. Applicant: WEST COAST HAULING CO., P.O. Box 843, Chiefland, FL 32626. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, (A) from Chiefland and Criss City, Fla., to Clyattville, Ga.; and (B) from Adel, Ga., to Perry, Fla., for 180 days. Supporting shippers: Owens-Illinois, Clyattville, Ga. 31604, and Buckeye Cellulose Corp., Perry, Fla. 32427. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 138491 TA, filed March 15, 1973. Applicant: SOUTHEASTERN TANK LINES, INC., 2601 Eunice Avenue, Orlando, FL 32804. Applicant's representative: Paul M. Daniel, P.O. Box 873, Atlanta, GA 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, in bulk, in tank vehicles, from the plantsite of Southern Gold Citrus Products, Inc., Orlando, Fla., to Lansing, Mich.; Springfield, Ohio; Cuyahoga Falls, Ohio; Northport and Long Island, N.Y.; Midland Park, N.J.; and Milford, Conn., for 180 days. Supporting shipper: Southern Gold Citrus Products, Inc., P.O. Box 7538, Orlando, FL 32804. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 138492 TA, filed March 16, 1973. Applicant: RICHARD E. GREGORY, doing business as GREGORY GRAIN COMPANY, Rural Route No. 2, Moweaqua, IL 62550. Applicant's representative: Wilbur Casey, ADM Company, P.O. Box 1470, Decatur, IL 62525. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, animal or poultry*, prepared in bulk or in bags; *feed supplements* in bags; *condimental or medicinal feeding compounds* for animals or poultry, from Decatur, Ill., to points in Indiana, Iowa, Missouri, and Wisconsin, for 180 days. Restriction: Restricted to operations limited to a transportation service to be performed under a continuing contract with Gooch Feed Mill Corp. Supporting shipper: Andrew J. Roberts, Manager of Operations, Gooch Feed Mill Corp. (Gooch Feed), P.O. Box 1470, Decatur, IL 62525. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 138493 TA filed March 15, 1973. Applicant: JAKUM TRUCKING, INC., 4902 South 13th Street, Sheboygan, WI 53081. Applicant's representative: Nancy J. Johnson, 4306 Regent Street, Madison, WI 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese spreads, poultry products, bread, processed meats, pickles*, from points in Iowa, Wisconsin, Minnesota, Illinois, to Los Angeles, Calif., for 180 days. Supporting shipper: Crescent Food Co., 5403 Santa Fe Avenue, Los Angeles, CA 90058

(Ernest L. Rose). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 442 TA), filed March 16, 1973. Applicant: TRANSPORT OF NEW JERSEY, 180 Boyden Avenue, Maplewood, NJ 07040. Applicant's representative: John F. Ward (same address as applicant). 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, between Allentown and Lancaster, Pa., from Allentown, Pa., over U.S. Highway 222 to Lancaster, Pa., and return over the same route, serving all intermediate points (except Reading, Kutztown, and Wescoesville, Pa.) for 180 days. NOTE: (1) Applicant states that the above-described route will be tacked to its existing route operated between Allentown, Pa., and New York, N.Y.; (2) applicant seeks this authority in order to continue a service now provided under authority granted to applicant in Docket No. MC 3647 R-20; and (3) applicant further states that the authority sought herein will terminate no later than 5 days after the resumption of service by Safeway Trails, Inc., now undergoing a work stoppage by its employees. Supporting shippers: There are approximately 21 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 118832 (Sub-No. 6 TA), filed March 16, 1973. Applicant: WESTOURS MOTOR COACHES, INC., 900 IBM Building, Seattle, Wash. 98101. Applicant's representative: A. T. Wendells, 3933 Sea-First National Bank Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in special and charter operations, limited to seasonal operations between May 1, 1973, and September 30, 1973, from the junction of Alaska Highways 2 and 5 at Tetlin Junction, Alaska, to the Alaska/Yukon border over Alaska Highway 5, and the unnumbered Alaska highway from its junction with Alaska Highway 5 to the Alaska/Yukon border en route to Dawson, Yukon Territory, and return over the same route, for 153 days. NOTE: This authority tacks onto applicant's authority in MC 118832, Subs 2 and 4. It also connects with White Pass and Yukon Rail at Whitehorse, Yukon Territory. Supporting shippers: Westours, Inc., IBM Building, Seattle, Wash. 98101, and White Pass and Yukon Route, Joseph Vance Building, Seattle, Wash. 98101. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6164 Filed 3-29-73;8:45 am]

[Notice 241]

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 April 19, 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-74155. By order of March 16, 1973, the Motor Carrier Board approved the transfer to Larry C. Wolff, doing business as Wolff Transportation Co., Dubuque, Iowa, of the operating rights in Certificates No. MC-93143 and MC-93143 (Sub-No. 2), issued January 31, 1945, and November 16, 1950, respectively, to A. N. Schueller and L. J. Gartner, doing business as S & G Motor Freight Co., Dubuque, Iowa, authorizing the transportation of general commodities, with exceptions, between specified points and areas in Iowa, Illinois, and Wisconsin. Carl E. Minson, 469 Fischer Building, Dubuque, Iowa 52001, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6166 Filed 3-29-73;8:45 am]

[Notice 242]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 27, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74366. By application filed March 21, 1973, CHESAPEAKE VAN LINES, INC., 400 South Highland Avenue, Baltimore, MD 21224, seeks temporary authority to lease the operating rights of WILLIAM T. GEIPE MOVING & STORAGE CO., INC., 9722 Pulaski Highway, Baltimore, MD 21220, under section 210a(b). The transfer to Chesapeake Van Lines, Inc., of the operating rights of William T. Geipe Moving & Storage Co., Inc., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6167 Filed 3-29-73;8:45 am]

[Rev. S.O. 994; ICC Order 76; Amdt. 2]

READING CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 76 (Reading Co., Richardson Dilworth and Andrew L. Lewis, Jr., trustees) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 76 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 23, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-6165 Filed 3-29-73;8:45 am]

federal register

FRIDAY, MARCH 30, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 61

PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

CRITERIA FOR DETERMINING WHETHER STATE WORKMEN'S COMPENSATION LAWS PROVIDE ADEQUATE COVERAGE FOR PNEUMOCONIOSIS AND LISTING OF APPROVED STATE LAWS

Title 20—Employees' Benefits

CHAPTER VI—EMPLOYMENT STANDARDS ADMINISTRATION, DEPARTMENT OF LABOR

SUBCHAPTER B—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, AS AMENDED

PART 722—CRITERIA FOR DETERMINING WHETHER STATE WORKMEN'S COMPENSATION LAWS PROVIDE ADEQUATE COVERAGE FOR PNEUMOCONIOSIS AND LISTING OF APPROVED STATE LAWS

Section 421 of the Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 795, as amended by Public Law 92-302, 86 Stat. 156, entitled the Black Lung Benefits Act of 1972, requires the Secretary of Labor to publish in the FEDERAL REGISTER a list of those States whose workmen's compensation laws provide adequate coverage for pneumoconiosis. On March 12, 1971, there were published in the FEDERAL REGISTER as 29 CFR Part 1520 (later redesignated as 20 CFR Part 722) criteria to be applied by the Secretary for determining whether any State's workmen's compensation law or laws provided adequate coverage for pneumoconiosis.

Pursuant to authority contained in Title IV of the Federal Coal Mine Health and Safety Act, as amended, and in order to give effect to applicable legislative amendments contained in Public Law 92-302, the Black Lung Benefits Act of 1972, and Public Law 92-576, the Longshoremen's and Harbor Workers' Compensation Act Amendments of 1972, Subchapter B of 20 CFR Chapter VI is amended by revising Part 722 to read as set forth below.

This amendment is effective March 30, 1973.

It has not been possible to provide a period for public comment on specific proposals in advance of final adoption of these rules. This is so because incorporation in these amended rules of changes required as a result of amendments effective November 26, 1972, made by Public Law 92-576 (86 Stat. 1251) to provisions of the Longshoremen's and Harbor Workers' Compensation Act with which these rules are required to be in accord, could not be accomplished in time to permit promulgation of these rules in advance of the November 30, 1972, date provided earlier by the Black Lung Benefits Act of 1972, for publication of these rules in final form. Accordingly, I find on the basis of good cause as above set forth that it is impracticable to provide for notice, public procedure, and delayed effective date in accordance with 5 U.S.C. 553. In the period during which these amended rules were being formulated, the Department of Labor actively solicited informal recommendations, comments, and other information from all of the States in which coal is mined to assist it in the preparation of these rules. In addition, the Employment Standards Administration will receive and consider any comments submitted before May 1, 1973, on any provision of these rules, will follow the procedures set forth in 29 CFR 13.5 (37 FR 13617), and will make such changes as are warranted through subsequent amendments of these rules. Inasmuch as the conformance of State workmen's compensation laws to the criteria set forth in these rules will not be required after adoption until claims to which they apply are filed pursuant to section 421 of the Federal Coal Mine Health and Safety Act many months hence, the foregoing provision should provide ample opportunity for persons affected to participate in the formulation of the rules which will actually be effective when claims are filed. Interested persons are accordingly invited to submit written data, views, and arguments concerning the rules in this revised Part 722 to OWCP, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210, prior to May 1, 1973.

The revised Part 722 reads as follows:

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722.101 Purpose and scope of this part.
722.102 Definitions and use of terms.

PROCEDURE FOR DETERMINING WHETHER A STATE LAW PROVIDES ADEQUATE COVERAGE FOR PNEUMONOCONIOSIS

722.103 Application to the Secretary.
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722.115 Claims generally.
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722.117 Medical criteria—generally.
722.118 Medical evidence.
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722.120 Total disability determination.
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722.122 Administrative standards—generally.
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CRITERIA: GUARANTEE OF BENEFITS TO ELIGIBLE INDIVIDUALS

722.126 Guarantee of benefits—generally.
722.127 Voluntary and elective compensation systems.
722.128 Responsible coal mine operators.
722.129 Insurance, self insurance.
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722.131 Contributions by miners.
722.132 Waiver of right to benefits.
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CRITERIA: AMOUNT OF BENEFITS: MEDICAL BENEFITS

722.135 Amount of benefits, computation.
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722.137 Minimum benefit amounts.
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722.140 Protection of benefits.
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722.146 Standards for review of a State workmen's campensation law.
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AUTHORITY: Secs. 421, 426 of Part C of Title IV, Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 795, 798 (30 U.S.C. 921, 926), as amended by Public Law 92-303, 86 Stat. 156 and pursuant to such act, under 44 Stat. 1424 (33 U.S.C. 901 et seq.), as amended by Public Law 92-576, 86 Stat. 1251.

INTRODUCTORY

§ 722.101 Purpose and scope of this part.

Section 421 of Part C of Title IV of the Federal Coal Mine Health and Safety Act, as amended, provides that on and after January 1, 1974, any claim for benefits for death or total disability due to pneumoconiosis shall be filed pursuant to the applicable State workmen's compensation law, except that during any period when miners or their eligible surviving dependents are not covered by a State workmen's compensation law which provides adequate coverage for pneumoconiosis, such persons shall be entitled to claim benefits under section 422 and related provisions of Part C of Title IV of such Act. Section 421(b)(1) in Part C of Title IV of the Federal Coal Mine Health and Safety Act, as amended, provides that a State workmen's compensation law shall not be deemed to provide adequate coverage for pneumoconiosis during any period unless it is included in the list of State laws (see § 722.152) found by the Secretary of Labor to provide adequate coverage for pneumoconiosis during such period. Section 421(b)(2) of such Act provides that no State workmen's compensation law shall be included on such list during any period unless such law is consistent with each of the criteria mandated by paragraphs A through E of section 421(b)(2) of the Act, as amended, and that there are certain other provisions, regulations, or interpretations which are consistent with the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1424, 86 Stat. 1251, 33 U.S.C. 901 et seq.), as described in this part. This Part 722 is designed to assure that any State law which appears on the list herein described shall provide appropriate claimants with adequate benefits for total disability or death due to pneumoconiosis. The purpose of this part is to describe the procedures by which the Secretary shall determine whether any State workmen's compensation law does, in fact, provide adequate coverage for death or disability due to pneumoconiosis and further describes with particularity the standards and criteria to be applied by the Secretary in making such determination.

§ 722.102 Definitions and use of terms.

(a) For purposes of this part except where the content clearly indicates otherwise, the following definitions apply:

(1) "Act" means Title IV of the Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 795 (30 U.S.C. 901 et seq.), as amended by Public Law 92-302, 86 Stat. 156, the Black Lung Benefits Act of 1972.

(2) "Longshoremen's Act" means the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 86 Stat. 1251 (33 U.S.C. 901 et seq.)), as amended by Public Law 92-576, 86 Stat. 1251.

(3) "Social Security Act" means the Social Security Act (49 Stat. 620 (42 U.S.C. 301 et seq.)), as amended from time to time.

(4) "Department" means the Department of Labor.

(5) "Secretary" means the Secretary of Labor or a person authorized by him to perform his functions under section 421 of the Act.

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

(7) "Workmen's compensation law" means the law or laws of a State providing for payment of compensation by employers to employees (and their dependents or survivors) for injury including occupational disease, or death suffered in connection with the employment.

(8) "State agency" means, with respect to any State, the agency, department, or officer designated by the workmen's compensation law of the State to administer such law. In any case in which more than one agency participates in the administration of a State workmen's compensation law, the Governor may designate which of such agencies shall be the State agency for purposes of this part.

(9) "The Secretary's list" means the list published by the Secretary of Labor in the FEDERAL REGISTER (see § 722.152) containing the names of those States which have in effect a workmen's compensation law which provides adequate coverage for death or total disability due to pneumoconiosis.

(10) "Pneumoconiosis" means coal workers' pneumoconiosis as defined in section 402(b) of the Act.

(b) Masculine gender includes the feminine, and the singular includes the plural.

(c) No definition contained in this part shall be deemed to derogate from the meaning of any term defined in the Act or any term elsewhere defined in this subchapter B with respect thereto.

PROCEDURE FOR DETERMINING WHETHER A STATE LAW PROVIDES ADEQUATE COVERAGE FOR PNEUMOCONIOSIS

§ 722.103 Application to the Secretary.

The Governor of any State or any duly authorized State agency may, at any time after the effective date of this revised Part 722, request that the Secretary include such State's workmen's compensation law on his list of those State workmen's compensation laws providing adequate coverage for total disability and death due to pneumoconiosis.

§ 722.104 Contents of application, supporting documents.

Each request that a State be included on the Secretary's list shall be in writing and shall be accompanied by the following documents and information:

(a) A copy of the State workmen's compensation law and any other pertinent State laws;

(b) A copy of any regulations either proposed or promulgated in final form with respect to the administration of the State law or laws submitted;

(c) A copy of any administrative or court decision interpreting State laws or regulations so as to bring such laws or regulations in compliance with the standards set forth in this part. If such decisions are published and reported in official or privately published reporter systems or in some other readily available case reporter, it shall be permissible to refer to such decision by its appropriate citation in such case reporter; and

(d) Each request shall be accompanied by a written analysis completed by a duly authorized State official describing by citation, explanation, or with reference to the decisional law of the State, the appropriate provision or provisions of such State's workmen's compensation law which bring it in compliance with each standard prescribed in this Part 722.

§ 722.105 Initial action on the request.

Upon receipt by the Secretary of a request that a State be included on the Secretary's list, action shall be taken to review such request. Each State law submitted shall be reviewed in light of the specific standards and criteria set forth below.

CRITERIA: STANDARDS OF COVERAGE, ELIGIBILITY

§ 722.110 Coverage generally.

The following §§ 722.111-722.114 describe the individuals who are eligible to claim benefits for total disability or death due to pneumoconiosis under the Act. In order that a State workmen's compensation law be deemed by the Secretary to provide adequate coverage for total disability or death due to pneumoconiosis, such State law shall insure that such individuals shall be entitled to receive benefits under conditions in accordance with those described below.

§ 722.111 Miner.

(a) An individual shall be entitled to receive benefits for total disability due to pneumoconiosis if he is a miner as defined in this section and if such individual is totally disabled due to pneumoconiosis (see §§ 722.117-722.120).

(b) Such individual shall be entitled to receive benefits until his death or until such disability ceases.

(c) For purposes of this part an individual is a miner if he is or was employed in a coal mine.

(d) For purposes of this part, "Coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite, from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities.

(e) Any State workmen's compensation law which does not separately define miner or coal miner shall be deemed adequate for purposes of this section if such law contains a definition or use of the terms employee, worker, or any other related term which is sufficiently broad to encompass all individuals contemplated by the term miner as defined in this section.

§ 722.112 Widow, surviving divorced wife.

(a) An individual shall be entitled to claim for and receive benefits as the widow or surviving divorced wife of a deceased miner if:

(1) Such individual is not married and is the "widow" of such miner as defined in section 402(e) of the Act; and

(2) Such miner's death or total disability at time of death was due to pneumoconiosis (which, for purposes of the Act, includes any death of a miner who was totally disabled by pneumoconiosis or was receiving benefits for such disability at the time of his death).

(b) A widow or surviving divorced wife shall be entitled to receive benefits until she remarries, or dies, or her entitlement otherwise ceases.

§ 722.113 Child.

(a) An individual shall be entitled to claim for and receive benefits if:

(1) Such individual is a child, as defined in section 402(g) of the Act (including a stepchild) of a deceased miner or of the widow of a miner; and if

(2) Such individual was dependent upon the deceased miner or widow for his support; and if

(3) Such deceased parent,

(i) If a miner, was receiving pneumoconiosis benefits at the time of his death, or his death was due to pneumoconiosis, or at the time of his death was totally disabled by pneumoconiosis; or

(ii) If a widow, was receiving pneumoconiosis benefits at the time of her death.

(b) A child or stepchild shall be entitled to receive benefits until one of the following events first occurs:

(1) The child dies;

(2) The child marries;

(3) The child attains age 18, unless

(i) He is a "full time" student as defined in section 202(a)(7) of the Social Security Act, or a "student" as defined in section 8101(7) of Title 5, United

States Code, in which case such child's or stepchild's eligibility is extended until he reaches age 23; or unless

(ii) He is under a disability as defined in section 223(d) of the Social Security Act and such disability began before he attained age 18 (see 202(d)(1)(B)(ii) of the Social Security Act).

(c) A child or stepchild is not entitled to claim benefits for any month for which a widow of a miner establishes entitlement to benefits.

§ 722.114 Parents, brothers, or sisters.

(a) An individual shall be entitled to claim for and receive benefits if:

(1) Such individual is the parent, brother, or sister of a deceased miner; and if

(2) Such individual, for not less than 1 year prior to the miner's death, was living in the same household as the miner and was totally dependent on the miner for support; and if

(3) The deceased miner was entitled to benefits at the time of his death, or his death is determined to have been due to pneumoconiosis, or at the time of his death was totally disabled by pneumoconiosis; and,

(4) In the case of a parent, if the deceased miner was not survived by a widow or child at the time of his death; and,

(5) In the case of a brother or sister, if the deceased miner was not survived by a widow, child or parent at the time of his death; and,

(6) In the case of a brother, he also is under 18 years of age unless he is a full-time student or under a disability as described in § 722.113(b)(3) in which case his eligibility shall be extended as is appropriate.

(b) No benefits to a sister or brother shall be payable for any month beginning with the month in which he or she receives support from his or her spouse, or marries.

(c) The individuals described in this section shall be eligible to claim for or receive benefits until such time as the requirements for eligibility cease.

CRITERIA: CLAIMS FOR BENEFITS

§ 722.115 Claims generally.

In order to assure that a State workmen's compensation law will provide adequate coverage for total disability or death due to pneumoconiosis, such law shall contain or shall be implemented by available rules and regulations which establish a comprehensive and viable scheme for the filing and processing of claims. If filing and processing procedures in any State are substantially informal, such State shall include in its application to be included on the Secretary's list, a full description of such State's filing and processing procedures, copies of any material disseminated to individuals to assist them in pursuing a claim, and a full description, including exemplary cases, of the time periods required by such State to fully process such claims. No State workmen's compensation law shall be included on the Secretary's list if it appears that any class of claimants shall be subject to inordinate delays, unnecessarily protracted proceedings, unnecessarily difficult requirements of proof, or other unwarranted difficulties in the pursuit of a claim.

§ 722.116 Time limitations on filing claims.

(a) No State workmen's compensation law shall be deemed to provide adequate coverage for total disability or death due to pneumoconiosis unless the determination of claims filed pursuant to it shall be permitted:

(1) In the case of claims for disability benefits, if filed within 3 years of the date of the discovery of total disability due to pneumoconiosis; or

(2) In the case of claims for death benefits, if filed within 3 years of the date of such death;

(3) And in the case of any claim for benefits predicated upon the presumption contained in section 411(c)(4) of Part B of Title IV of the Act (see § 722.119);

(i) If in the case of total disability due to pneumoconiosis it is filed within 3 years from the date of last exposed employment in a coal mine; or

(ii) If in the case of death from a respiratory or pulmonary impairment for which benefits would be payable under section 411(c)(4) of the Act, incurred as a result of employment in a coal mine, it is filed within 15 years from the date of last exposed employment in a coal mine.

(b) Any State workmen's compensation law which provides longer periods for filing a claim subsequent to the events specified in this section shall be deemed to have met the requirements described herein. Any State workmen's compensation law which provides shorter time limitations on filing a claim, or which commences the period for filing a claim beginning with an event which is more restrictive than those specified in this section, shall be deemed not to have met the requirements of this section.

CRITERIA: MEDICAL STANDARDS FOR DETERMINING WHETHER MINER'S TOTAL DISABILITY OR DEATH WAS DUE TO PNEUMOCONIOSIS

§ 722.117 Medical criteria—generally.

Section 402(f) of the Act authorizes the Secretary of Health, Education, and Welfare to establish and promulgate standards and medical criteria for determining whether a miner is totally disabled due to pneumoconiosis, whether a miner's death was due to pneumoconiosis, and whether a miner was totally disabled by pneumoconiosis at the time of his death. Section 421(b)(2)(C) of the Act requires that in order for a State to be included on the Secretary's list, such State must promulgate standards for determining death or total disability due to pneumoconiosis which are substantially equivalent to those promulgated by the Secretary of Health, Education, and Welfare (see 20 CFR Part 410, Subpart D) and adopted pursuant to sections 415(a) and 422(c) of the Act by the Secretary of Labor in respect of claims filed subsequent to June 30, 1973 (see 20 CFR Part 718). Therfore, no State shall be included on the Secretary's list if it does not by statute or published formal rules and regulations provide standards which are substantially equivalent to or less restrictive than those standards published by the Secretary of Health, Education, and Welfare in Subpart D of 20 CFR Part 410 as amended on September 30, 1972 (37 FR 20641–20645).

§ 722.118 Medical evidence.

No State workmen's compensation law shall be included on the Secretary's list unless such law or regulations promulgated thereunder provide that no claim shall be denied solely on the basis of a chest roentgenogram and, that in determining the validity of claims all evidence shall be considered, including, where relevant, medical tests such as blood gas studies, X-ray examination, electrocardiogram, pulmonary function studies, or physical performance tests, and any medical history, evidence pertaining to future employability, evidence submitted by a miner's physician, or a miner's wife's affidavits, and in the case of a deceased miner, autopsy, biopsy, or other appropriate affidavits of persons with knowledge of the miner's physical condition, and any other supportive materials.

§ 722.119 Medical presumptions.

Section 411(c) of Part B of Title IV of the Act establishes a series of presumptions which shall be available to claimants for purposes of determining whether a miner's death or total disability was due to pneumoconiosis. No State workmen's compensation law shall be included on the Secretary's list if it does not provide or if regulations promulgated pursuant to such State law do not make available to claimants presumptions which are equivalent to or less restrictive than those presumptions contained in section 411(c) of the Act as set forth below:

(a) If a miner who is suffering or suffered from pneumoconiosis was employed for 10 years or more in one or more coal mines, there shall be a rebuttable presumption that his pneumoconiosis arose out of such employment;

(b) If a deceased miner was employed for 10 years or more in one or more coal mines and died from a respirable disease, there shall be a rebuttable presumption that his death was due to pneumoconiosis;

(c) If a miner is suffering or suffered from a chronic dust disease of the lung which (1) when diagnosed by chest roentgenogram, yields one or more large opacities (greater than one centimeter in diameter) and would be classified in category A, B, or C in the International Classification of Radiographs of the Pneumoconioses by the International Labor Organization, (2) when diagnosed by biopsy or autopsy, yields massive lesions in the lungs, or (3) when diagnosis is made by other means, would be a condition which could reasonably be expected to yield results described in subparagraph (1) or (2) of this paragraph if diagnosis had been made in the manner prescribed in subparagraph (1) or (2) of

this paragraph, then there shall be an irrebuttable presumption that he is totally disabled due to pneumoconiosis or that his death was due to pneumoconiosis, or that at the time of his death he was totally disabled by pneumoconiosis, as the case may be; and

(d) If a miner was employed for 15 years or more before July 1, 1971, in one or more underground coal mines, and if there is a chest roentgenogram submitted in connection with such miner's, his widow's, his child's, his parent's, his brother's, his sister's, or his dependent's claim and it is interpreted as negative with respect to the requirements of paragraph (c) of this section, and if other evidence demonstrates the existence of a totally disabling respiratory or pulmonary impairment, then there shall be a rebuttable presumption that such miner is totally disabled due to pneumoconiosis, that his death was due to pneumoconiosis, or that at the time of his death he was totally disabled by pneumoconiosis. In the case of a living miner, a wife's affidavit may not be used by itself to establish the presumption. A State shall not apply all or a portion of the requirement of this paragraph that the miner work in an underground mine where it determines that conditions of a miner's employment in a coal mine other than an underground mine were substantially similar to conditions in an underground mine. Such presumption may be rebutted only by establishing that (1) such miner does not, or did not, have pneumoconiosis, or that (2) his respiratory or pulmonary impairment did not arise out of, or in connection with, employment in a coal mine.

§ 722.120 Total disability determination.

The Act requires that benefits be paid for total disability of a miner if pneumoconiosis prevents him from engaging in gainful employment requiring the skills and abilities comparable to those of any employment in a mine or mines in which he previously engaged with some regularity and over a substantial period of time. No State workmen's compensation law shall be included on the Secretary's list if such law prohibits a finding that a miner is totally disabled solely on the basis of his ability to engage in gainful noncoal mine related employment, except that in cases where a miner engaged in noncoal mine related employment utilizes skills comparable to those required in his coal mine employment, it may be found that such miner is not entitled to benefits for total disability due to pneumoconiosis.

§ 722.121 Cause of death.

Section 421 of the Act requires the Secretary to find, before including a State workmen's compensation law in his listing of laws which provide adequate coverage for pneumoconiosis, that such law assures payment of benefits for total disability or death of a miner, determined under standards substantially equivalent to those established under Part B of Title IV of the Act, in all cases where either such total disability or such death was due to pneumoconiosis. Accordingly, in the case of death benefits, such benefits must be paid whether the miner's death or his total disability at the time of death was due to pneumoconiosis. Thus, sections 401 and 430 of the Act require that benefits be paid (a) for death due to pneumoconiosis and (b) for death due to any cause if the miner was totally disabled by pneumoconiosis at the time of his death. No State workmen's compensation law shall be included on the Secretary's list unless it contains a provision or provisions equivalent to those described in this section.

Criteria: Administative Standards

§ 722.122 Administrative standards—generally.

In order to insure that each claimant for pneumoconiosis benefits under a State workmen's compensation law be afforded full due process of law, including notice and opportunity to be heard on all matters materially affecting such claimant's claim, no State workmen's compensation law shall be included on the Secretary's list unless it provides, or regulations promulgated pursuant to such law provide (a) that a claimant in a contested case shall have a right to a full adversary hearing to resolve contested issues of fact or law, (b) that a claimant shall be notified of and shall have a means of legal recourse by right in the event that any adverse action is taken in respect of his claim, and (c) that a claimant shall in appropriate cases be entitled to have his claim finally adjudicated by an appellate court of the State.

§ 722.123 Cessation of payment of benefits.

No State workmen's compensation law shall be included on the Secretary's list unless such law provides, or regulations promulgated pursuant to such law provide, that in the event the payment of benefits to any beneficiary is terminated or suspended for any reason, such beneficiary shall be given prior notice thereof and shall have an opportunity to be heard in a formal proceeding before an appropriate adjudication officer of the State in respect of such suspension or termination, and that such investigations, including medical examination, shall be undertaken as will properly protect the rights of all parties.

§ 722.124 Regulation of fees for legal services.

Unrestricted fees for legal services incurred by a claimant in the pursuit of a claim undermine the intent of Congress expressed in the enactment of Title IV of the Act. Section 28 (33 U.S.C. 928) of the Longshoremen's Act, as incorporated by section 422(a) of the Act, requires the Secretary to exercise reasonable control over professional fees for services incurred by a claimant in the pursuit of a claim. Accordingly, no State workmen's compensation law shall be included on the Secretary's list if such law permits unrestricted or unreasonable fees for services rendered in the pursuit of a claim to be charged to a claimant.

Criteria: Guarantee of Benefits to Eligible Individuals

§ 722.126 Guarantee of benefits—generally.

It is the intent of the Act to insure that every eligible individual who has proven his entitlement to benefits for total disability or death due to pneumoconiosis shall be guaranteed such benefits whether or not there is in existence an employer, coal mine operator, or insurance carrier who is or may be adjudicated liable for the payment of such benefits. No State workmen's compensation law shall be included on the Secretary's list unless such law explicitly provides that every claimant who is, based upon the medical evidence and the evidence of such claimant's identity as a miner or eligible relation or dependent, entitled to receive benefits for total disability or death due to pneumoconiosis shall be paid such benefits either by a responsible coal mine operator or employer or such operator or employer's insurance carrier, or by the State from its general revenue or whatever funds are available for such purposes. A State must bear the ultimate liability for the payment of benefits to an entitled individual in all cases where no other source of benefits is available to such claimant.

§ 722.127 Voluntary and elective compensation systems.

A State workmen's compensation law may be included on the Secretary's list, notwithstanding the fact that such law permits voluntary or elective participation by an employer or coal mine operator in any program to insure the payment of benefits for total disability or death due to pneumoconiosis, provided that there is in effect in such State an alternative system to guarantee that all benefits including medical benefits shall be paid.

§ 722.128 Responsible coal mine operators.

Sections 421 and 422 of Part C of Title IV as well as the legislative history of the Act, indicate that Congress intended the coal mine operators in the several States to bear as fully as possible the liability for the payment of pneumoconiosis benefits. In accordance with this intent Congress in section 421(b)(2)(E) of the Act has required that no State workmen's compensation law shall be included on the Secretary's list, unless such law provides that a coal mine operator who acquired his or its mine or substantially all of the assets thereof from a person (hereinafter referred to in this section as a "prior operator") who was an operator of such mine on or after December 30, 1969, shall be liable for and shall secure the payment of all benefits which would have been payable by the prior operator with respect to miners previously employed in such mine if the acquisition had not occurred and the prior operator had continued to operate such mine, and further that such prior operator shall

not be relieved of his or its liability for the payment of pneumoconiosis benefits in the event that his successor to such mine is for any reason unable to discharge his liability (see section 422(i) of the Act).

§ 722.129 Insurance, self insurance.

(a) A State workmen's compensation law may, in appropriate circumstances, be excluded from the Secretary's list if such law permits coal mine operators or employers to obtain commercial contracts of insurance to guarantee the payment of pneumoconiosis benefits and such State law does not require (1) that such commercial insurer be authorized under the laws of the State to insure workmen's compensation, and (2) that each such commercial contract of insurance contain a provision that insolvency or bankruptcy of the insured or discharge therein (or both) shall not relieve the insurance carrier from liability for all current and future payments of benefits due an entitled individual.

(b) A State workmen's compensation law may, in the discretion of the Secretary, be excluded from the Secretary's list if it is apparent that self-insurance arrangements permitted under such State law in general are not sufficient to insure the uninterrupted payment of benefits to an entitled individual.

(c) Contribution or apportionment of liability among insurers and/or self-insurers, if so provided for by a State workmen's compensation law, shall not be a basis for exclusion of such law from the Secretary's list.

(d) This section shall not be construed to require that a State workmen's compensation law guarantee the payment of pneumoconiosis benefits by means of commercial insurance or self-insurance programs.

§ 722.130 State protections of benefits.

No State workmen's compensation law shall be included on the Secretary's list, unless such State law establishes and provides a means of obtaining revenues to insure that pneumoconiosis benefits shall be paid to entitled individuals for whom no other source of benefits is available.

§ 722.131 Contributions by miners.

No State workmen's compensation law shall be included on the Secretary's list if such law permits or requires miners to provide funds for the payment of insurance premiums, the support for a self-insurance fund, or the support for any State fund established for the purpose of insuring the payment of pneumoconiosis benefits.

§ 722.132 Waiver of right to benefits.

No State workmen's compensation shall be included on the Secretary's list if such law permits a miner or other prospective claimant to by any means waive, in whole or in part, such individual's rights to receive full benefits for total disability or death due to pneumoconiosis. However, under appropriate circumstances, a waiver may be permitted in respect of the liability of any individual coal mine operator or employer if such State workmen's compensation law contains a provision or provisions which otherwise insure that benefits shall be available to be paid to such claimant from some other approved source.

§ 722.133 Retroactive coverage required.

No State workmen's compensation law shall be included on the Secretary's list if such law prohibits the filing of or does not provide for benefits in respect of an otherwise timely (see § 722.116) and valid claim solely on the grounds that the miner on whose total disability or death the claim is predicated was not employed in a coal mine in such State on the effective date of such State's law.

§ 722.134 Residency requirements.

No State workmen's compensation law shall be included on the Secretary's list if such law requires that the claimant be domiciled in or a resident of such State at the time the claim is filed. This section shall not be construed to prohibit a State from refusing to process a claim for benefits in any case in which the miner on whose total disability or death a claim is predicated, was not exposed for a reasonable period of time in such State.

CRITERIA: AMOUNT OF BENEFITS: MEDICAL BENEFITS

§ 722.135 Amount of benefits, computation.

(a) Section 412(a) of the Act sets forth the amount of benefits for total disability or death due to pneumoconiosis to which an individual shall be entitled, the extent of such entitlement and persons so entitled. No State workmen's compensation law shall be included on the Secretary's list if it does not, in every case, provide benefit amounts which are substantially equivalent to or greater than those amounts to which an eligible individual would be entitled under section 412(a).

(b) No State workmen's compensation law which arbitrarily limits the total amount of benefits to which an eligible individual may be entitled over such individual's lifetime shall be included on the Secretary's list.

(c) No State workmen's compensation law which subsequent to the effective date of this Part 722 is amended to reduce the amount of benefits to which an eligible individual is entitled for total disability or death due to pneumoconiosis shall be included on the Secretary's list.

§ 722.136 Augmented benefits.

As set forth in section 412(a) of the Act the amount of benefits to which a beneficiary is entitled may be augmented by up to 100 percent based upon the number of persons (wife, children, parents, brothers, sisters) dependent upon such beneficiary for support. No State workmen's compensation law shall be excluded from the Secretary's list because it does not contain similar augmentation provisions if such law otherwise insures that beneficiaries and their dependents shall receive benefits substantially equivalent to or greater than the amounts such persons would receive under section 412(a) of the Act.

§ 722.137 Minimum benefit amounts.

No State workmen's compensation law shall be included on the Secretary's list if it does not guarantee that the minimum amount of benefits payable to any beneficiary or dependent shall be substantially equivalent to or greater than the amount to which such beneficiary or dependent would be entitled if the claim were paid under section 412(a) of the Act, notwithstanding any provision contained in the State workmen's compensation law which requires the computation of benefit amounts based upon the miner's average weekly or monthly wage.

§ 722.138 Offsets for Federal benefits prohibited.

No State's workmen's compensation law shall be included on the Secretary's list if such law requires that pneumoconiosis benefits payable to any individual shall be offset by any amount to which such individual is or may be entitled on account of total disability or death due to pneumoconiosis under any law of the United States.

§ 722.139 Lump sum awards; settlement.

No State workmen's compensation law shall be excluded from the Secretary's list solely on the grounds that such law permits lump sum awards, or commutation or settlement of claims or awards: *Provided*, That (a) such lump sum award or commutation or settlement is approved by an appropriate State agency; (b) such lump sum award, commutation, or settlement is equal to the present value of future benefits payments commuted, computed at no less than 4 percent true discount compounded annually; (c) accepted and reliable tables of probabilities are used for the purpose of computing the present value of future benefits payments commuted and (d) no lump sum award, commutation, or settlement, shall be construed to deprive a miner of his right to future medical benefits or services under such State law.

§ 722.140 Protection of benefits.

No State workmen's compensation law shall be included on the Secretary's list unless such State law contains a provision or provisions:

(a) Which declare invalid any assignment or release of benefits or future benefits payable;

(b) Which exempt all current and future benefits from all claims of creditors, and from levy, execution, attachment, garnishment, or any other remedy for recovery or collection of a debt, which exemption may not be waived; and

(c) Which insure that any person entitled to benefits for total disability or death due to pneumoconiosis shall have a lien against the assets of the responsible insurance carrier or coal mine operator for such benefits without limit of amount, and shall, upon insolvency,

bankruptcy, or reorganization in bankruptcy proceedings of the insurer or operator, or both, be entitled to preference and priority in the distribution of the assets of such insurer or operator, or both. This paragraph shall not be construed to require the creation of a statutory lien aganist the assets of any State fund.

§ 722.141 Payment periods.

No State workmen's compensation law shall be included on the Secretary's list unless such law provides that compensation payable on account of total disability or death due to pneumoconiosis shall be paid not less frequently than once each month.

§ 722.142 Prompt payment of benefits.

No State workmen's compensation law shall be included on the Secretary's list unless such law provides some means such as judicial enforcement whereby an eligible claimant shall have effective recourse to insure that benefits due such claimant are paid fully and promptly.

§ 722.143 Medical benefits.

(a) Section 422(a) of the Act by incorporating section 7(a) of the Longshoremen's Act (33 U.S.C. 907(a)) requires that medical services and supplies be furnished to a miner totally disabled by pneumoconiosis. No State law shall be included on the Secretary's list unless such State law guarantees that every miner who is totally disabled due to pneumoconiosis shall be furnished, at no cost to the miner, with such medical, surgical, and other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus, for such period as the nature of the disability may require.

(b) No State law shall be included on the Secretary's list if such law places arbitrary time or dollar limitations on a totally disabled miner's entitlement to the medical benefits described in this section.

§ 722.144 Medical examinations, re-examinations.

No State workmen's compensation law shall be included on the Secretary's list unless such State law provides that medical examinations or re-examinations conducted in respect of a claim at the request or order of an insurance carrier, coal mine operator, employer, or State agency shall be conducted at the expense of the insurance carrier, coal mine operator, employer, or State agency as the case may be. In no event shall the cost of such examination or re-examination be chargeable to the claimant.

§ 722.145 Vocational rehabilitation.

(a) Section 422(a) of the Act, by incorporating section 39 of the Longshoremen's and Harbor Workers' Compensation Act requires the Secretary to arrange for and direct the vocational rehabilitation of miners totally disabled for work in or around a coal mine. No State workmen's compensation law shall be included on the Secretary's list unless such State law makes available to miners totally disabled for such work such vocational rehabilitation facilities as are provided by the State under its workmen's compensation programs to disabled employees in general.

(b) No State workmen's compensation law shall be included on the Secretary's list if the use of vocational rehabilitation facilities in such State would result in a partial or total loss of benefits to such miner.

ACTION BY THE SECRETARY

§ 722.146 Standards for review of a State workmen's compensation law.

(a) The standards for determining whether a State workmen's compensation law provides adequate coverage for total disability or death due to pneumoconiosis as set forth in this part are mandatory, in that compliance therewith is prerequisite to inclusion of any such law on the Secretary's list. Such standards have been determined to be the minimum requirements that a State workmen's compensation law must meet in order that the intent of section 421 of the Act be carried out. After review of the information submitted by a State pursuant to § 722.104 and any other information made available to the Department of Labor, the Secretary shall determine whether a State workmen's compensation law meets all of such requirements.

(b) Notwithstanding any other provision of this part, if it is shown, despite the language contained in a State workmen's compensation law, that because of judicial or administrative decision, or duly promulgated rules and regulations, or common practice in the State, such law does not provide adequate coverage for total disability or death due to pneumoconiosis, such law shall be excluded from the Secretary's list.

(c) Notwithstanding any other provision of this part, if it is found that any provision contained in a State's workmen's compensation laws or general laws serves or would be likely to serve to diminish the coverage available in such State for total disability or death due to pneumoconiosis, such State's workmen's compensation law may be excluded from the Secretary's list.

§ 722.147 Action subsequent to review.

(a) If it is found that a State workmen's compensation law during any period provides adequate coverage for total disability or death due to pneumoconiosis, such law shall be included for such period on the Secretary's list to be published in the FEDERAL REGISTER and set forth in § 722.152 pursuant to section 421(b)(1) of the Act. The appropriate State agency shall be notified of the Secretary's action.

(b) If it is found that a State workmen's compensation law submitted for consideration pursuant to § 722.103 does not provide adequate coverage for total disability or death due to pneumoconiosis during any period, the appropriate State agency shall be notified of such decision and, if such law has previously been on the Secretary's list, of the fact that the decision requires deletion of such law from the list during such period. Such notice shall contain a brief statement of reasons enumerating the provision or provisions of the State's law which are unacceptable.

(c) In the event of a denial of a request that a State workmen's compensation law be included on the Secretary's list, or of a decision to delete a previously listed law from the list, the appropriate State agency shall have the right to request the Secretary to reconsider his action. Such request shall be accompanied by a brief or memorandum in support thereof.

§ 722.148 Provisional approval.

The Secretary may, in his discretion, provisionally approve a State's request that its workmen's compensation law be included on the Secretary's list pending the final promulgation of rules and regulations or the effective date of certain amendments to the State's law. Notice of such provisional approval shall be given to the appropriate State agency, but such State's workmen's compensation law shall not be published on the Secretary's list in the FEDERAL REGISTER until such regulations or amendments are effective.

§ 722.149 Judicial review.

The action by the Secretary in including or failing to include any State workmen's compensation law on the Secretary's list shall be subject to judicial review exclusively in the U.S. Court of Appeals for the circuit in which the State is located or in the U.S. Court of Appeals for the District of Columbia (see section 421(b)(2)(f) of the Act).

§ 722.150 Reports.

The Secretary shall from time to time require that each State which has been included on the Secretary's list submit reports, data, or other information to the Secretary concerning the administration and operation of the State's workmen's compensation law with respect to total disability or death due to pneumoconiosis.

§ 722.151 Removal from the Secretary's list.

At any time after a State's workmen's compensation law has been included on the Secretary's list such State's law may be removed from the list if it appears that under such law adequate coverage for total disability or death due to pneumoconiosis is not being provided. Such removal action shall be taken only after notice and an opportunity to be heard has been afforded such State. In the event a State's workmen's compensation law is removed from the Secretary's list the consequences of such removal on claims for pneumoconiosis benefits filed in that State shall be determined by the Secretary.

§ 722.152 The Secretary's list.

(a) In order to provide a ready reference source for any person interested in knowing at any given time which, if any,

States' laws met the currently applicable criteria for approval, it has been determined that provision should be made for listing such States in the Code of Federal Regulations. Accordingly, the Secretary's list of those States having in effect a workmen's compensation law which provides adequate coverage for total disability or death due to pneumoconiosis, as published in the FEDERAL REGISTER pursuant to section 421(b)(1) of the Act, appears in paragraph (b) of this section. When first published on September 7, 1972 (37 FR 18076; see also 37 FR 21429), as provided by the Act, the document listed no such State because there was no State workmen's compensation law which had been found to provide adequate coverage for total disability or death due to pneumoconiosis. The Secretary's list shall be republished in the FEDERAL REGISTER with amendments from time to time as is necessary.

(b) The Secretary, upon examination of State workmen's compensation laws pursuant to the provisions of section 421 of the Federal Coal Mine Health and Safety Act of 1969, as amended, and 20 CFR 722.101–151, has found that the workmen's compensation law of each of the following listed States, for the period from the date shown in the list until such date as the Secretary may make a contrary determination, provides adequate coverage for pneumoconiosis:

State	*Period commencing*
None	

Signed at Washington, D.C., this 27th day of March 1973.

HERBERT A. DOYLE, Jr.,
Acting Director, Office of Workmen's Compensation Programs.

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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

Modifications and Supersedeas Decisions to Area Wage Determination Decisions

Area wage determination decisions. Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a), and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in 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. Modifications to Area Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Colorado:	
AP–232	Sept. 15, 1972.
Illinois:	
AP–622	Feb. 2, 1973.
AP–637	Feb. 23, 1973.
Indiana:	
AP–17; AP–18; AP–19; AP–20; AP–21; AP–22.	Sept. 29, 1972.
Kentucky:	
AP–133	Oct. 13, 1972.
Pennsylvania:	
AP–465	Jan. 26, 1973.
Tennessee:	
AP–154	Mar. 2, 1973.
Texas:	
AP–389; AP–395	Jan. 26, 1973.
Virginia:	
AP–468	Feb. 9, 1973.

Supersedeas Decisions to Area Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decision being superseded):

California:		
AP–245 (AP–281); (AP–280).	AP–248	Oct. 13, 1972.
Montana:		
AP–237 (AP–279); (AP–278).	AP–239	Sept. 22, 1972.
Nebraska:		
AM–2441 (AP–522)		Aug. 25, 1971.
AP–210 (AP–523)		Aug. 4, 1972.
Nevada:		
AP–225 (AP–282)		Aug. 25, 1972.
AP–243 (AP–266)		Sept. 22, 1972.
New York:		
AM–1725 (AP–800)		Aug. 11, 1971.
Virginia:		
AP–441 (AP–499)		Nov. 3, 1972.

Signed at Washington, D.C., this 23d day of March 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage and Hour Division.

DECISION #AP-232 - Mod. #3
(37 FR 18854 - September 15, 1972)
Statewide, Colorado

MODIFICATIONS P. 1

CO-2-LAB-2-3 (1-3)

Change:
Laborers:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
GROUP I Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections & side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars & chairs in concrete paving; Nursery man incl. seeding, mulching & planting of trees, shrubs & flowers; Stake chaser; Gabion baskets & Reno mattresses	$4.30	.30	.35		.05	
GROUP II Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers	4.35	.30	.35		.05	
GROUP III Hot asphalt laborer; Rakers; Boxtenders; Asphalt curb machines; Potmen (not mechanical)	4.43	.30	.35		.05	
GROUP IV Multi-plate culvert pipe; Air, gas & electric tool ops.; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber & chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man & checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor op., mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammers; Vibrators; Paving breakers; Frostproofing	4.45	.30	.35		.05	

MODIFICATIONS P. 2

DECISION #AP-232 - Mod #3(Cont'd.)

CO-2-LAB-2-3 (2-3)

LABORERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP V Any laborers performing bridge work over 40' above the ground or above a floor & working from a bos'n chair, swinging stage, life belt or block & tackle	4.47	.30	.35		.05	
GROUP VI Gunniting & shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning & shoring; Formsetters and/or stringman on roads, highways, streets and airport runways; Distribution; Placing & hooking of landing mats; Bull float (hand operated) & center expansion machines; Sandblasters; Grade checkers if required by employer	4.58	.30	.35		.05	
GROUP VII Powdermen & blasters; Gunnite nozzlemen; Shotcrete op.	4.68	.30	.35		.05	
GROUP VIII Pipelayer on truck pipe lines in connection with highway work	4.75	.30	.35		.05	
GROUP IX Wagon drills & air tracks; Jackhammer ops. in caissons over 12'; Bellers & stemmen; Licensed powdermen; Diamond and core drills powered by air	4.88	.30	.35		.05	
GROUP X Any work, other than on bridges, performed by laborers working from a bos'n Chair, swinging stage, life belt or block and tackle as a safety requirement	4.93	.30	.35		.05	

DECISION #AP-232 - Mod #3(Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (CONT'D):						
(PIPELINES)						
All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP I Pipe plants and yards; Stringing of pipe or skids; Handling & signaling on line work	4.30	.30	.35		.05	
GROUP II Potmen (not mechanical); Pipewrapper, Dopers, Joep Holiday Detector Men, Bandage makers, Powdermen helpers	4.35	.30	.35		.05	
GROUP III Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric & hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.	4.52	.30	.35		.05	
GROUP IV Sandblasters, powdermen & blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out	4.54	.30	.35		.05	
GROUP V (Relining Pipe) Relining pipe	4.63	.30	.35		.05	
Mixer man	4.68	.30	.35		.05	
GROUP VI Pipelayer	4.75	.30	.35		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-622 - Mod. #2 (38 FR 3242 - February 2, 1973) Peoria & Tazewell Counties, Illinois Change: Bricklayers & Stonemasons: Peoria County & the Remainder of Tazewell County	$7.925	.30	.30		.05	
DECISION #AP-637 - Mod. #2 (38 FR 5113 - February 23, 1973) Peoria & Tazewell Counties, Illinois Change: Bricklayers & Stonemasons: Peoria County & the Remainder of Tazewell Co.	$7.925	.30	.30		.05	
DECISION #AP-17 - Mod. #4 (37 FR 20415 - September 29, 1972) Adams, Allen, DeKalb, Elkhart, Huntingdon, Kosciusko, LaGrange, Marshall, Noble, Starke, Steuben, Wells & Whitley Counties, Indiana Add: To Schedule of Laborers in Mod. #3 the Heading Highway Construction.						
DECISION #AP-18 - Mod. #5 (37 FR 20420 - September 29, 1972) Benton, Carroll, Cass, Clinton, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Tippecanoe, Tipton, Wabash & White Counties, Indiana Omit: Wabasha County Add: To Schedule of Laborers in Mod. #4 the Heading Highway Construction.						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-19 - Mod. #4 (37 FR 20424 - September 29, 1972) Blackford, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Jay, Johnson, Madison, Marion, Randolph, Rush, Shelby, Union & Wayne Counties, Indiana						
Add: To Schedule of Laborers in Mod. #3 the Heading Highway Construction.						
DECISION #AP-20 - Mod. #3 (37 FR 20428 - September 29, 1972) Fountain, Warren, Putnam, Sullivan, Vigo, Boone, Hendricks, Green, Morgan, Owen, Vermillion, Parke, Clay, Daviess & Knox Counties, Indiana						
Add: To Schedule of Laborers in Mod. #2 the Heading Highway Construction.						
DECISION #AP-21 - Mod. #5 (37 FR 20433 - September 29, 1972) Bartholonew, Brown, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Ohio, Lawerence, Martin, Monroe, Orange, Ripley, Scott, Switzerland & Washington Counties, Indiana						
Add: To Schedule of Laborers in Mod. #4 the Heading Highway Construction.						
DECISION #AP-22 - Mod. #5 (37 FR 20437 - September 29, 1972) Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh & Warrick Counties, Indiana						
Add: To Schedule of Laborers in Mod. #4 the Heading Highway Construction						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-133 - Mod. #6 (37 FR 21766 - October 13, 1972) Warren County, Kentucky						
Change:						
Boilermakers	$8.10	.30	.70	.55	.01	
Boilermakers' Helpers	7.85	.30	.70	.55	.01	
Laborers:						
Unskilled	4.35	.25	.15			
Mason tenders, mortar mixers, air tools and vibrators, power driven Georgia buggies, chain-saw, pipe layers, joint makers, plaster tenders, marble tenders, tile tenders and sewer bottom men	4.50	.25	.15			
Wagon drill and concrete saw	4.60	.25	.15			
Sand hogs, tunnel laborers and caisson workers	4.80	.25	.15			
Hard rock miners	5.10	.25	.15			
Asphalt rakers	4.65	.25	.15			
Side rail form setters	4.70	.25	.15			
Powdermen	4.75	.25	.15			
Handling of creosote or toxide materials - additional $.25 per hour over basic wage rate						
Plumbers	8.15	.33	.50	.77	.07	
Steam fitters	8.30	.25	.60	.60	.07	
DECISION #AP-465 - Mod. #3 (38FR 2612 - January 26, 1973) Bedford, Cameron, Clarion, Clinton, Elk, Forest, Fulton, Huntingdon, Mifflin and Potter Counties, Pennsylvania						
Change: Truck Drivers Schedule See Modifications Page 8.						
DECISION #AP-154 - Mod. #1 (38 FR 5776 - March 2, 1973) Knox County, Tennessee						
Change:						
Carpenters	$6.18		.20		.02	
Millwrights	6.63		.20		.02	
Piledrivermen	6.43		.20		.02	
Sheet metal workers	7.90	.30	.30		.02	

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-389 - Mod. #4 (38 FR 2625 - January 26, 1973) Galveston County, Texas						
Change:						
Building Construction:						
Bricklayers	$7.45	.275	.30		.03	
Stonemasons	7.45	.275	.30		.03	
DECISION #AP-395 - Mod. #3 (38 FR 2643 - January 26, 1973) Harris County, Texas						
Change:						
Building Construction:						
Bricklayers	7.45	.275	.30		.03	
DECISION #AP-468 - Mod. #3 (38 FR 4177 - February 9, 1973) The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia						
CHANGE:						
Boilermakers	7.55	.40	.70		.01	
Laborers:						
Common	3.70	.10	.10		.03	
Tenders, concrete saw op., air tool, vibrator, nozzleman (gunnite & sandblasting), motorized buggy op.	3.80	.10	.10		.03	
Mortar mixers, hod carriers, pipelayer and/or caulkers	3.95	.10	.10		.03	
Burners on wrecking	4.05	.10	.10		.03	
Marble, tile & terrazzo workers' helpers	3.70	.10	.10		.03	
Terrazzo workers' floor grinders and base grinders	3.85	.10	.10		.03	
ADD:						
Millwrights	6.90					

HEAVY & HIGHWAY CONSTRUCTION

MODIFICATIONS P. 8

PA-5-TD-2-3-F 1 of 1

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehouseman)	$5.45	6%	3.5%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.64	6%	3.5%			
Tri-axle trucks	5.75	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	5.75	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	5.85	6%	3.5%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	5.81	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.49	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.59	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.75	6%	3.5%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additional to respective size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.64	6%	3.5%			
Tar and Asphalt Trailer Trucks	5.75	6%	3.5%			
Trucks with Dolly or Trailer	5.60	6%	3.5%			
Bottom or Belly-Dump Trucks	5.85	6%	3.5%			

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside San Bernardino, San Luis Obispo Santa Barbara and Ventura

DECISION NUMBER: AP-280

DATE: Date of Publication

Supersedes Decision No. AP-248 dated October 13, 1972 in 37 FR 21740

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
ASBESTOS WORKERS	$9.77	.48	.35		.025	
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS						
Imperial County	7.95	.58	.75		.05	
Inyo, Kern, & Mono Counties	7.80	.40	.40	.30	.05	
Los Angeles & Orange Counties	8.15	.60	.55		.06	
Riverside & San Bernardino Cos.	7.12	.60	.55		.06	
Santa Barbara & San Luis Obispo Cos.	8.29	.65	.45			
Ventura County	7.60	.50	1.00		.01	
BRICK TENDERS						
Imperial-Inyo-Kern-Los Angeles-Mono-Orange-Riverside and San Bernardino Counties	6.00	.55	1.10	.30		
Santa Barbara County	5.725	.55	1.10	.575		
San Luis Obispo County	5.90	.55	1.10	.30		
CARPENTERS						
Carpenters	6.75	.69	.85	.60	.01	
Saw filers	6.83	.69	.85	.60	.01	
Table power saw operators	6.85	.69	.85	.60	.01	
Shinglers	6.88	.69	.85	.60	.01	
Hardwood floor layers; Millwrights	6.95	.69	.85	.60	.01	
Pneumatic nailer	7.00	.69	.85	.60	.01	
Piledrivermen:						
Rock slinger	6.86	.69	.85	.60	.01	
Bridge, dock carpenters; Derrick bargemen	6.88	.69	.85	.60	.01	
Head rock slingers	6.98	.69	.85	.60	.01	
CEMENT MASONS:						
Cement Masons	6.16	.90	.95	.70	.0325	
Cement floating & finishing operators	6.28	.90	.95	.70	.0325	
DRYWALL INSTALLERS	8.60	.61	.75	.50	.04	
ELECTRICIANS:						
Imperial County						
Electricians	8.20	.40	1%+.75			
Cable splicers	8.48	.40	1%+.75			
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)						
Electricians; Technicians	9.95	.70	1%+.90		.10	
Cable splicers	10.945	.70	1%+.90		.10	
Kern County (Remainder of County)						
Electricians; Technicians	7.95	.70	1%+.90		.10	
Cable splicers	8.745	.70	1%+.90		.10	
Los Angeles County						
Electricians	8.95	.30	1%+.45		.02	
Cable splicers	9.25	.30	1%+.45		.02	
Tunnel:						
Electricians	9.85	.30	1%+.45		.02	
Cable splicers	10.15	.30	1%+.45		.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS: (cont'd)						
Orange County						
Electricians	$9.40	.25	1%+.45		.02	
Cable splicers	9.81	.25	1%+.45		.02	
Riverside County						
Electricians	8.42	.60	1%+.40		.02	
Cable splicers	8.72	.60	1%+.40		.02	
Inyo, Mono, & San Bernardino Counties						
Electricians	8.47	.40	1%+.75		.02	
Cable splicers	8.77	.40	1%+.75		.02	
Tunnel:						
Electricians	9.32	.40	1%+.75		.02	
Cable splicers	9.62	.40	1%+.75		.02	
San Luis Obispo County						
Electricians	8.48	.60	1%		.01	
Cable splicers	9.33	.60	1%		.01	
Santa Barbara County (Vandeberg AFB):						
Electricians	9.60	.65	1%+.85		.03	
Cable splicers	10.60	.65	1%+.85		.03	
Remainder of County						
Electricians	8.35	.65	1%+.85		.03	
Cable splicers	9.35	.65	1%+.85		.03	
Ventura County						
Electricians	8.93	.60	1%+.45			
Cable splicers	9.82	.60	1%+.45			
ELEVATOR CONSTRUCTORS						
Imperial, Inyo, Kern, (South of Tehachapi Range), Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara & Ventura Counties						
Elevator Constructors	9.21	.195	.20	2%+a		
Elevator Constructors' Helpers	70%JR	.195	.20	2%+a		
Elevator Comstructors' Helpers (Prob.)	50%JR					
Kern County (North of Tehachapi Range)						
Elevator Constructors	8.99	.195	.20	2%+a		
Elevator Constructors' Helpers	70%JR	.195	.20	2%+a		
Elevator Constructors' Helpers (prob.)	50%JR					
GLAZIERS:						
Imperial County	9.05	.35	.30			
Inyo, Kern, Mono Counties	7.25	.35	.55	.61	.05	
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo & Ventura Counties	7.03	.30	.30		.04	

AP-280 P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
IRONWORKERS:						
Reinforcing	$8.34	.58	.625	.70	.02	
Fence erectors	8.24	.58	.625	.70	.02	
Ornamental; Structural	8.38	.58	.625	.70	.02	
IRRIGATION & LAWN SPRINKLERS						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, & Ventura Cos.	6.75	10%	16%	13%	1%	
LATHERS:						
Imperial County	7.00	.24			.01	
Inyo & Kern Counties	6.88	.45	.85	.55		
Los Angeles County (except city of Lancaster)						
Metal furring	7.12	.39	.50		.03	
Nail on (Area I)*	6.985	.29	.35		.045	
Nail on (Area II; III; IV)**	7.12	.39	.50		.03	
Orange County	8.29	.55	.65	.50	.03	
Riverside County	7.375	.24	.105	.53	.01	
San Bernardino County	8.61	.245	.60		.015	
San Luis Obispo and Santa Barbara Cos.	8.47	.24	.35			
Ventura County	6.11	.30	.50	.60	.01	
LINE CONSTRUCTION:						
Imperial County						
Groundman	6.56	.40	1%+.75			
Linemen; equipment operators	8.20	.40	1%+.75			
Cable splicers	8.48	.40	1%+.75			
Kern (China Lake Naval Ordnance Test Station & Edwards AFB)						
Groundmen	7.96	.70	1%+.90		.10	
Linemen	9.95	.70	1%+.90		.10	
Cable splicers	10.945	.70	1%+.90		.10	
Kern County (Remainder of County)						
Groundmen	5.96	.70	1%+.90			
Linemen	7.95	.70	1%+.90			
Cable splicers	8.745	.70	1%+.90			
Los Angeles County						
Groundmen	6.74		1%			
Linemen	8.98		1%			
Cable splicers	9.28		1%			
Orange County						
Groundmen, 1st year	7.25	.25	1%+.45			
Groundmen, 2nd year	7.68	.25	1%+.45			
Linemen	8.90	.25	1%+.45			
Cable splicers	9.31	.25	1%+.45			
Riverside County						
Groundmen	6.33	.60	1%+.40		.02	
Linemen; Line equipment operators	8.43	.60	1%+.40		.02	
Cable splicers	8.73	.60	1%+.40		.02	
Inyo, Mono, San Bernardino Counties						
Groundmen	6.36	.40	1%+.75		.02	
Linemen	8.48	.40	1%+.75		.02	
Cable splicers	8.78	.40	1%+.75		.02	

AP-280 P. 4

LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
San Luis Obispo County						
Linemen	$6.43	.20	1%		.01	
Cable splicer	7.10	.20	1%		.01	
Santa Barbara County (Vandenberg AFB):						
Groundmen	6.95	.35	1%+.45		.03	
Linemen	8.85	.35	1%+.45		.03	
Cable splicers	9.10	.35	1%+.45		.03	
Santa Barbara County (Remainder of Co.)						
Linemen	7.60	.35	1%+.45		.03	
Cable splicers	7.85	.35	1%+.45		.03	
Ventura County						
Groundmen	7.75	.60	1%+.45			
Linemen	8.93	.60	1%+.45			
Cable splicers	9.82	.60	1%+.45			
MARBLE SETTERS:						
Imperial County	6.96	.40	.55	.60		
Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, Ventura Counties	7.61	.60	.55			
MARBLE SETTERS' HELPERS:						
Imperial County	5.69	.20	.45	.60		
PAINTERS:						
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding western portion)						
Brush; Paint burners	7.43	.39	.39	.60	.03	
Paperhangers; Iron, steel & bridge (Swing Stage); Sheet rock taper	7.93	.39	.39	.60	.03	
Brush (Swing Stage); Spray	7.68	.39	.39	.60	.03	
Steeplejack	8.83	.39	.39	.60	.03	
Inyo, Kern (Lancaster, Mojave, Palmdale China Lake Naval Ordnance Test Station & Edwards AFB), Los Angeles (except Pomona Area), Mono, San Bernardino west of a line north in Trono including China Lake area, Johannesburg, Boron, South including the Wrightwood area)						
Brush	7.60	.305	.35	.30		
Structural steel & bridge; Paint burner; Taper	7.72	.305	.35	.30		
Brush swing stage (13 stories or less) Paperhangers; Sandblasters; Spray	7.85	.305	.35	.30		
Brush swing stage (over 13 stories)	7.97	.305	.35	.30		
Structural steel & bridge, swing	8.00	.305	.35	.30		
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray	8.10	.305	.35	.30		
Steeplejack	8.85	.305	.35	.30		

PAINTERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Kern County (Remainder of County)						
Brush	$7.32	.35	.36		.01	
Swing stage (brush-roller)	7.47	.35	.36		.01	
Taping joint sheet rock	7.52	.35	.36		.01	
Paperhangers; Spray; Sandblasters	7.57	.35	.36		.01	
Swing stage and sandblasters	7.72	.35	.36		.01	
Structural steel, pipe in place	7.87	.35	.36		.01	
San Luis Obispo, Santa Barbara, & Ventura Counties						
Brush	7.66	.35	.35		.02	
Iron & steel; Paperhangers; Paste machine op.; Sandblaster; Taper	7.91	.35	.35		.02	
Spraymen	8.16	.35	.35		.02	
Steeplejack	8.66	.35	.35		.02	
Parking Lot Striping Work and/or Highway Markers:						
Inyo & Mono Counties						
Trafic delineating device applicator; Traffic surface protective coating applicator; Wheel stop installer; Traffic surface sandblaster	5.27	.35	.20	b		
Helper (Traffic surface sandblaster, wheel stop installer, protective coating applicator)	4.77	.35	.20	b		
Striper	6.37	.35	.20	b		
Helper (Striper)	5.37	.35	.20	b		
Remaining Counties						
Traffic delineating device applicator	5.01	.20	.20	b		
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	4.88	.20	.20	b		
Helper (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator, striper)	4.38	.20	.20	b		
PLASTERERS:						
Imperial County	8.15	.45	.75		.06	
Inyo, Kern & Mono Counties	7.17	.45	.50	.60	.01	
Los Angeles & Orange Counties	7.495	.53	1.25	.50	.07	
Riverside & San Bernardino Counties	9.995					
San Luis Obispo County	8.70				.01	
Santa Barbara County	8.64	.40	.75		.01	
Ventura County	7.74	.25	.30	.50	.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS' TENDERS:						
Imperial, Inyo, Mono, Riverside, & San Bernardino Counties	$7.93	.55	1.10	.30		
Kern County	6.385	.45	.85	.30		
Los Angeles & Orange Counties	7.175	.55	1.55	.60		
San Luis Obispo County	6.50	.55	1.10	.30		
Santa Barbara County (except Santa Maria)	6.9375	.35	.60	1.00		
Ventura County	6.86	.45	1.35	1.00		
PLUMBERS; Steamfitters						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, & Ventura Cos.	8.62	10%	16%	13%	1%	
Inyo, Kern (except east of Los Angeles Aqueduct), & Mono Counties	7.17	.60	1.53	1.00	.10	
Kern County (East of Los Angeles Aqueduct)	9.17	.60	1.53	1.00	.10	
ROOFERS:						
Imperial County	6.64	.40	.25	1.00		
Inyo, Kern, & Mono Counties	6.80	.30	.30			
Los Angeles, Orange, & Ventura Cos.	7.74	.35	.50		.025	
Riverside & San Bernardino Counties	6.80	.55	.40	.50		
San Luis Obispo & Santa Barbara Cos.	6.98	.175	.15	.35	.0025	
SHEET METAL WORKERS:						
Imperial County	8.53	.69	1.15			
Inyo, Kern, Los Angeles (north of line between Gorman & Big Pines), & Mono Counties	8.47	.69	1.05			
Los Angeles County (remaining portion)	6.27	.39	.40		.025	
Orange County	9.52	.69	1.20			
Riverside & San Bernardino County	6.65	.39	.40		.03	
San Luis Obispo, Santa Barbara, & Ventura Counties	9.32	.69	1.05			
SOFT FLOOR LAYERS:						
Imperial County	7.85	.45	.30	.60	.05	
Inyo (incl. Inyo-Kern Naval Reservation), Kern (east of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo, & Ventura Counties	8.14	.37	.28	.44	.02	
Kern County (remaining portion)	8.05	.37	.15	.44		
SPRINKLER FITTERS:						
Imperial, Inyo, Kern, Mono, Orange, (except Santa Ana), Riverside, San Bernardino (except Ontario), San Luis Obispo, Santa Barbara, & Ventura (except Santa Paula, Point Mugu, & Port Hueneme)	11.30	.30	.50		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SPRINKLER FITTERS (cont'd)						
Los Angeles (Los Angeles City & area within 25 miles; & Pomona), Orange (Santa Ana), San Bernardino (Ontario), & Ventura (Santa Paula, Point Mugu, & Port Hueneme	11.04	.44	.50		.06	
TERRAZZO WORKERS:						
Imperial County	6.96	.40	.55	.60		
Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, & Ventura Cos.	6.42	.15		.15		
TERRAZZO WORKERS' HELPERS:						
Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, & Ventura Counties	5.58	.15		.45		
TILE SETTERS:						
Imperial County	6.96	.40	.55	.60		
Inyo, Kern & Mono Counties	7.30	.40		.30		
Los Angeles, Orange, & Ventura Cos.	7.75	.145	.35		.02	
Riverside & San Bernardino Counties	7.35	.60	.55		.025	
San Luis Obispo & Santa Barbara Cos.	8.29	.65	.45			
TILE SETTERS' HELPERS						
Imperial County	5.69	.20	.45	.60		
Los Angeles, Orange, & Ventura Cos.	5.96	.245	.50		.08	
Riverside & San Bernardino Counties	6.41	.245	.50		.08	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service & 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holidays Fund plus $.10 per hour to Vacation for 1 year's service, $.20 per hour after 1 year but less than 5 years' service, $.30 per hour after 5 years but less than 10 years' service, $.40 per hour after 10 years' service.

* Area I - That portion of Los Angeles County including the Cities of Burbanks, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibou Beach, Redondo Beach, San Fernando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** Area II; III; & IV:

Area II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east of San Bernardino County line, then south along the San Bernardino County line.

Area III - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrence Boulevard, west to Pacific Ocean, including Santa Catalina Island.

Area IV - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County line, south along County line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean including San Clemente Island.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLEANING & HANDLING OF PANEL FORMS; Concrete Screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick & lumber; Dry packing of concrete, plugging, filling of Shee-Bolt Holes; Fire watcher, limbers, brush loaders, pilers & debris handler; Gas & oil pipeline; Laborers, general or construction; Laborer, temporary water & air lines; Material boseman (walls, slab, floors & decks); Mixer-truck chute man (walls, slabs decks, floors foundations & footing-curb & gutter & sidewalks); Rigging & signalling; Slip form raisers; Window cleaner	$ 5.495	.55	1.10	.30		
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	5.545	.55	1.10	.30		
GUINEA CHASER	5.675	.55	1.10	.30		
ASPHALT SHOVELER; Fine grader, highway & street paving, airports, runways, & similar type heavy construction; Landscape gardener & nursery man	5.595	.55	1.10	.30		
PACKING ROD STEEL & PANS; Tanks scaler & cleaner	5.62	.55	1.10	.30		
UNDERGROUND (INCL. CAISSON BELLOWER)	5.625	.55	1.10	.30		
CHUCKTENDER; Septic tank digger & installer	5.645	.55	1.10	.30		
CESSPOOL DIGGER & INSTALLER	5.675	.55	1.10	.30		
CONCRETE CURER-IMPERVIOUS MEMBRANE & FORM OILER: Riprap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	5.685	.55	1.10	.30		
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING	5.785	.55	1.10	.30		

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer & handling bulk cement); Gas & oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper & tiller; Tree climber, faller, chain saw op., Pittsburgh chipper & similar type brush shredders; Trenching machine, hand propelled	$ 5.705	.55	1.10	.30		
ASPHALT RAKER, LUTEMAN & IRONER; Concrete core cutter, grinder or sender Concrete saw man, cutting, scoring old or new concrete; Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines & similar mechanical tools not separately classified herein; Tampers, Barko Wacker & similar type	5.805	.55	1.10	.30		
ROCK SLINGER	5.755	.55	1.10	.30		
DRILLER, JACKHAMMER - 2 - 1/2 DRILL STEEL OR LONGER	5.885	.55	1.10	.30		
CONCRETE VIBRATOR OP., 70 lbs. & OVER	5.905	.55	1.10	.30		
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN & UNDERGROUND TILE); Prefabricated manhole installer	6.005	.55	1.10	.30		
GAS & OIL PIPELINE WRAPPER - (6" & Over; Kettlemen, potmen & men applying asphalt, lay-kold, creosote, lime caustic & similar type materials	5.835	.55	1.10	.30		
CRIBBER, SHORER, LAGGING, SHEETING, & TRENCH BRACING, HAND-GUIDED LAGGING HAMMER	6.005	.55	1.10	.30		
BLASTER POWDERMAN	6.055	.55	1.10	.30		
STEEL HEADERBOARD MAN & GUIDELINE SETTER	5.92	.55	1.10	.30		

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SANDBLASTER (Nozzleman)	$ 5.945	.55	1.10	.30		
DRILLER (Core-Diamond-Wagon)	6.145	.55	1.10	.30		
HEAD ROCK SLINGER	6.015	.55	1.10	.30		
GUNNITE LABORERS: NOZZLEMEN & RODMEN	6.97	.55	1.10	.30		
GUNMEN	6.47	.55	1.10	.30		
REBOUNDMEN	5.61	.55	1.10	.30		

LABORERS (Tunnel & Tunnel-Shaft Construction)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
BATCH PLANT LABORERS; Bull Gang Mucker, Trackman; Concrete Crew, incl. Rodders & Spreaders; Dumpman; Dumpman (outside); Swamper (brakeman & switchman on tunnel work); Tunnel materials handling man; Tool man	$6.73	.55	1.10	.30		
CABLE TENDER, Chucktender; Nipper; Steel Form Raiser & Setter's Helper; Vibratorman, Jackhammer, Pneumatic Tools (except driller)	6.83	.55	1.10	.30		
BLASTER, Driller, Powderman; Chemical Grout Jetman; Cherry Pickerman; Grout Gunman; Grout Mixerman; Grout Pumpman; Jackleg Miner; Jumbo Man; Kemper & other Pneumatic; Concrete Placer Op.; Miner Tunnel (hand or machine); Powderman (Primer House); Primer Man; Shotcrete Man; Steel Form Raiser & Setter; Timberman; Retimberman (wood or steel); Tunnel Concrete Finisher	6.98	.55	1.10	.30		
SHAFT, Raise Miner; Diamond Driller	7.23	.55	1.10	.30		

POWER EQUIPMENT OPERATORS

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacations	App. Tr.	Other
GROUP I BRAKEMAN; Compressor Operator; Deck Hand; Engineer Oiler; Generator Operator; Heavy Duty Repairman Helper; Pump Operator; Signalman; Switchman	$7.03	.75	1.20	.30	.02	
GROUP II CONCRETE MIXER, Skip type; Conveyor; Fireman; Generator, Pump or Compressor, (2-5 inclusive) Portal Units-over 5 units, .10¢ per hour for each additional unit up to nine units.; Hydrostatic Pump; Oiler Crusher (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Skiploader - Wheel type up to 3/4 yd. without attachment; Tar Pot Fireman; Temporary Heating Plant Op.; Trenching Machine Oiler; Truck Crane Oiler	7.27	.75	1.20	.30	.02	
GROUP III A-FRAME or Winch Truck; Chainman; Elevator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Power Concrete Curing Machine; Power Concrete Saw; Power-Driven Jumbo Form Setter; Ross Carrier (jobsite); Stationary Pipe Wrapping & Cleaning Machine	7.51	.75	1.20	.30	.02	
GROUP IV ASPHALT PLANT FIREMAN; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge Type Unloader and Turntable; Dinky Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (Grease Truck); Helicopter Hoist Operator; Highline Cableway Signalman; Hydra-Hammer-Areo Stomper; Power Sweeper; Roller (compacting); Screed (Asphalt or Concrete); Rodman; Trenching Machine (up to 6 ft.)	7.62	.75	1.20	.30	.02	
GROUP V ASPHALT PLANT ENGINEER; Concrete Batch Plant Operator - (Oiler or Journeyman-trainee required); Backhoe (up to and						

POWER EQUIPMENT OPERATORS

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacations	App. Tr.	Other
GROUP V (cont'd) including 3/4 yds.); Bit Sharpener; Concrete Joint Machine Operator (Canal and similar type); Concrete Planer; Derrickman (Oilfield type); Deck Engine Operator; Drilling Machine (including water wells); Forklift (under 5 ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm, curb or gutter (concrete or asphalt); Mechanical Finisher Operator (concrete Clary - Johnson-Bidwell or similar); Pavement Breaker (truck mounted, Oiler) Road Oil Mixing Machine; Roller Op. (asphalt or finish); Rubber Tired Earth Moving Equipment, (single engine, up to and including 25 yds. struck); Self-propelled Tar Pipelining Machine Operator; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive Operator (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Operator (Crawler and Wheel type over 3/4 yd. and up to and including 1½ yds.); Tractor Operator-Bulldozer, Tamper Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types.)	7.81	.75	1.20	.30	.02	
GROUP VI ASPHALT OR CONCRETE SPREADER (tamping or finishing); Asphalt Paving Machine (Barber Green or similar type-2 screedman required); BHL Lima Road Pactor, Wagner Pactor or similar; Bridge Crane Operator; Cast in Place Pipe Laying Machine Operator; Combination Mixer and Compressor (Gunite work); Concrete Pump (truck mounted) (Oiler required); Concrete Mixer Operator-Paving; Crane Operator (up to and including 25 tons capacity); Crushing Plant Operator; Elevating Grader						

POWER EQUIPMENT OPERATORS

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr. Tr.	Other
GROUP VI (Cont'd)						
Forklift (over 5 tons); Grade Checker; Gradall Operator; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtburg and similar types); Lift Mobile Operator; Loader Operator (Athey, Euclid, Sierra and similar type; Material Hoist; Mucking Machine (¼ yd.-rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-Tired Earth Moving Equipment, (single engine-Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-Tired Scraper (self-loading - Paddle wheel type; Skiploader (Crawler and Wheel type-over 1½ yds., up to and including 6½ yds); Surface Heaters and Planer; Rubber-Tired Earth Moving Equipment, Multiple engine, (up to and including 25 yds. struck); Trenching Machine (over 6 ft. depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5 - 100 Flywheel h.p. and over, or similar) (Bull Dozer, Tamper, Scraper, and Push Tractor, single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine; Tunnel Locomotive (over 30 ton); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu. yds. M.R.C.	7.91	.75	1.20	.30	.02	

POWER EQUIPMENT OPERATORS

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr. Tr.	Other
GROUP VII						
CRANE - Over 25 tons up to and including 100 tons; Derrick Barge; Dual Drum Mixer; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade (single engine); Multiple Engine Tractor (Euclid and similar type, except Quad 9 Cat); Rubber-Tired Earth Moving Equipment, single engine over fifty (50) yds. struck; Rubber-Tired Earth Moving Equipment (Multiple engine, Euclid, Caterpillar and similar) (over 25 yds and up to 50 cu. yds. struck); Tractor Loader (Crawler and wheel type over 6½ yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds., M.R.C.; Woods Mixer and similar Pugmill Equipment; Heavy Duty Repairman - Welder Combination	$8.01	.75	1.20	.30	.02	
GROUP VIII						
AUTO GRADER OPERATOR; Automatic Slip Form; Crane-over 100 tons; Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator; Mechanical Finishing Machine; Motor Patrol (Multi-engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-Tired Scraper (Push-Pull) (.50¢ per hour additional to base rate); Tandem Equipment Operator (2 units only); Tandem Tractor Operator (Quad 9 or similar type); Tunnel Mole Boring Machine Operator	8.15	.75	1.20	.30	.02	
GROUP IX						
CANAL LINER; Canal trimmer; Helicopter pilot; Highline cableway; Rubber-tired self-loading scraper (Paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment op. ($1.00 per hour additional)	8.25	.75	1.20	.30	.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
TRUCK DRIVERS:						
WAREHOUSEMAN and Teamster	$6.27	.65	.65	.75		
DRIVERS OF VEHICLES Or combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load	6.35	.65	.65	.75		
TRUCK MOUNTED Power Broom	6.41	.65	.65	.75		
DRIVERS OF VEHICLE Or combination of vehicles of 3 axles; Water truck, 2 axles	6.50	.65	.65	.75		
BOOTMAN; Cement distributor; Fuel truck; Driver of road oil spreader truck	6.53	.65	.65	.75		
TRANSIT-MIX, Under 3 yds.; Dumpcrete, less than 6½ yds.	6.59	.65	.65	.75		
WATER TRUCK, 3 or more axles; Truck repairman helper	6.60	.65	.65	.75		
TRUCK GREASER & TIREMAN (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline & utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline & utility work, where a composite crew is used	6.68	.65	.65	.75		
TRANSIT-MIX, 3 yds. or more; Dumpcrete, 6½ yds. & over	6.73	.65	.65	.75		
DRIVERS OF VEHICLES Or combination of vehicles of 4 or more axles	6.75	.65	.65	.75		
A-FRAME OR SWEDISH CRANE, Or similar type or equipment; Fork lift; Boss Carrier (Hwy)	7.05	.65	.65	.75		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
TRUCK DRIVERS: (cont'd)						
ALL OFF-HIGHWAY EQUIPMENT WITHIN TEAMSTERS JURISDICTION (Off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman; Welder	$7.30	.65	.65	.75		
TRUCK REPAIRMAN-Welder	7.40	.65	.65	.75		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
DREDGING (Hydraulic Suction Dredges)						
LEVERMAN	$8.20	.75	1.20	.03	.015	
WATCH ENGINEER; Welder	7.71	.75	1.20	.30	.015	
DECKMATE	7.31	.75	1.20	.30	.015	
WINCHMAN (stern winch or dredge)	7.25	.75	1.20	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler; Leveehand	6.79	.75	1.20	.30	.015	
DREDGING (Clam Shovel Dredges)						
LEVERMAN	8.20	.75	1.20	.30	.015	
WATCH ENGINEER	7.71	.75	1.20	.30	.015	
DECKMATE	7.31	.75	1.20	.30	.015	
BARGEMATE	7.25	.75	1.20	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler	6.79	.75	1.20	.30	.015	

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Kern, Los Angeles, Orange, Riverside, San Luis Obispo, San Bernardino, Santa Barbara and Ventura

DECISION NUMBER: AP-281

DATE: Date of Publication

Supersedes Decision No. AP-245 dated October 13, 1972 in 37 FR 21721

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$9.77	.48	.35		.025	
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS:						
Imperial County	7.95	.58	.75		.05	
Kern County	7.80	.40	.40	.30	.05	
Los Angeles & Orange Counties	8.15	.60	.55		.06	
Riverside & San Bernardino Counties	7.12	.60	.55		.06	
Santa Barbara & San Luis Obispo Cos.	8.29	.65	.45			
Ventura County	7.60	.50	1.00		.01	
BRICK TENDERS:						
Imperial, Kern, Los Angeles, Orange, Riverside and San Bernardino Cos.	6.00	.55	1.10	.30		
Santa Barbara County	5.725	.55	1.10	.575		
San Luis Obispo County	5.90	.55	1.10	.30		
CARPENTERS						
Carpenters	6.75	.69	.85	.60	.01	
Saw filers	6.83	.69	.85	.60	.01	
Table power saw operators	6.85	.69	.85	.60	.01	
Shinglers	6.88	.69	.85	.60	.01	
Hardwood floor layers; Millwrights	6.95	.69	.85	.60	.01	
Pneumatic nailer	7.00	.69	.85	.60	.01	
Piledrivermen:						
Rock slinger	6.86	.69	.85	.60	.01	
Bridge, dock carpenters; Derrick bargemen	6.88	.69	.85	.60	.01	
Head rock slingers	6.98	.69	.85	.60	.01	
CEMENT MASONS:						
Cement masons	6.16	.90	.95	.70	.0325	
Cement floating & finishing operators	6.28	.90	.95	.70	.0325	
DRYWALL INSTALLERS	8.60	.61	.75	.50	.04	
ELECTRICIANS:						
Imperial County						
Electricians	8.20	.40	1%+.75			
Cable splicers	8.48	.40	1%+.75			
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)						
Electricians; Technicians	9.95	.70	1%+.90		.10	
Cable splicers	10.945	.70	1%+.90		.10	
Kern County (Remainder of County)						
Electricians; Technicians	7.95	.70	1%+.90		.10	
Cable splicers	8.745	.70	1%+.90		.10	
Los Angeles County						
Electricians	8.95	.30	1%+.45		.02	
Cable splicers	9.25	.30	1%+.45		.02	
Tunnel:						
Electricians	9.85	.30	1%+.45		.02	
Cable splicers	10.15	.30	1%+.45		.02	

ELECTRICIANS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Orange County						
Electricians	$9.40	.25	1%+.45		.02	
Cable splicers	9.81	.25	1%+.45		.02	
Riverside County						
Electricians	8.42	.60	1%+.40		.02	
Cable splicers	8.72	.60	1%+.40		.02	
San Bernardino County						
Electricians	8.47	.40	1%+.75		.02	
Cable splicers	8.77	.40	1%+.75		.02	
Tunnel:						
Electricians	9.32	.40	1%+.75		.02	
Cable splicers	9.62	.40	1%+.75		.02	
San Luis Obispo County						
Electricians	8.48	.60	1%		.01	
Cable splicers	9.33	.60	1%		.01	
Santa Barbara County(Vandenberg AFB):						
Electricians	9.60	.65	1%+.85		.03	
Cable splicers	10.60	.65	1%+.85		.03	
Remainder of County:						
Electricians	8.35	.65	1%+.85		.03	
Cable splicers	9.35	.65	1%+.85		.03	
Ventura County						
Electricians	8.93	.60	1%+.45			
Cable splicers	9.82	.60	1%+.45			
ELEVATOR CONSTRUCTORS						
Imperial, Kern (South of Tehachapi Range), Los Angeles, Orange, Riverside San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties:						
Elevator Constructors	9.21	.195	.20	2%+a		
Elevator Constructors' Helpers	70%JR	.195	.20	2%+a		
Elevator Constructors' Helpers (PROB.)	50%JR					
Kern County(North of Tehachapi Range)						
Elevator Constructors	8.99	.195	.20	2%+a		
Elevator Constructors' Helpers	70%JR	.195	.20	2%+a		
Elevator Constructors' Helpers (PROB.)	50%JR					
GLAZIERS:						
Imperial County	9.05	.35	.30			
Kern County	7.25	.35	.55	.61	.05	
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo, & Ventura Counties	7.03	.30	.30		.04	
IRONWORKERS:						
Reinforcing	8.34	.58	.625	.70	.02	
Fence erectors	8.24	.58	.625	.70	.02	
Ornamental; Structural	8.38	.58	.625	.70	.02	
IRRIGATION & LAWN SPRINKLERS						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, & Ventura Counties	6.75	10%	16%	13%	1%	

AP-281 P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LATHERS:						
Imperial County	$7.00	.24			.01	
Kern County	6.88	.45	.85	.55		
Los Angeles County (except city of Lancaster)						
Metal furring	7.12	.39	.50		.03	
Nail on (Area I)*	6.985	.29	.35		.045	
Nail on (Area II; III; IV)**	7.12	.39	.50		.03	
Orange County	8.29	.55	.65	.50	.03	
Riverside County	7.375	.24	.105	.53	.01	
San Bernardino County	8.61	.245	.60		.015	
San Luis Obispo and Santa Barbara Cos.	8.47	.24	.35			
Ventura County	6.11	.30	.50	.60	.01	
PAINTERS:						
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding western portion)						
Brush; Paint burners	7.43	.39	.39	. 60	.03	
Paperhangers; Iron, steel & bridge (swing stage); Sheet rock taper	7.93	.39	.39	.60	.03	
Brush (swing stage); Spray	7.68	.39	.39	.60	.03	
Steeplejack	8.83	.39	.39	.60	.03	
Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station & Edwards AFB), Los Angeles (except Pomona Area), San Bernardino (west of a line north in Trono including China Lake area, Johannesburg, Boron, South including the Wrightwood area)						
Brush	7.60	.305	.35	.30		
Structrual steel & bridge; Paint burner; Taper	7.72	.305	.35	.30		
Brush swing stage(13 stories of less); Paperhangers; Sandblasters; Spray	7.85	.305	.35	.30		
Brush swing stage (over 13 stories)	7.97	.305	.35	.30		
Structural steel & bridge, swing	8.00	.305	.35	.30		
Spray sandblaster swing state (13 stories or less); Paste machine; Special coating spray	8.10	.305	.35	.30		
Steeplejack	8.85	.305	.35	.30		
Kern County (Remainder of County)						
Brush	7.32	.35	.36		.01	
Swing stage (brush-roller)	7.47	.35	.36		.01	
Taping joint sheet rock	7.52	.35	.36		.01	
Paperhangers; Spray; Sandblasters	7.57	.35	.36		.01	
Swing stage and sandblasters	7.72	.35	.36		.01	
Structural steel, pipe in place	7.87	.35	.36		.01	
San Luis Obispo, Santa Barbara, & Ventura Counties						
Brush	7.66	.35	.35		.02	
Iron & steel; Paperhangers; Paste machine op.; Sandblaster; Taper	7.91	.35	.35		.02	
Spraymen	8.16	.35	.35		.02	
Steeplejack	8.66	.35	.35		.02	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS:						
Imperial County	$8.15	.45	.75		.06	
Kern County	7.17	.45	.50	.60	.01	
Los Angeles & Orange Counties	7.495	.53	1.25	.50	.07	
Riverside & San Bernardino Counties	9.995					
San Luis Obispo County	8.70				.01	
Santa Barbara County	8.64	.40	.75		.01	
Ventura County	7.74	.25	.30	.50	.02	
PLASTERERS' TENDERS:						
Imperial, Riverside, & San Bernardino Counties	7.93	.55	1.10	.30		
Kern County	6.385	.45	.85	.30		
Los Angeles & Orange Counties	7.175	.55	1.55	.60		
San Luis Obispo County	6.50	.55	1.10	.30		
Santa Barbara County (except Santa Maria)	6.9375	.35	.60	1.00		
Ventura County	6.86	.45	1.35	1.00		
PLUMBERS; Steamfitters:						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, & Ventura Counties	8.62	10%	15%	13%	1%	
Kern, (except east of Los Angeles Aqueduct)	7.17	.60	1.53	1.00	.10	
Kern County (East of Los Angeles Aqueduct)	9.17	.60	1.53	1.00	.10	
ROOFERS:						
Imperial County	6.64	.40	.25	1.00		
Kern County	6.80	.30	.30			
Los Angeles, Orange, & Ventura Cos.	7.74	.35	.50		.025	
Riverside & San Bernardino Counties	6.80	.55	.40	.50		
San Luis Obispo & Santa Barbara Cos.	6.98	.175	.15	.35	.0025	
SHEET METAL WORKERS:						
Imperial County	8.53	.69	1.15			
Kern, Los Angeles (north of line between Gorman & Big Pines)	8.47	.69	1.05			
Los Angeles County (remaining portion)	6.27	.39	.40		.025	
Orange County	9.52	.69	1.20			
Riverside & San Bernardino County	6.65	.39	.40		.03	
San Luis Obispo, Santa Barbara, & Ventura Counties	9.32	.69	1.05			
SOFT FLOOR LAYERS:						
Imperial County	7.85	.45	.30	.60	.05	
(Kern Naval Reservation), Kern (east of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo, & Ventura Counties,	8.14	.37	.28	.44	.02	
Kern County (remaining portion)	8.05	.37	.15	.44		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TILE SETTERS:						
Imperial County	$6.96	.40	.55	.60		
Kern County	7.30	.40		.30		
Los Angeles, Orange, & Ventura Cos.	7.75	.145	.35		.02	
Riverside, & San Bernardino Cos.	7.35	.60	.55		.025	
San Luis Obispo & Santa Barbara Cos.	8.29	.65	.45			
TILE SETTERS' HELPERS:						
Imperial County	5.69	.20	.45	.60		
Los Angeles, Orange, & Ventura Cos.	5.96	.245	.50		.08	
Riverside & San Bernardino Cos.	6.41	.245	.50		.08	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service & 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays: A through F.

* AREA I - That portion of Los Angeles County including the Cities of Burbank, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibou Beach, Rendondo Beach, San Fernando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** AREAS II; III; & IV:

AREA II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east to San Bernardino County line, then south along the San Bernardino County line.

AREA III- Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrence Boulevard, west to Pacific Ocean, including Santa Catalina Island.

AREA IV - Beginning ar the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County line, south along County line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean, including San Clemente Island.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
CLEANING & HANDLING OF PANEL FORMS; Concrete Screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick & lumber; Dry packing of concrete, plugging, filling of Shee-Bolt Holes; Fire watcher, limbers, brush loaders, pilers & debris handler; Gas & oil pipeline; Laborers, general or construction; Laborer, temporary water & air lines; Material hoseman (walls, slab, floors & decks); Mixer-truck chute man (walls, slabs decks, floors foundations & footing-curb & gutter & sidewalks); Rigging & signalling; Slip form raisers; Window cleaner	$ 5.495	.55	1.10	.30		
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	5.545	.55	1.10	.30		
GUINEA CHASER	5.675	.55	1.10	.30		
ASPHALT SHOVELER; Fine grader, highway & street paving, airports, runways, & similar type heavy construction; Landscape gardener & nursery man	5.595	.55	1.10	.30		
PACKING ROD STEEL & PANS; Tanks scaler & cleaner	5.62	.55	1.10	.30		
UNDERGROUND (INCL. CAISSON BELLOWER)	5.625	.55	1.10	.30		
CHUCKTENDER; Septic tank digger & installer	5.645	.55	1.10	.30		
CESSPOOL DIGGER & INSTALLER	5.675	.55	1.10	.30		
CONCRETE CURER-IMPERVIOUS MEMBRANE & FORM OILER: Riprap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	5.685	.55	1.10	.30		
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING	5.785	.55	1.10	.30		

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oths
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer & handling bulk cement); Gas & oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper & tiller; Tree climber, faller, chain saw op., Pittsburgh chipper & similar type brush shredders; Trenching machine, hand propelled	$ 5.705	.55	1.10	.30		
ASPHALT RAKER, LUTEMAN & IRONER; Concrete core cutter, grinder or sender Concrete saw man, cutting, scoring old or new concrete; Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines & similar mechanical tools not separately classified herein; Tampers, Barko Wacker & similar type	5.805	.55	1.10	.30		
ROCK SLINGER	5.755	.55	1.10	.30		
DRILLER, JACKHAMMER - 2 - 1/2 DRILL STEEL OR LONGER	5.885	.55	1.10	.30		
CONCRETE VIBRATOR OP., 70 lbs. & OVER	5.905	.55	1.10	.30		
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN & UNDERGROUND TILE); Prefabricated manhole installer	6.005	.55	1.10	.30		
GAS & OIL PIPELINE WRAPPER - (6" & Over; Kettlemen, potmen & men applying asphalt, lay-kold, creosote, lime caustic & similar type materials	5.835	.55	1.10	.30		
CRIBBER, SHORER, LAGGING, SHEETING, & TRENCH BRACING, HAND-GUIDED LAGGING HAMMER	6.005	.55	1.10	.30		
BLASTER POWDERMAN	6.055	.55	1.10	.30		
STEEL HEADERBOARD MAN & GUIDELINE SETTER	5.92	.55	1.10	.30		

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
SANDBLASTER (Nozzleman)	$ 5.945	.55	1.10	.30		
DRILLER (Core-Diamond-Wagon)	6.145	.55	1.10	.30		
HEAD ROCK SLINGER	6.015	.55	1.10	.30		
GUNNITE LABORERS: NOZZLEMEN & RODMEN	6.97	.55	1.10	.30		
GUNMEN	6.47	.55	1.10	.30		
REBOUNDMEN	5.61	.55	1.10	.30		

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
GROUP I BRAKEMAN; Compressor Operator; Deck Hand; Engineer Oiler; Generator Operator; Heavy Duty Repairman Helper; Pump Operator; Signalman; Switchman	$7.03	.75	1.20	.30	.02	
GROUP II CONCRETE MIXER, Skip type; Conveyor; Fireman; Generator, Pump or Compressor, (2-5 inclusive) Portal Units-over 5 units, .10¢ per hour for each additional unit up to nine units.; Hydrostatic Pump; Oiler Crusher (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Skiploader - Wheel type up to 3/4 yd. without attachment; Tar Pot Fireman; Temporary Heating Plant Op.; Trenching Machine Oiler; Truck Crane Oiler	7.27	.75	1.20	.30	.02	
GROUP III A-FRAME or Winch Truck; Chainman; Elevator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Power Concrete Curing Machine; Power Concrete Saw; Power-Driven Jumbo Form Setter; Ross Carrier (jobsite); Stationary Pipe Wrapping & Cleaning Machine	7.51	.75	1.20	.30	.02	
GROUP IV ASPHALT PLANT FIREMAN; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge Type Unloader and Turntable; Dinky Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (Grease Truck); Helicopter Hoist Operator; Highline Cableway Signalman; Hydra-Hammer-Areo Stomper; Power Sweeper; Roller (compacting); Screed (Asphalt or Concrete); Rodman; Trenching Machine (up to 6 ft.)	7.62	.75	1.20	.30	.02	
GROUP V ASPHALT PLANT ENGINEER; Concrete Batch Plant Operator - (Oiler or Journeyman-trainee required); Backhoe (up to and						

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
GROUP V (cont'd) including 3/4 yds.); Bit Sharpener; Concrete Joint Machine Operator (Canal and similar type); Concrete Planer; Derrickman (Oilfield type); Deck Engine Operator; Drilling Machine (including water wells); Forklift (under 5 ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm, curb or gutter (concrete or asphalt); Mechanical Finisher Operator (concrete Clary - Johnson-Bidwell or similar); Pavement Breaker (truck mounted, Oiler) Road Oil Mixing Machine; Roller Op. (asphalt or finish); Rubber Tired Earth Moving Equipment, (single engine, up to and including 25 yds. struck); Self-propelled Tar Pipelining Machine Operator; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive Operator (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Operator (Crawler and Wheel type over 3/4 yd. and up to and including 1½ yds.); Tractor Operator-Bulldozer, Tamper Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types.)	7.81	.75	1.20	.30	.02	
GROUP VI ASPHALT OR CONCRETE SPREADER (tamping or finishing); Asphalt Paving Machine (Barber Green or similar type-2 screedman required); BHL Lima Road Pactor, Wagner Pactor or similar; Bridge Crane Operator; Cast in Place Pipe Laying Machine Operator; Combination Mixer and Compressor (Gunite work); Concrete Pump (truck mounted) (Oiler required); Concrete Mixer Operator-Paving; Crane Operator (up to and including 25 tons capacity); Crushing Plant Operator; Elevating Grader						

POWER EQUIPMENT OPERATORS

GROUP VI (Cont'd)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr. Tr.	Other
Forklift (over 5 tons); Grade Checker; Gradall Operator; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtburg and similar types); Lift Mobile Operator; Loader Operator (Athey, Euclid, Sierra and similar type; Material Hoist; Mucking Machine (¾ yd.-rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-Tired Earth Moving Equipment, (single engine-Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-Tired Scraper (self-loading - Paddle wheel type; Skiploader (Crawler and Wheel type-over 1½ yds., up to and including 6½ yds); Surface Heaters and Planer; Rubber-Tired Earth Moving Equipment, Multiple engine, (up to and including 25 yds. struck); Trenching Machine (over 6 ft. depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5 - 100 Flywheel h.p. and over, or similar) (Bull Dozer, Tamper, Scraper, and Push Tractor, single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine; Tunnel Locomotive (over 30 ton); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu. yds. M.R.C.	7.91	.75	1.20	.30	.02	

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr. Tr.	Other
GROUP VII CRANE - Over 25 tons up to and including 100 tons; Derrick Barge; Dual Drum Mixer; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade (single engine); Multiple Engine Tractor (Euclid and similar type, except Quad 9 Cat); Rubber-Tired Earth Moving Equipment, single engine over fifty (50) yds. struck; Rubber-Tired Earth Moving Equipment (Multiple engine, Euclid, Caterpillar and similar) (over 25 yds and up to 50 cu. yds. struck); Tractor Loader (Crawler and wheel type over 6½ yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds., M.R.C.; Woods Mixer and similar Pugmill Equipment; Heavy Duty Repairman - Welder Combination	8.01	.75	1.20	.30	.02	
GROUP VIII AUTO GRADER OPERATOR; Automatic Slip Form; Crane-over 100 tons; Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator; Mechanical Finishing Machine; Motor Patrol (Multi-engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-Tired Scraper (Push-Pull) (.50¢ per hour additional to base rate); Tandem Equipment Operator (2 units only); Tandem Tractor Operator (Quad 9 or similar type); Tunnel Mole Boring Machine Operator	8.15	.75	1.20	.30	.02	
GROUP IX CANAL LINER; Canal trimmer; Helicopter pilot; Highline cableway; Rubber-tired self-loading scraper (Paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment op. ($1.00 per hour additional)	8.25	.75	1.20	.30	.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
WAREHOUSEMAN and Teamster	$6.27	.65	.65	.75		
DRIVERS OF VEHICLES Or combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load	6.35	.65	.65	.75		
TRUCK MOUNTED Power Broom	6.41	.65	.65	.75		
DRIVERS OF VEHICLE Or combination of vehicles of 3 axles; Water truck, 2 axles	6.50	.65	.65	.75		
BOOTMAN; Cement distributor; Fuel truck; Driver of road oil spreader truck	6.53	.65	.65	.75		
TRANSIT-MIX, Under 3 yds.; Dumpcrete, less than 6½ yds.	6.59	.65	.65	.75		
WATER TRUCK, 3 or more axles; Truck repairman helper	6.60	.65	.65	.75		
TRUCK GREASER & TIREMAN (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline & utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline & utility work, where a composite crew is used	6.68	.65	.65	.75		
TRANSIT-MIX, 3 yds. or more; Dumpcrete, 6½ yds. & over	6.73	.65	.65	.75		
DRIVERS OF VEHICLES Or combination of vehicles of 4 or more axles	6.75	.65	.65	.75		
A-FRAME OR SWEDISH CRANE, Or similar type or equipment; Fork lift; Ross Carrier (Hwy)	7.05	.65	.65	.75		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: (cont'd)						
ALL OFF-HIGHWAY EQUIPMENT WITHIN TEAMSTERS JURISDICTION (Off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman; Welder	$7.30	.65	.65	.75		
TRUCK REPAIRMAN-Welder	7.40	.65	.65	.75		

SUPERSEDEAS DECISION

AP-278 P. 2

STATE: Montana

COUNTIES: Flathead, Lake, Lincoln, and Missoula

DECISION NUMBER: AP-278

DATE: Date of Publication

Supersedes Decision AP-239 dated September 22, 1972, in 37 FR 19909

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$8.15	.25	.37			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	6.00	.30				
CARPENTERS:						
Carpenters	5.97	.30	.35		.01	
Millwrights	6.22	.30	.35		.01	
CEMENT MASONS:						
Lake (Southern Area) and Missoula Cos.	6.40	.35				
Lake (Northern Area) and Remaining Cos.	5.75	.20				
ELECTRICIANS:						
Electricians	6.68		1%		½%	
Cable splicers	7.08		1%		½%	
ELEVATOR CONSTRUCTORS	5.915	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Reinforcing	7.56	.48	.65		.05	
Ornamental; Structural	7.56	.48	.65		.05	
LATHERS	5.95				.01	
MARBLE MASONS	6.65	.30	.25			
PAINTERS:						
Lake (Southern Area) and Missoula Cos.						
Brush	5.66	.30	.15			
Spray	5.66	.30	.15			
Lake (Northern Area) and Remaining Cos.						
Brush & Roller up to 9'	4.35					
Paperhanging, Perfataping, Sign Painting	4.60					
Spray Work	5.00					
Sandblasting & apply to Bitumastic Epoxy on other hazardous material	5.45					
Structural Steel Bridge or Dam Work (brush or spray)	5.45					
Structural Steel Bridge or Dam Work (Over 30 ft. high (brush or spray)	5.95					
PLASTERERS:						
Lake (Southern Area) and Missoula Cos.	6.65	.35				
Lake (Northern Area) and Remaining Cos.	6.05	.20				
PLUMBERS:						
Flathead and Lincoln Counties	5.90	.30	.30		.02	
Remaining Counties	6.58	.30	.30		.05	
ROOFERS	$5.33	.35	.30	.50		
SHEET METAL WORKERS	6.88	.22	.10		.01	
SPRINKLER FITTERS	7.20	.30	.50		.05	
TERRAZZO WORKERS	6.65	.30	.25			
TILE SETTERS	6.65	.30	.25			
TRUCK DRIVERS	5.065					

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years; service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:

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

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Flathead, Lake (northern area) and Lincoln Counties:						
Laborers	$5.065	.35	.25			
Nozzlemen (air & water); Sandblast tail hoseman; Powderman helper; Powerdriven wheelbarrow; Rodder and spreader; Form setters (paving); Bucketman	5.215	.35	.25			
Small air tool op. incl. blow pipes, small power tools; Chuck tenders; Asphalt rakers; Dumpman; Rip rapping; Pipe wrapper; Pot tender	5.245	.35	.25			
Jackhammer; Pavement breaker; Vibrator; Mechanical tamper and other air tools; Cement handlers (sack or bulk)	5.30	.35	.25			
Lake (southern area) and Missoula Counties						
Laborers	5.065	.35	.25		.03	
All power tools, Creosoteworkers; jackhammer; Marble & tile setters' tenders; Pipelayers; Pipewrappers; Pot tenders; Small concrete mixers; Vibrators	5.315	.35	.25		.03	
Cement masons & plaster tenders; Mason tenders; Pumpcrete, gunnite & plaster pump	5.465	.35	.25		.03	

MONT-1-PRO-1-2-3-c (1-1)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CRUSHER CONVEYOR; Farm type tractor, up to & incl. 50 HP engine; Grade setter	$6.33	.45	.45		.02	
CRUSHER OILER & HELPER; Field equipment serviceman helper; Hot plant oiler, 100 ton per hr. or over; Mechanic and/or welder helper on job; Oiler other than shovels & cranes; Shovel oiler, 3 cy and under; Washing and screening plant oiler	6.36	.45	.45		.02	
CONCRETE BATCH PLANT OILER, UP TO & INCL. 2 MIXERS	6.39	.45	.45		.02	
AIR COMPRESSOR, SINGLE; Pumpman	6.40	.45	.45		.02	
FARM TYPE TRACTOR, OVER 50 HP ENGINE; Herman Nelson heater & similar types	6.41	.45	.45		.02	
CRANE OILER; Oiler-driver, rubber-tired cranes	6.44	.45	.45		.02	
CONVEYOR LOADER, UP TO & INCL. 42" BELT	6.45	.45	.45		.02	
BORING MACHINE, JEEP, PICKUP OR FARM TRACTOR MOUNTED; Concrete mixer, 3 bags & under; Fireman; Heavy duty drills, helper; Retort op.	6.46	.45	.45		.02	
BROOM, SELF-PROPELLED	6.54	.45	.45		.02	
AIR COMPRESSOR, 2 OR MORE; Belt finishing machine; Conveyor loader, over 42" belt; Roller, on other than hot mix oil, paving	6.57	.45	.45		.02	
RUBBER-TIRED FRONTEND LOADER, 1 CY & UNDER	6.58	.45	.45		.02	

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POWER EQUIPMENT OPERATORS' CONT'D:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CHAIN BUCKET LOADER; Chip gravel spreader, self-propelled; DW 10, 15, 20 tractor pulling roller	6.59	.45	.45		.02	
CONCRETE MIXER, 4 BAGS & OVER	6.63	.45	.45		.02	
FORM GRADER; Hoist, single drum	6.64	.45	.45		.02	
CEMENT SILO	6.66	.45	.45		.02	
FORKLIFT, ON CONSTRUCTION SITE	6.68	.45	.45		.02	
CONCRETE BATCH PLANT OILER, 3 MIXERS AND OVER	6.70	.45	.45		.02	
A-FRAME TRUCK, CRANE, WINCH TRUCK AND SIMILAR	6.71	.45	.45		.02	
HYDRALIFT AND SIMILAR TYPES; Oiler, hoist house, dams; Whirley crane oiler	6.77	.45	.45		.02	
FIELD EQUIPMENT SERVICEMAN	6.79	.45	.45		.02	
AIR DOCTOR; Asphalt paving machine; Asphalt paving machine, screed; Bit grinder; Bitum, mixer paving, travel plant; Boring machine, large; Concrete batch plant, 1 and 2 mixers; Concrete finishing machine, paving; Concrete bucket dispatcher; Concrete curing machine; Concrete float and spreader; Concrete power saw, self-propelled; Concrete travel batcher; Crusher op.; Distributor; Elevating grader; Gradeall; Heavy duty drills, all types; Hoist, 2 or more drums; Hot plant op.; Hot plant fireman; Industrial locomotive, all types; Mountain logger or similar type; Mucking machine; Pavement breaker, Emsco and similar; Power auger large truck or tractor, mounted and punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Push tractor; Refrigerator plant; Roller, on blade or hot mix oil paving; Roller, 25 ton or over; Ross and similar type carriers on construction site; Rubber-tired dozer;						

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POWER EQUIPMENT OPERATORS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Rubber-tired frontend loader, over 1 cy to & incl. 3 cy; Scraper DW 15, 20, 21 & similar type if power unit is not used; Self-propelled sheeps foot & similar type; Shovels, incl. all attachments, under 1 cy; Track-type frontend loader, up to & incl. 5 cy; Track-type tractor with or without attachments; Trenching machine; Turnhead conveyor or head tower on batch plant; Wagner roller & similar type; Water pull when used for compaction; Washing and screening plant	6.87	.45	.45		.02	
MIXERMOBILE	6.95	.45	.45		.02	
MECHANIC AND/OR WELDER ON JOB	6.97	.45	.45		.02	
RUBBER-TIRED FRONTEND LOADER, OVER 3 CY TO & INCL. 5 CY	6.99	.45	.45		.02	
AUTOMATIC FINEGRADER, GURRIES AND OTHER SIMILAR TYPES; Motor patrol; Paving mixing machine; Scraper, single engine; Slip form paver	7.00	.45	.45		.02	
CRANE, UP TO & INCL. 80' BOOM WITH JIB	7.03	.45	.45		.02	
ELECTRIC OVERHEAD CRANES; Shovels, incl. all attachments, 1 cy to & incl. 3 cy; Track-type tractor, on euclid loader	7.05	.45	.45		.02	
CONCRETE BATCH PLANT, 3 AND 4 MIXERS	7.07	.45	.45		.02	
RUBBER-TIRED FRONTEND LOADER, OVER 5 cy TO & INCL. 10 cy	7.09	.45	.45		.02	
SCRAPER, TWIN ENGINE; Track-type frontend loader, over 5 cy to & incl. 10 cy	7.10	.45	.45		.02	
CENTRAL MIXING PLANTS, CONCRETE DAMS & STATIONARY	7.12	.45	.45		.02	
QUAD CAT	7.17	.45	.45		.02	
CRANE, 81' TO 130' BOOM	7.18	.45	.45		.02	

MONT-1-PFD-1-2-3-c (4-5)

POWER EQUIPMENT OPERATORS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
RUBBER-TIRED FRONTEND LOADER, OVER 10 CY TO & INCL. 15 CY	7.19	.45	.45		.02	
TRACK-TYPE FRONTEND LOADER, OVER 10 CY TO & INCL. 15 CY	7.20	.45	.45		.02	
CRANE, 131' TO 150' BOOM	7.23	.45	.45		.02	
SCRAPER, SINGLE OR TWIN ENGINE, PULLING BELLY DUMP TRAILER	7.25	.45	.45		.02	
CONCRETE BATCH PLANT, 5 MIXERS AND OVER	7.27	.45	.45		.02	
CRANE, 151' BOOM & OVER	7.28	.45	.45		.02	
RUBBER-TIRED FRONTEND LOADER, OVER 15 CY (Factory rating not to include sideboards)	7.29	.45	.45		.02	
TRACK-TYPE FRONTEND LOADER, OVER 15 CY	7.30	.45	.45		.02	
SHOVEL, INCL. ALL ATTACHMENTS, OVER 3 CY TO & INCL. 5 CY; Stiff leg derrick and guy derrick	7.32	.45	.45		.02	
SCRAPER, TANDEM ENGINE	7.36	.45	.45		.02	
HELICOPTER HOIST	7.37	.45	.45		.02	
CABLEWAY HIGHLINE	7.38	.45	.45		.02	
WHIRLEY CRANE	7.40	.45	.45		.02	
SHOVELS, INCL. ALL ATTACHMENTS, OVER 5 CY	7.45	.45	.45		.02	

Missoula County

MONT-SU-LINE CONSTRUCTION-2-3-d

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION (Jobs 69,000 volts or less)						
Cable splicer	$6.71	.25	1%		1%	
Line equipment operators; Powdermen	5.96	.25	1%		1%	
Experienced groundmen (2 yrs.); Truck drivers	4.72	.25	1%		1%	
Groundmen; Pole digger (groundman)	4.20	.25	1%		1%	
Linemen	6.07	.25	1%		1%	
(Jobs over 69,000 volts)						
Cable splicers	6.88	.25	1%		1%	
Linemen; Pole sprayer	6.53	.25	1%		1%	
Line equipment operators; Powdermen	6.00	.25	1%		1%	
Groundman	4.96	.25	1%		1%	

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MONT-LINE CONSTRUCTION-2-3-c

(Flathead-Lake-Lincoln Counties)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION						
All construction of "H" fixture and Steel Tower Transmission Lines with capacity of 69 K.V. voltages & over, switch yard and substation rated at 5000 K.V.A. & all work not covered by Schedule "B".						
SCHEDULE "A"						
GROUNDMAN "B"	4.61	.25	1%		1%	
GROUNDMAN "A" (experienced)	5.31	.25	1%		1%	
HEAD GROUNDMAN; Powderman; Jackhammer-Compressorman	5.65	.25	1%		1%	
LINE EQUIPMENT OPERATOR	6.50	.25	1%		1%	
LINEMAN	7.58	.25	1%		1%	
CABLE SPLICER	8.43	.25	1%		1%	
SCHEDULE "B"						
All work for Power Utilities & R.E.A's except work covered under Schedule "A" all Highway Lighting, Street Lighting & Motor Traffic Controlling.						
JACKHAMMER-COMPRESSORMAN; Powderman; Head Groundman	5.13	.25	1%		1%	
LINE EQUIPMENT OPERATOR	5.88	.25	1%		1%	
LINEMEN; Pole Sprayer	6.67	.25	1%		1%	
CABLE SPLICER	7.48	.25	1%		1%	

STATE: Montana

COUNTIES: Blaine, Cascade, Chouteau, Hill, Fergus, Glacier, Judith Basin, Lewis & Clark, Liberty, Pondera, Teton, Toole, Valley and Wheatland

DECISION NUMBER: AP-279

DATE: Date of Publication

Supersedes Decision Number: AP-237 dated September 22, 1972, in 37 FR 19900 and Number AP-240 dated September 22, 1972, in 37 FR 19912

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.15	.25	.37			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS:						
Lewis & Clark County	6.65					
Cascade, Chouteau, Glacier, Pondera & Teton Counties	7.35	.25				
Remaining Counties	6.25					
CARPENTERS:						
Blaine and Hill Counties						
Carpenters	4.75	.225	.25			
Sawfilers, Stationary Power Saw Op.; Piledriver	4.90	.225	.25			
Millwrights	5.00	.225	.25			
Lewis and Clark County						
Carpenters	5.895	.30	.35		.01	
Piledrivermen	6.045	.30	.35		.01	
Millwrights	6.145	.30	.35		.01	
Wheatland County						
Carpenters	5.92	.30	.35		.02	
Floor Sander; Sawmen	6.045	.30	.35		.02	
Piledrivermen	6.07	.30	.35		.02	
Millwrights	6.22	.30	.35		.02	
Valley County	5.65	.30	.35			
Remaining Counties						
Carpenters	6.12	.30	.35		.01	
Piledrivermen; Saw filers; Sawmen	6.37	.30	.35		.01	
Millwrights	6.62	.30	.35		.01	
CEMENT MASONS:						
Wheatland County	5.56	.30				
Lewis and Clark Counties	6.22					
Glacier County	5.75	.20				
Remaining Counties	6.25	.30				
ELECTRICIANS:						
Lewis and Clark Counties						
Electricians	6.50		1%		3%	
Blaine, Hill, Liberty Counties						
Electricians	6.30		1%		3%	
Valley County						
Electricians	6.40		1%		3%	
Remaining Counties						
Electricians	7.55	.20	1%		3%	
Cable splicers	7.80	.20	1%		3%	
ELEVATOR CONSTRUCTORS	$5.915	.195	.20		2%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20		2%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS:						
Cascade, Chouteau, Glacier, Judith-Basin, Lewis and Clark, Pondera, Teton, Toole Counties	5.62	.25	.20		4%	
IRONWORKERS:						
Ornamental, Reinfrocing, Structural						
Lewis and Clark (South portion)	7.10	.40	.65		.05	
Lewis and Clark (Northern area)and Remaining Counties	7.03	.40	.65		.05	
MARBLE MASONS:						
Lewis and Clark County	6.65					
Cascade, Chouteau, Glacier, Pondera, and Teton Counties	7.35	.25				
Remaining Counties	6.25					
PAINTERS:						
Cascade, Chouteau, Glacier, Judith-Basin, Lewis & Clark (Northern portion portion), Pondera, Teton and Toole Counties:						
Brush	5.49	.25	.30			
Paperhanger	5.74	.25	.30			
Taper	5.84	.25	.30			
Brush on steel	5.99	.25	.30			
Spraying; Sandblasting	7.74	.25	.30			
Valley County						
Brush or roller	5.54	.25	.20			
Structural steel	5.79	.25	.20			
Spray	6.32	.25	.20			
PLASTERERS:						
Blaine, Cascade, Chouteau, Liberty, Pondera, Teton and Toole Counties	6.04	.20				
Hill and Valley Counties	6.25					
Glacier County	6.05	.20				
Lewis and Clark County	6.30	.25	.15		.05	
Remaining Counties	6.91	.35	.50		.04	
PLUMBERS:						
Lewis and Clark County	6.30	.25	.15		.05	
Remaining Counties	6.91	.35	.50		.04	
SHEET METAL WORKERS:						
Lewis and Clark County	7.12	.22	.10			
Fergus, Valley, Wheatland Counties	6.62	.27	.20		.02	
Remaining Counties	7.05	.22				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SPRINKLER FITTERS	$7.20	.30	.50		.05	
TERRAZZO WORKERS & TILE SETTERS:						
Lewis and Clark County	6.65					
Cascade, Chouteau, Glacier, Pondera and Teton Counties	5.50	.25				
TERRAZZO WORKERS & TILE SETTERS' HELPERS:						
Lewis and Clark County	5.75					
Cascade, Chouteau, Glacier, Pondera, and Teton Counties	4.50	.25				

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 paid holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Cascade, Chouteau, Fergus, Glacier, Judith Basin, Pondera, Teton, and Toole Counties						
Laborers:						
General laborers; Concrete (wet or dry); Dumpman (spotter); Fence erectors & installer; Scalemen	$5.22	.35	.20		.03	
Brick tenders; Dumpman (grade); Small concrete mixers	5.62	.35	.20		.03	
Air-track; Asphalt raker & tampers; Barco tampers; Concrete nozzlemen; High scaler; Hod carriers; Plaster tenders	5.72	.35	.20		.03	
Car or truck mounted air operated drills & other air tools; Mechanical tampers; Jackhammers; Pavement breakers, wagon drillers; Pipelayers (non-metallic); Power driven wheelbarrow; Power saw (bucking & falling)	5.47	.35	.20		.03	
Blaine, Hill & Liberty Counties						
Laborers; Car and truck loaders; Carpenter tender and form stripper; Concrete laborers; Dumpman (spotter); Small power tools, chippers; Clay spades, pogo stick; Fence erectors and installers	4.12	.15	.15			
Dumpman (Grade)	4.24	.15	.15			
Caisson workers (free air); Concrete saw; Small concrete mixer; Concrete nozzleman; Barco tamper; Jackhammer; Pavement breaker; Placo operator; Pipe layers (non-metallic); Power driven concrete buggies or wheelbarrows; Nozzleman; Sandblaster; Pot tender; Tar pot tender; Tailhoseman; Vibrator (over 2½"); Vibrator turtle; Bull gang; Chuck tender; Muckers & nippers pot tender; Primerhouseman	4.37	.15	.15			
Brick tenders (handling bricks & blocks only)	4.52	.15	.15			
Concrete nozzleman; Miner	4.62	.15	.15			
Lazer tools & equipment; Powderman	4.87	.15	.15			

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Lewis and Clark County						
General laborer; Car & truck loader; Concrete handler; Form stripper; Fence erector & installer	$4.57	.30	.20	.10	.03	
Concrete Buggy; Vibrator; Jackhammer; Wagon driller; Barco tamper; Pavement breaker; Powderman helper	4.725	.30	.20	.10	.03	
All power tools; Rodder and spreader; Non-metallic pipe layers; Pipe wrappers; Sandblasters; Pot tenders; Curb form setter; Concrete tenders	4.825	.30	.20	.10	.03	
Mortar mixer; Powderman	4.92	.30	.20	.10	.03	
Valley County						
General laborer	4.82	.35	.25		.03	
Air tool op. jackhammer-vibrator; Pipelayers (non-metallic)	5.07	.35	.25		.03	
Brick tenders (handling bricks & blocks only)	5.22	.35	.25		.03	
Hod carriers & plaster tenders (men carrying mortor either by hod, pail or barrow)	5.32	.35	.25		.03	
Powderman	5.57	.35	.25		.03	
Wheatland County						
Common laborers	4.83	.35	.25		.03	
Semi-skilled; Hod carriers; Jackhammer op.; Vibrator; Mixer op.; Concrete pump tender; Nozzleman; Concrete machiner; Curb form setter	5.08	.35	.25		.03	

REMAINING COUNTIES

BUILDING CONSTRUCTION

MON-4-7E0-1-c (1-4)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SHOVELS, incl. all attachs., over 5 yds; Stiff-leg derrick & guy derrick; Cableway highline; Helicopter hoist; Tower crane; Whirley crane	$7.49	.45	.45		.02	
SCRAPER, tandem engine; Shovels, incl. all attachs., over 3 yds. to & incl. 5 yds.	7.36	.45	.45		.02	
RUBBER-TIRED FRONT-END LOADERS, over 15 yds.; Track-type front-end loaders, over 15 cu. yds.	7.30	.45	.45		.02	
RUBBER-TIRED FRONT-END LOADERS, 10 yds. to & incl. 15 yds.; Track-type front-end loaders, 10 cu. yds. to & incl. 15 cu. yds.; Concrete conveyor; Crane, to & incl. 80' boom with jib	7.20	.45	.45		.02	
QUAD CAT	7.17	.45	.45		.02	
CENTRAL MIXING PLANTS, concrete & stationary	7.12	.45	.45		.02	
RUBBER-TIRED FRONT-END LOADERS, over 5 yds. to & incl. 10 yds.; Scraper, twin engine; Tract-type front-end loaders, over 5 cu. yds. to & incl. 10 cu. yds.; Scraper single or twin engine, pulling belly dump trailer	7.10	.45	.45		.02	
CRANE, ELECTRIC OVERHEAD, ALL; Shovels, incl. all attachs., 1 yd. to & incl. 3 yds.; Track-type tractor on euclid loader	7.06	.45	.45		.02	
HOIST, TWO OR MORE DRUMS; Motor patrol; Ross & similar type carriers on constrn site	7.03	.45	.45		.02	
AUTOMATIC FINEGRADER, Gurries & other types; Paver; Slip form; Paving & mixing machine; Roller, 25 tons or over; Rubber tired front-end loader, over 3 yds. to & incl. 5 yds.; Scraper, single	7.00	.45	.45		.02	

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MON-4-720-1-e (2-4)

POWER EQUIPMENT OPERATORS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
MIXERMOBILE	$6.96	.45	.45		.02	
BORING MACHINE; Jeep, pickup or farm tractor mounted; Boring machine, large; Power auger large truck or tractor, mounted & punch	6.90	.45	.45		.02	
AIR DOCTOR; Asphalt paving machine; Asphalt paving machine screed op.; Bit grinder; Bituminous mixer paving travel plant; Concrete batch plant op.; Concrete curing machine; Concrete finish machine, paving; Concrete float & spreader; Concrete power saw, self-propelled; Concrete travel batcher; Crusher; Distributor; Elevating grader; Forklift on constr. job site; Gradall; Heavy duty drills, all types; Hot plant; Hot plant fireman, when in operation; Industrial locomotive; Mt. logger or similar type machine; Mucking machine; Pavement breaker, Emsco & similar; Power mixer, single or double drum; Pumpcrete or grout machine; Refrigerator plant; Roller, steel & self-propelled rubber on blade or hot mix oil paving; Roller, Wagner & similar types, rubber-tired dozer; Rubber-tired front-end loaders, 1 yd. to & incl. 3 yds.; Shovels, incl. all attachs., under 1 yd.; Track-type tractor, with or without attachs Track-type tractor with or without attachs. incl. track-type front-end loaders up to & incl. 5 cu. yds.; Trench machine; Belt finishing machine; Concrete batch plant., 1 & 2 mixers; DW 10, 15, 20 tractor pulling roller; Power saw self-propelled, multiple cut; Push tractor; Scraper, DW 15, 20, 21 & similar type if power unit is not used; Self-propelled sheepsfoot; Turnhead conveyor, or head tower, on batch plant; Wagner roller; Water pullop.	6.87	.45	.45		.02	

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MON-4-720-1-e (3-4)

POWER EQUIPMENT OPERATORS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
FIELD EQUIPMENT SERVICEMAN; Hydraulic & similar type; Oiler, hoist-house, dams; Shovel oiler, over 3 yds.; Winch truck with boom	6.77	.45	.45		.02	
CONCRETE MIXER, 4 bags & over	6.74	.45	.45		.02	
HOIST, SINGLE DRUM	6.66	.45	.45		.02	
A-FRAME TRUCK CRANE, winch truck & similar	6.65	.45	.45		.02	
CEMENT SILO; Form grader	6.64	.45	.45		.02	
HYDRO TAMPER	6.62	.45	.45		.02	
CHAIN BUCKET; Chip or gravel spreader, self -propelled; Conveyor loader, over 42" belt	6.57	.45	.45		.02	
AIR COMPRESSOR, two or more; Roller, steel & self-propelled rubber other than blade or hot mix oil paving; Rubber-tired front-end loaders, under 1 yd.	6.56	.45	.45		.02	
BROOM, self-propelled	6.52	.45	.45		.02	
CONCRETE MIXER, 3 bags & under; Fireman	6.46	.45	.45		.02	
CONVEYOR LOADER, up to & incl. 42" belt; Crusher conveyor	6.45	.45	.45		.02	
RETORT OPERATOR	6.42	.45	.45		.02	
MECHANIC AND/OR WELDER HELPER; Concrete batch plant oiler; Crane oiler; Farm type tractor, over 50 HP engine; Hot plant oiler, 100 tons per hr. & over; Oiler driver, rubber-tired crane	6.41	.45	.45		.02	
PUMPMAN	6.40	.45	.45		.02	
AIR COMPRESSOR, SINGLE; Concrete batch plant oiler, up to & incl. 2 mixers	6.37	.45	.45		.02	

MON-4-PEO-1-e (4-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D):						
SHOVEL, OILER, 3 yds. & under	6.36	.45	.45		.02	
CRUSHER OILER & HELPER; Farmtype tractor, up to & incl. 50 HP engine; Field equip. service helper; Grade setter Heavy duty drill helper; Heaters, Herman Nelson & similar type; Oilers, other than shovels & cranes; Washer & screening plant oiler	6.33	.45	.45		.02	
CONCRETE BATCH PLANT, 3 & 4 mixers	7.07	.45	.45		.02	
CONCRETE BATCH PLANT, 5 mixers & over	7.27	.45	.45		.02	
CONCRETE BATCH PLANT OILER, 3 mixers & over	6.68	.45	.45		.02	
CONCRETE PUMP	7.65	.45	.45		.02	
CRANE 81' to 130' BOOM	7.35	.45	.45		.02	
CRANE 131' to 150' BOOM	7.40	.45	.45		.02	
CRANE 151' BOOM & OVER	7.45	.45	.45		.02	
MECHANIC AND/OR WELDER	6.97	.45	.45		.02	
WHIRLEY CRANE OILER	6.70	.45	.45		.02	

Fergus, Hill, Judith-Basin, Lewis & Clark, Valley and Wheatan Counties:

(1-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
CRUSHER CONVEYOR; Farm type tractor, up to & incl. 50 HP engine; Grade setter	$6.33	.45	.45		.02	
CRUSHER OILER & HELPER; Field equipment serviceman helper; Hot plant oiler, 100 ton per hr. or over; Mechanic and/or welder helper on job; Oiler other than shovels & cranes; Shovel oiler, 3 cy and under; Washing and screening plant oiler	6.36	.45	.45		.02	
CONCRETE BATCH PLANT OILER, UP TO & INCL. 2 MIXERS	6.39	.45	.45		.02	
AIR COMPRESSOR, SINGLE; Pumpman	6.40	.45	.45		.02	
FARM TYPE TRACTOR, OVER 50 HP ENGINE; Herman Nelson heater & similar types	6.41	.45	.45		.02	
CRANE OILER; Oiler-driver, rubber-tired cranes	6.44	.45	.45		.02	
CONVEYOR LOADER, UP TO & INCL. 42" BELT	6.45	.45	.45		.02	
BORING MACHINE, JEEP, PICKUP OR FARM TRACTOR MOUNTED; Concrete mixer, 3 bags & under; Fireman; Heavy duty drills, helper; Retort op.	6.46	.45	.45		.02	
BROOM, SELF-PROPELLED	6.54	.45	.45		.02	
AIR COMPRESSOR, 2 OR MORE; Belt finishing machine; Conveyor loader, over 42" belt; Roller, on other than hot mix oil, paving	6.57	.45	.45		.02	
RUBBER-TIRED FRONTEND LOADER, 1 CY & UNDER	6.58	.45	.45		.02	

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POWER EQUIPMENT OPERATORS' CONT'D:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CHAIN BUCKET LOADER; Chip gravel spreader, self-propelled; DW 10, 15, 20 tractor pulling roller	6.59	.45	.45		.02	
CONCRETE MIXER, 4 BAGS & OVER	6.63	.45	.45		.02	
FORM GRADER; Hoist, single drum	6.64	.45	.45		.02	
CEMENT SILO	6.66	.45	.45		.02	
FORKLIFT, ON CONSTRUCTION SITE	6.68	.45	.45		.02	
CONCRETE BATCH PLANT OILER, 3 MIXERS AND OVER	6.70	.45	.45		.02	
A-FRAME TRUCK, CRANE, WINCH TRUCK AND SIMILAR	6.71	.45	.45		.02	
HYDRALIFT AND SIMILAR TYPES; Oiler, hoist house, dams; Whirley crane oiler	6.77	.45	.45		.02	
FIELD EQUIPMENT SERVICEMAN	6.79	.45	.45		.02	
AIR DOCTOR; Asphalt paving machine; Asphalt paving machine, screed; Bit grinder; Bitum. mixer paving, travel plant; Boring machine, large; Concrete batch plant, 1 and 2 mixers; Concrete finishing machine, paving; Concrete bucket dispatcher; Concrete curing machine; Concrete float and spreader; Concrete power saw, self-propelled; Concrete travel batcher; Crusher op.; Distributor; Elevating grader; Gradeall; Heavy duty drills, all types; Hoist, 2 or more drums; Hot plant op.; Hot plant fireman; Industrial locomotive, all types; Mountain logger or similar type; Mucking machine; Pavement breaker, Emsco and similar; Power auger large truck or tractor, mounted and punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Push tractor; Refrigerator plant; Roller, on blade or hot mix oil paving; Roller, 25 ton or over; Ross and similar type carriers on construction site; Rubber-tired dozer;						

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(3-1)

POWER EQUIPMENT OPERATORS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Rubber-tired frontend loader, over 1 cy to & incl. 3 cy; Scraper DW 15, 20, 21 & similar type if power unit is not used; Self-propelled sheeps foot & similar type; Shovels, incl. all attachments, under 1 cy; Track-type frontend loader, up to & incl. 5 cy; Track-type tractor with or without attachments; Trenching machine; Turnhead conveyor or head tower on batch plant; Wagner roller & similar type; Water pull when used for compaction; Washing and screening plant	6.87	.45	.45		.02	
MIXERMOBILE	6.95	.45	.45		.02	
MECHANIC AND/OR WELDER ON JOB	6.97	.45	.45		.02	
RUBBER-TIRED FRONTEND LOADER, OVER 3 CY TO & INCL. 5 CY	6.99	.45	.45		.02	
AUTOMATIC FINEGRADER, GURUES AND OTHER SIMILAR TYPES; Motor patrol; Paving mixing machine; Scraper, single engine; Slip form paver	7.00	.45	.45		.02	
CRANE, UP TO & INCL. 80' BOOM WITH JIB	7.03	.45	.45		.02	
ELECTRIC OVERHEAD CRANES; Shovels, incl. all attachments, 1 cy to & incl. 3 cy; Track-type tractor, on euclid loader	7.05	.45	.45		.02	
CONCRETE BATCH PLANT, 3 AND 4 MIXERS	7.07	.45	.45		.02	
RUBBER-TIRED FRONTEND LOADER, OVER 5 cy TO & INCL. 10 cy	7.09	.45	.45		.02	
SCRAPER, TWIN ENGINE; Track-type frontend loader, over 5 cy to & incl. 10 cy	7.10	.45	.45		.02	
CENTRAL MIXING PLANTS, CONCRETE DAMS & STATIONARY	7.12	.45	.45		.02	
QUAD CAT	7.17	.45	.45		.02	
CRANE, 81' TO 130' BOOM	7.18	.45	.45		.02	

(3-4)

POWER EQUIPMENT OPERATORS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
RUBBER-TIRED FRONTEND LOADER, OVER 10 CY TO & INCL. 15 CY	7.19	.45	.45		.02	
TRACK-TYPE FRONTEND LOADER, OVER 10 CY TO & INCL. 15 CY	7.20	.45	.45		.02	
CRANE, 131' TO 150' BOOM	7.23	.45	.45		.02	
SCRAPER, SINGLE OR TWIN ENGINE, PULLING BELLY DUMP TRAILER	7.25	.45	.45		.02	
CONCRETE BATCH PLANT, 5 MIXERS AND OVER	7.27	.45	.45		.02	
CRANE, 151' BOOM & OVER	7.28	.45	.45		.02	
RUBBER-TIRED FRONTEND LOADER, OVER 15 CY (Factory rating not to include sideboards)	7.29	.45	.45		.02	
TRACK-TYPE FRONTEND LOADER, OVER 15 CY	7.30	.45	.45		.02	
SHOVEL, INCL. ALL ATTACHMENTS, OVER 3 CY TO & INCL. 5 CY; Stiff leg derrick and guy derrick	7.32	.45	.45		.02	
SCRAPER, TANDEM ENGINE	7.36	.45	.45		.02	
HELICOPTER HOIST	7.37	.45	.45		.02	
CABLEWAY HIGHLINE	7.38	.45	.45		.02	
WHIRLEY CRANE	7.40	.45	.45		.02	
SHOVELS, INCL. ALL ATTACHMENTS, OVER 5 CY	7.45	.45	.45		.02	

NEXT-SW-LINE CONSTRUCTION-2-3-d

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION (Jobs 69,000 volts or less)						
Cable splicer	$6.71	.25	1%		5%	
Line equipment operators; Powdermen	5.96	.25	1%		5%	
Experienced groundmen (2 yrs.); Truck drivers	4.72	.25	1%		5%	
Groundmen; Pole digger (groundman)	4.20	.25	1%		5%	
Linemen	6.07	.25	1%		5%	
(Jobs over 69,000 volts)						
Cable splicers	6.86	.25	1%		5%	
Linemen; Pole sprayer	6.53	.25	1%		5%	
Line equipment operators; Powdermen	6.00	.25	1%		5%	
Groundmen	4.96	.25	1%		5%	

AP-270 P. 15 MONT-1-TH-1-2-3-f (1 of 2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
COMBINATION Truck; Concrete Mixer & Transit Mixer:					
To & incl. 4 cu. yds.	$5.80	.45	.30		
Over 4 cu. yds. to & incl. 6 cu. yds.	5.88	.45	.30		
Over 6 cu. yds. to & incl. 8 cu. yds.	5.96	.45	.30		
Over 8 cu. yds. to & incl. 10 cu. yds.	6.04	.45	.30		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER & HELPER	5.73	.45	.30		
DRY BATCH TRUCKS:					
3 Batch or under	5.55	.45	.30		
Over 3 Batch to & incl. 5 Batch	5.68	.45	.30		
Over 5 Batch to & incl. 10 Batch	5.84	.45	.30		
Over 10 Batch to & incl. 15 Batch	6.00	.45	.30		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
DUMPMAN, GRAVEL SPREADER BOX: Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters & Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	5.55	.45	.30		
DUMP TRUCKS & SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:					
7 cu. yds. or less	5.55	.45	.30		
Over 7 cu. yds. to & incl. 10 cu. yds.	5.68	.45	.30		
Over 10 cu. yds. to & incl. 15 cu. yds.	5.84	.45	.30		
Over 15 cu. yds. to & incl. 20 cu. yds.	5.98	.45	.30		
Over 20 cy. yds. to & incl. 25 cu. yds.	6.04	.45	.30		
Over 25 cu. yds. to & incl. 30 cu.yds.	6.10	.45	.30		
Over 30 cu. yds. to & incl. 35 cu.yds.	6.16	.45	.30		
Over 35 cu. yds. to & incl. 40 cu.yds.	6.22	.45	.30		
Over 40 cu. yds. to & incl. 45 cu yds.	6.28	.45	.30		
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
DUMPSTERS	5.68	.45	.30		
IH 20, IH 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:					
To & incl. 25 cu. yds.	6.04	.45	.30		
Over 25 cu. yds. to & incl. 30 cu. yds.	6.10	.45	.30		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yd. increment					

AP-270 P. 16 MONT-1-TH-1-2-3-f (2 of 2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
SERVICEMEN	$6.29	.45	.30		
POWDER TRUCK DRIVER (bulk unloader type)	5.73	.45	.30		
FLAT TRUCKS:					
To & incl. 3 Tons	5.55	.45	.30		
Over 3 tons Factory rating	5.90	.45	.30		
FUEL TRUCK; SERVICE TIREMEN	6.02	.45	.30		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	5.90	.45	.30		
LUMBER CARRIERS, LIFT TRUCKS; Power Broom	5.64	.45	.30		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gals & under	5.55	.45	.30		
Over 2,500 gals to & incl. 4,500 gals	5.84	.45	.30		
Over 4,500 gals to & incl. 6,000 gals	6.04	.45	.30		
Over 6,000 gals to & incl. 8,000 gals	6.10	.45	.30		
Over 8,000 gals to & incl. 10,000 gals	6.18	.45	.30		
Over 10,000 gals - additional $.06 per hour each additional 2,000 gals increment					
WINCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, GROUTCRETE, & COMBINATION MULCHING, SEEDING & FERTILIZING	5.80	.45	.30		
TRUCK MECHANIC	6.29	.45	.30		
ALL TUNNEL & UNDERGROUND WORK 10% ADDITIONAL					

SUPERSEDEAS DECISION

STATE: Nebraska COUNTY: Lancaster
DECISION NO.: AP-522 DATE: Date of Publication
Supersedes Decision No. AM-2441, dated August 25, 1971, in 36 FR 16874
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

55-NEB-LAN-1 (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.045	.25	.25	4½%	.01
BOILERMAKERS	8.25	.30	1.00		.02
BRICKLAYERS; Stonemasons	7.075	.125	.10		
CARPENTERS:					
Carpenters	6.05	.125	.10		
Piledrivermen	6.30	.125	.10		
CEMENT MASONS:					
Cement Masons	6.55	.125	.10		
Swing Stage	6.80	.125	.10		
ELECTRICIANS:					
From the Main Post Office in Lincoln, Nebraska:					
Electricians:					
Zone A - 0 to 15 miles	8.35	.30	1%		3/10%
Zone B - 15 to 30 miles	8.65	.30	1%		3/10%
Zone C - 30 to 75 miles	8.95	.30	1%		3/10%
Cable Splicers:					
Zone A - 0 to 15 miles	8.60	.30	1%		3/10%
Zone B - 15 to 30 miles	8.90	.30	1%		3/10%
Zone C - 30 to 75 miles	9.20	.30	1%		3/10%
ELEVATOR CONSTRUCTORS	6.93	.185	.20	2% + a&b	
ELEVATOR CONSTRUCTORS' HELPERS	70%-JR	.185	.20	2% + a&b	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%-JR				
GLAZIERS	4.75	.20	.10		
IRONWORKERS:					
Ornamental, Structural, Reinforcing	7.00	.25	.20		
LABORERS:					
Common Laborers	5.23	.125	.10		
Machine & Air Tool Operators; Mason Tenders	5.38	.125	.10		
Plasterer Tenders	5.455	.125	.10		
LATHERS	6.30				
PAINTERS:					
Brush	6.30	.125			
Spray; Steel; Swing Stage	6.80	.125			
Paperhanger; Taper	6.55	.125			
PLASTERERS:					
Plasterers	6.70	.125	.10		
Gun Operators	6.95	.125	.10		
PLUMBERS; Pipefitters	7.02	.58	.58		.08
ROOFERS:					
Composition	5.55				
Slate & Tile	5.80				
SHEET METAL WORKERS	6.82	.25	.20		
SPRINKLER FITTERS	8.75	.30	.50		.05
TRUCK DRIVERS:					
Single Axle	5.28	.125	.10		
Tandem Axle	5.405	.125	.10		
Trailers & Lowboys	5.53	.125	.10		
Lumber Carriers	5.705	.125	.10		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

55-NEB-LAN-1 (2-2)

FOOTNOTES:

a. Employer contributes 2% of the basic hourly rate for 6 months to 5 years service and 4% of the basic hourly rate for over 5 years service as vacation pay credit.

b. The following paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

NEBRASKA LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Lineman	$7.00	.25	1%+.25		1/2%
Cable splicers	7.40	.25	1%+.25		1/2%
Truck Driver	5.10	.25	1%+.25		1/2%
GROUNDMEN:					
(Inexperienced) 1st 6 months	2.63	.25	1%+.25		1/2%
(Inexperienced) 2nd 6 months	3.53	.25	1%+.25		1/2%
Thereafter	4.63	.25	1%+.25		1/2%

55-NEB-PEO-1

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Firemen Oilers; Greasers; Mechanic's Helpers; Industrial type Tractor without attachments	$5.75	.125	.10		
Pumps-4 inches & over	5.875	.125	.10		
Industrial type Tractor with attachments	5.90	.125	.10		
Forklift or similar type equipment	6.075	.125	.10		
Compressors-300 cu. ft. or over, or a series of Compressors equalling 300 cu. ft. or over	6.225	.125	.10		
Economobile	6.325	.125	.10		
Single Drum Trucks or Boom Hoists; Winch Trucks; Concrete Pumps	6.35	.125	.10		
One Drum Hoists; Air Tugger; Mixers with capacity of 1 yard or more; Blade Graders; Bulldozers; Front End Loaders; Hydraulic Backhoe on industrial type Tractor	6.40	.125	.10		
Rubber tired earth moving equipment; Hydrocrane	6.50	.125	.10		
Two Drum Hoists; Mechanics; Cranes; Piledrivers; Shovels; Dragline; Clam Shells; Orange Peel; Back Hoe; all Shovel type equipment; all Derricks & Cranes	6.75	.125	.10		

2-NEBRASKA-2-3-2

SITE PREPARATION, EXCAVATING & INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Carpenters	$3.90					
Carpenters helper	3.25					
Cement finisher	4.00					
Concrete saw operator	3.25					
Form setter (road)	4.00					
Form setter (structures)	3.25					
Laborer	2.85					
Painter	3.00					
Pile driver leadsman	3.10					
Power Equipment Operators:						
Asphalt distributor	3.43					
Asphalt heaterman	3.42					
Asphalt paving machine	4.00					
Asphalt paving machine screedman	3.10					
Stationary plant (asphalt or concrete)	3.75					
Beginner operator	3.30					
Bulldozer:						
Less than 115 drawbar H.P.	3.78					
115 drawbar H.P. and over	3.88					
Cement handler	2.75					
Clamshell, dragline, backhoe, crane, pile driver or shovel	4.02					
Slip form paver	4.25					
Concrete finishing machine and spreader	3.90					
Crusher (incl. those with integral screening plant)	4.00					
Fireman (boiler)	3.05					
Front End Loader:						
3½ cu. yds. or less	3.58					
Over 3½ cu. yds.	3.77					
Mechanic	3.99					
Mechanic helper	3.60					
Motor grader (rough)	3.80					
Motor grader (finish)	4.04					
Oiler or greaser	3.30					
Roller, self-propelled (hot mix)	3.68					
Scraper under 16 cu. yds.	3.50					
Scraper 16 cu. yds. and over	3.87					
Tractor - farm type (towing)	3.00					
Traveling plant (stabilization)	3.60					
Truck Drivers:						
Single axle	2.87					
Tandem axle	3.00					
Semitrailer	3.10					
Transit mix	3.30					
Lowboy	3.35					
Welder	3.95					

STATE: Nebraska
DECISION NUMBER: AP-523
COUNTIES: Douglas and Sarpy
DATE: Date of Publication
Supersedes Decision No. AP-210 dated August 4, 1972 in 37 FR 15,826
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$8.045	.25	.25	4%	.01	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS, Stonemasons	7.45	.20	.20	.225		
CARPENTERS:						
Carpenters	6.86	.25	.20	.20	.02	
Piledrivermen	6.985	.25	.20	.20	.02	
Millwrights	7.11	.25	.20	.20	.02	
CEMENT MASONS	7.09	.25	.20			
ELECTRICIANS	8.68	.40	15%+.40		1/4%	
ELEVATOR CONSTRUCTORS	6.93	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%3	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%3					
GLAZIERS	4.75	.20	.10			
IRONWORKERS:						
Ornamental, Reinforcing, Structural	7.00	.25	.20			
LABORERS:						
Common laborers	4.70	.125	.10			
Buggymobile operators; mortar mixers	4.825	.125	.10			
Mason tenders	4.825	.125	.10			
Machine and air tool operator	4.95	.125	.10			
Plasterer tenders	4.975	.125	.10			
MARBLE SETTERS	6.05	b	.10			
PAINTERS:						
Brush	6.95		.15			
Structural steel & paperhangers	7.20		.15			
Spray; swing stage; hazardous and sandblasting	7.45		.15			
PLASTERERS	6.575	.125	.20			
PLUMBERS; Steamfitters	8.20	.25	.40		.05	
ROOFERS:						
Composition	5.75	.15	.20		.01	
Slate; tile	6.05	.15	.20		.01	
SHEET METAL WORKERS	7.85	.15				
SPRINKLER FITTERS	8.00	.25	.40		.05	
TILE SETTERS; Terrazzo workers	6.05	b	.10			
MARBLE, TILE AND TERRAZZO WORKERS' HELPERS	$5.20					
TRUCK DRIVERS:						
Single axle	5.35	.20	.10			
Tandem axle	5.425	.20	.10			
Lowboy; trailer	5.55	.20	.10			
Lumber carriers	5.725	.20	.10			
DRYWALL:						
Tapers & finishers	6.60	.35		.40		
Spray	6.85	.35		.40		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.

b. Employer agrees to provide one-half cost of a Health & Welfare Plan (one-half cost to be paid by employee) which will provide benefits at least equal to the Omaha Construction Industry Health and Welfare Plan shall pay $.20 per hour in in cash.

Welders - Receive rate prescribed for craft performing operation to which welding is incidental.

NEBRASKA LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Linemen	$7.00	.25	1% + .25		½%
Cable Splicers	7.40	.25	1% + .25		½%
Truck Driver	5.10	.25	1% + .25		½%
Groundmen:					
(Inexperienced) 1st 6 months	2.43	.25	1% + .25		½%
(Inexperienced) 2nd 6 months	3.53	.25	1% + .25		½%
Thereafter	4.63	.25	1% + .25		½%

2-NEBRASKA-2-J-E

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters	$3.90					
Carpenters helper	3.25					
Cement finisher	4.00					
Concrete saw operator	3.25					
Form setter (road)	4.00					
Form setter (structures)	3.25					
Laborer	2.85					
Painter	3.00					
Pile driver leadsman	3.10					
Power Equipment Operators:						
Asphalt distributor	3.43					
Asphalt heaterman	3.42					
Asphalt paving machine	4.00					
Asphalt paving machine screedman	3.10					
Stationary plant (asphalt or concrete)	3.75					
Beginner operator	3.30					
Bulldozer:						
Less than 115 drawbar H.P.	3.78					
115 drawbar H.P. and over	3.88					
Cement handler	2.75					
Clamshell, dragline, backhoe, crane, pile driver or shovel	4.02					
Slip form paver	4.25					
Concrete finishing machine and spreader	3.90					
Crusher (incl. those with integral screening plant)	4.00					
Fireman (boiler)	3.05					
Front End Loader:						
3½ cu. yds. or less	3.58					
Over 3½ cu. yds.	3.77					
Mechanic	3.99					
Mechanic helper	3.60					
Motor grader (rough)	3.80					
Motor grader (finish)	4.02					
Oiler or greaser	3.30					
Roller, self-propelled (hot mix)	3.68					
Scraper under 16 cu. yds.	3.50					
Scraper 16 cu. yds. and over	3.87					
Tractor - farm type (towing)	3.00					
Traveling plant (stabilization)	3.60					
Truck Drivers:						
Single axle	2.87					
Tandem axle	3.00					
Semitrailer	3.10					
Transit mix	3.30					
Lowboy	3.35					
Welder	3.95					

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Clark, Lincoln, and Nye (south of Highway #6) excluding the Nevada Test Site

DECISION NO. AP-266

DATE: Date of Publication

Supersedes Decision No. AP-243 dated September 22, 1972, in 37 FR 19945

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$9.63	.51	.72			
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons	7.42	.20		1.00	.01	
CARPENTERS:						
Carpenters	6.50	.45	.60	.80	.03	
Millwrights	6.80	.45	.60	.80	.03	
CEMENT MASONS	6.75	.42		1.30	.01	
ELECTRICIANS and Technicians	9.91	.43	1%		.05	
Calbe splicers	10.24	.43	1%		.05	
ELEVATOR CONSTRUCTORS	9.21	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	9.35				.01	
IRONWORKERS (Eastern portion of Lincoln County only):						
Structural; Ornamental; Reinforcing; Fence Erectors	7.08	.40	.65		.05	
IRONWORKERS (Western portion of Lincoln County and remaining Cos.):						
Structural; Ornamental	8.38	.58	.625	.70	.02	
Reinforcing	8.34	.58	.625	.70	.02	
Fence Erectors	8.24	.58	.625	.70	.02	
LATHERS	7.15	.53		1.00	.01	
LINE CONSTRUCTION:						
Cable splicers	9.92	.43	1%		.05	
Linemen	10.42	.43	1%		.05	
MARBLE MASONS: Tile Setters; Terrazzo Workers	6.27	.20		1.00	.01	
PAINTERS:						
Brush and roller	8.23	.32	.25		.02	
Spray; Steel painter; Swing stage boson chair; Paperhanger; Sand blaster; Pot tender; Tapers; Buffing; Acid staining; Sign painting	8.48	.32	.25		.02	
Paperhanging with machine; Sand blasting; Structural steel and buffing steel	8.73	.32	.25		.02	
Steeple jack	9.48	.32	.25		.02	
PLASTERERS	6.93	.42		.50	.01	
PLUMBERS; Pipefitters	8.40	.45	.95	1.60	.06	
ROOFERS	9.13	.30				
SHEET METAL WORKERS	9.47	.48	.90		.03	
SOFT FLOOR LAYERS	8.82	.40			.01	
SPRINKLER FITTERS	10.55	.25	.40		.05	

FOOTNOTE:

a. First 6 months, none; 6 months to 5 years 2%; over 5 years 4% basic hourly rate. Six Paid Holidays: A through F.

PAID HOLIDAYS:

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

AP-266 P. 3

2-NEV-LAB-1-2-3-d (1-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
GROUP I LABORERS-general or Construction; Demolition (cleaning of brick, lumber, etc.; Dry packing of concrete, and filling of form-bolt holes; Gas and oil pipeline; Laborer-Temporary water lines (portable type); Window cleaner	$5.60	.26	.60	1.00		
GROUP II Cutting Torch Op. (Demolition); Tarman & Mortar man, Kettleman, Potman and man applying asphalt, Lay-Kold Creosote, Lime, & similar type materials	5.65	.26	.60	1.00		
GROUP III Guinea Chaser	5.68	.26	.60	1.00		
GROUP IV Fine Grader, highway & street paving, airport, runways & similar type heavy construction; Landscape gardener & nursery-man	5.70	.26	.60	1.00		
GROUP V Laborers-packing rod steel & pans	5.72	.26	.60	1.00		
GROUP VI Underground laborer including Caisson Bellowers	5.73	.26	.60	1.00		
GROUP VII Chucktender (except tunnels); Scaler; Tank scaler & cleaner	5.75	.26	.60	1.00		
GROUP VIII Cesspool Digger & Installer	5.78	.26	.60	1.00		
GROUP IX Concrete Curer-impervious membrane & oiler of all materials; Riprap stone-paver; Sandblaster (Pot Tender); Making & Caulking of all non-metallic pipe joints	5.79	.26	.60	1.00		

AP-266 P. 4

2-NEV-LAB-1-2-3-d (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS: (cont'd)						
GROUP X Operators & tenders of pneumatic & electric tools, vibrating machines, hand propelled trenching machines, impact wrench multi-plate & similar mechanical tools not separately classified herein; Asphalt Raker, ironer, spreader, Luteman; Buggy-mobile man; Cement dumper (on one yard or larger mixers & handling bulk cement); Concrete saw man excluding Tractor type, cutting, scoring old or new concrete; Concrete Core Cutter; Gas & oil pipeline wrapper-pot tender & form man; Operator of cement grinding machine; Roto-scraper; Tree climber, Feller, Chain saw opr., Pittsburgh Chipper & similar type brush shredders	$5.81	.26	.60	1.00		
GROUP XI Rock Slinger; Scaler (using Bos'n chair or safety belt or power tools)	5.86	.26	.60	1.00		
GROUP XII Driller and/or pavement breaker	5.89	.26	.60	1.00		
GROUP XIII Oversize concrete vibrator op., 70 lbs. & over; Laying of all non-metallic pipe, including sewer pipe, drain pipe & underground tile	5.91	.26	.60	1.00		
GROUP XIV Gas & oil pipeline wrapper - 6 inch pipe & over	5.94	.26	.60	1.00		
GROUP XV Cribber or Shorer, lagging, sheeting, trench bracing, hand guided lagging hammer; Powderman-Blaster-all work of loading holes, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading & placing	5.96	.26	.60	1.00		
GROUP XVI Steel Headboardman	6.025	.26	.60	1.00		

2-NEV-LAB-1-2-1-d (3-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS: (cont'd)						
GROUP XVII						
Sandblaster (nozzleman); Driller (Core, Diamond, or Wagon), Joy Driller Model TW-M-2A, Gardner-Denver Model DH 163 & similar type drills	6.05	.26	.60	1.00		
GROUP XVIII						
Head Rock Slinger	6.12	.26	.60	1.00		

POWER EQUIPMENT OPERATORS

2-NEV-PEO-1-2-3-e (1-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
BRAKEMAN; Compressor Operator; Engineer Oiler; Generator; Heavy Duty Repairman Helper; Pump; Signalman; Switchman	6.88	.75	1.20	.30	.02	
GROUP II						
CONCRETE MIXER OPERATOR, SKIP TYPE; Conveyor Operator; Fireman; Generator, Pump or Compressor, (2-5 inclusive); Generator, Pump or Compressor Portable Units (over 5 units, 10c per hour for each additional unit up to nine units); Hydrostatic Pump; Oiler Crusher, (Asphalt or Concrete Plant); Pland Operator, Generator, Pump or Compressor; Skiploader - Wheel type up to 3/4 yd. w/o attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler	7.12	.75	1.20	.30	.02	
GROUP III						
A-FRAME OR WINCH TRUCK; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power-driven Jumbo Form Setter; Ross Carrier; Stationary Pipe Wrapping and Cleaning Machine	7.36	.75	1.20	.30	.02	
GROUP IV						
ASPHALT PLANT FIREMAN; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge Type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer - Aero Stomper; Power Sweeper; Roller (compacting); Screed (Asphalt or Concrete); Trenching Machine (up to 6 ft.)	7.47	.75	1.20	.30	.02	

2-NEV-PEO-1-2-3-e (2-4)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP V ASPHALT PLANT ENGINEER; Concrete Batch Plant; Backhoe (up to and incl. 3/4 yd.); Bit Sharpener; Concrete Joint Machine (Canal and similar type); Concrete Planer; Deck Engine; Forklift (under 5 ton capacity); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm. curb or gutter concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment, (single engine, up to and including 25 yd. struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and incl. 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Crawler and Wheel type over 3/4 yds. & up to & incl. 1 1/2 yds.); Tractor - Bulldozer, Tamper, Scraper (single engine, up to 100 h.p., flywheel and similar types, up to and including D-5 and similar types)	$7.66	.75	1.20	.30	.02	
GROUP VI ASPHALT OR CONCRETE SPREADING (Tamping or Finishing); Asphalt Paving Machine (Barber Greene or similar type); BHL Lima Road Pactor or similar; Bridge Crane; Pipe Laying Machine (Cast in Place); Combination Mixer and Compressor (Gunite work); Concrete Pump (truck mounted); Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom & similar type); Kolman Belt Loader & similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types)						

2-NEV-PEO-1-2-3-e (3-4)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI (Cont'd) Lift Mobile; Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (Tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired earth moving equip. op. (single engine - Caterpillar, Euclid, Athey Wagon, & similar types with any and all attachments over 25 yds. & up to & incl. 50 cu. yds. struck); Rubber-tired Scraper (self-loading - Paddle wheel type - John Deere, 1040 & similar single unit); Skiploader (Crawler and Wheel type - over 1 1/2 yds., up to & incl. 6 1/2 yds.); Surface Heaters and Planer; Rubber-tired Earth Moving Equip., multiple engine (up to & incl. 25 yds. struck); Trenching Machine (over 6 ft. depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger D-5 - 100 Fly wheel h.p. & over, or similar) (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 ton); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yd. & up to 5 cu. yd. M.R.C.;	$7.76	.75	1.20	.30	.02	
GROUP VII CRANE (over 25 ton up to & incl. 100 tons M.R.C.; Derrick Barge, Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick, or similar type, up to & incl. 100 tons; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade Op. (single engine); Multiple Engine Tractor Op. (Euclid and similar type, except Quad 9 Cat); Rubber-tired Earth Moving Equip. (single engine over 50						

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII (Cont'd)						
yds. struck; Rubber-tired Earth Moving Equip. (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. & up to 50 cu. yds. struck); Tractor Loader Op. (Crawler & wheel type over 6 1/2 yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Op. (over 5 cu. yds., MRC; Woods Mixer and similar Pugmill Equip.; Heavy Duty Repairman - Welder Combination	$7.86	.75	1.20	.30	.02	
GROUP VIII						
Auto Grader; Automatic Slip Form; Crane (over 100 tons); Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (Multi engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equip. (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired Self Loading Scraper (Paddle Wheel - Auger type self-loading (2 or more units); Tandem Equip. (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine; Rubber-tired Scraper (pushing w/o Push Cat, Push-Pull (50¢ per hour additonal	8.00	.75	1.20	.30	.02	
GROUP IX						
Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cu. yds.); Remote Controlled Earth Moving Equip. ($1.00 per hour additional to base rate)	8.10	.75	1.20	.30	.02	

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Drivers of Dump Trucks (less than 12 yds. water level); Drivers of Trucks (legal payload capacity less 15 tons); Water & Fuel Truck Drivers under 2500 gals.; Pickup Drivers; Service Truck Driver--Teamster Equipment (highest rate paid for dual craft operation) Truck Repairman Helper; Drivers or Busses on Job Site used for transportation of up to 25 passengers	$7.20	.25	.30			
GROUP II						
Drivers of Dump Trucks 12 yds. but less than 16 yds. water level; Drivers of Trucks--legal payload capacity between 15 & 20 tons; Gas & Oil Pipeline Working Truck Driver, including winch truck & all sizes of trucks; water & Fuel Truck Drivers 2500 gals. to 4000 gals.; Truck Greaser & Tireman; Drivers of Busses (on job site used for transportation or more than 25 passengers); Road Oil Spreading by Truck Drivers; Time spent Spreading Oil	7.31	.25	.30			
GROUP III						
Drivers of Transit-mix Trucks, under 3 yds. Dumpcrete Truck, less than 6½ yds. water level	7.36	.25	.30			

2-NEV-TD-1-2-3-1 (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS (CONT'D)						
GROUP IV Drivers of Dump Trucks, 16 yds. up to & including 22 yds. water level; Drivers of Trucks, legal payload capacity, 20 tons but less than 30 tons; Drivers of Euclid-type Spreader Trucks; Drivers of Dumpster Trucks; Drivers of Transit-mix Trucks, 3 yds., but less than 6 yds.; Dumpcrete Truck, 6½ yds. water level & over; Fork Lift Driver; Ross Carrier Driver--Highway Water & Fuel Truck Drivers 4000 but less than 6000 gals.	7.52	.25	.30			
GROUP V Drivers of Transit-mix Trucks, 6 yds. or more; Truck Repairman; Drivers of Dump Trucks, over 22 yds. water level; Drivers of Trucks, legal payload capacity, 20 tons & over; Drivers of Fuel & Water Trucks, 6000 gals, & over	7.70	.25	.30			
GROUP VI D.W. & similar type equipment; D.W. 10 & D.W. 20 Euclid-type equipment LeTorneau Pulls, Terra Cobras & similar types of equipment, also PB & similar type trucks when performing work within Teamster jurisdiction, regardless of types of attachment including power units pulling off Highway Belly Dumps in tandem	8.20	.25	.30			

SUPERSEDEAS DECISION

STATE: Nevada COUNTY: Clark and southern half of Nye

DECISION NUMBER: AP-282 DATE: Date of Publication

Supersedes Decision No. AP-225 dated August 25, 1972 in 37 FR 17355

DESCRIPTION OF WORK: Building, Heavy and Highway Construction at the Nevada Test Site including the Tonopah Test Range

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$9.63	.51	.72			
CARPENTERS (Tonopah Test Range):						
Carpents, Power actuated tools	6.17	.45		1.43		
Shinglers, Floorlayers	6.195	.45		1.43		
Power saw Operator (overhead)	6.315	.45		1.43		
CARPENTERS (Remaining portion of NTS)	6.79	.45	.60	.80	.03	
CEMENT MASONS	6.75	.42		1.30	.01	
ELECTRICIANS:						
Lineman; Equipment op.; Electricians	10.10	.43	1%		.05	
Groundman	8.08	.43	1%		.05	
Cable splicers	10.43	.43	1%		.05	
IRONWORKERS, Structural and Ornamental	8.38	.58	.625	.70	.02	
IRONWORKERS, Reinforcing	8.34	.58	.625	.70	.02	
PAINTERS:						
Brush	6.87	.32	.25	1.00	.02	
Structural steel	7.12	.32	.25	1.00	.02	
Sandblaster steel	7.33	.32	.25	1.00	.02	
PLUMBERS & Pipefitters	8.40	.40	.65	1.60	.06	
SHEET METAL WORKERS	7.90	.48	.90	1.00	.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
DRY PACKING OF CONCRETE & FILLING OF FORM BOLT HOLES: debris Handler and dumpman; Gas & Oil Pipeline Laborer; Laborer General or Construction; Labor Demolition (Cleaning of bricks, lumber etc.); Window Cleaner	$5.30	.26	.20	1.00		
CUTTING TORCH OPERATOR (DEMOLITION): Mortarman and Tarman	5.35	.26	.20	1.00		
GUINEA CHASER	5.38	.26	.20	1.00		
FINE GRADER, (highway & street paving, airport runways & similar type heavy construction); Landscape Gardener, Nurseryman	5.40	.26	.20	1.00		
LABORER, PACKING ROD STEEL & PANS	5.42	.26	.20	1.00		
UNDERGROUND LABORER INCLUDING CAISSON BELLOWS (except tunnels)	5.43	.26	.20	1.00		
CHUCKTENDER (except tunnels); Scaler; Tank Scaler & Cleaner	5.45	.26	.20	1.00		
CESSPOOL DIGGER & INSTALLER	5.48	.26	.20	1.00		
CONCRETE CURER-IMPERVIOUS MEMBRANE & OILER OF ALL MATERIALS AND FORM OILER; Making & Caulking of all non-metallic Pipe Joints; Riprap Stone paver; Sandblaster (Pot Tender)	5.49	.26	.20	1.00		
ASPHALT IRONER, RAKER, SPREADER: Buggymobile man; Cement Dumper (on one yard or larger mixers & handling bulk cement); Concrete Core Cutter; Concrete Saw Man Excluding Tractor Type; Gas & Oil Pipeline Wrapper-Pot Tender & Form Man; Operator of Cement Grinding Machines; Operators & Tenders of Pneumatic & Electric Tools, Vibrating Machine, & Similar Mechanical Tools not separately classified herein; Roto-Scraper; Tree Climber, Faller, Chain Saw Op., Pittsburgh Chipper & Similar type Brush Shedders	5.51	.26	.20	1.00		

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
ROCK SLINGER; Scaler (using Bos'ns chair or safety belt or power tools)	$5.56	.26	.20	1.00		
DRILLER &/OR PAVEMENT BREAKER	5.59	.26	.20	1.00		
LAYING OF ALL NON-METALLIC PIPE, INCL. SEWER PIPE, DRAIN PIPE & UNDERGROUND TILE	5.61	.26	.20	1.00		
GAS & OIL PIPELINE, WRAPPER - 6" pipe & over	5.64	.26	.20	1.00		
CRIBBER OR SHORER; Powderman	5.66	.26	.20	1.00		
STEEL HEADERBOARD MAN	5.725	.26	.20	1.00		
DRILLER (Core, Diamond or Wagon), Joy Driller Model TW-M-2A, Gardner - Denver Model DH 143 & similar type drills; Sandblaster (Nozzleman)	5.75	.26	.20	1.00		
HEAD ROCK SLINGER	5.82	.26	.20	1.00		
RIGGING: Receive rate prescribed for craft performing operation to which rigging is incidental.						

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Group I Air compressor, pump or generator operator; engineer-oiler & signalman; heavy duty repairman's helper; switchman or brakeman	5.88	.60	1.00	.30	.02	
Group II Concrete mixer operator, skip type; conveyor operator & beltman; fireman; generator, pump or compressor operator (2-5 inclusive over 5 units, $.10 per hour for each additional unit up to 10 units, portable units); generator, pump or compressor plant operator; hydrostatic pump; skip-loader; wheeltype Ford, Ferguson Jeep or similar type 3/4 yd., or less (w/o drag-type attachments); temporary heating plant operator; truck crane oiler	6.12	.60	1.00	.30	.02	
Group III A-frame or winch truck operator; dinkey locomotive or tunnel motor operator; elevator hoist operator; equipment greaser; Ford, Ferguson or similar type (with drag-type attachments); Hydra-hammer or similar type equipment; power concrete curing machine; power concrete saw operator; power-driven jumbo form setter operator; Ross carrier; self-propelled tar pipelining machine operator; stationary pipe wrapping & cleaning machine operator; towblade operator	6.36	.60	1.00	.30	.02	
Group IV Asphalt plant fireman; boring machine operator; boxman or mixer box operator (concrete or asphalt plant); water well drilling machine operator); highline cableway signalman; locomotive engineer; power sweeper operator; roller operator, compacting; screed operator; trenching machine operator (up to six foot depth capacity manufacturer's rating)	6.47	.60	1.00	.30	.02	
Group V Asphalt or concrete spreading; asphalt plant engineer; deck engine operator; fork lift, under 5 ton; grade checker; heavy duty repairman; heavy duty						

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Group V (Cont'd) welder; machine tool operator; pavement breaker operator; pneumatic heading shield-tunnel; road oil mixing machine operator; rubber-tired heavy duty equipment operator - Oshkosh, DW, Euclid, LeTourneau, LaPlant-Choate, or similar type equipment, with any type attachments; skip loader wheel type over 3/4 yd. up to & including 1-1/2 yds.; slip form pump op. (power driven hydraulic lifting device for concrete forms); mechanical tamping or finishing machine operator, roller (all types & sizes) soil, cement, asphalt-finish; tractor op., - drag-type shovel, bulldozer, tamper, scraper & push tractor	6.66	.60	1.00	.30	.02	
Group VI Combination heavy duty repairman & welder, concrete mixer operator - paving; concrete mobile mixer operator; concrete pump or pumpcrete gun op.; crushing plant engineer; elevating grader op.; gradeall operator; highline cableway operator; hoist operator (Chicago boom & mine); Kolman belt loader & similar type; lift slab machine operator; loader operator, Athey, Euclid, Hancock, Sierra or similar type; motor patrol operator, (any type or size); pneumatic concrete placing machine operator-Hackley-Presswell or similar type; skiploader - wheeltype over 1-1/2 yds.; surface heater & planer operator; tractor loader operator, crawler type-all types & sizes; tractor operator, with boom attachments; traveling pipe wrapping, cleaning, & bending machine operator; trenching machine operator, (over 6 ft. depth capacity, manufacturer rating); Universal equipment operator, (Shovel, backhoe, dragline, clamshell, derrick, derrick barge, crane, piledriver, & mucking machine); fork lift operator, over 5 tons; multiple engine - earth moving machinery operator	6.76	.60	1.00	.30	.02	

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
LIGHT DUTY DRIVER; Warehouseman	$6.705	26.75p/mo.	.50			
BOOTMAN; Truck Greaser; Light Vehicle Dispatcher	6.76	26.75p/mo.	.50			
TIREMAN; Warehouse Clerk	6.81	26.75p/mo.	.50			
HEAVY DUTY DRIVER; Forklift Driver; Equipment Parts Stockroom Clerk	6.97	26.75p/mo.	.50			
EXTRA HEAVY DUTY DRIVER	7.155	26.75p/mo.	.50			
DRILLERS:						
Drill Helper	$6.02	.60	.60	.30	.01	
Motorman (Rotary Drill Helper)	6.26	.60	.60	.30	.01	
Derrickman	6.37	.60	.60	.30	.01	
Driller Operator	6.66	.60	.60	.30	.01	
Fishing Tool Engineer	6.66	.60	.60	.30	.01	

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ERIE

DECISION NO.: AP-800 DATE: Date of Publication

Supersedes Decision No. AM-1,725, dated August 11, 1971, in 36 FR 14928.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

15-New York-1-2-3-V 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.74	.59	.40		.04	
Boilermakers	8.60	.50	.65		.01	
Bricklayers:						
Tonawanda and Grand Island Twps:						
Bricklayers and stone masons	8.64	.55	1.00			
Cement masons	9.07		.75			
Plasterers	8.06					
Terrazzo workers & Tile setters	8.30	.55	1.00			
Marble masons	8.375	.55	1.00			
Remainder of County:						
Bricklayers and stone masons	8.64	.55	1.00			
Marble setters	7.855	.55	1.00			
Terrazzo workers & Tile setters	7.79	.55	1.00			
Cement masons	8.56		.75			
Plasterers	6.06					
Carpenters, Building:						
Grand Island north of White Haven Road	8.29	.80	.60		.02	
Millwrights	8.39	.80	.60		.02	
Remainder of County:						
Carpenters and Millwrights	8.05	1.05	.80		.05	
Electricians	9.71	.25	1%+.40+.10			
Elevator Constructors	9.18	.345	.23	½%+a&b	.015	
Elevator Constructors' helpers	6.43	.345	.23	½%+a&b	.015	
Elevator Constructors' helpers (prob.)	4.59					
Glaziers	8.03	.40	35+g		.04	
Ironworkers, structural, ornamental & reinforcing:						
Grand Island to White Haven Road	8.675	.51	.40		.01	
Remainder of County	8.23	.60	.66			
Lathers	9.79		.10		.01	
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	9.00	.45	1% + .25	d	3/8of1%	
Cable splicer	9.75	.45	1% + .25	d	3/8of1%	
Groundman	7.50	.45	1% + .25	d	3/8of1%	
Groundman digging machine operator	8.80	.45	1% + .25	d	3/8of1%	
Groundman mobile equipment operator	8.30	.45	1% + .25	d	3/8of1%	
Groundmen truck driver and mechanic	7.90	.45	1% + .25	d	3/8of1%	
Groundmen dynamite man	8.30	.45	1% + .25	d	3/8of1%	
Marble, Tile & Terrazzo workers' helper	6.88	.40	.40+i			
Painters:						
Grand Island North of White Haven Road:						
Painters, brush	6.945	.425+.45	.60		.01	

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Spray, Steel steeple jacks, swing scaffold	$7.345	.425+.45	.60		.01	
Bridge-crossing the Niagara River	9.86	.425+.45	.60		.01	
Sandblasting and waterblasting	7.445	.425+.45	.60		.01	
Remainder of County:						
Painters, brush	7.625	.525+.45	.30		.10	
Steel tanks, towers, stacks, flag poles, radio TV towers	8.125	.525+.45	.30		.10	
Sandblasting, swing stage, spray, bosun chair	7.875	.525+.45	.30		.10	
Bridges 35' high or in depth of 35' from road level	9.13	.525+.45	.30		.10	
Piledrivermen, etc:						
Piledrivermen, dock carpenters & divers's tenders	8.05	1.05	.90			
Divers	15.37	1.05	.80			
Plumbers	9.33	.50	.45		.04	
Roofers:						
Composition, damp waterproofers, sprayers, asphalt mastic, wood block floor workers, steep roofers and siders	7.35	.98	1.10		.02	
Slate, tile precast tile roofers and asbestos	7.50	.98	1.10		.02	
Sheet metal workers	9.03	.40	.75		.03	
Soft floor layers	7.53	h	.90			
Sprinkler fitters	9.43	.30	.50		.05	
Steam fitters	9.31	.52	.64		.05	
Truck drivers:						
Truck drivers	4.675	.275	e			
Euclids	5.08	.225	e			
Ready mix	4.725	.225	e			
Dump	4.83	.275	f			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D- Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work day immediately preceding and following the holiday.

d. Holidays; A through F; Washington's Birthday Election Day; for President of the United States and election of Governor of New York State, provided employee works the day before the day after the holiday.

e. $9.00 per week

f. $10.00 per week

g. Employer contributes $.40 per hour to Supplemental Unemployment Benefit fund.

h. Employer contributes $1.05 per hour to a combined Health, Welfare and Supplemental Unemployment Benefit fund.

i. Employer contributes $.40 per hour to a supplemental unemployment benefit fund.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
BUILDING						
BLASTER; Plumbing Laborer, Wagon Drill Operator; Swing Scaffold	6.635	.50+.70	1.00			
PNEUMATIC-GAS-ELECTRIC TOOL OP (over 8 feet deep)	6.585	.50+.70	1.00			
MORTAR MIXER	6.535	.50+.70	1.00			
FOUNDATION LABORER (over 8 feet deep); Hod Carriers; Plaster Tender; Plaster Scaffold Builder; Pneumatic-Gas-Electric Tool Operator	6.485	.50+.70	1.00			
LABORER	6.385	.50+.70	1.00			
WRECKING						
WAGON DRILL OPERATOR	6.635	.50+.70	1.00			
PNEUMATIC-GAS-ELECTRIC TOOL OPERATORS Steel Burners	6.485	.50+.70	1.00			
WRECKERS	6.385	.50+.70	1.00			
OPEN CUT SEWER						
BLASTER: Wagon Drill Op	6.635	.50+.70	1.00			
BOTTOM MEN: Pneumatic-Gas-Electric Tool Op.	6.485	.50+.70	1.00			
LABORER: Top Men	6.385	.50+.70	1.00			
CAISSON-SHAFT-COFFERDAMS (OPEN CUT)						
BLASTER: Bottom Men; Wagon Drill Op.	6.635	.50+.70	1.00			
PNEUMATIC-GAS-ELECTRIC TOOL OP.	6.485	.50+.70	1.00			
TOP MEN	6.385	.50+.70	1.00			
STREET-ROAD-WORK						
PAVEMENT FORM SETTER; Wagon Drill Op.	6.635	.50+.70	1.00			
CONCRETE WORKER (Bootmen); Pneumatic-Gas-Electric Tool Op.	6.485	.50+.70	1.00			
LABORER	6.385	.50+.70	1.00			
SOFT GROUND TUNNEL OR JACKING						
ROUMEN(reinforce); Welder	6.985	.50+.70	1.00			
LEAD MIKER	6.785	.50+.70	1.00			
CONCRETE FORM MOVER: Monkey Hole Man: Side Miner	6.735	.50+.70	1.00			
BOTTOM SHAFT MEN	6.585	.50+.70	1.00			
TUNNEL-SHAFT MUCKER: Shaft Miner	6.635	.50+.70	1.00			
CAR PUSHER: Concrete Placing Crew; & Bull Gangs	6.535	.50+.70	1.00			
TOP MAN	6.385	.50+.70	1.00			
ROCK TUNNEL						
ROUMAN (reinforce); Welder	6.985	.50+.70	1.00			
LEAD HEADING ROCK DRILLERS	6.785	.50+.70	1.00			
CONCRETE FORM MOVER; Side Heading Rock Drillers	6.735	.50+.70	1.00			
PLUG HOLE AND ROOF BOLT DRILLERS: Mucking Machine Tender; Tunnel & Shaft Mucker; Shaft Sinking Drillers	6.635	.50+.70	1.00			
BOTTOM SHAFT MAN	6.335	.50+.70	1.00			

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
CAR PUSHERS; Bull & Tract Gangs; Concrete Placing Crew	6.535	.50+.70	1.00			
TOP MAN	6.385	.50+.70	1.00			

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BUILDING AND HEAVY CONSTRUCTION Power Equipment Operators:	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr. Tr.	Other
Crane with a main boom over 100 feet	9.105	.90	.40		.10	
All boom type equipment, all pan and carry-all operators, Archer hoist, back & pull hoe operator, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), head tower operator, hot roller (finish course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist, (more than 1 drum in use), Peine crane, pile driving machine operator, power grader machine operator, scoopmobile, shovel operator, skimmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine	8.605	.90	.40		.10	
Back filling machine operator, Kolman loader, roller machine operator, snatch & pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator	8.47	.90	.40		.10	
Air hoist operator, cage hoist operator, conveyor operator, conveyor systems, (belt-crete or similar), hoisting engine op., house elevator, (when used for hoisting), industrial tractor, locomotive op., (irrespective of power) push button hoist op., Strato tower, tractors (when using winch power).	8.43	.90	.40		.10	
Concrete mixer op., (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op., (asphalt spreader), finishing machine op., pump op., (4" or over), pump op., (2 or 3 in a battery)	8.345	.90	.40		.10	
Air compressor operator, (under 160 cu. ft.), air compressor op., (over 160 cu. ft.), generator, grout machine operator, heating boiler operator, (used for temporary heat), lubrication unit or truck, mechanical heaters, (when 3 are in a battery), mechanic or repairman, pneumatic mixer op., power plant (in excess of 10KW), welding machine operator, (to and including 3 machines)	8.21	.90	.40		.10	
Bulldozer (over 50 h.p.), monorail	8.43	.90	.40		.10	
Bulldozer & tractor, (50 h.p. drawbar or under), jeep trencher, mulchers, power brooms and rakes, seeders	8.075	.90	.40		.10	

BUILDING AND HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators (Cont'd):						
Fireman	7.935	.90	.40		.10	
Truck crane driver	7.79	.90	.40		.10	
Aggregate bin op., apprentice engineer or oiler, cement bin op., concrete mixer op., (under ½ c.y.), mechanical heaters, (when one or two are used), pump oper. (one inch), pump op., (two inches), pump operators, (three inches), tractor machines	7.655	.90	.40		.10	

HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Master Mechanic	$9.43	.40	.40+a		.10	
Cranes:						
Boom over 100 ft.	8.96	.40	.40+a		.10	
Boom over 200 ft.	9.46	.40	.40+a		.10	
Boom over 300 ft.	9.96	.40	.40+a		.10	
All boom type equipment	8.46	.40	.40+a		.10	
All Pan and Carry-all operators	8.46	.40	.40+a		.10	
Archer hoist (finish course)	8.46	.40	.40+a		.10	
Asphalt roller (finish course)	8.46	.40	.40+a		.10	
Asphalt spreader or paver	8.46	.40	.40+a		.10	
Automatic fine grade machine (C.M.I. and similar type)	8.46	.40	.40+a		.10	
Back filling machine operators	8.46	.40	.40+a		.10	
Back and pull hoe operator	8.46	.40	.40+a		.10	
Belt placer (C.M.I. and similar type)	8.46	.40	.40+a		.10	
Black top plants	8.46	.40	.40+a		.10	
Blast or rotary drill, track or cat mounted	8.46	.40	.40+a		.10	
Boiler (when used for power)	8.46	.40	.40+a		.10	
Boom trucks	8.46	.40	.40+a		.10	
Boring machine operator	8.46	.40	.40+a		.10	
Bulldozers (all sizes)	8.46	.40	.40+a		.10	
Cableway operator	8.46	.40	.40+a		.10	
Caisson Auger	8.46	.40	.40+a		.10	
Central Mix plant (and all concrete batching plants)	8.46	.40	.40+a		.10	
Cherry picker	8.46	.40	.40+a		.10	
Concrete paver machine	8.46	.40	.40+a		.10	
Concrete pump	8.46	.40	.40+a		.10	
Crane operator	8.46	.40	.40+a		.10	
Derrick operator	8.46	.40	.40+a		.10	
Dragline operator	8.46	.40	.40+a		.10	
Dredge	8.46	.40	.40+a		.10	
Elevating grader (self-propelled)	8.46	.40	.40+a		.10	
Excavator (all purpose hydraulically operated)	8.46	.40	.40+a		.10	
Forklift	8.46	.40	.40+a		.10	
Front end loader	8.46	.40	.40+a		.10	
Gradall	8.46	.40	.40+a		.10	
Grader	8.46	.40	.40+a		.10	
Head tower operator	8.46	.40	.40+a		.10	
Hydro crane	8.46	.40	.40+a		.10	
Hydraulic booms	8.46	.40	.40+a		.10	
Lubrication Unit on truck	8.46	.40	.40+a		.10	
Maintenance engineer	8.46	.40	.40+a		.10	
Mucking machine operator	8.46	.40	.40+a		.10	

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HIGHWAY CONSTRUCTION (CONT'D.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Multiple drum hoist (more than 1 drum in use)	$8.46	.40	.40+a		.10	
Overhead crane	8.46	.40	.40+a		.10	
Peine crane or similar type	8.46	.40	.40+a		.10	
Piledriving machine operator	8.46	.40	.40+a		.10	
Pump crete	8.46	.40	.40+a		.10	
Push or snatch cats	8.46	.40	.40+a		.10	
Quarry master or equivalent	8.46	.40	.40+a		.10	
Ready mix concrete plant	8.46	.40	.40+a		.10	
Road windener	8.46	.40	.40+a		.10	
Rock bit sharpener (all types)	8.46	.40	.40+a		.10	
Scoopmobile	8.46	.40	.40+a		.10	
Shovel	8.46	.40	.40+a		.10	
Side boom	8.46	.40	.40+a		.10	
Skimmer operator	8.46	.40	.40+a		.10	
Slip form paver (C.M.I. and similar type)	8.46	.40	.40+a		.10	
Test core drill machine	8.46	.40	.40+a		.10	
Tire truck and repair	8.46	.40	.40+a		.10	
Tractor drawn belt-type graders	8.46	.40	.40+a		.10	
Tractor shovel operator	8.46	.40	.40+a		.10	
Trenching machine	8.46	.40	.40+a		.10	
Truck crane	8.46	.40	.40+a		.10	
Tunnel shovel machine	8.46	.40	.40+a		.10	
Well drilling machine	8.46	.40	.40+a		.10	
Winch	8.46	.40	.40+a		.10	
Winch truck with A Frame	8.46	.40	.40+a		.10	
Air hoist operator	8.33	.40	.40+a		.10	
Automatic fine grade machine (C.M.I. and similar type)	8.33	.40	.40+a		.10	
Belt placer (C.M.I. and similar type)	8.33	.40	.40+a		.10	
Bending machine (Pipe)	8.33	.40	.40+a		.10	
Boring machine operator	8.33	.40	.40+a		.10	
Bituminous spreader and mixer	8.33	.40	.40+a		.10	
Cage hoist operator	8.33	.40	.40+a		.10	
Concrete finishing machine	8.33	.40	.40+a		.10	
Concrete mixer operator - ½ cu. yd. or more	8.33	.40	.40+a		.10	
Concrete saw - self-propelled	8.33	.40	.40+a		.10	
Concrete Spreader	8.33	.40	.40+a		.10	
Conveyor operator	8.33	.40	.40+a		.10	
Conveyor systems (belt crete or similar)	8.33	.40	.40+a		.10	
Hoisting engine operator	8.33	.40	.40+a		.10	
House elevator (when used for hoisting)	8.33	.40	.40+a		.10	
Hydraulic pipe jack machine or similar type machines	8.33	.40	.40+a		.10	
Hydro hammer or similar types	8.33	.40	.40+a		.10	
Industrial tractor	8.33	.40	.40+a		.10	

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HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Kolman loader or similar type machine	$8.33	.40	.40+a		.10	
Locomotive operator	8.33	.40	.40+a		.10	
Mixer for stabilized base self-propelled	8.33	.40	.40+a		.10	
Monorail	8.33	.40	.40+a		.10	
Plant engineer	8.33	.40	.40+a		.10	
Push button hoist operator	8.33	.40	.40+a		.10	
Roller machine operator	8.33	.40	.40+a		.10	
Slip form paver (C.M.I. and similar type)	8.33	.40	.40+a		.10	
Snorkel	8.33	.40	.40+a		.10	
Stone crushers	8.33	.40	.40+a		.10	
Strato-tower	8.33	.40	.40+a		.10	
Towed or self-propelled rollers	8.33	.40	.40+a		.10	
Tractors (when using winch power)	8.33	.40	.40+a		.10	
Tractors (with towed acessories)	8.33	.40	.40+a		.10	
Tube finisher (C.M.I. and similar type)	8.33	.40	.40+a		.10	
Air compressors (under 160 cu. ft.)	8.07	.40	.40+a		.10	
Air compressors (over 160 cu. ft.)	8.07	.40	.40+a		.10	
Asphalt curb & gutter machines	8.07	.40	.40+a		.10	
Blower for burning brush	8.07	.40	.40+a		.10	
Chipping machine and chip spreader	8.07	.40	.40+a		.10	
Concrete curing machines	8.07	.40	.40+a		.10	
Concrete curbs and gutter machines	8.07	.40	.40+a		.10	
Generator	8.07	.40	.40+a		.10	
Grout or gunite machines	8.07	.40	.40+a		.10	
Heating boiler operator (used for temporary heat)	8.07	.40	.40+a		.10	
Hydraulic rock expander or similar type machines	8.07	.40	.40+a		.10	
Hydraulic system pumps	8.07	.40	.40+a		.10	
Mechanical heaters (when 3 are in a battery)	8.07	.40	.40+a		.10	
Motorized hydraulic pin puller	8.07	.40	.40+a		.10	
Pneumatic mixer operator	8.07	.40	.40+a		.10	
Post hole digger and post driver	8.07	.40	.40+a		.10	
Power plant in excess of 10 K.W.	8.07	.40	.40+a		.10	
Pump operator (4" or over)	8.07	.40	.40+a		.10	
Pump operator (2 or 3 in a battery)	8.07	.40	.40+a		.10	
Welding machine operator (1 machine over 300 amps. or 2 or more machines regardless of amps.)	8.07	.40	.40+a		.10	
Well point systems (electric, diesel, or gas driven)	8.07	.40	.40+a		.10	

HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Firemen	$7.94	.40	.40+a		.10	
Jeep trencher	7.94	.40	.40+a		.10	
Motorized hydraulic seeders	7.94	.40	.40+a		.10	
Mulching machine	7.94	.40	.40+a		.10	
Power broom and rakes	7.94	.40	.40+a		.10	
Truck crane driver	7.94	.40	.40+a		.10	
Aggregate bin operator	7.53	.40	.40+a		.10	
Apprentice engineer or oiler	7.53	.40	.40+a		.10	
C.M.I. and similar type concrete spreads	7.53	.40	.40+a		.10	
Cement bin operator	7.53	.40	.40+a		.10	
Concrete mixer operator (under ½ cu. yd.)	7.53	.40	.40+a		.10	
Mechanical heaters (when one or two are used)	7.53	.40	.40+a		.10	
Pump operator (one inch)	7.53	.40	.40+a		.10	
Pump operator (two inch)	7.53	.40	.40+a		.10	
Pump operator (three inch)	7.53	.40	.40+a		.10	
Revinius widener	7.53	.40	.40+a		.10	
Steam cleaner	7.53	.40	.40+a		.10	
Tractor machines	7.53	.40	.40+a		.10	

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTE:
a. Employer contributes $.50 per hour to an Supplemental Unemployment Benefit Fund.

SUPERSEDEAS DECISION

STATE: Virginia COUNTIES: Henrico County & City of Richmond
DECISION NO. AP-499 DATE: Date of Publication
Supersedes Decision #AP-441, dated November 3, 1972, in 37 FR 23495.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories.)

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$7.18	.30	.10		.01
Boilermakers	7.55	.40	.70		.01
Bricklayers & stonemasons	6.40	.35	.20		
Carpenters	5.85	.20	.20		.01
Cement Masons	5.19				
Machine men & scaffold men	5.29				
Scaffolds 30' & over	5.44				
Electricians, linemen and cable splicers:					
Zone 1 within City of Richmond	7.03	5%	1%		½ of 1%
Zone 2 within 15 miles of Richmond	7.28	5%	1%		½ of 1%
Zone 3 beyond 15 miles of Richmond	7.53	5%	1%		½ of 1%
Elevator constructors	6.41	.345	.23	2% +a+b	.015
Elevator constructors' helpers	4.49	.345	.23	2% +a+b	.015
Elevator constructors' helpers (prob.)	3.205				
Glaziers	4.31	c			
Ironworkers, structural, ornamental and reinforcing:					
Zone I-Up to 10 miles from Capital Square	6.50	.25	.25		.05
Zone II-10 miles to 30 miles from Capital Square	6.75	.25	.25		.05
Zone III-30 miles and beyond Capital Square	7.00	.25	.25		.05
Laborers:					
Common	3.70	.10	.10		.03
Tenders, concrete saw operator, air tool vibrator, nozzlemen, (gunite & sandblasting) motorized buggy op.	3.80	.10	.10		.03
Mortar mixers, hod carriers, pipelayers and/or caulkers	3.95	.10	.10		.03
Burners on wrecking	4.05	.10	.10		.03
Lathers	5.90		.10		.01
Marble setters	4.25				
Marble setters & terrazzo workers' helpers	3.70	.10	.10		.03
Millwrights	6.90				
Painters:					
Brush	4.90				
Structural steel	5.15				
Spray	5.40				
Piledrivermen & dock builders	5.30	.20	.20		
Plasterers	6.70				
Plumbers	6.75	.40	.20	.15	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Roofers:						
Composition	$4.50					
Helpers	3.25					
Sheet metal workers:						
The City of Richmond	6.80	.20	.20		.005	
The Balance of County	7.00	.20	.20		.005	
Soft floor layers	5.85	.20	.20		.01	
Sprinkler fitters	7.27	.30	.50		.05	
Steamfitters	6.75	.40	.20	.15		
Terrazzo workers	4.25					
Tile setters	4.25					
Tile setters' helpers	3.70	.10	.10		.03	
Truck drivers	1.60					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employers contributes 4% basic hourly rate for 5 years or more of service or 2% basi hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Employer contributes $6.20 per month to Health and Welfare.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O-
POWER EQUIPMENT OPERATORS:						
Tunnel machines	$3.34					
Cranes, cats or rubber mounted with or without attachments, derricks, pile drivers or other floating equipment, compressors, bank air (4 or more regardless of motive power), pavers, mechanics (heavy duty), welding machines (gas or diesel driven, bank for or more), shovels, distributors	3.25					
Cableways, tractors with attachments, high lifts, booms motor patrols, motor graders, turnapulls, Cobra and Euclid scrapers, locomotives (over 20 tons)	2.87					
Bulldozers, pumpcrete op., trenching machines, mixers (larger than 16-S), pans	2.67					
Compressors (air, larger than 115 cu. ft.), truck Euclids (when manned by operator), tractors without attachments, hoists (1 drum active), rollers, asphalt, welding machines (gas or diesel driven, 1 or more larger than 300 amps), locomotives (up to 20 tons), power plant op., pumps (over 2" discharge including well Points), A-frame trucks (with power driven winches)	2.30					
Rollers (earth)	2.12					
Mixers (16-S or smaller, bank or more than 2), deck engines	2.11					
Firemen	2.08					
Truck crane oilers	1.98					
Oilers	1.92					
Blade grader	2.87					
Finishing machine	2.67					

[FR Doc.73-5865 Filed 3-29-73;8:45 am]

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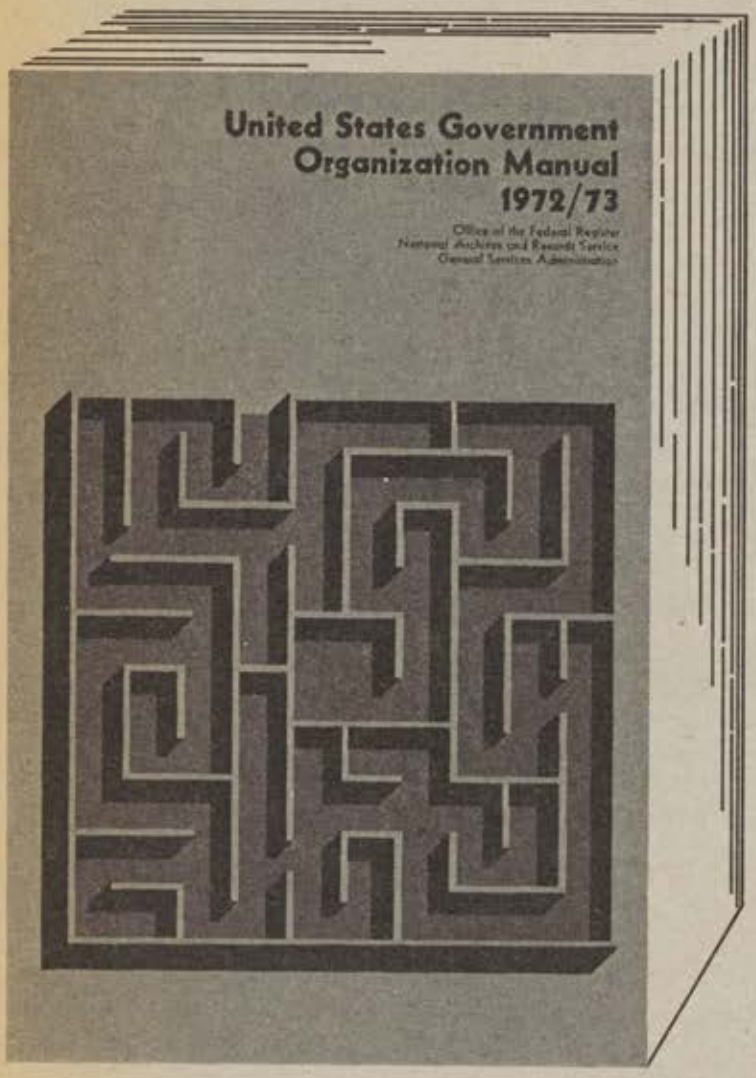

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