

federal register

FRIDAY, APRIL 13, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 71

Pages 9285-9419

PART I

(Part II begins on page 9385)



HIGHLIGHTS OF THIS ISSUE

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

WOUNDED KNEE AIRFLIGHTS —FAA designates certain prohibited areas; effective 4-13-73.....	9292
CHILD SAFETY —	
FDA proposes to ban certain baby cribs with mechanical hazards; comments by 6-12-73.....	9312
FDA proposals on glass-containing articles (2 documents); comments by 6-12-73.....	9310, 9311
INCOME TAX —	
IRS regulations on use of Form 1040A.....	9295
IRS temporary regulations relating to net leases of real property.....	9295
DRUG LABELING —FDA amends labeling requirements for certain antibiotics; comments by 6-12-73.....	9339
NEW ANIMAL DRUGS —FDA approves use of phenylbutazone for treatment of dogs; effective 4-13-73.....	9294
FOOD ADDITIVES —FDA proposes removal of certain substances from the GRAS list; comments by 6-12-73.....	9310
RELOCATION ASSISTANCE —Interior Dept. proposed amendments, comments by 5-29-73.....	9302
COMMUNITY ACTION AGENCIES —OEO notice on recommendations for involvement in low-income housing.....	9359
HERMETICALLY SEALED CONTAINERS —FDA designates schools to instruct personnel in safe canning procedures for low-acid foods.....	9339
CANNED LEAFY GREENS —USDA proposal on standards for grades; comments by 6-30-73.....	9302
POWER REACTORS —AEC issues five new regulatory guides.....	9342

(Continued inside)

REMINDERS

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in this list.

	page no. and date
COAST GUARD—Prohibition of motor vehicles containing gasoline in closed containers from transportation or storage on board vessels	1276; 1-11-73
F&D—Procaine penicillin G in oil	6891; 3-14-73

Rules Going Into Effect April 15, 1973

CG—Drawbridge operation regulations at: Debbies Creek, Manasquan, N.J.	6390; 3-19-73
St. Croix River, Minn.	28294; 12-22-72

federal register

Phone 962-8626

Area Code 202



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

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by the Executive Branch of the Federal Government. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$3.50 per month or \$25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

HIGHLIGHTS—Continued

TRANSPORTATION FOR OUTPATIENT TREATMENT—VA proposes conditions for withholding payment; comments by 5-14-73.....

9316

ARMED FORCES SCHOLARSHIP PROGRAM—HEW proposal for determining enrollment of educational institutions; comments by 5-14-73.....

9314

ANTIDUMPING—Treasury Dept. initiates investigation on aluminum horseshoes from Canada.....

9337

PATENTS—Commerce Dept. amendment granting conditional priority rights to U.S. patents.....

9297

MEETINGS—

DoT: Ad Hoc Committee on Driver Education; 4-24 and 4-25-73.....

9340

Research and Program Development Subcommittee; 4-25 to 4-27-73.....

9340

National Commission on Materials Policy, 4-16-73.....

9359

LEAA: Private Security Advisory Council, 4-17-73.....

9336

Contents

AGRICULTURAL MARKETING SERVICE

Rules and Regulations

Lemons grown in Arizona and California; limitation of handling.....

9291

Proposed Rules

Canned leafy greens; U.S. standards for grades.....

9302

Milk in the south Texas marketing area.....

9303

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Rural Electrification Administration.

ATOMIC ENERGY COMMISSION

Notices

Commonwealth Edison Co.:

Assignment of members of Atomic Safety and Licensing Appeal Board.....

9340

Issuance of facility operating license.....

9340

Millstone Point Co. et al.; application for permit and license, availability of environmental report, and time for submission of views.....

9341

Philadelphia Electric Co.; availability of final statements on environmental considerations.....

9342

Regulatory guides; issuance and availability.....

9342

Virginia Electric & Power Co.; order for prehearing conference (2 documents).....

9343

CIVIL AERONAUTICS BOARD

Notices

Texas International Airlines, Inc., order to show cause.....

9344

CIVIL SERVICE COMMISSION

Notices

Authority to make noncareer executive assignments;

Department of Labor.....

9344

Department of the Treasury.....

9344

Office of Management and Budget.....

9345

Small Business Administration.....

9345

Selective Service System.....

9345

U.S. Tariff Commission.....

9345

COMMERCE DEPARTMENT

See Domestic and International Business Administration; Import Programs Office; Maritime Administration; National Oceanic and Atmospheric Administration; Patent Office.

COST OF LIVING COUNCIL

Notices

Commissioner of Internal Revenue; delegation of authority.....

9345

Health Industry Wage and Salary Committee; certification.....

9345

CUSTOMS BUREAU

Notices

Foreign currencies; certification of rates.....

9337

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Organization and functions:

Administrative Management Directorate.....

9318

Competitive Assessment and Business Policy Bureau (2 documents).....

9326, 9327

Domestic and International Business, Office of Assistant Secretary.....

9317

East-West Trade Bureau (2 documents).....

9328, 9329

International Commerce Bureau (2 documents).....

9319, 9320

Resources and Trade Assistance Bureau (2 documents).....

9324

ECONOMIC OPPORTUNITY OFFICE

Notices

Boone, Young and Associates of New York City; recommendations for planning future housing programs.....

9359

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Federal airways, area low routes, controlled airspace, and reporting points; designation; correction.....

9292

Pilots and flight instructors; certification; correction.....

9292

Special use airspace; designation of prohibited area.....

9292

Standard instrument approach procedures.....

9292

Proposed Rules

Airworthiness directives; Mitsubishi Model MU-2B airplanes.....

9314

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Certain FM radio broadcast stations; table of assignments.....

9297

Proposed Rules

Certain television broadcast stations; table of assignments.....

9315

FEDERAL POWER COMMISSION

Rules and Regulations

Practice and procedure; off-the-record statements regarding pending proceedings.....

9293

Proposed Rules

National Environmental Policy Act; implementation; extension of time.....

9315

Natural gas; utilization and conservation; denial of request for extension of time.....

9316

Notices

Hearings, etc.:

Algonquin Gas Transmission Corp.....

9350

American Can Co.....

9345

Amoco Production Co.....

9346

Atlantic Richfield Co.....

9350

Boston Edison Co.....

9346

Burmout Co. et al.....

9346

C. T. Carden.....

9346

Central Maine Power Co.....

9357

Champlin Petroleum Co.....

9347

Colorado Interstate Gas Co.....

9350

Columbia Gas Transmission Corp.....

9351

Columbia Gulf Transmission Co.....

9351

Consolidate Gas Supply Corp.....

9352

Cost and quality of fuels for steam electric plants; monthly reports; extension of time.....

9347

Crown Zellerbach Corp.....

9352

El Paso Natural Gas Co. (2 documents).....

9352

(Continued on next page)

9287

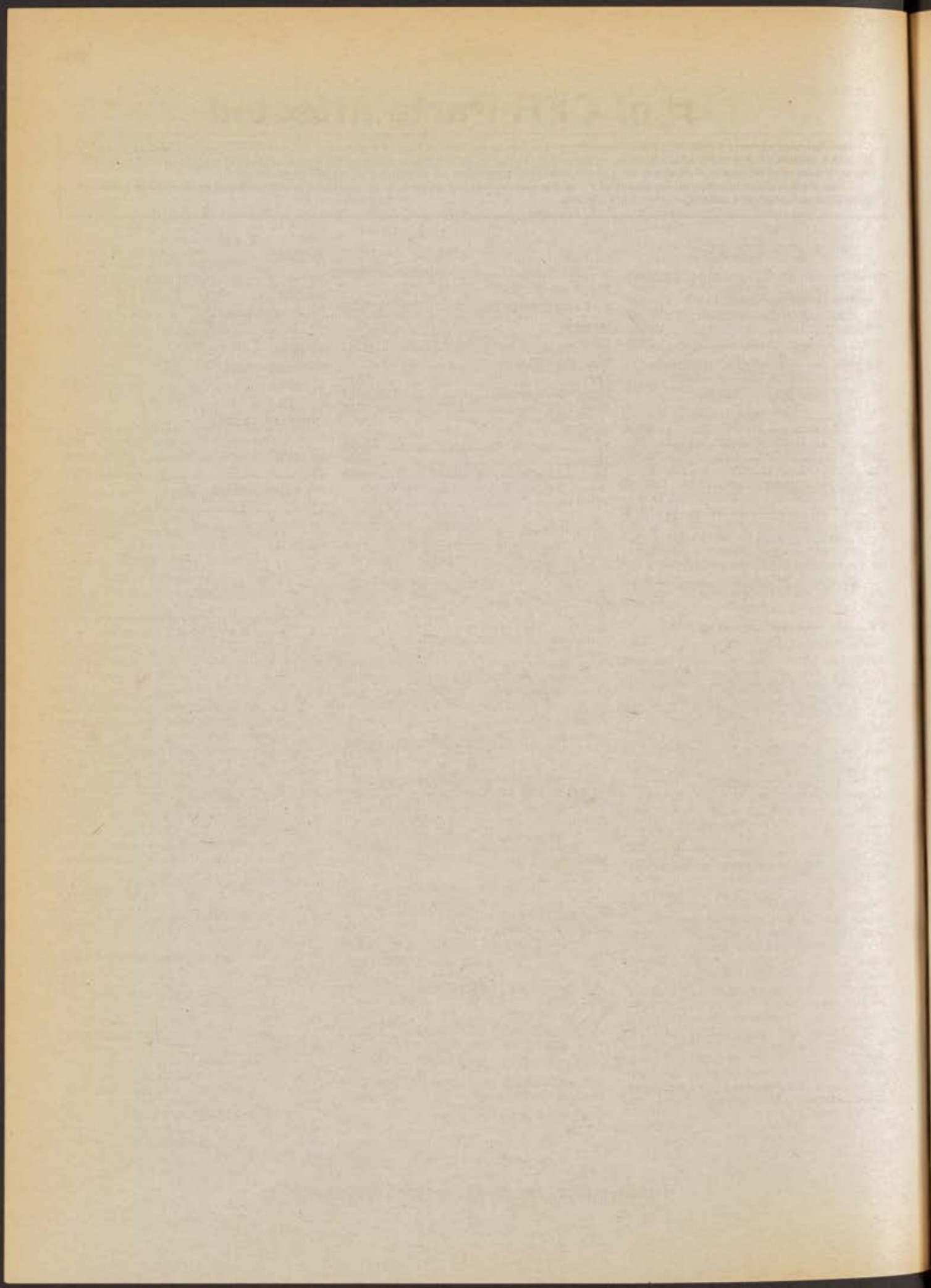
Getty Oil Co.	9353	INTERIOR DEPARTMENT		NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION	
High Crest Oils, Inc.	9353	See also Land Management Bureau.		Notices	
Iowa Southern Utilities Co.	9353	Proposed Rules		Meetings:	
McCulloch Oil Corp.	9353	Uniform relocation assistance and real property acquisition policies	9302	National Highway Safety Advisory Committee	9340
Mobil Oil Corp. et al.	9354	Notices		Ad Hoc Committee on Driver Education	9340
Natural Gas Pipeline Co. of America	9354	Sunshine Silver Mine disaster, Kellogg, Idaho; hearing	9339	Subcommittee on Research and Program Development	9340
Natural Resources Defense Council, Inc., et al.	9354	INTERNAL REVENUE SERVICE		NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION	
Nekoosa Edwards Paper Co., Inc. (2 documents)	9355	Rules and Regulations		Notices	
North American Royalties, Inc.	9347	Income tax:		Paul A. Paulbitsky; issuance of letter of exemption for marine mammals	9332
North Penn Gas Co.	9356	Temporary regulations relating to elections with respect to leases of real property	9295	PATENT OFFICE	
Pacific Gas & Electric Co.	9356	Use of Form 1040A	9295	Rules and Regulations	
Pacific Gas Transmission Co.	9348	INTERSTATE COMMERCE COMMISSION		Rules of practice in patent cases	9297
Phillips Petroleum Co.	9348	Notices		PUBLIC HEALTH SERVICE	
Public Service Electric & Gas Co.	9356	Assignment of hearings	9360	Proposed Rules	
Public Utility District No. 1 of Chelan County, Wash.	9348	Motor carrier board transfer proceedings	9361	Armed Forces Health Professions Scholarship Program	9314
Raton Natural Gas Co.	9356	Motor carrier transfer proceedings	9361	RURAL ELECTRIFICATION ADMINISTRATION	
Southern Natural Gas Co. (3 documents)	9349, 9356	Kansas City Southern Railroad Co.; rerouting and diversion of traffic	9360	Proposed Rules	
Southwest Gas Producing Co., Inc.	9349	JUSTICE DEPARTMENT		Rural telephone facilities; Form 397c and design specifications for subscriber carrier systems	9309
Valley Gas Transmission, Inc.	9357	See Law Enforcement Assistance Administration.		SMALL BUSINESS ADMINISTRATION	
National Gas Survey Technical Advisory Committee—Supply; order designating a member	9348	LABOR DEPARTMENT		Rules and Regulations	
		See Labor Standards Administration.		Size Appeals Board; new title in organization	9291
FOOD AND DRUG ADMINISTRATION		LABOR STANDARDS ADMINISTRATION		Notices	
Rules and Regulations		Notices		Applications for license as small business investment company; Equal Opportunity Corporation of Pennsylvania	9359
New animal drugs; Phenylbutazone tablets and boluses	9294	Minimum wages for Federal and federally assisted construction; modifications and supersedeas decisions	9386	Finest Capital Corp.	9359
Proposed Rules		LAND MANAGEMENT BUREAU		California Growth Capital, Inc.; approval for transfer of small business investment company	9359
Baby cribs; requirements and classification of hazardous substances	9312	Notices		Gulf States Capital Corp.; surrender of license	9360
Banned toys and articles intended for children's use (2 documents)	9310, 9311	Colorado; modification and clarification of grazing district and administrative district office boundaries and jurisdictions	9337	STATE DEPARTMENT	
GRAS list; removal of substances no longer in use	9310	Idaho; termination of proposed withdrawal and reservation of lands	9339	Notices	
Notices		LAW ENFORCEMENT ASSISTANCE ADMINISTRATION		Deputy Under Secretary of State; delegation of authority	9336
Tetracycline, oxytetracycline, chlortetracycline, demeclocycline, rolitetracycline, and methacycline; and doxycycline for oral use; labeling of drugs for human systemic and oral use	9339	Notices		TRANSPORTATION DEPARTMENT	
Thermally processed low-acid foods packaged in hermetically sealed containers; designation of schools for instruction of personnel	9339	Private Security Advisory Council; meeting	9336	See Federal Aviation Administration; National Highway and Traffic Safety Administration.	
HEALTH, EDUCATION, AND WELFARE DEPARTMENT		MARITIME ADMINISTRATION		TREASURY DEPARTMENT	
See Food and Drug Administration; Public Health Service.		Notices		See also Customs Bureau; Internal Revenue Service.	
IMPORT PROGRAMS OFFICE		Tanker construction program; hearing on draft environmental impact statement	9331	Notices	
Notices		NATIONAL COMMISSION ON MATERIALS POLICY		Racing plates (aluminum horse-shoes) from Canada; antidumping proceedings	9337
Applications and decisions on applications for duty-free entry of scientific articles:		Notices		VETERANS ADMINISTRATION	
Albert Einstein College of Medicine	9332	Preparation of final report; meeting	9359	Proposed Rules	
New York League for the Hard of Hearing et al.	9332			Beneficiary travel expenses; conditions for withholding payment	9316
Northeastern University et al.	9333				
Northwestern University et al.	9333				
St. Cloud State College Biology Department et al.	9334				
University of Cincinnati	9334				
University of Utah et al.	9335				

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

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.

7 CFR		18 CFR		37 CFR	
910.....	9291	1.....	9293	1.....	9297
PROPOSED RULES:		PROPOSED RULES:		38 CFR	
52.....	9302	2 (2 documents).....	9315, 9316	PROPOSED RULES:	
1121.....	9303	21 CFR		17.....	9316
1701.....	9309	135c.....	9294	41 CFR	
13 CFR		PROPOSED RULES:		PROPOSED RULES:	
121.....	9291	121.....	9310	114-50.....	9302
14 CFR		191 (3 documents).....	9310-9312	42 CFR	
61.....	9292	191e.....	9312	PROPOSED RULES:	
71.....	9292	26 CFR		57.....	9314
73.....	9292	1.....	9295	47 CFR	
97.....	9292	12.....	9295	73.....	9297
PROPOSED RULES:		13.....	9295	PROPOSED RULES:	
39.....	9314			73.....	9315



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 7—Agriculture

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

[Lemon Regulation 581]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period April 15-21, 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.

§ 910.881 Lemon Regulation 581.

(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 Administration 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 weaken, with volume of sales expected to decline 8 to 10 percent next week and price is projected at 17 cents below last week's average.

Average f.o.b. price was \$5.12 per carton the week ended April 7, 1973, compared to \$5.31 per carton the previous week.

Track and rolling supplies at 176 cars were up 36 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 regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 10, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 15, 1973, through April 21, 1973, is hereby fixed at 200,000 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 April 12, 1973.

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

[FR Doc.73-7371 Filed 4-12-73; 2:13 pm]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 12, Amdt. 3]

PART 121—SMALL BUSINESS SIZE STANDARDS REGULATION

Size Appeals Board

In revision 12 of part 121, published in the FEDERAL REGISTER on November 30, 1972 (37 FR 25340), § 121.3-6(a)(1) did not include the Associate Administrator for Operations and Investment as a member of the Size Appeals Board. Moreover, subsequent to such publication, there has been a change in certain titles and program responsibilities. This amendment reflects the new titles and the current composition of the Size Appeals Board.

Section 121.3-6(a)(1) of part 121 of chapter I of title 13 of the Code of Federal Regulations is hereby revised to read as follows:

§ 121.3-6 Appeals.

(a) Organization * * *

(1) The Size Appeals Board shall consist of five members, to wit: The Deputy Administrator (chairman), the Associate Administrator for Procurement and Management Assistance (vice chairman), the Associate Administrator for Operations, the Associate Administrator for Finance and Investment, and the Assistant Administrator for Planning, Research and Analysis.

Effective date.—February 2, 1973.

Dated April 4, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-7136 Filed 4-12-73; 8:45 am]

Title 14—Aeronautics and Space
CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 11802; Amdt. 61-60]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Lighter-Than-Air Rating: Aeronautical Experience; Correction

The purpose of this correction is to supply language inadvertently omitted from § 61.117(b)(1) of amendment 61-60 published in the *FEDERAL REGISTER* on February 1, 1973, to become effective November 1, 1973. Amendment 61-60 is based on notice 72-9 which proposed that all applicants for a private pilot certificate with a free balloon rating be required to have one solo flight in a free balloon. This language was, however, inadvertently omitted from the aeronautical experience requirements in amendment 61-60 for gas balloons and hot air balloons with airborne heaters.

Accordingly, § 61.117(b)(1) of amendment 61-60, published in the *FEDERAL REGISTER* on February 1, 1973 (38 FR 3156; FR Doc. 73-1899) is corrected by deleting the word "and" at the end of subdivision (i), by adding "; and" at the end of subdivision (ii), and by adding a subdivision (iii) to read as follows:

§ 61.117 Lighter-than-air rating: Aeronautical experience.

- (b) Free balloons. (1)
- (iii) One solo flight in a free balloon.

Issued in Washington, D.C., on April 9, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc. 73-7138 Filed 4-12-73; 8:45 am]

[Airspace Docket No. 73-RM-7]

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

Alteration of Transition Area; Correction

On March 26, 1973, FR Doc. 73-5650 was published in the *FEDERAL REGISTER* (38 FR 7813). This document altered the description of the Logan, Utah, transition area. A review of the description of the transition area revealed that the Logan VOR radial listed was incorrect. Action is taken herein to correct this error.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In view of the foregoing, FR Doc. 73-5650 (38 FR 7813) is amended by deleting the "344" radial in the description of the Logan, Utah, transition area and substituting "352" radial" therefore.

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

Issued in Aurora, Colo., on April 3, 1973.

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

[FR Doc. 73-7137 Filed 4-12-73; 8:45 am]

[Airspace Docket No. 73-RM-14]

PART 73—SPECIAL USE AIRSPACE

Designation of Prohibited Area

The purpose of this amendment to part 73 of the Federal Aviation Regulations is to designate a prohibited area at Wounded Knee, S. Dak. The U.S. Justice Department has requested that aircraft flight be prohibited in the vicinity of Wounded Knee for purposes of preventing loss or damage to low altitude aircraft from ground-to-air firing of weapons in this area.

Public interest in the current situation at Wounded Knee may attract numerous aircraft over the area for sightseeing and photographic purposes. In order to provide adequate safeguards for the protection of aircraft and occupants and persons and property on the ground, it is necessary to designate certain airspace above Wounded Knee as a prohibited area. Under the provisions of § 73.83, no person may operate an aircraft within a prohibited area unless permission has been granted by the U.S. Justice Department as the using agency. Prior requests for such permission may be made through the U.S. District Attorney, 400 South Phillips, Sioux Falls, S. Dak.

Since there is a requirement for the immediate adoption of this regulation, further notice and the public procedure are impracticable and good cause exists for making this regulation effective in less than 30 days.

In consideration of the foregoing, part 73 of the Federal Aviation Regulations is amended by adding a new § 73.93 to read as follows:

§ 73.93 P-45 Wounded Knee, S. Dak.

BOUNDARIES

That airspace within a 6-nautical-mile radius of latitude 43°08'30" N., longitude 102°21'57" W.

Designated altitudes.—Surface to 9,000 feet MSL.

Time of designation.—Continuous.
Using agency.—U.S. Department of Justice.

This amendment becomes effective on April 13, 1973, and is adopted under the authority of section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 11, 1973.

RAYMOND G. BELANGER,
Acting Director,
Air Traffic Service.

[FR Doc. 73-7347 Filed 4-12-73; 10:32 am]

[Docket No. 12719; Amdt. 859]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the standard instrument approach procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

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

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

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

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

1. Section 97.23 is amended by originating, amending, or cancelling the following VOR-VOR/DME SIAP's, effective May 24, 1973.

Albany, N.Y.—Albany County Airport, VOR runway 1, amendment 12.

Albany, N.Y.—Albany County Airport, VOR runway 19, amendment 12.

Albany, N.Y.—Albany County Airport, VOR/DME runway 1, amendment 3.

Athens, Ga.—Athens Municipal Airport, VOR runway 2, amendment 6.

Athens, Ga.—Athens Municipal Airport, VOR runway 27, amendment 6.

Bay City, Mich.—James Clements Airport, VOR-A, amendment 1.

Florence, S.C.—Florence Municipal Airport, VOR-A, amendment 7, canceled.
 Florence, S.C.—Florence Municipal Airport, VOR-A (TAC), original.
 Fort Worth, Tex.—Oak Grove Airport, VOR TAC-A, amendment 1.
 Gary, Ind.—Gary Municipal Airport, VOR-A, amendment 8, canceled.
 Indianapolis, Ind.—Eagle Creek Airport, VOR-A, amendment 1.
 Indianapolis, Ind.—Bob Shank Airport, VOR-B, amendment 3.
 Jackson, Mich.—Reynolds Municipal Airport, VOR runway 5, amendment 8.
 Jackson, Mich.—Reynolds Municipal Airport, VOR runway 13, amendment 7.
 Jackson, Mich.—Reynolds Municipal Airport, VOR runway 23, amendment 9.
 Jackson, Mich.—Reynolds Municipal Airport, VOR runway 31, amendment 7.
 Jackson, Tenn.—McKellar Field, VOR runway 2, amendment 8.
 Mankato, Minn.—Mankato Municipal Airport, VOR runway 15, original.
 Mankato, Minn.—Mankato Municipal Airport, VOR runway 33, amendment 1.
 Saginaw, Mich.—Tri-City Airport, VOR runway 5, amendment 9.
 Saginaw, Mich.—Tri-City Airport, VOR runway 14, amendment 6.
 Saginaw, Mich.—Tri-City Airport, VOR runway 23, amendment 8.
 Saginaw, Mich.—Tri-City Airport, VOR runway 32, amendment 3.
 Sherman-Denison, Tex.—Grayson County Airport, VORTAC-A, amendment 2.
 Urbana, Ill.—Illini Airport, VOR/DME-B, original.
 Van Buren, Ark.—Twin City Airport, VOR-A, original.

*** effective April 26, 1973.

North Myrtle Beach, S.C.—Myrtle Beach Airport, VOR runway 5, amendment 7.
 North Myrtle Beach, S.C.—Myrtle Beach Airport, VOR runway 23, amendment 9.

*** effective April 5, 1973.

Arcata-Eureka, Calif.—Arcata Airport, VOR runway 13, amendment 1.
 Findlay, Ohio—Findlay Airport, VOR 2, original, canceled.

*** effective April 4, 1973.

Kokomo, Ind.—Kokomo Municipal Airport, VOR runway 22, amendment 7.
 Kokomo, Ind.—Kokomo Municipal Airport, VOR runway 31, amendment 9.
 Pottstown, Pa.—Pottstown Municipal Airport, VOR-A, amendment 4.

*** effective March 29, 1973.

Modesto, Calif.—Modesto City-County Airport, VOR runway 28R, amendment 2.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective May 24, 1973.

Charleston, S.C.—Charleston AFB/Municipal Airport, LOC (BO) runway 33, amendment 3.
 Champaign-Urbana, Ill.—University of Illinois-Willard Airport, LOC (BO) runway 13, amendment 1.

Cordova, Alaska—Cordova Mile 13 Airport, LOC/DME runway 27, amendment 5.
 Saginaw, Mich.—Tri-City Airport, LOC (BO) DME runway 23, amendment 1.

*** effective April 26, 1973.

North Myrtle Beach, S.C.—Myrtle Beach Airport, LOC runway 23, original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective May 24, 1973.

Asheville, N.C.—Asheville Municipal Airport, NDB runway 34, amendment 10.
 Bellefontaine, Ohio—Bellefontaine Municipal Airport, NDB runway 22, original.
 Columbus, Ohio—Ohio State University Airport, NDB-A, amendment 5.
 Columbus, Ohio—Ohio State University Airport, NDB runway 27L, amendment 2.
 Cordova, Alaska—Cordova Mile 13 Airport, NDB-A, amendment 2.
 Grand Rapids, Mich.—Kent County Airport, NDB runway 26, amendment 6.
 Hillsboro, Ohio—Highland County Airport, NDB runway 5, original.
 Hillsboro, Ohio—Highland County Airport, NDB runway 23, original.
 Jackson, Mich.—Reynolds Municipal Airport, NDB runway 23, amendment 2.
 Pipestone, Minn.—Pipestone Municipal Airport, NDB runway 36, amendment 2.
 Saginaw, Mich.—Tri-City Airport, NDB runway 5, amendment 3.
 Sarasota (Bradenton), Fla.—Sarasota Bradenton Airport, NDB runway 31, original.
 Sturgis, Mich.—Kirsch Municipal Airport, NDB runway 24, amendment 2.
 Texarkana, Ark.—Texarkana Municipal/Webb Field, NDB runway 22, amendment 2.

*** effective April 26, 1973.

North Myrtle Beach, S.C.—Myrtle Beach Airport, NDB runway 23, original.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective May 24, 1973.

Asheville, N.C.—Asheville Municipal Airport, ILS runway 34, amendment 14.
 Eugene, Oreg.—Mahlon-Sweet Field, ILS runway 16, amendment 26.
 Grand Rapids, Mich.—Kent County Airport, ILS runway 26, amendment 7.
 Islip, N.Y.—Islip MacArthur Airport, ILS runway 6, amendment 14.
 Jackson, Mich.—Reynolds Municipal Airport, ILS runway 23, amendment 1.
 Klamath Falls, Oreg.—Kingsley Field, ILS runway 32, amendment 14.
 Pellston, Mich.—Emmet County Airport, ILS runway 32, amendment 1.
 Philadelphia, Pa.—North Philadelphia Airport, ILS runway 24, amendment 5.
 Redding, Calif.—Redding Municipal Airport, ILS runway 34, amendment 2.
 Saginaw, Mich.—Tri-City Airport, ILS runway 5, amendment 5.
 Texarkana, Ark.—Texarkana Municipal/Webb Field, ILS runway 22, amendment 2.

*** effective March 29, 1973.

Modesto, Calif.—Modesto City-County Airport, ILS runway 28R, amendment 1.

5. Section 97.31 is amended by originating, amending, or canceling the following radar SIAP's, effective May 24, 1973.

Chicago, Ill.—Chicago O'Hare International Airport, radar-1, amendment 25.
 Lawton, Okla.—Lawton Municipal Airport, radar A, amendment 1.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective May 24, 1973.

Columbus, Ohio—Ohio State University Airport, RNAV runway 27L, amendment 1.
 Miami, Fla.—Dade-Collier Training and Transition Airport, RNAV runway 9, original.

Correction.—In docket No. 12652, amendment 857 to part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Thursday, March 29, 1973, on page 8135, disregard all procedures listed under Dallas, Tex.—Dallas Love Field. Previous amendments, if any, remain in effect.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a) (1).)

Issued in Washington, D.C., on April 5, 1973.

JAMES M. VINES,
 Chief, Aircraft Programs Division.

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

[FR Doc. 73-7009 Filed 4-12-73; 8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. R-476; Order 479]

PART 1—RULES OF PRACTICE AND PROCEDURE

Off-the-Record Statements Regarding Pending Proceedings

APRIL 6, 1973.

This order amends §§ 1.4(d) and 1.30(f) of the Commission's rules of practice and procedure, subchapter A, chapter I, title 18 of the Code of Federal Regulations. Section 1.4(d) of the rules of practice and procedure sets forth the prohibition against ex parte or off-the-record communications to any Commissioner, member of his personal staff, administrative law judge or Commission employee participating in a decision of contested on-the-record proceeding. The Commission believes that the prohibition should not be limited to those who participate in the decision making but should apply to all Commission employees in order to assure fairness in its proceedings. The amendment excepts communications of governmental agencies which do not have an interest in the proceedings and whose duties are not affected. In addition it excepts procedural questions under defined guidelines and communications otherwise authorized by law.

The section is further amended to provide that recipients of oral communications must prepare a sworn statement of the communication within 48 hours after its occurrence which is to be placed in the public files. The communicator shall receive a copy of the statement and be allowed a reasonable opportunity to file a written response.

Under § 1.30(f) of the rules of practice and procedure, employees who participate in the investigation or trial of a case cannot advise or participate in the Commission decision. The section currently provides an exception for applications for initial licenses and proceedings

involving the validity or application of rates. As the Commission does not believe that current practice should or does admit to this exception, we are eliminating it.

The Commission finds:

(1) The amendment of §§ 1.4(d) and 1.30(f) of the Commission's rules of practice and procedure, as herein ordered, is necessary and appropriate to carry out the provisions of the Federal Power and Natural Gas Acts.

(2) Since these amendments involve matters of agency procedure and practice, the notice requirements of 5 U.S.C. 553 do not apply.

(3) Good cause exists for making the amendments to the Commission's rules of practice and procedure adopted herein effective on issuance of this order.

The Commission, acting pursuant to the Federal Power Act, as amended, particularly sections 308 and 309 thereof (49 Stat. 859; 16 U.S.C. 825g, 825h) and the Natural Gas Act, as amended, particularly sections 15 and 16, thereof (52 Stat. 829, 830; 15 U.S.C. 717n, 717o), orders:

(A) Section 1.4, subchapter A, chapter I, Title 18 of the Code of Federal Regulations is amended by revising paragraph (d). As so amended § 1.4(d) reads as follows:

§ 1.4 Appearances and practice before the Commission.

(d) *Ex parte communications.* In order to avoid all possibilities of prejudices, real or apparent, to the public interest and persons involved in proceedings pending before the Commission—

(1) Except as permitted in paragraph (d) (2) of this section, no person who is a party to, or his counsel, agent, or other person acting on his behalf, and no interceder in, any on-the-record proceedings, shall submit *ex parte*, off-the-record communications to any member of the Commission or of his personal staff, to the Administrative Law Judge, or to any other employee of the Federal Power Commission, regarding any matter pending before the Commission in any contested on-the-record proceeding, and no Commissioner, member of his personal staff, Administrative Law Judge, or any other employee of the Federal Power Commission, shall request or entertain any such *ex parte*, off-the-record communications. For the purposes of this paragraph, the term "contested on-the-record proceeding" means a proceeding required by statute, constitution, published Commission rule or regulation or order in a particular case, to be decided on the basis of the record of a Commission hearing, and in which a protest or a petition or notice to intervene in opposition to requested Commission action has been filed; the term "interceder" shall include any individual outside the Commission, whether in private or public life, partnership, corporation, association, or other agency, other than a party or an agent of a party, who volunteers a communication.

(2) The prohibitions contained in paragraph (d) (1) of this section do not apply to a communication:

(i) From an interceder who is a local, State, or Federal agency which has no official interest in and whose official duties are not affected by the outcome of the on-the-record proceedings before the Commission to which the communication relates;

(ii) From an interceder relating to matters of procedure only;

(iii) From a party to, or his counsel, agent, or other person acting on his behalf, in an on-the-record proceeding, if the communication relates to matters of procedure only and is directed to the Secretary of the Commission, staff counsel, or any other employee in the presence of or with the prior approval of staff counsel;

(iv) From any person when otherwise authorized by law.

(3) All written communications prohibited by paragraph (d) (1) of this section shall be delivered to the Secretary of the Commission who shall place the communication in public files associated with the case, but separate from the record material upon which the Commission can rely in reaching its decision.

(4) A Commissioner, member of his immediate staff, Administrative Law Judge, or any other employee of the Federal Power Commission who receives an oral offer of any communication concerning any matter pending before the Commission in an on-the-record proceeding shall decline to listen to such communication and shall explain that the matter is pending for determination. If unsuccessful in preventing such communication, the recipient thereof shall advise the communicator that he will not consider the communication. The recipient shall prepare a sworn statement setting forth the substance of the communication and the circumstances thereof within 48 hours and deliver the statement to the Secretary of the Commission for compliance with the procedures established in paragraph (d) (3) of this section. The Secretary shall mail a copy of the sworn statement to the communicator and allow him a reasonable opportunity to file a written response, which if any, shall be placed in the public files.

(5) Requests for an opportunity to rebut, on the record, any facts or contentions contained in an *ex parte* communication which the Secretary has associated with the record may be filed in writing with the Commission. The Commission will grant such requests only where it determines that the dictates of fairness so require. Where the communication contains assertions of fact not a part of the record and of which the Commission cannot take official notice, the Commission in lieu of receiving rebuttal material normally will direct that the alleged factual assertion on any proposed rebuttal be disregarded in arriving at a decision. Nor will the Commission normally permit any rebuttal of *ex parte* endorsements or oppositions by civic or other organizations by the sub-

mission of counter endorsements or oppositions.

(6) The prohibitions contained in paragraph (d) (1) of this section shall apply from the time the Commission announces that an on-the-record hearing will be held.

(B) Section 1.30, subchapter A, chapter I, title 18 of the Code of Federal Regulations is amended by revising paragraph (f). As so amended § 1.4(f) reads as follows:

§ 1.30 Decisions.

(f) *No participation by investigative or prosecuting officers.*—In any proceeding in which a Commission adjudication is made after hearing, no officer, employee, or agent assigned to work upon the investigation or trial of the proceeding or to assist in the trial thereof, shall, in that or any factually related proceeding, participate or advise as to the findings, conclusions or decision, except as a witness or counsel in public proceedings.

(C) The amendments herein ordered shall be effective on April 6, 1973.

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

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7198 Filed 4-12-73; 8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Phenylbutazone

The Commissioner of Food and Drugs has evaluated a new animal drug application (91-065V) filed by A. H. Robins Co. Research Laboratories, 1231 Sherwood Avenue, Richmond, Va. 23220, proposing the safe and effective use of phenylbutazone tablets for the treatment of dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), part 135c is amended in § 135c.57 by adding a new paragraph (f) as follows:

§ 135c.57 Phenylbutazone tablets and boluses.

(f) (1) *Specifications.*—The drug is in tablet form with each tablet containing 100 milligrams of phenylbutazone.

(2) *Sponsor.*—See code No. 060 in § 135.501(c) of this chapter.

(3) *Conditions of use.*—(i) It is used as an aid in the management of musculoskeletal conditions in dogs such as arthritides, osteoarthritis, and inflammation associated with intervertebral disc syndrome.

(ii) It is administered orally to dogs at a dosage level of 20 milligrams per pound of body weight in three divided doses daily with a maximum dosage level of 800 milligrams per day regardless of body weight. Dosage should be reduced as symptoms regress.

(iii) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date.—This order shall be effective on April 13, 1973.

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1).)

Dated April 9, 1973.

C. D. VAN HOUWELING,
Director,

Bureau of Veterinary Medicine.

[FR Doc. 73-7154 Filed 4-12-73; 8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7269]

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

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Use of Form 1040A

This document contains amendments to the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) in order to provide rules for the use of Form 1040A for taxable years beginning after December 31, 1971.

The Form 1040A is being reintroduced as a short form to facilitate the filing for the taxpayers with income consisting mostly of wages and with no itemized deductions. The regulations provide that the rules for filing the Form 1040A will be contained in the form and instructions accompanying such form.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

The Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) are amended as follows:

PARAGRAPH 1. Section 1.4-2 is amended by revising paragraph (a) and by deleting paragraph (c) to read as follows:

§ 1.4-2 Elections.

(a) **Making of election.**—The election to pay the optional tax imposed under section 3 shall be made by (1) filing a return on Form 1040A, or (2) filing a return on Form 1040 and electing in such return, in accordance with the provisions of section 144 and the regulations thereunder, to take the standard deduction provided by section 141.

PAR. 2. Section 1.142-1 is amended by revising paragraph (a) to read as follows:

§ 1.142-1 Husband and wife.

(a) In the case of husband and wife, if the tax of one spouse is determined under section 1 or 1201 on the basis of the taxable income computed without regard to the standard deduction, the other spouse may not elect to take the standard deduction. If a joint return is filed and election made thereon to take the standard deduction, such deduction shall, subject to the limitations of section 141 and the regulations thereunder, be determined by reference to the aggregate adjusted gross income of both spouses. The filing of either a separate or joint return on Form 1040A constitutes an election to take the standard deduction and, if the adjusted gross income shown on the return is less than \$10,000 (\$5,000 for taxable years beginning before January 1, 1971) an election to pay the optional tax imposed by section 3. See the regulations under section 4 for rules relating to elections to pay the optional tax imposed by section 3.

PAR. 3. Paragraph (a) of § 1.6012-1 is amended by revising subparagraphs (6) and (7) to read as follows:

§ 1.6012-1 Individuals required to make returns of income.

(a) **Individual citizen or resident.** * * *

(6) **Form of return.**—Form 1040 is prescribed for general use in making the return required under this paragraph. Form 1040A is an optional short form which, in accordance with paragraph (a) (7) of this section, may be used by certain taxpayers. A taxpayer otherwise entitled to use Form 1040A as his return for any taxable year may not make his return on such form if he elects not to take the standard deduction provided in section 141, and in such case he must make his return on Form 1040. For taxable years beginning before January 1, 1970, a taxpayer entitled under section 6014 and § 1.6014-1 to elect not to show his tax on his return must, if he desires to exercise such election, make his return on Form 1040A. Form 1040W is an optional short form which, in accordance with paragraph (a) (8) of this section, may be used only with respect to taxable years beginning after December 31, 1958, and ending before December 31, 1961.

(7) (i) **Use of Form 1040A.**—Form 1040A may be filed only by those individuals entitled to use such form as provided by and in accordance with the instructions for such form.

(ii) **Computation and payment of tax.**—Unless a taxpayer is entitled to elect under section 6014 and § 1.6014-1 not to show the tax on Form 1040A and does so elect, he shall compute and show on his return on Form 1040A the amount of the tax imposed by subtitle A of the Code and shall, without notice and demand therefor, pay any unpaid balance of such tax not later than the date fixed for filing the return.

(iii) **Change of election to use Form 1040A.**—A taxpayer who has elected to make his return on Form 1040A may

change such election. Such change of election shall be within the time and subject to the conditions prescribed in section 144(b) and § 1.144-2 relating to change of election to take, or not to take the standard deduction.

PAR. 4. Paragraph (a) of § 301.6402-3 is amended by revising paragraph (a) (2) to read as follows:

§ 301.6402-3 Special rules applicable to income tax.

(a) * * *

(2) In the case of overpayment for a taxable year in which a Form 1040 or Form 1040A has been filed, claim for refund may be made on Form 1040X ("Amended U.S. Individual Income Tax Return"). In cases to which this subparagraph applies, the taxpayer is encouraged to use Form 1040X.

Because this Treasury decision amends existing regulations by providing rules relating to administrative practice and procedure, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553(d).

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

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: April 6, 1973.

JOHN H. HALL,
Deputy Assistant Secretary
of the Treasury.

[FR Doc. 73-7234 Filed 4-12-73; 8:45 am]

[T.D. 7271]

PART 12—TEMPORARY INCOME TAX REGULATIONS UNDER THE REVENUE ACT OF 1971

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

Temporary Regulations Relating to Elections With Respect to Net Leases of Real Property

This document contains temporary regulations under the Revenue Act of 1971 (26 CFR Part 12) and a conforming amendment to temporary regulations under the Tax Reform Act of 1969 (26 CFR Part 13) in order to provide rules for elections with respect to net leases of real property for purposes of determining items of tax preference under section 57(c) of the Code and the limitation on the amount of deductible interest on investment indebtedness under section 163(d) of the Code.

Section 57 of the Internal Revenue Code of 1954 provides that excess investment interest is a tax preference item subject to the minimum tax on tax preferences for taxable years ending after December 31, 1969, and beginning before January 1, 1972. For taxable years beginning after 1971, the amount of investment interest expense of individuals

allowable as a deduction is limited under section 163(d).

In general, the terms excess investment interest under section 57 and "investment interest" under section 163(d) apply to the amount of interest paid or accrued by the taxpayer to purchase or carry property held for investment reduced by the net amount of investment income derived by the taxpayer from property of this type. Property subject to a net lease is considered to be property held for investment for these purposes. Property is treated as subject to a net lease if designated trade or business deductions with respect to the property are less than 15 percent of the rental income produced by the property or if the lessor is either guaranteed a specified return or is guaranteed in whole or part against loss of income.

Section 304 of the Revenue Act of 1971 provides lessors with two elections in connection with the 15-percent test. First, a taxpayer who is the lessor of a parcel of real property which is subject to two or more leases may elect to aggregate the leases for purposes of the 15-percent test. Second, if leased property has been in use for more than 5 years, the taxpayer may elect to exclude the property from the 15-percent test. The Code provides that these elections are to be made in such manner and at such time as are provided by regulations.

The temporary regulations provide, in general, that an election must be made by the due date for filing the taxpayer's income tax return for the year to which the election relates (determined with regard to any extensions of time) or August 31, 1973, whichever is later. The election applies only for the taxable year for which it is made, and a new election must be made for each subsequent year for which the taxpayer desires the election to apply. In general, an election for any taxable year must be made in a statement attached to the taxpayer's income tax return or a timely filed claim for credit or refund, or filed separately with the director of the Internal Revenue Service Center where the taxpayer's return was filed; however, in the case of a taxable year ending before July 1, 1973, no formal statement of election is necessary if the taxpayer's return took into account an election to aggregate leases or to exclude property used for more than 5 years from the 15-percent test. In addition, the temporary regulations provide that, to be in use for a period of more than 5 years, property must be owned and used for commercial purposes by the taxpayer for such period.

In order to prescribe temporary regulations relating to elections with respect to net leases of real property pursuant to sections 57(c) and 163(d) (7) of the Internal Revenue Code of 1954, as amended and added by section 304 of the Revenue Act of 1971 (Public Law 92-178, 85 Stat. 522), the following temporary regulations are hereby adopted:

PARAGRAPH 1. The following new section is added immediately following § 12.7:

§ 12.8 Elections with respect to net leases of real property.

(a) *In general.*—The elections described in this section are available for determining whether real property held by the taxpayer is subject to a net lease for purposes of section 57 (relating to items of tax preference for purposes of the minimum tax for tax preferences) or 163(d) (relating to limitation on interest on investment indebtedness). Under sections 57(c) (1) (A) and 163(d) (4) (A) (i), property will be considered to be subject to a net lease for a taxable year where the sum of the deductions of the lessor with respect to the property for the taxable year allowable solely by reason of section 162 (other than rents and reimbursed amounts with respect to the property) is less than 15 percent of the gross income from rents produced by the property (hereinafter referred to as the "expense test"). Under sections 57(c) (2) and 163(d) (7) (A), where a parcel of real property of the taxpayer is leased under two or more leases, the taxpayer may elect to apply the expense test set forth in sections 57(c) (1) (A) and 163(d) (4) (A) (i) by treating all leased portions of such property as subject to a single lease. Under sections 57(c) (3) and 163(d) (7) (B), at the election of the taxpayer, the expense test set forth in sections 57(c) (1) (A) and 163(d) (4) (A) (i) shall not apply with respect to real property of the taxpayer which has been in use for more than 5 years.

(b) *Election with respect to multiple leases of single parcel of real property.*—If a parcel of real property of the taxpayer is leased under two or more leases, the expense test referred to in paragraph (a) of this section shall, at the election of the taxpayer, be applied by treating all leased portions of such property as subject to a single lease. For purposes of this paragraph, the term "parcel of real property" includes adjacent properties each of which is subject to lease.

(c) *Election with respect to real property in use for more than 5 years.*—At the election of the taxpayer, the expense test referred to in paragraph (a) of this section shall not apply with respect to real property of the taxpayer which has been in use for more than 5 years. For this purpose, real property is in use only during the period that such property is both owned and used for commercial purposes by the taxpayer. If an improvement to the property was made during the time such property was owned by the taxpayer, and if, as a result of such improvement, the adjusted basis of such property was increased by 50 percent or more, use of such property for commercial purposes shall be deemed to have commenced for purposes of this paragraph as of the date such improvement was completed. An election under this paragraph shall apply to all real property of the taxpayer which has been in use for more than 5 years.

(d) *Procedure for making election.*—(1) *Time and scope of election.*—An election under paragraph (b) or (c) of this section shall be made for each taxable year to which such election is to apply.

The election must be made before the later of (i) the time prescribed by law for filing the taxpayer's return for the taxable year for which the election is made (determined with regard to any extension of time) or (ii) August 31, 1973, but the election may not be made after the expiration of the time prescribed by law for the filing of a claim for credit or refund of tax with respect to the taxable year for which the election is to apply.

(2) *Manner of making election.*—Except as provided in the following sentence, an election by the taxpayer with respect to a taxable year shall be made by a statement containing the information described in paragraph (d) (3) of this section which is—

- (i) Attached to the taxpayer's return or amended return for such taxable year,
- (ii) Attached to a timely filed claim by the taxpayer for credit or refund of tax for such taxable year, or
- (iii) Filed by the taxpayer with the director of the Internal Revenue Service Center where the return for such taxable year was filed.

In the case of a taxable year ending before July 1, 1973, no formal statement of election is necessary if the taxpayer's return took into account an election under paragraph (b) or (c) of this section; the taxpayer will be considered to have made an election in accordance with the manner in which leases with respect to parcels of real property described in paragraph (b) of this section, or leases of property which has been in use for more than 5 years as described in paragraph (c) of this section, are treated in the return.

(3) *Statement.*—The statement described in paragraph (d) (2) of this section shall contain the following information:

- (i) The name, address, and taxpayer identification number of the taxpayer;
- (ii) The taxable year to which the election is to apply if the statement is not attached to the return or a claim for credit or refund;
- (iii) A description of any leases which are to be treated as a single lease; and
- (iv) A description of any real property in use for more than 5 years to which the expense test is not to apply.

(4) *Revocation of election.*—An election made pursuant to this paragraph may be revoked within the time prescribed in paragraph (d) (1) of this section for making an election and may not be revoked thereafter. Any such revocation shall be made in the manner prescribed by paragraph (d) (2) of this section for the making of an election.

(e) *Election by members of partnership.*—Under section 703(b) (as amended by section 304(c) of the Revenue Act of 1971), any election under section 57(c) or 163(d) (7) with respect to property held by a partnership shall be made by each partner separately, rather than by the partnership. If an election made by a taxpayer under paragraph (b) of this section applies in whole or in part to property held by a partnership, the tax-

payer shall, in applying the expense test referred to in paragraph (a) of this section, take into account his distributive share of the deductions of the partnership with respect to the property for the taxable year allowable solely by reason of section 162 (other than rents and reimbursed amounts with respect to the property) and also his distributive share of the partnership's rental income from such property for the taxable year.

PAR. 2. The following new paragraph is added immediately following paragraph (e) of § 13.0:

§ 13.0 Procedure applicable to certain elections.

(f) *Cross reference.*—For temporary regulations under sections 57(c) and 163 (d) (7) of the code, relating to elections with respect to net leases of real property, see § 12.8 of the regulations in this part (Temporary Income Tax Regulations Under the Revenue Act of 1971).

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 57(c) (4), 163(d) (7), and 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 85 Stat. 522, 523; 26 U.S.C. 57(c) (4), 163(d) (7), 7805).)

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

Approved: April 9, 1973.

JOHN H. HALL,
Deputy Assistant Secretary
of the Treasury.

[FR Doc. 73-7235 Filed 4-11-73; 9:45 am]

Title 37—Patents, Trademarks and Copyrights

CHAPTER I—PATENT OFFICE,
DEPARTMENT OF COMMERCE

PART I—RULES OF PRACTICE IN PATENT CASES

Implementation of Inventor's Certificate Legislation Serial Number and Filing Date

A proposal was published at 37 FR 25172 to add a new paragraph (c) to § 1.55 (37 CFR 1.55(c)). Pursuant to this notice, comments have been received from interested persons. Full consideration has been given to all matter presented. The proposed amendment is hereby adopted without change and is set forth below.

The new paragraph implements Public Law 92-358, dated July 28, 1972, which accords rights of priority under certain conditions to a U.S. patent application where the claims for priority are based on an earlier filed application for an inventor's certificate. It would insure that the right of priority would be granted for an inventor's certificate involving subject matter for which an applicant in the

country of earlier filing has an option to file for either a patent or an inventor's certificate, as required by the new legislation.

Effective date.—This regulation shall be effective on the date when Articles 1-12 of the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm, July 14, 1967, come into force with respect to the United States and shall apply only to applications thereafter filed in the United States.

Dated April 2, 1973.

ROBERT GOTTSCHALK,
Commissioner of Patents.

Approved April 6, 1973.

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

§ 1.55 Serial number and filing date of application.

(c) An applicant may under certain circumstances claim priority on the basis of an application for an inventor's certificate in a country granting both inventor's certificates and patents. When an applicant wishes to claim the right of priority as to a claim or claims of the application on the basis of an application for an inventor's certificate in such a country under 35 U.S.C. 119, last paragraph (as amended July 28, 1972), the applicant or his attorney or agent, when submitting a claim for such right as specified in paragraph (b) of this section, shall include an affidavit or declaration including a specific statement that, upon an investigation, he has satisfied himself that to the best of his knowledge the applicant, when filing his application for the inventor's certificate, had the option to file an application either for a patent or an inventor's certificate as to the subject matter of the identified claim or claims forming the basis for the claim of priority.

[FR Doc. 73-7172 Filed 4-12-73; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19535; FCC 73-367]

PART 73—RADIO BROADCAST SERVICES
Table of Assignments, Certain FM Broadcast Stations

Report and order. In the matter of amendment of § 73.202, *Table of assignment, FM Broadcast Stations.* (Salem, Ark.; Breckenridge, Colo.; Berne, Ind.; and St. Marys, Ohio.) Docket No. 19535, RM-1922, RM-1938, RM-1961, RM-2021, and RM-2033.

1. The Commission has before it for consideration the three unrelated FM channel assignment proposals for a first FM assignment to Salem, Arkansas (RM-1922), Breckenridge, Colorado (RM-1938), and Berne, Indiana (RM-1961), upon which notice of proposed rulemaking was released herein on July 3, 1972

(F.C.C. 72-571, 37 FR 13643). We also have before us two other FM assignment proposals, one (RM-2021) of which conflicts with the Breckenridge proposal, and the other (RM-2033), with the Berne proposal, which were accepted for consideration as counterproposals since they were advanced in rulemaking petitions which were filed during the time for initial comments herein. The channel assignments proposed and the respective petitioners are as follows:

RM-1922—Channel 240A to Salem, Ark. (Ronald E. Plumlee).
RM-1938—Channel 272A to Breckenridge, Colo. (Edward J. Patrick).
RM-2021 (Counterproposal in re RM-1938)—Class C Channel 270 to Breckenridge by substituting Class C Channel 268 for occupied Channel 270 at Colorado Springs, Colo. (KRYT-FM) (Irving M. Seidner and Robin Theobald).
RM-1961—Channel 228A to Berne, Ind. (South Adams Broadcasting Co.).
RM-2033—(Counterproposal in re RM-1961)—Channel 228A to St. Marys, Ohio (Robert J. Walton).

2. Before taking up the proposals on the merits, there are two petitions and related pleadings and reply submissions received on the Breckenridge and Berne-St. Marys proposals after the expiration date for public comment on them to be disposed of. Upon consideration, we have decided both petitions 2 (a) and (c), which seek authority to have this proceeding opened up for the receipt of additional comments on the proposals and counterproposals for Breckenridge and Berne-St. Marys, will be denied. The motions to strike 2 (f) and (h) the unauthorized, untimely reply submissions of Robert J. Walton Broadcasting 2 (e) and (g) will also be granted. Our reasons follow.

3. Considering the time initially provided for comments and reply comments on the proposals and counterproposals in

* See Public Notice, issued August 4, 1972 (Report No. 825, Mimeo. 87422) for RM-2021, and Public Notice, issued August 21, 1972 (Report No. 827, Mimeo. 87890) for RM-2033.

* In RM-1938—RM-2021, these include:
(a) Request for extension of time to file opposition to reply comments (filed Oct. 6, 1972 (37 FR 18403), by Irving M. Seidner and Robin Theobald);

(b) Opposition to request for extension of time to file unauthorized pleading (filed Oct. 10, 1972, by Edward J. Patrick, with William S. Cook, the Colorado Springs KRYT-FM licensee, joining in opposition).

In RM-1961—RM-2033, they include:
(c) Petition for study time (filed Nov. 8, 1972, by Robert J. Walton, Walton Broadcasting);

(d) Opposition of South Adams to petition for study time (filed Nov. 13, 1972, by South Adams Broadcasting Company);

(e) Proponent's letter of reply for St. Marys, Ohio (filed Dec. 11, 1972, by Robert J. Walton, Walton Broadcasting);

(f) Motion to strike "Proponent's letter of reply for St. Marys, Ohio" (filed Jan. 10, 1973, by South Adams Broadcasting Company);

(g) Correction and reply comments (filed Feb. 12, 1973, by Robert J. Walton); and

(h) Motion to strike Walton's "Correction and reply comments" (filed Feb. 15, 1973, by South Adams Broadcasting Company).

the Notice,* and the additional time authorized for comments on the Breckenridge and Berne-St. Marys proposals,† we think that reasonable and ample time was given to provide opportunity for all parties, including the subject petitioners (the proponents of the Breckenridge and St. Marys counterproposals), to make their views known in timely filed comments and reply comments on the conflicting proposals. It also appears that these petitioners advance no argument or circumstances which would constitute good cause for their failure to submit any comments which they cared to make on the proposals involved prior to the expiration dates for reply filings on them. Further, we are satisfied that the timely filed submissions of these petitioners are sufficient to apprise us of their proposals and their positions on the conflicting proposals. In fairness to all parties filing timely comments, and in the interest of the orderly administration and dispatch of the Commission's business (which has added importance in FM assignment cases because a substantial backlog exists), we believe that in the absence of a showing of extraordinary circumstances, FM rulemaking procedures should not be reopened for the receipt of additional comments after the time limit for public comment in them expires. No such showing has been made to warrant such action in this proceeding.

4. *Salem, Arkansas (RM-1922).*—The petitioner, Ronald E. Plumlee, proposes the assignment of FM channel 240A to Salem, Ark. (population 1,277)* for a first FM assignment for which he can apply. Salem is centrally located in Fulton County (population 7,699), of which it is the seat, in north-central Arkansas. The only aural broadcast station in Fulton County is FM station KAMS, which operates on channel 236 at Mammoth Spring, approximately 18 miles northeast of Salem. No other FM channels are assigned in Fulton County. If the proposed Salem assignment is made, the petitioner states in his supporting comments that he will immediately apply for its use to provide Salem and neighboring communities with a first local service.

5. A Salem channel 240A assignment would conform with the minimum mileage separation requirements of the rules without requiring any other changes in

FM assignments, and it would also have no adverse preclusionary effect upon new assignments elsewhere. It further appears from the information furnished by the petitioner, and which was discussed adequately in the notice issued on his proposal, that Salem is a growing commercial center for Fulton County and a number of small communities in the surrounding area without local aural broadcast service; that around 11,940 persons in the Salem area, including those residing in the Arkansas communities of Viola, Lake Norfolk, Melbourne, Calico Rock, Oxford, Horseshoe Bend, Hardy and Ash Flat, and other persons in several small communities in Missouri (Moody, South Fork, and Lanton, and a portion of Howell County) could be served by a class A FM station at Salem; and that there is reason for belief that the Salem area has need for a first local broadcast service and that it could contribute to the economic and overall development of this north-central area of Arkansas. These considerations convince us that it is in the public interest to adopt this unopposed proposal to assign channel 240A to Salem.

6. *Breckenridge, Colo. (RM-1938—RM-2021).*—The conflicting proposals here involved are for the assignment of either channel 272A or class C channel 270 to Breckenridge. The class A proposal, upon which comments were invited in the notice issued herein, is advanced by Edward J. Patrick, a prospective applicant for the proposed channel 272A assignment, who filed comments and reply comments supporting his proposal and in opposition to the class C proposal for Breckenridge. The class C channel 270 proposal, which would also require changing the FM assignment occupied by station KRYT-FM at Colorado Springs, Colo., from channel 270 to class C channel 268, is advanced by Irving M. Seidner and Robin Theobald (Seidner) in a petition filed on July 26, 1972. As has been pointed out, their proposal was accepted for consideration herein as a counterproposal to the channel 272A proposal for Breckenridge. In their petition, the Seidner petitioners state that they will immediately apply for use of the proposed class C channel if it is assigned to Breckenridge, emphasizing, however, that they do not waive any rights to file for whatever class FM channel may be assigned to the community. The engineering statement accompanying the Seidner petition also informs that they have advised the licensee of station KRYT-FM, Colorado Springs, of their willingness to pay for any reasonable expense incurred in the required transfer of frequencies for station KRYT-FM to permit the assignment and use of channel 270 at Breckenridge.

7. The Colorado Springs channel 270 licensee, William S. Cook, advises in reply comments herein that he opposes the Seidner class C proposal. He is of the view that to require his Colorado Springs station (KRYT-FM) to change from operation on channel 270 to channel 268 would have adverse effects upon the station's operations, not outweighed, in his

opinion, by any demonstrated need of Breckenridge for a class C assignment. Among the resultant detrimental effects which he mentions are undue hardship on station KRYT-FM in terms of the time, effort and expense the changeover would necessitate to educate the public of the change in frequency and dial position for receiving the station; the loss to station KRYT-FM of all the past time, effort and money spent on promoting the station, as presently located on the FM receiver dial, as well as the money invested in billboard and other advertising and in stationery; and the estimated costs—upward of \$5,000—to adjust the SCA receivers of subscribers to the background music service provided by station KRYT-FM in the Colorado Springs area. The most troublesome adverse effect, he claims, would be the time, effort and expense involved in retuning the station's antenna which is designed for use on one frequency.

8. Breckenridge, with a 1970 population of 548, is located in the Rocky Mountains in Summit County (1970 population, 2,665), approximately 60 miles west of Denver, Colo. The only other communities of any size in Summit County are Silverthorne (1970 population, 400), approximately 10 miles north of Breckenridge; Dillon (1970 population, 182), approximately 8 miles north of Breckenridge; and Frisco (1970 population, 471), approximately 7 miles southwest of Breckenridge. The proponents estimate that the present permanent population of Breckenridge is now between 1,200 and 1,300 persons. Data furnished by Seidner also indicate that the present permanent population of Silverthorne is 606 persons; of Dillon, 338 persons; of Frisco, 726 persons, and of Summit County, 3,216 persons. Because of the year-round recreational activities and facilities in Summit County and the Breckenridge area, which the Seidner proponents point out includes three major ski developments, areas for cross-country skiing and snowmobiling for 6 months of the year, and boating, fishing, camping, horseback riding, mountain climbing, and other activities for other times of the year, this area has a large tourist population also which, according to Patrick, increases the population of Breckenridge at times to approximately 6,500.

9. These FM proponents anticipate increased and accelerated population and economic growth in this area in the near future in view of a number of indices, including the construction scheduled in the county, highway expansion plans, the opening of a new tunnel, and projections in assessed value of property in the county, in retail tax revenues, retail sales and population. It is noted that Patrick states that a preliminary master plan for Breckenridge projects a 10-year population figure of between 50,000 to 60,000 persons and that the Seidner proponents anticipate that the total permanent population of Summit County will increase to over 50,000 within this decade. The proponents also point out that retail sales in Summit County in 1971 totaled over

*In the notice issued herein, the due dates specified were Aug. 14, 1972, for comments and Aug. 24, 1972, for reply comments on all the proposals (including reply comments on any counterproposals).

†In RM-1938—RM-2021, the due date for filing reply comments was extended from Aug. 24, 1972, to and including Sept. 25, 1972, upon request of the petitioner in RM-1938. In RM-1961—RM-2033, the due date for comments was extended from Aug. 14, 1972 to Aug. 21, 1972, and for reply comments from Aug. 24, 1972, to Sept. 1, 1972, upon request of the petitioner in RM-1961. The due date for reply comments on these proposals was later again extended from Sept. 1, 1972, to Oct. 2, 1972, at the request of the petitioner in RM-1961.

*The population figures, as well as those hereinafter given, are from the 1970 U.S. Census reports unless otherwise specified.

\$14 million and that estimates of 1972 retail sales for the county are projected at a total of more than \$17 million.*

10. Breckenridge and Summit County are presently without an FM assignment or aural outlet. The nearest AM broadcast station (KBRR) is located in Leadville, approximately 21 miles south of Breckenridge. Leadville also has an unused FM class A assignment (228A). Because Mount Lincoln, with a height of over 14,000 feet above mean sea level, bisects the path from Breckenridge to Leadville, Patrick states that the Leadville AM station is not received in Breckenridge. The Seidner proponents state that some aural service is received in Summit County from two Denver stations (KOA-AM and KHOW-FM) but that quality reception of them is sporadic. Consequently, some towns in the county, they aver, use boosters to improve reception. There are also local Cable TV systems in Breckenridge and Frisco (the Frisco system also serves Silverthorne and Dillon) which provide subscribers with service from Denver and Sterling, Colo., and Cheyenne, Wyo. television stations. In the near future, we expect that this area will be able to receive FM service from a new station operating on the Vail, Colorado, class C channel 284 assignment, for which two applications are on file. Class C channel 284 was assigned to Vail, some 20 miles northwest of Breckenridge, in 1971, in lieu of the class A assignment also proposed, not only to meet the need of Vail (1970 population, 484) for a first FM local service but also to serve a large number of other small communities (including Breckenridge and others in Summit County) and the ski and recreational areas in this part of Colorado which, because of the mountainous terrain, are inadequately served by existing stations. To insure that the Vail assignment will provide the service upon which it was premised, in making the assignment, in the FM table of assignments we specifically conditioned its use by a station operating with power of at least 75 kw and antenna height of at least 1,000 feet above average terrain or equivalent.

11. It appears that the projections for growth of Breckenridge and Summit County as a whole which these parties have furnished may be somewhat optimistic and unrealistic. Nevertheless, their showings are sufficient to convince us that this is a growing area which has considerable potential for further growth economically and in population and that a first local FM outlet at Breckenridge would serve a need there and in

Summit County for a first local aural broadcast service and could, as claimed, aid in development of this area. We therefore believe it in the public interest to provide Breckenridge with an FM assignment. Upon consideration, we have also decided that, on balance, the case for assigning channel 272A to Breckenridge is stronger than that for the proposed class C channel 270 assignment and should be adopted.

12. In the first place, as Patrick points out, under our FM assignment policies, wide-coverage class C channels are designed for assignment to large cities and metropolitan areas for use, and the most limited-coverage class A channels are designed for assignment to relatively small communities, such as Breckenridge, for use. In making class C assignments, we normally adhere to this policy unless justifiable reason can be shown that a class C assignment to a small community is nevertheless warranted for such reasons as that no class A channel is available which could be assigned to meet a need for local FM service or that, if available, the local situation is such that it is unlikely that a class A assignment would be put to use, and that the wide-coverage class C channel is needed to provide service to unserved areas which could not be served by a class A facility. No such reasons or others, in our view, warrant a class C assignment to Breckenridge. This record evidences that a class A channel (proposed channel 272A) is technically feasible for a Breckenridge assignment; that it is likely that a class A channel would be put to use for a local station at Breckenridge, if assigned; and that, in addition to Breckenridge, all communities of any size within Summit County (Silverthorne, Dillon and Frisco) could be served by a Breckenridge class A station. Further, the record does not evidence that significantly more people would receive a needed first or second FM service if the proposed class C channel rather than channel 272A is assigned.

13. While the Seidner class C proponents claim that a Breckenridge class C station could provide a first service to 1,338 square miles and a second service to 1,310 square miles, whereas a Breckenridge class A station would provide a first service to but 188 square miles and a second service to but 715 square miles, they do not demonstrate the basis for the claimed greater class C coverage. Their engineering showing bases the class C coverage claims on a class C station which operates with 100 kw power, with an antenna located on a 200-foot tower, but it provides no data on the antenna height above average terrain or the profiles of the terrain in support of the location of the alleged 60 dBu contour, which is rectangular in shape. Consequently, the Seidner showing as to possible areas of first and second service that a Breckenridge class C station would obtain over a Breckenridge class A station cannot be evaluated and accepted. Further, since no population data were submitted, it is not known whether any significant number of people reside in

such areas, which appear to be largely uninhabited.

14. It also appears that, with the activation of the class C channel 284 assignment at Vail, a Breckenridge class C station would not serve any unserved area in Summit County since all of the county would be within the 1 mv/m contour of any Vail class C station, operating with the facilities specifically required by the rules. Further, a Breckenridge class C station would not serve a significantly greater population in Summit County than a class A station since all communities and population areas of any size in the county are within 15 miles of Breckenridge and would be served by a class A station. These considerations convince us that justification for the proposed Breckenridge class C assignment cannot be found on the basis of any significant advantage it would have over the proposed class A assignment in meeting the needs of the community and Summit County for a local outlet and service.

15. Another consideration is that, while the proposed class A channel can be assigned to Breckenridge without disturbing any existing station or assignment, and other available class A channels could also be assigned to communities in the area without disturbing occupied or unoccupied assignments, neither the proposed Breckenridge class C assignment, nor another class C channel, could be assigned to this area without doing so. In addition, the proposed class C channel sought for Breckenridge in this case is opposed by the Colorado Springs licensee who would be required to change over to operation on another frequency if the Breckenridge class C assignment were to be made. Absent a strong showing of need, we do not consider it in the public interest to provide new assignments to communities which require changes in existing occupied assignments in other communities, particularly when, as here, opposition is raised to the proposal by the affected station or community. That showing has not been made here. We also think that there is worth in Patrick's claim that the assignment of a second wide-coverage class C channel to another small community in this Colorado area would be likely to hamper the future development of class A stations in the area and that a class A assignment to Breckenridge would have more potential for furthering the development of other local class A stations and services in this area which, doubtless, will be needed if the area develops and grows as the petitioners anticipate.

16. *Berne, Ind.-St. Marys, Ohio (RM-1961-RM-2033)*.—These requests involve conflicting proposals for the assignment of channel 228A for a first FM assignment to either Berne, Ind., or St. Marys, Ohio. The Berne channel 228A proposal, upon which comments were invited in this docket, is advanced by South Adams Broadcasting Co. (South Adams), an Indiana partnership, a prospective applicant for the proposed assignment. The St. Marys channel 228A proposal, which, as before mentioned, was consolidated into this proceeding as a counterproposal

*It is noted, however, that the 1972 edition of the *Editors & Publishers Market Guide*, at p. 59, reports that estimated retail sales in Summit County, Colo., totaled \$6,532,000 in 1971, and that in 1972, these sales increased to a total of \$6,651,000. The same source also reports that Summit County had an estimated population of 2,820 in 1972, an increase of but 155 persons over that reported by the U.S. Census in 1970.

*See Second Report and Order, Vail, Colorado, et al., adopted November 11, 1971, docket No. 19160, 32 F.C.C. 2d 308.

to the Berne proposal after the issuance of the rulemaking notice herein and during the time provided for initial comments on the proposal, is advanced by Robert J. Walton (Walton) in a petition filed August 16, 1972. It advises of his interest in establishing an FM station at St. Marys and of his intent to possibly organize an Ohio corporation or form a partnership to pursue this objective if the proposed assignment is made. Timely comments on the Berne proposal were filed by South Adams which incorporate the supporting argument contained in its prior petition for rulemaking on the proposal and affirm that it will apply for use of channel 228A at Berne, if assigned. Timely reply comments in support of the Berne proposal and in opposition to the conflicting St. Marys proposal were also filed by South Adams and by Johnston Broadcasting, Inc., licensee of radio stations WCSM-AM and WCSM-FM, Celina, Ohio. The untimely reply comments mentioned in footnote 2, supra, were also received from Walton on the proposals.*

17. Berne (population 2,988) is located in Adams County (population 26,871) in east-central Indiana, approximately 12 miles south of Decatur, the county seat, and approximately 30 miles west of St. Marys, Ohio. While Berne is without an FM assignment or local aural outlet, there is one FM assignment in Adams County, channel 224A, occupied by station WADM-FM at Decatur where there is also an AM broadcast station (WADM). South Adams avers that Berne receives no 100 percent 60 dBu or better service from any FM station at present and that the only FM station providing even partial service to Berne is station WMEE-FM, which operates on channel 247 at Fort Wayne, Ind., about 32 miles north-east of Berne. South Adams states that about 40 percent of the city receives 60 dBu or better service from station WMEE-FM, computed on the basis of its assigned facilities, and assuming uniform elevation for the ground path between its site and Berne. South Adams also points out that the proposed St. Marys channel 228A assignment would not permit use of the channel by a station at a location which would include Berne within its 60 dBu contour.

18. St. Marys (population, 7,699), is located in west-central Ohio, in Auglaize County (population, 38,602), of which it

*In addition, telegrams in support of the St. Marys channel 228A proposal were received from the Mayor of St. Marys and the St. Marys Chamber of Commerce, duplicates of which, in letter form, also accompanied the Walton petition.

South Adams also submitted with its reply comments supporting letters for its Berne channel 228A proposal from officials of the Berne First Mennonite Church and the First Missionary Church, the Berne Chamber of Commerce, the South Adams Schools, and CTS of Berne, Inc., a local manufacturer. Previously, as the notice herein noted, letters supporting the Berne proposal were received from the Mayor of Berne and Swiss Village, Inc., which provides a home and care for the elderly in the Berne area.

is the largest city, approximately 10 miles west of Wapakoneta, the seat of Auglaize County, and approximately 22 miles southwest of Lima, Ohio. There is no FM assignment or aural outlet in St. Marys and but one aural outlet in Auglaize County, station WERM, which operates on FM channel 221A at Wapakoneta, the only FM assignment in the county. According to South Adams, the Wapakoneta FM station (WERM) provides service of 70 dBu signal strength to St. Marys, noting also that it has its transmitter located closer to St. Marys than to Wapakoneta. South Adams also states that station WLIO-FM (channel 271), Lima, Ohio, provides St. Marys with FM service of 60 dBu or better. It also points out that there are two FM stations at Celina (WCSM-FM, channel 244A; WMER, channel 232A), approximately 10 miles west of St. Marys, which, if they were to operate with maximum facilities, could also provide all of St. Marys with service of 60 dBu signal strength. South Adams avers, however, that the Celina FM stations, even if they were to operate with maximum facilities, would not place a 60 dBu signal over Berne.

19. Johnston Broadcasting, the licensee of station WCSM-FM and WCSM-AM at Celina, which opposes the proposed St. Marys channel 228A assignment proposal in its comments herein, states that both its Celina FM and AM stations provide primary service to St. Marys, provide it with actual program service, maintain a remote studio in St. Marys, employ a newsman to cover St. Marys and Auglaize County, and derive substantial revenues from St. Marys and Auglaize County. Johnston gives a number of examples of the type of service it provides to St. Marys to demonstrate that it provides service to meet almost every local need and to make it clear that St. Marys is far from a deprived community in terms of radio coverage of local needs. It submits letters from Auglaize County and St. Marys' officials and organizations which attest favorably to the service received from its Celina station (WCSM). Johnston further contends that a new FM station at St. Marys would cause such a reduction in WCSM's revenues that a cutback in its services would be necessary.

20. Because a separation of 65 miles is required, channel 228A could not be assigned to both Berne and St. Marys, the distance between these communities being only about 30 miles. However, since there is an area running south of Berne and north of St. Marys where channel 228A can be used for either a Berne or St. Marys station in conformance with all separation requirements and without requiring any changes in existing stations and assignments, the channel is technically feasible for assignment to either Berne or St. Marys for use in this area. The assignment of channel 228A to either community could not be expected to have an adverse preclusionary effect upon future assignments since the affected channels are already limited by existing stations or assignments.

21. It appears that there is no other available FM channel which, in addition to channel 228A, could be assigned to the Berne-St. Marys areas to make it possible to provide both communities with an FM assignment without requiring changes in existing FM assignments. However, South Adams, in its reply comments, suggests that St. Marys could be provided with an FM assignment other than channel 228A by interchanging the occupied channel 228A assignment at Auburn, Ind. (WIFF-FM) with the unoccupied channel 280A assignment at Fort Wayne, Ind., as proposed in the pending petition of the Auburn station's licensee in RM-1960, since it would then be technically feasible to assign channel 280A to St. Marys. This proposal for St. Marys is, of course, untimely advanced for consideration herein, since under the "cutoff" procedure specified in the rulemaking notice herein and which is usual procedure and, with few exceptions, strictly adhered to in these FM assignment proceedings, counterproposals advanced in reply comments are not considered. In any case, it appears highly questionable that the suggested 280A assignment for St. Marys would warrant adoption in view of the severe limitations which other assignments would impose on use of the channel at a site meeting separation requirements.

22. Both the Berne and St. Marys Channel 228A proponents have furnished ample information concerning the characteristics of these communities and the surrounding area to convince us that the assignment of Channel 228A to either Berne or St. Marys for a local outlet would serve a need and hold benefits for the residents of both areas. We must necessarily, for technical reasons, however, choose between these communities for the assignment. Except for the fact that St. Marys (population, 7,699) is a larger community than Berne (population 2,988), other important factors to be weighed in making the choice, appear to be nearly equal in value. Neither Berne nor St. Marys has a local broadcast outlet or is a county seat, and both counties in which they are located have but one FM assignment, both of which are in use. However, from the standpoint of available FM services, these proposals do not equate in value. The study made by the staff on the basis of the Goldsboro-Roanoke Rapids criteria* indicates that, although a Berne Channel 228A station would not provide a first FM service to any area, it would provide a second FM service to about 20 percent of the area within its 1 mv/m contour. On the other hand, a St. Marys Channel 228A station would provide neither a first nor a second service to any portion of the area within its 1 mv/m contour. Since it appears that the use of Channel 228A in this part of the country is limited to the area between Berne and St. Marys, we therefore believe that it would be more in the public interest and result in a more efficient use of radio frequencies to

* See In re Roanoke Rapids and Goldsboro, N.C., 9 FCC 2d 672 (1967).

assign Channel 22A to the community where it could not only meet a need for a first local outlet but provide a second FM service to the area now limited to one service. We, therefore, are assigning Channel 228A to Berne.

23. In view of the foregoing, and pursuant to the authority contained in sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That effective May 17, 1973, the FM Table of Assignments, § 73.202(b) of the rules, is amended to read as follows for the cities listed below:

City:	Channel No.
Salem, Ark.....	240A
Breckenridge, Colo.....	272A
Berne, Ind.....	228A

24. *It is further ordered*, That the petition (RM-2021) of Irving M. Seidner and Robin Theobald for assignment of Class C Channel 270 to Breckenridge, Colo. is denied.

25. *It is further ordered*, That the petition (RM-2033) of Robert J. Walton for the assignment of Channel 228A to St. Marys, Ohio, is denied.

26. *It is further ordered*, That the request for extension of time to file an opposition to reply comments, filed by Irving M. Seidner and Robin Theobald in RM-1938, RM-2021 is denied.

27. *It is further ordered*, That the petition for study time filed by Robert J. Walton in RM-1961, RM-2033 is denied.

28. *It is further ordered*, That the motions to strike the untimely reply com-

ments submitted by Robert J. Walton, filed by South Adams Broadcasting Co. in RM-1961, RM-2033, are granted.

29. *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: April 4, 1973.

Released: April 6, 1973

FEDERAL COMMUNICATIONS
COMMISSION,¹⁰
BEN F. WAPLE,
Secretary.

[FR Doc.73-7225 Filed 4-12-73;8:45 am]

¹⁰ Commissioner Robert E. Lee absent.

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 THE INTERIOR

Office of the Secretary

[41 CFR Part 114-50]

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Notice of Proposed Rulemaking

Pursuant to the authority contained in 5 U.S.C. 301, and section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894, 1900, 42 U.S.C. 4601, 4633, it is proposed to amend the regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, published in part 114-50 of title 41 of the Code of Federal Regulations, as set forth below.

The proposed amendments (1) establish policy for the treatment of individuals displaced from single family dwellings, (2) make it clear that only those persons displaced from a dwelling may elect to receive a moving expense allowance and a dislocation allowance in lieu of payment for actual moving expenses, (3) establish policy for the payment of a moving expense allowance and a dislocation allowance to individuals displaced from a single family dwelling who elect to receive such payments in lieu of payment for actual moving expenses, (4) make it clear that the rental replacement differential payment shall be computed on the basis of the amount of rent actually paid by the displaced person for a replacement dwelling, and (5) provide that the amount initially established as the rental differential payment shall not be adjusted to compensate for any subsequent increases or decreases in the amount of rent actually paid for the replacement dwelling.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulations to the Office of Management Operations, Office of the Secretary, 18th and C Streets NW., Washington, D.C. 20240 on or before May 29, 1973.

CHARLES G. EMLEY,
Deputy Assistant Secretary of
the Interior.

APRIL 9, 1973.

The table of contents for subpart 114-50.1 is revised as follows:

Change "114-50.109 (Reserved)" to read "114-50.109 Multiple Occupancy."

The table of contents for subpart 114-50.10 is revised to read as follows:

Subpart 114-50.10—Federally Assisted Programs

Sec.	
114-50.1000	Acceptance of real property furnished by a State incident to Federal program.
114-50.1001	Assurances—section 210.
114-50.1002	Assurances—section 305.
114-50.1003	[Reserved]
114-50.1004	Compliance with sections 301 and 302.
114-50.1005	Inability to provide assurances prior to July 1, 1972.
114-50.1006	Inability to provide assurance for programs or projects causing displacement on or after July 1, 1972.
114-50.1007	Monitoring assurances.
114-50.1008	Grants, contracts, or agreements executed prior to July 1, 1972.
114-50.1009	Federal share of costs.
114-50.1010	Relocation assistance programs.
114-50.1011	Effective date.
114-50.1012	Appeal procedures.

Subpart 114-50.1—General

Section 114-50.109 is revised to read as follows:

§ 114-50.109 Multiple occupancy.

Where two or more individuals, not families, living together in a single family dwelling are displaced from such dwelling, they shall be treated as one displaced person for purposes of entitlements for replacement housing benefits under sections 203 and 204 of the act. However, each individual displaced may receive a payment for actual reasonable moving expenses as authorized under section 202(a) of the act, and in the case of families, each family shall be considered separately.

Subpart 114-50.7—Payments in Lieu of Moving and Related Expenses

Two new paragraphs (a) and (b) are added to § 114-50.701 reading as follows:

§ 114-50.701 Displaced dwelling occupant.

(a) Only those persons who are displaced from a dwelling, as defined in § 114-50.201(h), may elect to receive the payment authorized under section 202(b) of the act in lieu of payment for actual reasonable moving expenses.

(b) Where two or more individuals, not families, living together in a single family dwelling are displaced from such dwelling, they shall be treated as one displaced person for purposes of entitlements under this § 114-50.701.

Subpart 114-50.9—Replacement Housing Payment for Tenants and Certain Others

A new paragraph (e) is added to § 114-50.903 to read as follows:

§ 114-50.903 Computation of replacement housing rental differential payment for tenants.

(e) The amount determined in accordance with this section 114-50.903 to be necessary to rent a comparable replacement dwelling, sets the upper limit of this payment. Where the amount of rent actually paid by the displaced person for a decent, safe, and sanitary replacement dwelling is less than the upper limit, computation of the differential payment shall be based on the amount of rent actually paid. However, the amount initially established as the differential payment shall not be adjusted to compensate for subsequent increases or decreases, if any, in the amount of rent actually paid by the displacee.

Subpart 114-50.10—Federally Assisted Programs

§ 114-50.1003 [Reserved]

A new § 114-50.1003 is inserted in subpart 114-50.10 and existing §§ 114-50.1003 through 114-50.1011 are renumbered 114-50.1004 through 114-50.1012, respectively. New § 114-50.1003 reads as set forth above:

In existing § 114-50.1008(c), which is renumbered § 114-50.1009(c), change the reference to "§ 114-50.1008" to read "§ 114-50.1009".

[FR Doc.73-7134 Filed 4-12-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CANNED LEAFY GREENS¹

Classification of Defects

Notice is hereby given that the U.S. Department of Agriculture is considering an amendment to the "U.S. Standards for Grades of Canned Leafy Greens" (7 CFR 52.6081-52.6094). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this act upon request and upon payment of a fee to cover cost of such services.

¹ Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed amendment should file the same in duplicate, not later than June 30, 1973, with the hearing clerk, U.S. Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed amendment.—The Department has become aware of quality conditions of Canned Leafy Greens that were not evident at the time that the standards were promulgated.

Table III.—Whole Leaf; Cut Leaf; Chopped Styles (Quality Factor of Char-

acter—Classification of Defects)" in the affected standards, as printed in the *Federal Register*, effective May 8, 1971, does not list all of the conditions that could affect the appearance or eating quality of the product. This portion of table III does not specify that conditions such as tough leaves or coarse stems or fibrous stems are scoreable as defects against the character of the product.

Therefore, the Department proposes to amend table III by expansion and clarification to allow for the classification of character conditions that are now present, on occasion, in canned leafy greens.

The proposed amendment is as follows:

Section 52.6090, table III, is revised to read:

§ 52.6090 Classification of defects.

* * * * *

TABLE III—WHOLE LEAF; CUT LEAF; CHOPPED STYLES

Quality factors	Defects	Minor	Major	Severe
Color	Color appearance is: Adversely affected to a degree that is noticeable.....		X	
	Adversely affected to a degree that is objectionable.....			X
Character	Appearance or eating quality, due to: (1) A mushy texture, disintegration, ragged cutting, or shredded leaves and shredded stems, or portions thereof; and/or (2) A tough texture, coarse, or fibrous stems or portions thereof; and/or (3) Any other causes, as applicable for the style, is: Adversely, but not seriously, affected.....		X	
	Seriously affected.....			X
Extraneous plant material	Root crown: Any significant portion of the solid area of the plant between the root and attached leaves.....	X		
	Root stub: Any portion of the root whether or not leaves are attached.....			X
	Seed head—Whole leaf; cut leaf styles: Longer than 1 inch or objectionable regardless of length.....		X	
	Seed head—Chopped style—pieces affecting appearance or eating quality: More than slightly but not materially.....	X		
	Materially.....		X	
	Seriously.....			X
Other extraneous material	Grit, sand, silt, or other earthy material: A trace that no more than slightly affects appearance or eating quality.....		X	
	Presence materially affects appearance or eating quality.....			X

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.)

Dated April 9, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc. 73-7087 Filed 4-12-73; 8:45 am]

[7 CFR Part 1121]

[Docket No. AO-364-A6]

MILK IN THE SOUTH TEXAS MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and To Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the South Texas marketing area. The hearing was held, 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 (7 CFR Part 900), at Houston, Tex., on January 17, 1973 pursuant to notices thereof issued on November 20, 1972 (37 FR 24905) and December 12, 1972 (37 FR 26736).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on March 7, 1973 (38 FR 6683) filed with the hearing clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

1. Adoption of an advertising and promotion program as authorized under Public Law 91-670; and

2. The specific terms and provisions necessary to implement such a program under the South Texas order.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. **Adoption of an advertising and promotion program.** The order should be amended to provide for an advertising and promotion program to be administered by an agency organized by producers and producers' cooperative associations and financed by producer monies deducted from pool proceeds.

The amendments to the Agricultural Marketing Agreement Act under Public Law 91-670 provide that a Federal milk order may, with the approval of producers on the market, include provisions for establishing or providing for the establishment of research and development projects, advertising (excluding brand advertising), sales promotion, and educational and other programs designed to improve or promote the domestic marketing and consumption of milk and its products (hereinafter referred to in this decision as the "advertising and promotion program" or "the program").

The hearing on the matter here under consideration was requested by Associated Milk Producers, Inc., a cooperative association representing a majority of the producers supplying milk for the South Texas market.

Under the proposal supported at the hearing and as herein adopted, the advertising and promotion program will be funded through a 5-cent per hundred-weight assessment each month on producer milk pooled during such month. Under this program, the market administrator will deduct the monies from the producer-settlement fund prior to the computation of the uniform price. All of the monies so deducted, except for certain reserves withheld by the market administrator to cover refunds and administrative costs, will be turned over to and administered by an agency organized by producers and producers' cooperative associations under the order. The agency will be responsible for the development and implementation of programs and projects approved by the Secretary and designed to carry out the purposes of the Act as prescribed in the attached amending order.

Any producer not desiring to participate in the program, upon proper application, will be eligible for refund of the assessments made against his proportionate share of total producer marketings of milk, such refunds to be made by the market administrator on a quarterly basis.

The principal reason cited by proponent for the establishment of an advertising and promotion program under the South Texas order was the need for a sound and comprehensive program of promotion, education and research in the use of milk and dairy products to preserve the market against the competition of substitutes. Proponent stated that dairy farmers cannot hope for a continued healthy or growing market in

the future if they do not meet the promotional efforts of their competition. It was pointed out that there has been a continuing downward trend nationally in the per capita consumption of milk and milk products.

Proponent testified that in those markets that have had a promotional program of the magnitude being proposed for the South Texas area the consumption trends for dairy products have been more favorable than in other markets. In 15 markets that have milk promotion programs with at least a 5-cent deduction per hundredweight, the daily sales of whole milk, lowfat milk and skim milk items increased nearly 3 percent from 1971 to 1972. In 48 markets with lesser funding, or with no program at all, the average daily sales increased only about 1 percent.

The cooperative also indicated that it has been operating a promotion program in the South Texas market for several years. Because of competitive conditions, it lowered its deduction rate in the spring of 1972 (then 5 cents) to 3 cents per hundredweight of member milk. The cooperative believes, however, that a promotion program funded at the 5-cent rate, and with such rate being applicable to the milk of all producers on the market, is essential to a healthy and growing market for milk in the South Texas area. Proponent urged the adoption of an advertising and promotion program under Public Law 91-670 comparable to the programs recently adopted in 15 other southwestern markets in which proponent operates.

Since the program is totally a producer-financed program and is voluntary in that any producer not wishing to participate has assurance of refund of the assessment made against his milk marketings, there can be no compelling reason for not adopting such a program.

In view of the foregoing, it is concluded that the program adopted should be essentially as proposed.

2. *Terms and provisions.* The rate of 5 cents per hundredweight on producer milk, as proposed by proponent, is a reasonable assessment on the marketings of producers under the order and is adopted.

Based on the volume of milk marketed under the South Texas order in 1972, an assessment rate of 5 cents per hundredweight on producer milk will gross approximately \$585,000 annually. (Official notice is taken of the "Market Administrator's Bulletin" for the months of January through December 1972, as issued by the market administrator for the South Texas order, with respect to total receipts of producer milk under the order.) Allowing for refunds to non-participating producers and for the necessary administrative costs, it reasonably can be expected that the money that will be available for advertising and promotion will be somewhat more than that presently being expended in this area by proponent.

The enabling legislation specifically provides that the promotion funds deducted from producer proceeds "shall be

paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order."

A definition of "Agency" therefore is incorporated in the order to identify the administrative body organized by producers and producers' cooperatives that will be authorized to expend the funds for advertising and promotional activities.

The Agency under the terms prescribed herein is responsible for administration of the terms and provisions of the program within the scope of its authority. Subject to the approval of the Secretary, it also is empowered to enter into contracts and agreements with persons or organizations as deemed necessary to carry out the program. In addition, the Agency may recommend to the Secretary amendments to the terms of the program and make such rules and regulations as are necessary to carry out its stated objectives.

The powers, duties, and functions specifically assigned to the Agency under the terms herein adopted are of a nature and scope to provide participating producers on the market full and necessary authority through their representatives on the Agency to develop and administer advertising and promotion programs designed to accomplish the purposes of Public Law 91-670.

The Act states that the Agency " . . . may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order." The guidelines concerning this matter are set forth in the amendments to the order. Under the terms of such amendments the Agency will develop and submit to the Secretary for approval programs and projects that may provide for: (a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for advertising and promotion of milk and milk products on a nonbrand basis; (b) the utilization of the services of other organizations to carry out Agency programs and projects, if the Agency finds that such activities will benefit producers supplying the market; and (c) the establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers supplying the market.

There was no testimony on the record in opposition to these Agency guidelines, although one cooperative association stated it is not in favor of the program generally.

Agency members are to be selected from producers who actively support the program. Representation on the Agency as it relates to cooperatives may include, however, individuals not directly engaged in the production of milk, e.g., employees of the cooperative.

Under the terms of the program as herein provided, the selection of cooperative representatives for the Agency will be entirely at the discretion of the cooperative(s). Each cooperative associa-

tion that is authorized one or more representatives on the Agency shall notify the market administrator of the name and address of each representative selected who shall serve at the pleasure of the cooperative.

The composition of the Agency should be such that it insures fair representation for all participating producers. Proponent represents a substantial majority of the producers on the South Texas market. Since its representatives would be selected by the cooperative's board of directors and serve at the pleasure of the cooperative, the position of such representatives with respect to Agency matters no doubt will reflect the position of the cooperative's members. In view of this, there is no apparent reason why proponent's Agency representation need exceed that number necessary to retain for the cooperative a voting majority on the Agency. Proponent held that Agency representation should be as small as possible, consistent with fair and proportionate representation of producers.

Based on market representation at the time of the hearing, proponent indicated that its proposal would provide for a total of nine Agency representatives. This was determined on the basis that proponent would be eligible to have all but four of the Agency's representatives, and that the minimum number of representatives necessary for proponent to have a voting majority would be five.

It cannot be presumed that the composition of producers on the market will remain static. Ideally, the rules adopted with respect to the composition of the Agency should accommodate changes in the market structure under the guidelines set forth by proponent.

To meet these conditions, it is provided that each cooperative will be authorized one Agency representative for each full 5 percent of the participating producers (producers who have not requested refunds¹) that such cooperative represents. For the purpose of meeting the 5-percent requirement, or multiples thereof, any cooperative association, including a cooperative having less than the required 5 percent of the producers participating in the program, may elect to combine its participating membership with that of one or more other cooperatives.

The participating producer members of any cooperative association having less than the required 5 percent that elects not to combine, as discussed above, and nonmember producers together will be authorized one Agency representative for each full 5 percent that such producers constitute of the total number of participating producers under the order. If such group of producers in total constitutes less than the full 5 percent, the group, nevertheless, will be authorized to select from such group, in total, one Agency representative.

¹ Provision is made in the program adopted herein that for the purposes of the Agency's initial formation all producers under the order will be considered as participating producers.

Notwithstanding the above, if any cooperative association or group of associations that elects to combine for purposes of selecting Agency representation has a majority of the participating producers, representatives from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number necessary to constitute a majority of the Agency representatives.

As previously indicated, the selection of cooperative representation will be entirely at the discretion of the cooperative. The market administrator will conduct a referendum annually to determine the representation on the Agency of participating nonmember producers and participating producer members of cooperative associations having less than the required 5 percent of the producers participating in the program and not electing to combine membership for purposes of selecting Agency representation.

Within 30 days after the effective date of the amended order, and annually thereafter, the market administrator shall give notice to all such producers (member and nonmember) of their opportunity to nominate Agency members and shall specify the number of representatives that such nonmember and member producers together are authorized.

Following the closing date for nominations, the market administrator shall notify the nominees who are eligible for Agency membership and then shall conduct a referendum in which each individual producer (member or nonmember) shall have one vote.

Since cooperative associations may freely elect to combine or not combine for purposes of selecting Agency representation, it is provided in the case of a cooperative with less than the 5 percent that does not combine that the balloting of its participating producer members shall be on an individual basis, the same as nonmembers. This procedure will tend to promote equity between member and nonmember producers in the selection of representatives.

Election to Agency membership will be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes.

Each person selected for the Agency shall qualify by filing with the market administrator a written acceptance of his willingness and intention to serve in such capacity. It is anticipated that any eligible nominee included on the list that the market administrator is required to circulate to participating nonmember producers and certain participating member producers in the conduct of the referendum, as discussed elsewhere in these findings, would advise the market administrator promptly if he were not willing to be a nominee. Notwithstanding, it is possible that a person elected to membership or so designated by a cooperative may not be able or may not wish to accept the position. This requirement, therefore, is necessary in order that the market administrator will know whether or not the position has been filled. Such

acceptance should be filed promptly after notification in order that the formation of the Agency can be prompt.

The term of office of each member of the Agency as herein adopted is one year or until a replacement is designated by the cooperative association or is elected.

It is possible that an elected representative may leave the market or otherwise be unable to complete his term of office. It is desirable, therefore, that some procedure be provided for filling the vacancy. It is concluded appropriate in such circumstance that the market administrator appoint as his replacement the then currently participating producer who received the next highest number of eligible votes in the referendum.

Actions to be taken by the Agency are of such importance that a majority of the representatives should be required to be present at any meeting to constitute a quorum and any action taken by the Agency should require a majority of concurring votes of those present and voting. The provisions herein adopted so provide.

The Agency's duties set forth in the order are generally necessary for the discharge of its responsibilities. It is intended that activities undertaken by the Agency shall be confined to those reasonably necessary to carry out its responsibilities as prescribed by the program. At the same time it should be recognized that these specified duties are not necessarily all inclusive, and it may develop that there are other duties the Agency may need to perform.

Congress clearly contemplated that producer activities under Public Law 91-670 would be under direct surveillance of the Secretary. It was specifically provided that "all funds collected under this subparagraph (I) shall be separately accounted for and shall be used only for the purposes for which they are collected." It is essential, therefore, that the Agency prepare and submit to the Secretary for his approval budgets showing projected amounts of available funds and how such funds are to be disbursed. Also, in order to make the audit necessary to establish that Agency funds are used only for authorized purposes, the market administrator or other representative of the Secretary must have access to all of the Agency's records and access to, and the right to examine, any directly pertinent books, documents, papers, and records of any organization performing advertising and promotion activities for such Agency.

Proponent proposed that budgets be prepared and submitted for approval on a quarterly basis. The Agency must be in a position to develop firm plans and make commitments covering a sufficient forward period to insure a continuing viable program. A calendar quarter is concluded to be the minimum practical period for achieving this end and it is provided, therefore, that a budget shall be submitted to the Secretary for his approval prior to each quarterly period.

All of the possible promotion and other authorized activities that the Agency may wish to pursue cannot be anticipated

at this time. Therefore, the authority for the Agency to establish programs and projects is purposely left broad and flexible to facilitate the timely development of such programs suitable to prevailing circumstances in the market.

Any promotion program or project the Agency may consider must comport with the terms and conditions of the order and be evaluated in terms of cost, the statutory objectives to be accomplished, the time required to complete the program or project, and other such factors in order to arrive at a sound decision as to whether the program or project is justified.

The required budget submissions will permit the Secretary to evaluate projected programs in terms of the declared policy of the Act and also will serve as policy guidelines for Agency members in the conduct of their operations for each ensuing quarterly period. This will be particularly helpful in the transition of Agency membership as the terms of office of individual members expire.

The Agency appropriately must follow prudent operating procedures in the furtherance of the best interests of producers. It is required, therefore, that it shall keep minutes of its meetings and such other books and records as will clearly reflect all its transactions, and on request shall submit such books and records to the Secretary for his examination. It also shall provide for the bonding of all persons handling Agency funds with surety thereon satisfactory to the Secretary.

The attached order prescribes no specific requirement of the Agency to publish an account of funds collected and the use made thereof, or to make releases of information concerning the operation of the program to producers and other interested parties. Since the activities of the Agency are under the direct supervision of the Secretary, it is not necessary to prescribe such requirements to insure the integrity of the program. However, since the degree of producer participation in the program, and thus its relative success, will depend in large part upon the interest and confidence it generates among producers, the Agency undoubtedly will keep producers on the market fully informed of its milk promotion plans, projects, and activities. In view of these considerations, it is not necessary to prescribe specific informational releases to producers and other parties.

The Agency should be authorized to incur reasonable expense in its administration of the program, including the employment and the fixing of compensation of any person necessary to the exercise of its powers and performance of its duties. For example, the Agency may find it necessary to retain the services of an attorney from time to time to assist in the preparation of contracts, or to employ a stenographer, or other individual(s) to handle its record keeping and bookkeeping functions. It is possible that the Agency may find it desirable to enlist the services of other individuals with special talents who could aid in program and promotion planning by virtue of their

particular knowledge, skills, or expertise in the areas of advertising and promotion. Other Agency costs could be expected to involve miscellaneous office costs usually associated with a business office.

It is, of course, appropriate and necessary that Agency representatives be reimbursed for reasonable expenses incurred in attending meetings and while on other Agency business. This could involve expenses for meals, lodging, and travel in a private car or by public transportation. It would be unreasonable to require members of the Agency to bear such expenses incurred in the interest of all producers on the market.

It was proposed, and it is here adopted, that the amount of money utilized by the Agency for its expenses in administering the program should not exceed 5 percent of the funds received by the Agency from the market administrator. This establishes a reasonable limitation on Agency costs and assurance to producers that the funds collected under the program will be expended prudently on advertising and promotion activities.

The Agency, of course, is handling funds otherwise payable to producers. The Agency members therefore should have assurance that they will not be personally liable for the impact of their official acts except for willful misconduct, gross negligence or any acts that are criminal in nature. To assure that the Agency funds are used only for the purpose contemplated by the Congress, it is provided that such funds shall not be used for political activities or for influencing governmental policy or acts.

It is possible that at some later date producers could request termination of the program or that the order provisions could be terminated by the Secretary on a finding that they no longer tend to effectuate the declared policy of the Act. In the event that the provisions of the advertising and promotion program are terminated in their entirety, any remaining uncommitted funds applicable thereto should revert to producers since such monies are derived solely from funds otherwise due producers. The uncommitted funds appropriately should be deposited in the producer-settlement fund for distribution to producers.

Expenses incurred by the market administrator in the administration of the advertising and promotion program should be charged against the advertising and promotion fund. Neither the marketing service fund nor the administrative fund should be charged with costs directly related to the administration of the advertising and promotion program. The program is producer originated and should be self sustaining. The expenses attendant to its administration appropriately should be borne by producers.

The statutory authority under Public Law 91-670 supports this position and makes it clear that this is intended to be strictly a producer program. The law provides for "Establishing or providing for the establishment of * * * program

* * * to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. * * * All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purpose for which they are collected."

Public Law 91-670 provides that "notwithstanding any other provisions of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

As adopted herein, a producer desiring a refund on the assessments made against his marketings must submit to the market administrator his signed request in the form prescribed by the market administrator within the first 15 days of the month (December, March, June, or September) preceding the calendar quarter for which refund is requested.

Congress clearly intended that producers not wishing to participate in the promotion program should get their money refunded with no unnecessary impediments. It must be recognized, however, that there is necessarily a significant cost in making refunds and, in addition, that any promotion program could have only limited success unless the moneys to be available for it are known in time to make firm forward plans and commitments. Refunding on a quarterly basis was proposed by proponent and is a reasonable basis for implementing the intent of Congress in that it insures refunds on a timely basis and without undue administrative costs.

Without appropriate safeguards it would be possible for any cooperative or individual not in harmony with the program to impede its effectiveness through the filing of refund requests in the name of individual producers or by solicitation of refund requests from individual producers without their full knowledge or understanding of the nature of their action. To deter this result, reasonable procedures must be set up to clearly establish that any refund request received originated with and is the action of the individual producer.

The provisions as herein adopted will permit the market administrator to develop appropriate procedures to this end. It is provided that the application must be filed in the form prescribed by the market administrator and signed by the producer. However, so that there can be no unnecessary demands placed on producers, only that information necessary to identify the producer and the records relevant to the refund may be required.

Proponent recognized that the refund request procedure as proposed (e.g., a request filed with the market administrator during the first 15 days of the month preceding the beginning of each calendar quarter) could not accommodate new

producers who might not wish to participate in the program during their first few months on the market. The cooperative proposed, therefore, that until the initial quarter for which a new producer could comply with the regular refund request procedure such producer be granted a refund on his marketings upon proper application filed with the market administrator at any time during the period. This proposed flexibility in the refund procedure is necessary so that new producers will not be denied refunds during their first few months under the order because of their inability to comply with the quarterly refund request procedure.

Proponent proposed that the market administrator be required to advise each producer promptly of the advertising and promotion program when effectuated and thereafter with respect to new producers. To insure that producers have an awareness of the program and of their rights thereunder, it is provided that the market administrator shall make such notification by forwarding each producer a copy of the program provisions.

Proponent recognized that the production units of some producers under the order could be located in a State that has a mandatory checkoff for a similar advertising and promotion program under State law. Proponent held that in such circumstance a double assessment was not intended and that such producers appropriately should be refunded from the program under the Federal order an amount equal to such State assessment but not in excess of the 5-cent assessment under this program. This procedure is provided for in the statute and should be adopted.

The provisions, as herein adopted, provide that all refunds shall be made by the market administrator. Refund moneys have no relationship to the purpose for which the Agency is formed. Also, refunds to individual producers may vary depending on whether there has been a mandatory deduction from such producer's payments under a State program. The Agency could not have the necessary information to make refunds except as it was obtained from the market administrator. By making the market administrator wholly responsible for all refund activities, the overall administrative costs to the program will be minimized and, conversely, the funds available to the Agency for advertising and promotion will be maximized.

Since this is a voluntary program, there should be no provision for disclosure by the market administrator regarding the status of any producer under the program. It will be incumbent upon the participants, through their Agency, to conduct programs in a manner and of a nature to set the climate for maximum participation by producers.

To implement the advertising and promotion program, it is necessary that certain provisions of the current order be modified.

The procedure for computing the uniform price must be modified by the addition of a new paragraph prescribing the deduction from the aggregate value of

an amount computed by multiplying the total hundredweight of producer milk included in the computation by 5 cents. It is through this procedure that the advertising and promotion funds are reserved. This, of course, has the result of reducing the uniform price by approximately 5 cents. The advertising and promotion moneys so reserved would be held in the producer-settlement fund for disposition by the market administrator in accordance with the terms and conditions prescribed under the advertising and promotion program order provisions.

It is also necessary to make appropriate corollary changes in the provisions prescribing the obligations of a handler operating a partially regulated distributing plant and the obligations of any handler with respect to other source milk allocated to Class I (on which the pool obligation is the difference between the Class I and the uniform price) so that such handlers' pool obligations will not be increased by 5 cents because of the change in the uniform price.

It is recognized that unless otherwise provided for an audit adjustment involving any handler's balance of payment to or from the producer-settlement fund could also require adjustments in the moneys to be turned over to the program or refunded to producers, as the case may be. However, such adjustment normally would not involve sufficient volumes of milk to significantly affect the moneys available to the program. For this reason, and because of the substantial administrative costs that would be involved in reflecting audit adjustments in adjusted payments to the program, it is intended that such audit adjustments shall not result in adjustments of funds available to the program.

Other order modifications not specifically discussed herein are necessary and incidental to insure the proper functioning of the order to accommodate the advertising and promotion program as here established.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

A brief and proposed findings and conclusions were filed on behalf of a certain interested party. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions is denied for the reasons previously stated in this decision.

GENERAL FINDINGS

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 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) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) 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 marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be 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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

No exceptions to the findings and conclusions of the recommended decision were filed.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the order regulating the handling of milk in the south Texas marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL OF THE ADVERTISING AND PROMOTION PROGRAM AND DETERMINATION OF REPRESENTATIVE PERIOD

February 1973 is hereby determined to be the representative period for the purpose of ascertaining whether the proposed order provisions constituting the advertising and promotion program in the order regulating the handling of milk in the south Texas marketing area are separately approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on April 10, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

Order¹ amending the order, regulating the handling of milk in the south Texas marketing area.

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 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.—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 south Texas marketing area. The hearing was held 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 (7 CFR pt. 900).

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.

Order relative to handling.—It is therefore ordered that on and after the effective date hereof the handling of milk in the south Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

decision issued by the Deputy Administrator, regulatory programs, on March 7, 1973, and published in the *FEDERAL REGISTER* on March 12, 1973 (38 FR 6683) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

1. In § 1121.61(b), subparagraph (5) is revised as follows:

§ 1121.61 **Obligation of handler operating a partially regulated distributing plant.**

(b) * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) subtract its value at the uniform price applicable at such location plus 5 cents (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) less the value of such skim milk at the Class II price.

2. Section 1121.63 is revised as follows:

§ 1121.63 **Producer-handler.**

Sections 1121.40 through 1121.46, 1121.50 through 1121.55, 1121.70 through 1121.72, 1121.80 through 1121.89, and 1121.110 through 1121.122 shall not apply to a producer-handler.

3. In § 1121.71, the word "and" at the end of paragraph (c) is deleted, the period at the end of paragraph (d) is deleted and a semicolon followed by the word "and" is added thereat, and a new paragraph (e) is added as follows:

§ 1121.71 **Computation of aggregate value used to determine uniform price.**

(e) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents.

4. In § 1121.84(b), subparagraph (2) is revised as follows:

§ 1121.84 **Payments to the producer-settlement fund.**

(b) * * *

(2) The value at the uniform price(s) applicable at the location of the plant(s) from which received plus 5 cents (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1121.70(e).

5. Immediately following § 1121.88, a new centerhead and new §§ 1121.110 through 1121.122 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1121.110 **Agency.**

"Agency" means an agency organized by producers and producers cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds

made available pursuant to § 1121.121(b) (1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, and educational and other programs designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1121.111 **Composition of Agency.**

Subject to the conditions of paragraph (a) of this section, each cooperative association or combination of cooperative associations, as provided for under § 1121.113(b), is authorized one Agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers which have elected not to combine pursuant to § 1121.113(b), and participating producers who are not members of cooperatives, are authorized to select from such group, in total, one Agency representative for each full 5 percent that such producers constitute of the total participating producers. If such group of producers in total constitutes less than 5 percent, it shall nevertheless be authorized to select from such group in total one Agency representative. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

(a) If any cooperative association or combination of cooperative associations, as provided for under § 1121.113(b), has a majority of the participating producers, representation from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number of representatives necessary to constitute a majority of the Agency representatives.

§ 1121.112 **Term of office.**

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1121.113 **Selection of Agency members.**

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative, who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participat-

ing producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1121.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order and annually thereafter the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. The election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1121.114 **Agency operating procedure.**

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting.

§ 1121.115 **Powers of the Agency.**

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1121.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

(d) With approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1121.110 and 1121.117.

§ 1121.116 **Duties of the Agency.**

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be

necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1121.110 and 1121.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(f) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings and pay the expenses of administering the Agency; and

(g) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1121.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1121.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1121.121(b) (1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1121.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either

of commission or omission, of such member in performance of his duties, except for acts of wilful misconduct, gross negligence, or those which are criminal in nature.

§ 1121.120 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section, may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

§ 1121.121 Duties of the market administrator.

Except as specified in § 1121.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1121.113(c).

(b) Set aside the amounts subtracted under § 1121.71(e) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising

and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1121.71(e).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1121.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1121.71(e) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1121.110 through 1121.122).

(d) Make necessary audits to establish that all Agency funds are used only for authorized purposes.

§ 1121.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1121.83.

[FR Doc. 73-7229 Filed 4-12-73; 8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

SPECIFICATIONS FOR RURAL TELEPHONE FACILITIES

Proposed Revision of REA Form 397c, REA Design Specifications for Subscriber Carrier Systems

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.) and the Rural Development Act of 1972 (Public Law 92-419), REA proposes to issue REA Bulletin 385-4 to announce a revision of REA Form 397c, REA design specifications for subscriber carrier systems. On issuance of REA Bulletin 385-4, appendix A to part 1701 will be modified accordingly.

Persons interested in the revised form may submit written data, views, or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than May 14, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised REA Form 397c may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 385-4 announcing the issuance of the revised form is as follows:

REA BULLETIN 385-4

SUBJECT: Special Equipment Contracts and Specifications.

I. Purpose.—To announce the revision of REA Form 397c, REA Design Specifications for Subscriber Carrier Systems and list current editions of special equipment contracts and specifications.

II. General.—These contracts and specifications are to be used by borrowers for the purchase of special electronic equipment in accordance with the procedure set forth in REA Bulletin 385-2, "Purchasing Special Electronic Equipment."

III. Contracts and specifications.—A. *Contracts.*—1. Special Equipment Contract (Including Installation), REA Form 397 (Revised 12-67).

2. Special Equipment Contract (Not Including Installation), REA Form 398 (11-62).

3. Telephone Equipment Contract (Installation Only), REA Form 400 (10-65).

B. *Specifications.*—1. Voice Frequency Repeaters and Voice Frequency Repeater Trunk Specifications, REA Form 397a (1-63).

2. REA Design Specifications for Wire Line Trunk Carrier Systems, REA Form 397b (12-71).

3. Subscriber Carrier Specifications, REA Form 397c (5-73).

4. REA Design Specifications for Point-to-Point Microwave Radio Systems, REA Form 397d (6-70).

5. Mobile and Fixed Dial Radiotelephone Equipment Specifications, REA Form 397e, (5-71).

6. Trunk Carrier Multiplex Equipment, PE-60 (4-71).

7. Station Carrier Equipment, PE-62 (8-72).

8. Microwave Radio Equipment, PE-63 (6-69).

9. Subscriber Carrier Equipment, PE-64 (10-72).

IV. Revision of REA Form 397c, Design Specifications for Subscriber Carrier Systems.—The principal changes are:

A. Basic equipment specifications have been deleted and incorporated in the new PE-64, REA Specification for Subscriber Carrier Equipment.

B. To provide clearer separation of responsibilities between the purchaser and seller.

C. To provide for more detailed engineering information for subscriber systems, especially the newer PCM types.

D. Acceptance test requirements have been modified and referenced to PE-62 and PE-64 requirements.

E. Purchaser and seller checklists have been added to allow flexibility in the purchase of equipment.

V. Source of special equipment contracts, specifications, and contractor's bonds.—A. The contracts and the specifications are available from REA upon request. The contracts and the individual specifications are stocked separately.

B. Each contract form, 397 and 400, contains one copy of the "Contractor's Bond," REA Forms 397f and 400a respectively. Additional copies of these bond forms are available from REA upon request. Questions concerning the revised form may be referred to the Chief, Transmission Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3917.

Dated April 10, 1973.

E. F. RENSHAW,
Assistant Administrator—Telephone.
[FR Doc.73-7230 Filed 4-12-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

GENERALLY RECOGNIZED AS SAFE (GRAS) SUBSTANCES NO LONGER IN USE

Proposal for Removal From GRAS List

The Food and Drug Administration is conducting a study of the individual substances classified as generally recognized as safe (GRAS) in 21 CFR 121.101. As a part of this study, the National Academy of Sciences, through its Food Protection Committee of the National Research Council, has conducted a comprehensive survey of the production and use of GRAS substances. This survey was made on the basis of a questionnaire provided to all producers, formulators, and users of these substances who could be located through various trade association lists and other sources. Also, notice of the survey was given in the *FEDERAL REGISTER* of October 23, 1971 (36 FR 20546) to insure that all persons interested in participating in the survey were afforded an opportunity to do so. A total of 750 organizations representing individual processors, suppliers, manufacturers, and distributors were surveyed.

The survey questionnaire provided, among other things, for the reporting by each participant of his total production of each GRAS substance manufactured during the year 1970. The results of the survey reveal that a number of the substances listed in 21 CFR 121.101 apparently are no longer in use.

The Commissioner has concluded that it would be a needless and an unwarranted expenditure of resources to evaluate GRAS substances which are no longer in use. Accordingly, he proposes to delete the substances set forth below from 21 CFR 121.101 and the GRAS review except for any of such substances for which adequate evidence of manufacture and/or use may be submitted in response to this proposal within 60 days of its publication in the *FEDERAL REGISTER*.

If the evidence submitted for any such substance is limited to its use in animal feed, the substance will be excluded from the current GRAS review but will be continued in § 121.101 limited to use in animal feed only.

The objective of this action is solely to exclude from the GRAS list review substances that have been discontinued from human food use. Exclusion of these substances is not for the purpose and does not have the effect of classifying

the substances as food additives. Any substance excluded from the GRAS list review may be considered for GRAS affirmation at any future time on the basis of a petition submitted pursuant to § 121.40 (37 FR 25705).

Therefore, pursuant to the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788, as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend part 121 by deleting from § 121.101 the following substances:

aluminum calcium silicate	manganese hypophosphite
DL-arginine	manganous oxide
DL-aspartic acid	monoisopropyl citrate
bentonite	D-pantothenyl alcohol
butane	potassium bisulfate
calcium ascorbate	potassium glycerophosphate
calcium glycerophosphate	propane
calcium hexametaphosphate	DL-serine
calcium pyrophosphate	sodium pantothenate
calcium sorbate	sodium pectinate
choleic acid	sodium potassium tartrate
cuprous iodide	sodium sesquicarbonate
desoxycholeic acid	sodium sorbate
dextrins	sodium tartrate
dilauryl thiodipropionic acid	sodium taurocholate
ferrous lactate	stearyl citrate
glycholeic acid	taurocholic acid
gum gualac	thiodipropionic acid
helium	DL-threonine
DL-histidine	D-alpha tocopheryl acetate concentrate
linoleic acid	DL-tryptophan
DL-lysine	DL-tyrosine
magnesium phosphate, tribasic	DL-valine
manganese citrate	zinc chloride
manganese gluconate	zinc gluconate
manganese glycerophosphate	zinc stearate

Interested persons may, on or before June 12, 1973, file with the hearing clerk, Food and Drug Administration, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this notice. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated April 5, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.73-7157 Filed 4-12-73;8:45 am]

[21 CFR Part 191]

CERTAIN TOYS OR OTHER CHILDREN'S ARTICLES CONTAINING GLASS

Proposed Classification as Banned Hazardous Substances

Section 2(f)(1)(D) of the Federal Hazardous Substances Act provides for

the classification of any toy or other article intended for use by children as a hazardous substance upon a determination by regulation that it presents a mechanical hazard. Under section 2(q) (1) (A) of the act, such classification also makes the toy or article a banned hazardous substance. "Mechanical hazard" is defined by section 2(s) of the act, and banned toys and other banned children's articles are listed in 21 CFR 191.9a.

Consumers have long recognized the many hazards associated with unprotected glass. While they generally exercise due caution in the handling of glass-component products, children have proven to be especially vulnerable to accidents caused by toys and other articles containing glass. Many accidents occur annually to children playing with glass-component toys and articles; injuries range from those requiring surgical attention to simple punctures of the skin. Many accidents go unreported because treatment is provided at home.

Consumer complaints also underscore the hazards presented by glass-containing toys. Reports indicate that such toys are fragile and that, when subjected to reasonably foreseeable damage or abuse at the hands of children, they break to expose sharp glass particles which may inflict puncture wounds and lacerations. The safety of children under 8 years of age is of special concern because they lack the judgement to recognize the dangers presented by glass components in toys.

The proposed regulation will:

1. Ban all glass-containing toys or other articles intended for use by children under 8 years of age unless they meet specified design and testing requirements. The testing procedures for these articles are intended to simulate the normal use or reasonably foreseeable damage or abuse which children in this age bracket normally inflict on such articles.

2. Ban all glass-containing toys and articles intended for use by children 8 years of age or more unless the products meet said design and testing requirements or specified labeling requirements.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f) (1) (D), (q) (1) (A), and (s), 3(e) (1); 74 Stat. 372, 374, 375, as amended, 80 Stat. 1304-1305, 83 Stat. 187-189; 15 U.S.C. 1261, 1262) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to add a new subparagraph (17) to § 191.9a(a), as follows:

§ 191.9a Banned toys and other banned articles intended for use by children.

(a) Toys and other children's articles presenting mechanical hazards. * * *

(17) Any toy or other article intended for use by children under 8 years of age containing glass unless the glass is covered, enclosed, or otherwise protected such that no glass particles or edges are accessible after the article is subjected to applicable test methods described in §§ 191.21, 191.22, and 191.23. Any toy or other children's article that is not generally

recognized as being suitable for use only by children 8 years of age or older shall be subject to the provisions of this subparagraph unless it meets the following requirements:

(i) The shelf package of the article is prominently and clearly marked in the upper right-hand quarter of the principal display panel with the statement "CAUTION: Not Recommended for Children Under 8 Years of Age—Contains Glass". If the article is unpacked, the required statement shall appear on the article itself or on a tag securely attached to the article.

(ii) All markings required by subdivision (i) of this subparagraph shall be of a permanent nature, such as paint-stenciled, die-stamped, molded, or indelibly stamped. All required markings shall appear in block lettering of a height not less than that specified in this subdivision, shall contrast sharply with the background (whether by color, projection, or indentation), and shall be readily visible and legible. Lettering heights for required markings are as follows:

Surface of display marking area in square inches:	Minimum height of lettering in inches
Under 5	1/16
5 to 24	1/8
25 to 99	3/16
100 to 399	1/4
400 or more	1/2

This subparagraph shall not apply to nontoy glass articles used during the consumption of food or beverages, children's prescription eyewear, children's vacuum bottles, and light bulbs and similar illuminating devices that are components of toys.

Interested persons may, on or before June 12, 1973, file with the hearing clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated April 9, 1973.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc. 73-7158 Filed 4-12-73; 8:45 am]

[21 CFR Part 191]

CERTAIN VACUUM BOTTLES INTENDED FOR USE BY CHILDREN

Proposed Classification as Banned Hazardous Substances

Section 2(f) (1) (D) of the Federal Hazardous Substances Act provides for the classification of any toy or other article intended for use by children as a hazardous substance upon a determination by regulation that it presents a mechanical hazard. Under section 2(q) (1) (A) of the act, such classification also makes the toy or article a banned hazardous substance. "Mechanical hazard"

is defined by section 2(s) of the act, and banned toys and other banned children's articles are listed in 21 CFR 191.9a.

The Food and Drug Administration has received complaints and expressions of concern regarding glass particles accessible to children from broken glass liners of vacuum bottles. Such articles present the hazard of accidental ingestion of, or laceration by, glass particles or chips resulting when the filler cracks or breaks.

The Commissioner of Food and Drugs has therefore determined (1) that the glass fillers in these products have mechanical hazards associated with them which present an unreasonable risk of personal injury or illness from ingestion or laceration, and (2) that certain vacuum bottles containing glass fillers should be banned from interstate commerce.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f) (1) (D), (q) (1) (A), and (s), 3(e) (1), 74 Stat. 372, 374, 375, as amended, 80 Stat. 1304-1305, 83 Stat. 187-189; 15 U.S.C. 1261, 1262) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 191 be amended by adding a new subparagraph (11) to § 191.9a(a) and by adding a new section as follows:

§ 191.9a Banned toys and other banned articles intended for use by children.

(a) Toys and other children's articles presenting mechanical hazards. * * *

(11) Vacuum bottles equipped with glass fillers with labeled capacity of 16 ounces or less that are intended for use by children and that are not designed and constructed to pass the test method prescribed by § 191.24. This subparagraph shall not apply to vacuum bottles equipped with glass fillers that are intended for adult use and which bear the statement "Not recommended for use by children. This article contains glass." in contrasting colors on the main panel of the wrapper and surrounded by a prominent border. Glass filler replacements shall bear the statement "This article made of glass. Should be installed by adult." on the main panel of the carton. The statement shall be surrounded by a prominent border.

§ 191.24 Method of testing vacuum bottles for accessibility of glass.

(a) Application.—All vacuum bottles with a capacity of 16 ounces or less that are intended for use by children are subject to this test.

(b) Impact medium.—The impact medium shall consist of a 0.125-inch nominal thickness of type IV vinyl-asbestos tile, as specified in Federal specification SST-312A,¹ over at least a 2.5-inch thick-

¹ Dated May 30, 1972; approved by the Commissioner, Federal Supply Service, General Services Administration; copies available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, and General Services Administration, Specification Sales, Building 197, Washington Navy Yard, Washington, D.C. 20407.

ness of concrete. The impact area shall be at least 3 square feet.

(c) *Test procedure.*—The test shall consist of dropping a fully assembled vacuum bottle, filled to the neck with water at 36° to 40° F., a maximum of four times from a height of 3 feet. The vacuum bottle shall be dropped in random orientation. After each drop, the test sample shall be allowed to come to rest and examined and evaluated before continuing. If the glass filler breaks on any of the first three drops, the test can be terminated on the particular drop on which the filler breaks. Accessibility of glass particles on or near the impact medium, or in the liquid when the test is completed, shall constitute failure. Accessibility of glass in the liquid shall be determined by opening the cap and emptying the contents.

Interested persons may, on or before June 12, 1973, file with the hearing clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated April 9, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 73-7159 Filed 4-12-73; 8:45 am]

Food and Drug Administration
[21 CFR Parts 191, 191e]
BABY CRIBS

Proposed Classification as Banned
Hazardous Substance

Section 2(f)(1)(D) of the Federal Hazardous Substances Act provides for the classification of any toy or other article intended for use by children as a hazardous substance upon a determination by regulation that it presents a mechanical hazard. Under section 2(q)(1)(A) of the act, such classification also makes the toy or article a banned hazardous substance. "Mechanical hazard" is defined by section 2(s) of the act, and banned toys and other banned children's articles are listed in 21 CFR 191.9a.

It is estimated that each year from 150 to 200 infants die in the United States from injuries associated with baby cribs. About 50,000 more receive nonfatal injuries requiring medical care in hospital emergency rooms, clinics, or physicians' offices. Although crib-associated deaths nearly always involve infants under 1 year of age, the children sustaining injuries range up to 5 years of age.

Since 1970, the Food and Drug Administration has received reports of 133 children's deaths which, according to the death certificates, are related to problems of crib structure. The deaths were mainly due to strangulation or suffoca-

tion caused by the child being wedged between the mattress and the crib frame or by slipping through the vertical members of slats feet first and being caught by the head.

In 1972, FDA conducted 49 in-depth investigations of injuries, including 2 deaths, associated with baby cribs. In one case a suffocated 7-month-old child was found on its stomach between the headboard and the mattress with his face to the mattress. In another, a 13-month-old child was found dead with his feet on the floor and his head and neck trapped between the headboard and spring. Apparently the child had rocked the side rail loose from the headboard. These investigations also disclosed that the most common crib-associated injuries requiring medical treatment were caused by falls out of cribs. The injuries ranged from minor bruises of the head and face to fractures of the skull, ankle, and collarbone.

Crib design characteristics contributing to the strangulation and suffocation deaths are excessive width of the spaces between the slats and the gap between the mattress and sides of the crib. Some of the structural problems contributing to injuries from falls are latches that do not adequately hold up the drop side, insufficient height between the mattress and the top of the rail, and horizontal toeholds that enable the child to climb out. Ornaments, sharp corners, brackets, and the like contribute to laceration and puncture injuries.

In October 1972, FDA requested the Highway Safety Research Institute of the University of Michigan to conduct a special study of infants to provide basic body measurement data for determining requirements for slat spacing. On December 18, 1972, the Institute submitted a report of its findings: "Selected Infant Anthropometry Crib Slat Sub-Study."

Preliminary technical requirements for full-size cribs were drafted in January 1973 and distributed with a request for comments to crib manufacturers, the Juvenile Products Manufacturers Association, the University of Michigan, and the District of Columbia medical examiner's office. As a result of comments obtained, information contained in a revised report from the University of Michigan, and further review within the FDA, the requirements have been revised as set forth below. A copy of the following records is available for inspection during working hours at the office of the hearing clerk: The University of Michigan report and documentation justifying the technical requirements contained in this proposed regulation.

At the time requirements for full-size cribs were being developed, as previously discussed, FDA was also gathering technical data necessary for developing requirements for portable and undersize cribs. All of these requirements for portable and undersize cribs have not been completed. Those that have been completed are included in this proposal, which is therefore applicable to all types and sizes of baby cribs. When the remain-

ing requirements are completed, as well as requirements for mattresses that are being developed, they will be the subject of future FEDERAL REGISTER notices. The Commissioner concludes that delay in the publication of this proposal is not justified while additional regulations are being developed.

The Commissioner of Food and Drugs has therefore determined that certain baby cribs, because of mechanical hazards associated with their design and manufacture, present an unreasonable risk of personal injury or death from strangulation, suffocation, falls, punctures, and laceration and consequently should be banned from interstate commerce.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1)(A), and (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended, 80 Stat. 1304-1305, 83 Stat. 187-189; 15 U.S.C. 1261, 1262) and under authority delegated to him 21 CFR 2.120), the Commissioner proposes that a new subparagraph (13) be added to § 191.9a(a) and that a new part 191e be added to title 21, chapter 1, as follows:

§ 191.9a Banned toys and other banned articles intended for use by children.

(a) Toys and other children's articles presenting mechanical hazards. * * *

(13) Any baby crib that does not comply with the requirements of part 191e of this chapter.

PART 191e—REQUIREMENTS FOR BABY CRIBS

- Sec.
191e.1 Dimensions.
191e.2 Spacing of crib components.
191e.3 Component spacing test method for § 191e.2(b).
191e.4 Hardware.
191e.5 Construction and finishing.
191e.6 Assembly instructions.
191e.7 Identifying marks and warning statement.
191e.8 Recordkeeping.

AUTHORITY: The provisions of the part 191e issued under secs. 2(f)(1)(D), (q)(1)(A), and (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended, 80 Stat. 1304-1305, 83 Stat. 187-189; 15 U.S.C. 1261, 1262.

§ 191e.1 Dimensions.

(a) Full size baby cribs shall have dimensions as follows:

(1) *Interior.* The interior dimensions shall be 28±½ inches wide as measured between the innermost surfaces of the crib sides and 52½±½ inches long as measured between the innermost surfaces of the crib end panels, slats, rods, or spindles. Both measurements are to be made at the level of the mattress support spring in each of its adjustable positions and no more than 2 inches from the crib corner posts.

(2) *Rail height.* The rail height dimensions shall be as follows:

(i) The height of the rail or end panel as measured from the top of the dropside rail or panel in its lowest position to the top of the mattress support in its highest position shall be at least 9 inches.

(ii) The height of the dropside rail or end panel as measured from the top of the dropside rail or panel in its highest position to the top of the mattress support in its lowest position shall be at least 26 inches.

§ 191e.2 Spacing of crib components.

(a) The distance between components (such as slats, spindles, crib rods, and corner posts) shall not be greater than 2 3/8 inches at any point. Measurement of distance between contoured or irregular slats or spindles shall be done by a 2 3/8-inch wide by 4-inch high by 4-inch long rectangular block which shall not pass through the space.

(b) The distance between such components shall not exceed 2 1/2 inches when a 20-pound direct force is applied in accordance with the test method in § 191e.3. For contoured or irregular slats or spindles, the spacing shall not permit passage of a 2 1/2-inch wide by 2 3/4-inch high by 2 3/4-inch long rectangular block above and below the loading wedge when a 20-pound direct force is applied in accordance with said test method.

§ 191e.3 Component spacing test method for § 191e.2(b).

(a) Construct a right triangular prism (2 1/2-inches by 5-inches wide by 1 1/2-inches deep) from a rigid material (steel, wood, aluminum, or equivalent). Drill a 1/4-inch diameter hole from the center of the apex to the center of the base and secure a 4-inch eyebolt in the hole.

(b) Place the wedge midway between two vertical components. Attach a dial pull gauge (Chatillon Model DPP-50 or equivalent spring scale) to the eyebolt and exert a 20-pound direct pull on the wedge. The test may be performed by suspending a 20-pound weight from the eyebolt with the crib component placed in a horizontal position.

§ 191e.4 Hardware.

(a) A crib shall be designed and constructed in a manner that eliminates from any hardware accessible to a child the possibility of the hardware's presenting a mechanical hazard through pinching, bruising, lacerating, crushing, breaking, amputating, or otherwise injuring portions of the human body when the crib is in normal use or when subjected to reasonably foreseeable damage or abuse.

(b) Locking or latching devices used to secure dropside or folding rails shall not be accessible to a child from inside the crib. Such devices shall require a minimum force of 10 pounds to activate the release mechanism or shall consist of a double-action device requiring two distinct actions to release.

(c) Wood screws shall not be used in the assembly of stationary sides, dropside rails, folding rails, or stabilizing bars to crib ends or other components that must be removed in the normal assembly or disassembly of a crib.

§ 191e.5 Construction and finishing.

(a) All wood surfaces shall be smooth and free from splinters.

(b) All wood parts shall be free from splits, cracks, or other defects.

(c) Crib end panels and sides or any attachment thereto shall have no horizontal bar or other surface accessible to a child inside the crib capable of being used as a foothold located less than 20 inches above the mattress support in its lowest position when the side rail is in its highest position, except the lower horizontal bar of the crib rail may have a vertical dimension that extends no higher than 3 inches above the mattress support in its lowest position.

(d) Attachments accessible to the child while in the crib, including, but not limited to, "built-in" toys, decorations, teething rails, or design components shall be tested in accordance with the test methods of §§ 191.21 and 191.22 of this chapter, specifying test methods for simulating use and abuse for toys, games, and other articles intended for use by children. The test methods shall include those for pull, torque, impact, and bite which would result in a potential for causing laceration, puncture wound, aspiration, ingestion, or other injury. For determining if any small parts present choking, aspiration, and/or ingestion hazards, see § 191.9a(a)(9) of this chapter.

(e) The crib's design shall not incorporate any features accessible to a child inside the crib, such as cutout chapes, scroll designs, or wedge configurations which could trap fingers, hands, or clothing, or that present a potential for laceration or puncture or other injury.

§ 191e.6 Assembly instructions.

(a) Cribs, when shipped other than completely assembled, shall be accompanied by detailed instructions that include an assembly drawing, a list and description of all parts and tools required for assembly, and a full-size diagram of the required bolts and other fasteners.

(b) The instructions. (1) Shall be so written that an unskilled layman can correctly assemble the crib without making errors that would result in improper and unsafe assembly.

(2) Shall include cautionary statements concerning the secure tightening of bolts and other fasteners.

(3) Shall contain a cautionary statement that when a child's height reaches 35 inches, the child should be placed in a youth or regular bed.

(c) The warning relative to mattress size for full-size cribs in § 191e.7(c) shall be included in the instructions.

§ 191e.7 Identifying marks and warning statement.

(a) All cribs and retail cartons thereof shall be suitably marked or labeled in accordance with this section.

(b) A crib shall be clearly marked to indicate:

(1) The name and place of business (city and State) of the manufacturer, importer, distributor, and/or seller; and

(2) A model number, stock number, catalog number, item number, or other symbol expressed numerically, in code or

otherwise, such that only articles of identical construction, composition, and dimensions shall bear identical markings.

(c) In the case of full-size cribs, the following warning shall appear on the retail carton and on the inside of the head end panel in a type size of at least one-fourth inch: "CAUTION: Any mattress used in this crib must be at least 27 1/4 inches by 51 1/2 inches with a thickness not exceeding 6 inches." The marking shall appear in block letters, shall contrast sharply with the background (by color, projection, and/or indentation), and shall be clearly visible and legible.

(d) Markings on a crib shall be of a permanent nature such as paint-stenciled, die-stamped, molded, or indelibly stamped directly thereon or permanently affixed, fastened, or attached thereto by means of a tag, token, or other suitable medium. The markings shall not be readily removable or subject to obliteration during normal use of the article or when the article is subjected to reasonable foreseeable damage or abuse.

(e) The retail carton of a crib, under customary conditions of display, shall clearly indicate: The name and place of business (mailing address including ZIP code) of the manufacturer, importer, distributor, and/or seller; and the model number, stock number, catalog number, item number, or other symbol described in paragraph (b)(2) of this section. The information required by this paragraph need not be placed on the retail carton if it appears on the article in such a manner as to be visible under customary conditions of retail display.

§ 191e.8 Recordkeeping.

The manufacturer or importer shall keep and maintain for 3 years after production or importation of each lot of cribs records of sale, distribution, and results of all inspections and tests conducted in accordance with this part 191e. These records shall be made available upon request at reasonable times to any officer or employee acting on behalf of the Secretary of Health, Education, and Welfare. The manufacturer or importer shall permit such officer or employee to inspect and copy such records, to make such inventories of stock as he deems necessary, and to otherwise verify the accuracy of such records.

Interested persons may, on or before June 12, 1973, file with the hearing clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated April 11, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-7266 Filed 4-12-73; 8:45 am]

Public Health Service

[42 CFR Part 57]

ARMED FORCES HEALTH PROFESSIONS
SCHOLARSHIP PROGRAM

Notice of Proposed Rulemaking

Section 2127(d) of title 10 of the United States Code, as added by section 2(a) of the Uniformed Services Health Professions Revitalization Act of 1972 (Public Law 92-426), provides that the Secretary of Health, Education, and Welfare prescribe regulations for use by the Secretary of Defense in determining whether an accredited civilian educational institution has increased its total enrollment for the sole purpose of accepting members of the Armed Forces Health Professions Scholarship Program.

Notice is hereby given that the Director, National Institutes of Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to adopt the following regulations as set forth in tentative form below.

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed, and data, views, and arguments relating to the proposed regulations may be presented in writing, in triplicate, to Associate Director (Program Implementation), Bureau of Health Manpower Education, National Institutes of Health, 9000 Rockville Pike, Building 31, room 5 C 12, Bethesda, Md. 20014. All comments received in response to this publication will be available for public inspection and copying at the Office of Grants Policy, Bureau of Health Manpower Education, National Institutes of Health, Building 31, room 5 B 36, 9000 Rockville Pike, Bethesda, Md. 20014, weekdays (Federal holiday excepted) between the hours of 8:30 a.m. and 5 p.m. All relevant material received on or before May 14, 1973, will be considered.

It is therefore proposed to add a new subpart Z to part 57 as set forth below.

Dated March 7, 1973.

JOHN F. SHERMAN,
Director,
National Institutes of Health.

Approved April 10, 1973.

CASPAR W. WEINBERGER,
Secretary.

Amend part 57 by adding thereto a new subpart Z to read as follows:

Subpart Z—Armed Forces Health Professions
Scholarship Program

- Sec.
57.2501 Applicability.
57.2502 Definitions.
57.2503 Determinations of increased enrollment solely for the program.

AUTHORITY: Sec. 2(a), Public Law 92-426, 86 Stat. 719 (10 U.S.C. 2127(d)).

§ 57.2501 Applicability.

In the event the Secretary of Defense decides to enter into one or more contracts under 10 U.S.C. 2127(d), the regulations in this subpart outline considera-

tions the Secretary of Defense will take into account in determining whether an accredited civilian educational institution has increased its total enrollment for the sole purpose of accepting members of the Armed Forces health professions scholarship program.

§ 57.2502 Definitions.

As used in this subpart:

(a) "Institution" means an accredited college, university, or other institution or an accredited department, division, or other administrative unit within a college, university, or other institution, which provides primarily or exclusively a course of study in medicine, dentistry, or other health profession, as determined under regulations prescribed by the Secretary of Defense, leading to a degree in one of said health professions.

(b) "Enrollment" in any fiscal year means the number of full-time students enrolled in an institution on October 15 of said year and pursuing a course of study which constitutes a full-time academic workload, as determined by the institution, leading to a degree in medicine, dentistry, or other health profession, as determined under regulations prescribed by the Secretary of Defense: *Provided*, That if the Secretary of Defense finds that a date other than October 15 would more accurately reflect an institution's enrollment in any fiscal year, the Secretary of Defense may use such other date in place of October 15 in making his determination under this subpart.

(c) "Fiscal year" means the Federal fiscal year beginning July 1 and ending on the following June 30.

(d) "Program" means the Armed Forces health professions scholarship program established under section 2(a) of the Uniformed Services Health Professions Revitalization Act of 1972 (86 Stat. 713, Public Law 92-426), and codified in chapter 105 of 10 U.S.C.

§ 57.2503 Determinations of increased enrollment solely for the program.

In the event the Secretary of Defense decides to enter into one or more contracts under 10 U.S.C. 2127(d), his determination as to whether an institution has increased its total enrollment in any fiscal year for the sole purpose of accepting members of the program will take into account the following considerations:

(a) A comparison of the total enrollment in said fiscal year with the total enrollments in immediately preceding fiscal years;

(b) Any increases in enrollment to which the institution has directly or indirectly committed itself in said fiscal year under: (1) Other Federal programs, such as those set forth in title VII and VIII of the Public Health Service Act (42 U.S.C. 292 et seq.), the Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972 (Public Law 92-541, 86 Stat. 1100 (38 U.S.C. 5070 et seq.)) and section 225 of the Public Health Service Act (sec. 5, Public Law 92-585, 86 Stat. 1293 (42

U.S.C. 234)); (2) programs of State or local governments or other public or private agencies, or (3) any legally binding arrangement: *Provided*, That insofar as a single increase may be applied to satisfy the commitments under two or more programs and/or other arrangements, said increase shall be considered to meet all such commitments;

(c) Any unusual factors, such as: (1) An institution having been newly established or (2) an institution experiencing what is for it an abnormal rate of attrition and/or admission.

[FR Doc. 73-7177 Filed 4-12-73; 8:45 am]

DEPARTMENT OF
TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 12734]

MITSUBISHI MODEL MU-2B AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to the short body version of the Mitsubishi Model MU-2B airplane. There have been reports of failure of the nose gear actuating system on Mitsubishi Model MU-2B airplanes that could result in collapse of the nose landing gear on landing. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require installation of a modified nose gear actuator assembly and reinforcement of the structure to which the nose landing gear actuator is attached on Mitsubishi Model MU-2B airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before May 14, 1973, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

MITSUBISHI HEAVY INDUSTRIES, LTD. Applies to Mitsubishi Model MU-2B airplanes (S/N 004, and 006 through 038); MU-2B-10, and MU-2B-15 airplanes (S/N 101, and 103 through 120); MU-2B-20, and MU-2B-25 airplanes (S/N 005, 102, and 121 through 271).

Compliance is required as indicated.

To prevent the failure of the nose gear actuating system, accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, modify the nose gear actuating assembly and its supporting structure in accordance with Mitsubishi MU-2 Service Bulletin No. 155, dated June 26, 1972, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Pacific-Asia Region.

Issued in Washington, D.C., on April 6, 1973.

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

[FR Doc.73-7139 Filed 4-12-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19718; FCC 73-368]

FM BROADCAST STATIONS IN MICHIGAN

Proposed Table of Assignments

In the matter of amendment of § 73.606(b), table of assignments, Television Broadcast Stations (Ann Arbor, Flint, Mount Clemens, Port Huron, and Saginaw, Mich.) docket No. 19718; RM-1854.

1. Notice of proposed rulemaking is hereby given with respect to amendment of the TV table of assignments (§ 73.606(b) of the Commission's rules) as concerns Ann Arbor and other communities in Michigan. This action is based on the petition of Wolverine-Morningstar Broadcasting, Inc. (Wolverine-Morningstar). Public notice of the filing of the petition was given September 10, 1971 (report No. 782). No oppositions were filed. Wolverine-Morningstar requested the assignment of channel 29 as the first commercial assignment to Ann Arbor, Mich. In order to make this assignment, it also proposed that channel 63 be substituted for channel 36 at Lansing, Mich.

2. The petition states that Wolverine-Morningstar is a Michigan corporation with nine stockholders, seven of whom reside in Ann Arbor, and that the stockholders represent a cross-section of the economic, social, and civic life of Ann Arbor and the area that a station operating on channel 29 would serve. It further says that if the channel is assigned to Ann Arbor, petitioner will promptly file an application for a construction permit for its use.

3. The petitioner has adduced a substantial amount of information concerning the population¹ and business growth of Ann Arbor, Mich. Its population is 99,797 and it is the seat of Washtenaw

County, population 234,103 (which constitutes the Ann Arbor standard metropolitan statistical area). It is asserted that while service is received from six television stations,² Ann Arbor merits a commercial channel of its own. In this respect, in addition to population data the petitioner alleges the following: The city is incorporated under the Home Rule Act of Michigan and governed by a charter established in April 1956; air transportation is provided by 13 airlines operating out of the Detroit Metropolitan Airport, 30 minutes from Ann Arbor, to which there is bus, taxi, and limousine service; Willow Run Airport and the Ann Arbor Municipal Airport are also available for other types of air service; other transportation in the area is provided by the Penn Central and Ann Arbor Railroads; Ann Arbor is the site of the University of Michigan, Concordia Lutheran Junior College, and Washtenaw Community College; and there are 31 public schools, four junior high schools, and two senior high schools as well as six private schools in Ann Arbor. Other data about local transportation, recreation, and health facilities, newspapers, library facilities, commerce, industry, and employment are also given, but we shall not detail these.

4. With respect to the assignment of channel 29 to Ann Arbor, it appears that there would be mileage shortages from the reference point to the channel 22 and 36 assignments at Mount Clemens and at Lansing, Mich., respectively, and the transmitter site of station WGTE-TV, channel 30, Toledo, Ohio. In order to remove the short spacings, petitioner proposes to operate from a transmitter site 18 miles west-northwest of the Ann Arbor reference point as well as proposing replacement of channel 36 with 63 at Lansing.

5. The Commission agrees that the Wolverine-Morningstar proposal will permit the assignment of channel 29 to Ann Arbor. However, a proposed major reallocation plan for lower Ontario was submitted by Canada for Commission approval on March 6, 1973. The assignment of channel 29 to Ann Arbor is in direct conflict with this plan. The Commission notified Canada of Wolverine-Morningstar's petition proposing channel 29 at Ann Arbor, and Canada's reply suggested channel 31 in place of channel 29. The Commission examined use of channel 31 at the transmitter site proposed by Wolverine-Morningstar and found it compatible with contemplated domestic changes proposed herein as well as the requested Canadian changes. Therefore, the Commission believes that channel 31 would be a more suitable assignment to propose for Ann Arbor.

6. It would appear that the petitioner, Wolverine-Morningstar Broadcasting, Inc., has made a sufficient showing that the public interest, convenience, and necessity might be served by assigning a

¹ Stations WJBK-TV, WWJ-TV, WXYZ-TV, WKBD-TV, and WXON, Detroit, and CKLW-TV, Windsor, Ontario.

television broadcast channel to Ann Arbor, in the light of the mandate of section 307(b) of the Communications Act of 1934, as amended, to make a fair, efficient and equitable distribution of broadcast services. In the circumstances, we are adopting this notice proposing the assignment of channel 31 to Ann Arbor instead of Wolverine-Morningstar's request for channel 29.

7. In accordance with the foregoing, the Commission requests comments on the following proposed revision of the TV table of assignments (section 73.606(b) of the rules), with respect to Ann Arbor and other communities in Michigan:

City	Channel No.	
	Present	Proposed
Ann Arbor, Mich.	*58	31, *58
Flint, Mich.	12, *31, 66	12, *28, 66
Mount Clemens, Mich.	22	38
Port Huron, Mich.	44	46
Saginaw, Mich.	25, 42	25, 45

Authority for the action proposed herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in section 1.415 of the Commission's rules and regulations, interested parties may file comments on or before May 17, 1973, and reply comments on or before May 30, 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.

9. In accordance with the provisions of section 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. All filings to this proceeding will be available for examination by interested parties during regular business hours in the Commission's public reference room, at its headquarters, 1919 M Street NW., Washington, D.C.

Adopted April 4, 1973.

Released April 6, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,*

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-7226 Filed 4-12-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-473]

IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Notice of Extension of Time

APRIL 4, 1973.

On March 28, 1973, the Independent Natural Gas Association of America filed

* Commissioner Robert E. Lee absent.

¹ All population data are from the 1970 census unless otherwise stated.

a request for an extension of time to file comments to the notice of proposed rulemaking issued March 2, 1973, in docket No. R-473, Implementation of the National Environmental Policy Act of 1969.

Upon consideration, notice is hereby given that the time is extended to and including April 23, 1973, within which any interested person may submit data, views, comments or suggestions in writing concerning all or part of the amendments proposed in the above notice.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7129 Filed 4-12-73;8:45 am]

[18 CFR Part 2]

[Docket No. R-474]

UTILIZATION AND CONSERVATION OF
NATURAL RESOURCES—NATURAL GAS
Notice Denying Request for Extension of
Time

APRIL 4, 1973.

On April 2, 1973, and April 3, 1973, the United States Steel Corp. and United Distribution Companies, respectively, filed motions for an extension of time for filing comments concerning the notice of proposed rulemaking to amend the Regulations by adding a proposed new section (18 CFR 2.78(c)).

Upon consideration, notice is hereby given that the motions for an extension of time to file comments in the above matter are denied.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7128 Filed 4-12-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 17]

BENEFICIARY TRAVEL EXPENSES

Conditions for Withholding Payment

It is proposed to amend § 17.100 to permit the withholding of transportation at Government expense when a medical determination has been made that the

furnishing of transportation would be counterproductive to the medical care being provided. Information has been received from Veterans Administration drug treatment centers that payment of beneficiary travel expenses to veterans undergoing drug abuse treatment is, in some cases, antitherapeutic and has a counterproductive influence on the treatment program undertaken.

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, D.C. 20420. All relevant material received before May 14, 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 regulation that is adopted effective the date of approval.

In § 17.100, paragraphs (a)(2), (c), (g), and (h) are amended to read as follows:

§ 17.100 Transportation of claimants and beneficiaries.

Transportation at Government expense will be authorized eligible claimants and beneficiaries of the Veterans Administration for these purposes:

- (a) Admission. . . .
- (2) Hospital admission of applicants under § 17.47 (c), (d), or (f) for treatment of non-service-connected conditions, provided such applicants, except those whose admission is arranged to avoid interruption of training authorized under 38 U.S.C. chapter 31, have made

sworn statement upon application—VA Form 10-10—that they are unable to defray expense of transportation.

(c) *Preparatory and posthospital care.*—When necessary to the provision of medical services furnished veterans under § 17.60 (e) and (f), provided veterans who are eligible for hospital care under the provisions of § 17.47 (c), (d), or (f) indicate that transportation is required and they have made sworn statement that they are unable to defray such expense. The authority under this paragraph is subject to the exceptions stated in paragraph (h) of this section.

(g) *Outpatient services.*—(1) Outpatient physical examination, subject to exception defined in paragraph (h)(1) of this section.

(2) Outpatient treatment for service-connected conditions, including adjunct treatment thereof; for veterans under § 17.60 (h) and (i); and for non-service-connected conditions to avoid interruption of training authorized under 38 U.S.C. chapter 31, subject to exceptions defined in paragraph (h) of this section.

(h) *Limitation.*—(1) No return transportation will be supplied a claimant or beneficiary under paragraph (g) of this section who has not completed an outpatient service, unless he executes an affidavit that he is unable to defray the expense of such travel.

(2) The transportation at Government expense otherwise authorized by paragraphs (c) and (g)(2) of this section will not be furnished when a determination has been made by a physician that it would be counterproductive to the treatment provided such patient and an entry supporting such a conclusion, signed by such physician, is made in the patient's medical records.

Approved April 9, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-7174 Filed 4-12-73;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 COMMERCE

Domestic and International Business Administration

[DIBA Organization and Function Order 41-1]

OFFICE OF THE ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Organization and Functions

This order effective January 19, 1973, supplements the material appearing at 37 FR 25555 and 37 FR 25557, both of December 1, 1972.

SECTION 1. Purpose.—This order prescribes the scope of authority and functions of the organizations making up the Office of the Assistant Secretary, Domestic and International Business.

Sec. 2. Organization.—The Office of the Assistant Secretary for Domestic and International Business will consist of the following:

The Deputy Assistant Secretary for Domestic and International Business.
The Deputy Assistant Secretary for International Economic Research and Analysis.
Office of Public Affairs.
Office of Field Operations.
National Business Council for Consumer Affairs Staff.

Sec. 3. The Deputy Assistant Secretary for Domestic and International Business shall perform such duties as the Assistant Secretary shall assign and shall assume the duties of the Assistant Secretary in the latter's absence.

Sec. 4. The Deputy Assistant Secretary for International Economic Research and Analysis shall initiate and review research studies on developments affecting U.S. trade and commerce interests abroad, and formulate program and policy proposals. He shall be assisted by the International Economic Research and Analysis Staff.

Sec. 5. The Office of Public Affairs.—**.01** The Office of Public Affairs shall be headed by a director who shall report and be responsible to the Assistant Secretary, Domestic and International Business. The Director will be responsible for furnishing public affairs and information services to the Domestic and International Business Administration organization units and will head the following organizational components:

.02 The Public Information Division shall develop long-range plans, programs, and goals; develop, prepare, clear, and release press releases; develop graphic presentations, scripts, and record material for distribution; draft speeches and public statements; develop speaking fo-

rum for DIBA officials designed to support departmental and Administration objectives; provide staff protocol services to the Assistant Secretary, DIBA Bureaus, and to the Office of the Secretary of Commerce; perform editorial services including research and editorial assistance in the preparation and publication of technical articles; and maintain mailing lists, biographical data, business information, and other reference material.

.03 The Communication Services Division shall assist in the development of Domestic and International Business Administration publications including gathering of material, writing, and preparation for printing; promote DIBA publications; prepare and arrange for placement of display and advertising for DIBA promotional events in the United States and abroad; maintain liaison with the Department's Office of Publications and the Government Printing Office and with other Government agencies concerned with DIBA reports and publications.

Sec. 6. The Office of Field Operations.—**.01** The Office of Field Operations shall be headed by a Director, who shall report and be responsible to the Assistant Secretary, Domestic and International Business. The Director shall plan and direct the execution of policies and programs of the Office, which shall serve as the principal medium of contact with the business community at local levels, through six Regional Offices with subordinate District Offices located in principal cities throughout the country. A Deputy Director shall assist in the direction of the Office and perform the functions of the Director in the latter's absence. The Office of the Director shall plan, direct, control, and evaluate effectiveness of the field implementation of DIBA programs and the business-related programs of other Commerce organizations; and shall be responsible for assisting DIBA Bureaus and other Commerce organizations in the planning and design of business information. Field implementation includes the delivery of export information and related business aids; the conduct of domestic marketing and business reference services, including publication of the "Commerce Business Daily" and guidance and direction of Federal preparedness programs, crisis management, and emergency operations. The Office of the Director also shall be responsible for issuing and maintaining the "Field Operations Manual" and for the necessary administrative liaison between the Directorate of Administrative Management for DIBA, and the field

structure. The Director will head the following organizational components:

.02 Regional offices covering the 50 States and the Commonwealth of Puerto Rico, divided into six geographic areas, shall be staffed with a Regional Director, a Regional Export Marketing Manager, and such other support personnel as may be allocated and shall be responsible, within the guidelines and priorities established by the Director, Office of Field Operations, for management, direction, and coordination of export expansion, domestic informational services, and related activities carried out by the District Offices within its region. Each Regional Office also shall be responsible for overall management and coordination of resources allocated to the District Offices within the region, for preparation of consolidated reports, and for the coordination of such training and career development programs as may be directed by the Office of Field Operations. Each Regional Office shall also carry out the functions of a District Office as listed in section 6.03.

.03 Each District Office under the direction of a District Office Director shall serve as the Department's principal medium of contact with the business community within its area. Under guidelines and priorities established by the Director, Office of Field Operations, and the Regional Directors, District Offices shall ascertain the needs and desires for information and assistance relevant to the private economy that fall within the scope of Commerce's responsibilities; deliver to business and industry export promotion and expansion programs, information, and services; maintain and operate domestic informational services and related activities; and effect support and multiplier activities with business and professional organizations, State and local government agencies, educational institutions, and other appropriate organizations. In addition, District Office Directors designated as "Regional Emergency Coordinators" shall, in coordination with the appropriate Commerce Regional Director (section .02 above), execute such Federal preparedness planning, crisis management, and emergency operations as are outlined in D.O.O. 40-1, section 4.01g, and as may be directed by the Department. (See appendix A for the locations of Regional and District Offices.)

Sec. 7. The National Business Council for Consumer Affairs Staff.—**.01** The National Business Council for Consumer Affairs Staff (NBCCA Staff) shall be headed by an Executive Director who

shall also be the Deputy Assistant Secretary for Business Development. The Executive Director shall report and be responsible to the Assistant Secretary, Domestic and International Business.

.02 The NBCCA Staff shall assist the National Business Council for Consumer Affairs (the "Council") in identifying and examining current and potential consumer-related problem areas; assist the Council in its efforts to identify for, recommend to, and encourage through the Secretary action by the business community to meet legitimate consumer grievances; assist in preparing Council reports to the Secretary and through the Secretary to other Government officials and agencies; and provide or arrange for such other services, including technical support to the Council, as may be required.

SEC. 8. *Administrative Support Services.*—The Directorate for Administrative Management, Domestic and International Business Administration, shall provide management, budget, personnel, travel, and administrative services to all elements of the Assistant Secretary for Domestic and International Business.

LAWRENCE A. FOX,
Acting Assistant Secretary for
Domestic and International
Business.

APPENDIX A—OFFICE OF FIELD OPERATIONS
LOCATIONS OF REGIONAL AND DISTRICT OFFICES
Eastern Regional Office

New York City
District offices:
Boston
Buffalo
Hartford
Newark

Mid-Atlantic Regional Office

Philadelphia
District offices:
Baltimore
Charleston, W. Va.
Pittsburgh
Richmond

Southeastern Regional Office

Atlanta
District offices:
Birmingham
Charleston, S.C.
Greensboro
Jacksonville
Memphis
Miami
San Juan, P.R.
Savannah

North Central Regional Office

Chicago
District offices:
Cincinnati
Cleveland
Detroit
Milwaukee
Minneapolis

Central Regional Office

Dallas
District offices:
Albuquerque
Cheyenne
Denver
Des Moines
Houston
Kansas City

New Orleans
St. Louis
Salt Lake City

Western Regional Office

San Francisco
District offices:
Anchorage
Honolulu
Los Angeles
Phoenix
Portland
Reno
Seattle

[FR Doc.73-7100 Filed 4-12-73;8:45 am]

[DIBA Organization and Function
Order 42-1]

**DIRECTORATE OF ADMINISTRATIVE
MANAGEMENT FOR DIBA**

Organization and Functions

This order effective November 17, 1972, supplements the material appearing at 37 FR 25555 of December 1, 1972.

SECTION 1. *Purpose.*—This order delegates authority to the Deputy Assistant Secretary and Director, Directorate of Administrative Management for DIBA, and prescribes the organization and functions of the Directorate.

SEC. 2. *Delegation of authority.*—01 Subject to such policies, directives, and delegations of authority as may be issued by the Secretary of Commerce and by the Assistant Secretary for Domestic and International Business, and in accordance with applicable Department organization orders and Department administrative orders, the Deputy Assistant Secretary and Director, Directorate of Administrative Management for Domestic and International Business Administration, is hereby authorized to conduct all administrative management activities and serve as the administrative officer for all operating units in the Domestic and International Business Administration.

.02 The Deputy Assistant Secretary and Director, Directorate of Administrative Management is also delegated the authorities of the Assistant Secretary as applicable to performing the functions assigned in section 4.

.03 The Deputy Assistant Secretary and Director, Directorate of Administrative Management, Domestic and International Business Administration, may redelegate authorities to any employee of the Directorate of Administrative Management subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 3. *Organization and line of authority.*—01 The Directorate of Administrative Management for DIBA shall be headed by the Deputy Assistant Secretary and Director, Directorate of Administrative Management, Domestic and International Business Administration, who shall report and be responsible to the Assistant Secretary, DIB. The Deputy Assistant Secretary shall be assisted by a Deputy Director who shall perform the functions of the Deputy Assistant Secretary in the latter's absence.

.02 The Directorate of Administrative Management for Domestic and International Business Administration shall consist of the following principal organizational elements:

Office of Personnel.
Office of Management and Systems.
Office of Administrative Services.
Office of Budget.

SEC. 4. *Functions.*—01 The Deputy Assistant Secretary and Director, Directorate of Administrative Management, Domestic and International Business Administration, shall be the principal assistant and advisor to the Assistant Secretary for Domestic and International Business on administrative management matters.

.02 Directorate of Administrative Management, Domestic and International Business Administration, for the Domestic and International Business Administration organization units, shall:

- a. Provide liaison with departmental offices reporting to the Assistant Secretary for Administration;
- b. Review and coordinate budget requirements and prepare and control fiscal plans and programs;
- c. Administer the personnel management program;
- d. Provide direction and coordination of organization and management activities;
- e. Provide travel services; and
- f. Provide other administrative services not specifically provided by the departmental offices under the Assistant Secretary for Administration by agreement between the Assistant Secretary for Domestic and International Business and the Assistant Secretary for Administration.

A. E. GIBSON,
Assistant Secretary for Domestic
and International Business.

[FR Doc.73-7101 Filed 4-12-73;8:45 am]

[DIBA Organization and Function Order
42-2]

**DIRECTORATE OF ADMINISTRATIVE
MANAGEMENT**

Organization and Functions

This order effective December 4, 1972, supplements the material appearing at 37 FR 25557 of December 1, 1972.

SECTION 1. *Purpose.*—This order prescribes the organization and assignment of functions within the Directorate of Administrative Management.

SEC. 2. *Organization and structure.*—The organization structure and line of authority of the Directorate of Administrative Management (the "Directorate") shall be as depicted in the attached organization chart. A copy of the chart is on file with the original of this document in the Office of the Federal Register.

SEC. 3. *Office of the Deputy Assistant Secretary and Director.*—01 The Deputy Assistant Secretary and Director, Directorate of Administrative Management (the "Deputy Assistant Secretary") shall be responsible to the Assistant Secretary.

DIB, and shall determine the objectives of the Directorate, formulate the policies and programs for achieving those objectives and direct execution of the programs.

.02 The Deputy Director shall assist in the direction of the Bureau and perform the functions of the Deputy Assistant Secretary in the latter's absence.

.03 The Travel Staff shall provide comprehensive travel services for DIBA personnel which shall include itinerary plans, modes of travel, reservations for transportation, security clearances, tickets, passports and visas, hotel accommodations for international travel, and where possible, domestic hotel reservations. The Travel Staff shall serve as liaison with the Department's Travel unit, the Passport Office, the Central Accounting Division, and any other organizations necessary to making travel arrangements.

.04 The Deputy Assistant Secretary shall supervise and direct the following organizational components:

- a. Office of the Deputy Assistant Secretary and Director.
- b. Office of Personnel.
- c. Office of Management and Systems.
- d. Office of Administrative Services.
- e. Office of Budget.

SEC. 4. *Office of Personnel.*—.01 The Office of Personnel shall be headed by a Director who shall plan, coordinate, and conduct the personnel management program for the Domestic and International Business Administration, advise on personnel policy and procedures, and employee development and utilization; interpret personnel policies and procedures established by higher authority, and act as liaison with the Department's Office of Personnel. The Director will head the following operating units:

.02 The Personnel Operations Division shall plan, conduct, and coordinate DIBA-wide programs in the technical areas of recruitment, placement and position classification, and related matters; maintain official personnel records for all DIBA employees; and monitor utilization of assigned ceiling for DIBA.

.03 The Employee Relations Division shall plan and coordinate DIBA-wide programs in the technical areas of employee performance evaluation, employee grievances and appeals, employee recognition and incentives, employee and supervisory counseling, equal employment opportunity counseling, employee welfare and benefits, personnel planning for emergency readiness, and labor-management relations.

.04 The Employee Development Division shall plan and coordinate DIBA-wide programs in the technical areas of career development and training, equal employment opportunity policy implementation, employee utilization, and related matters.

SEC. 5. *Office of Management and Systems.*—The Office of Management and Systems shall be headed by a Director who shall direct the management analysis program for DIBA. The Office shall provide management, organization, and

systems analysis—including management studies and staffing surveys and organization planning. The Office shall coordinate the DIBA management review and improvement program, coordinate ADP systems development; perform committee management, records management and reports management; administer the DIBA forms management program; maintain a system for the issuance of all DIBA announcements, instructions, organization, and function orders, delegations of authority and other issuances prepared for the administration of DIBA; coordinate GAO and Departmental audits within DIBA and provide liaison with the Department's Office of Organization and Management Systems.

SEC. 6. *Office of Administrative Services.*—.01 The Office of Administrative Services shall be headed by a Director who shall arrange for all administrative services for DIBA operating units, and maintain liaison with the Department's Office of Administrative Services. In addition, the Director shall serve as Safety and Security Officer for DIBA. The Director will head the following operating units:

.02 The DIBA Secretariat shall be responsible for correspondence and mail services, the correspondence control system, routing codes, and mail and messenger services.

.03 The Communications Division shall be responsible for the maintenance and updating of those portions of the Foreign Affairs Manual that pertain to the Department of Commerce; review and analysis of incoming communications to determine the appropriate distribution of messages; and review of all outgoing communications for content, format, and conformance to Commerce and State policies.

.04 The Property Management Division shall be responsible for procurement, accountability, and inventory of DIBA property.

.05 The Services Division shall be responsible for office space (including moves), telephone and electric services, building maintenance, payroll (time, leave, and attendance reporting), and duplicating services.

SEC. 7. *Office of Budget.*—.01 The Office of Budget shall be headed by a Director who shall provide overall guidance and direction for the Office, and maintain liaison with counterpart offices in the Office of the Secretary. The Director will head the following organization units:

.02 The Budget Formulation Division shall be responsible for developing the DIBA program structure; developing DIBA output measures and program plans in cooperation with DIBA bureaus and offices; integrating DIBA program plans into the preparation of the Preview, Secretarial, OMB, and congressional budget estimates and justifications; preparing and collecting backup material and briefing witnesses for budget hearings; performing analysis and evaluation of DIBA programs; and

recommending alternative budget packages to the Assistant Secretary.

.03 The Budget Execution Division shall be responsible for developing, maintaining, revising, and analyzing operating budget plans for DIBA bureaus and offices; assessing program effectiveness and providing DIBA managers with cost effectiveness analysis of ongoing activities; designing and maintaining a project control system; maintaining personnel fund availability controls; submitting quarterly fiscal plans by budget structure; and negotiating and controlling reimbursable agreements.

.04 The Reports and Controls Division shall be responsible for maintaining DIBA fiscal controls; prevalidating all DIBA obligating documents; preparing DIBA allotments and apportionment requests; preparing DIBA financial reports; preparing monthly operating cost and progress information statements for DIBA bureaus and offices; preparing billings for reimbursable agreements; assigning and controlling codes for the DIBA financial system; reviewing GAO reports; reconciling financial data with the Department accounting system; and maintaining liaison with the Department's Central Accounting Division.

JUDITH S. CHADWICK,
Deputy Assistant Secretary
and Director, Directorate of
Administrative Management.

[FR Doc. 73-7102 Filed 4-12-73; 8:45 am]

[DIBA Organization and Function
Order 43-1]

BUREAU OF INTERNATIONAL COMMERCE Organization and Functions

This order effective February 22, 1973, supplements the material appearing at 37 FR 25555 of December 1, 1972 and 38 FR 4278 of February 12, 1973.

SECTION 1. *Purpose.*—This order delegates authority to the Deputy Assistant Secretary for International Commerce and prescribes the organization and functions of the Bureau.

SEC. 2. *Delegations of Authority.*—.01 Pursuant to section 5.03 of Department Organization Order 10-3 of November 17, 1972, the following authorities, delegated to the Assistant Secretary DIB by the Secretary of Commerce, are hereby delegated to the Deputy Assistant Secretary for International Commerce.

a. Such provisions of the act of February 14, 1903 (15 U.S.C. 1512 et seq.; 15 U.S.C. 171 et seq.) as amended, to foster, promote, and develop the foreign commerce of the United States, as are necessary to the performance of the Bureau's functions;

b. The Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), and section 302 of Executive Order 10973 of November 3, 1961, issued pursuant thereto, relating to drawing the attention of private enterprise to investment opportunities abroad;

c. Such portions as are necessary to the performance of the Bureau's functions of the delegation of authority, dated June

25, 1962, from the U.S. Information Agency under section 5(e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.);

d. Such provisions as are necessary to the performance of the Bureau's functions of the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.) (TEA), and Executive Order 11075 of January 15, 1963, as amended by Executive Order 11106 of April 18, 1963, with respect to foreign trade agreements and tariff matters except chapters 1 and 2 of title III of the TEA dealing with the furnishing of adjustment assistance, section 401 of title IV of the TEA authorizing the issuance of regulations and delegation of functions, and section 361 of the TEA dealing with the Adjustment Assistance Advisory Board;

e. Executive Order 10978 of December 5, 1961, regarding the Presidential E Award, E Certificate of Service, and E Star Award, except final selection of recipients;

f. The act of October 18, 1962, as amended (46 U.S.C. 1122b), which authorized mobile trade fairs;

g. The China Trade Act of 1922, as amended (15 U.S.C. 141 et seq.);

h. Section 4221 of the Internal Revenue Code of 1954, as amended, and the Tariff Act of 1930, as amended (19 U.S.C. 1309), insofar as they relate to findings with respect to exemptions from taxes and import duties on supplies and equipment for aircraft;

i. The Trade Fair Act of 1959 (19 U.S.C. 1751-1756) relating to the certification and promotion of domestic trade fairs;

j. The act of May 27, 1970 (22 U.S.C. 2801 et seq.) relating to participation by the United States in international expositions;

k. The act of October 27, 1972 (Public Law 92-598; 84 Stat. 271) relating to the participation of the United States in the International Exposition on the Environment to be held in Spokane, Wash., in 1974;

l. The acts of February 19, 1966 (Public Law 89-355) and October 27, 1966 (Public Law 89-697), regarding the participation of the United States in the Inter-American Cultural and Trade Center in Dade County, Fla. (Interama); and

m. Other authorities of the Assistant Secretary applicable to performing the functions assigned in this order.

.02 The Deputy Assistant Secretary may redelegate his authority to any employee of the Bureau of International Commerce or to any other appropriate officer or agency of the Government, subject to such conditions in the exercise of such authority as he may prescribe.

Sec. 3. *Organization and Line of Authority.*—01 The Bureau of International Commerce shall be headed by the Deputy Assistant Secretary for International Commerce who shall also be the Director and who shall report and be responsible to the Assistant Secretary for

Domestic and International Business. The Deputy Assistant Secretary shall be assisted by a Deputy Director who shall perform the functions of the Deputy Assistant Secretary during the latter's absence, and an Assistant Director who shall have primary responsibility for representing the interests of the Department of Commerce to the other agencies with regard to the official overseas representation of U.S. commercial interests and for related liaison activities. In the absence of both the Deputy Assistant Secretary and the Deputy Director, he shall act on their behalf.

.02 The Bureau of International Commerce shall consist of the following principal organizational elements:

Office of International Marketing.
Office of Export Development.
Office of International Trade Policy.
Office of International Finance and Investment.

SEC. 4. *Functions.*—The Bureau of International Commerce shall perform the following functions:

a. Foster the economic strength and national security of the United States by promoting its foreign commerce;

b. Stimulate the participation of U.S. private enterprise in, and its expansion of, international trade and investment by all appropriate means;

c. Recommend policies, programs, and procedures to the Assistant Secretary for Domestic and International Business regarding the foreign commerce of the United States;

d. Provide recommendations leading to the development of Department policy in the field of international investment and export financing and develop appropriate programs and procedures to insure their effective implementation;

e. Assist in opening new, and maintaining old, markets for U.S. private enterprise abroad through negotiations with other nations bilaterally or through international organizations and conferences, in cooperation with appropriate agencies of the U.S. Government;

f. Manage export promotion and expansion facilities such as trade fairs, trade missions, trade centers, and sample display centers, and develop other techniques to stimulate nonexporting U.S. businesses to participate in overseas markets or to enlarge sales for present exporters;

g. Review, approve on behalf of the Secretary, and coordinate national program activities developed by the National Export Expansion Council for execution by the Regional Export Expansion Councils;

h. Collect, organize, and analyze information obtained from the Foreign Service and other sources and disseminate such information to the business community and other end users regarding: (1) The economic, commercial, industrial and financial structure of countries with which the United States maintains trade relations; (2) the identity of overseas importers, exporters, and manufacturers of potential interest to U.S. business; (3) the investment opportunities in the United States for poten-

tial foreign investors, and opportunities for investment in developing overseas areas for U.S. investors; (4) overseas trade opportunities developed by Foreign Service commercial officers; and (5) export and import statistics;

i. Develop, coordinate, and make recommendations on the Department's position in all phases of international trade and commercial and financial policy; help broaden U.S. export opportunities by preparing for and participating in tariff negotiations; and collaterally seek the elimination of reduction of nontariff barriers;

j. Strengthen commercial services and commercial officer representation abroad;

k. Conduct U.S.-based export development activities designed to increase national awareness of export opportunities, improve Government/business cooperation and assist U.S. firms on specific major export projects; and

l. Carry out the domestic trade fair and the international exposition functions including the evaluation of prospective international expositions to be held in the United States, the preparation of studies and recommendations for the President including the nature and extent of proposed Federal participation therein, and perform all activities relating to the certification and promotion of domestic trade fairs.

LAWRENCE A. FOX,
Acting Assistant Secretary for
Domestic and International
Business.

[FR Doc. 73-7103 Filed 4-12-73; 8:45 am]

[DIBA Organization and Function
Order 43-2]

BUREAU OF INTERNATIONAL COMMERCE

Organization and Functions

This order effective December 4, 1972, supplements the material appearing at 37 FR 25557 of December 1, 1972.

SECTION 1. *Purpose.*—This order prescribes the organization and assignment of functions within the Bureau of International Commerce.

Sec. 2. *Organization and structure.*—The organization structure and line of authority of the Bureau of International Commerce (the "Bureau") shall be as depicted in the attached organization chart. A copy of the chart is on file with the original of this document in the Office of the Federal Register.

Sec. 3. *Office of the Deputy Assistant Secretary and Director.*—01 The Deputy Assistant Secretary and Director, Bureau of International Commerce shall assist and advise the Assistant Secretary for Domestic and International Business on export expansion, international trade policy, international finance and investment, and shall serve as National Export Expansion Coordinator. Within the framework of overall DIBA goals, the Deputy Assistant Secretary shall determine the objectives of the Bureau, formulate policies and programs for achieving those objectives, and direct the execution of Bureau programs.

.02 The Deputy Director shall assist in the direction of the Bureau and perform the functions of the Deputy Assistant Secretary in his absence.

.03 The Deputy Assistant Secretary shall supervise and direct the following organizational components:

a. Immediate Office of the Deputy Assistant Secretary and Director.

b. Overseas Commercial Representation Staff.

c. U.S. Expositions Staff.

d. International Trade Analysis Staff.

e. Office of Export Development.

f. Office of International Marketing.

g. Office of International Trade Policy.

h. Office of International Finance and Investment.

.04 The Assistant Director shall have primary responsibility for and direct the activities of the Overseas Commercial Representation Staff, the U.S. Expositions Staff, and the International Trade Analysis Staff. In the absence of both the Deputy Assistant Secretary and the Deputy Director, he shall act on their behalf.

a. The Overseas Commercial Representation Staff shall be responsible for representing the interests of the Department to other agencies with regard to the official representation of U.S. commercial interests abroad. It shall be responsible for assuring that the other organizational elements of DIBA cohesively implement the provisions of pertinent legislation, State-Commerce Agreements, and executive branch determinations covering overseas commercial representation. In cases of dispute between Bureau offices as to the mix of activities required from State Department resources, the Assistant Director shall act as the arbiter. The Staff shall concentrate its efforts in the following areas: recruitment, assignment, utilization, and career management aspects of economic/commercial personnel serving in support of Commerce programs; evaluation of past performance and evaluation of effectiveness in commercial reporting and performance of other commercial activities by personnel assigned these functions abroad; development of training requirements for the personnel scheduled for assignment or reassignment overseas; monitoring (by providing for participation in State Department inspection activities and by other activities) of both overseas and domestic programs concerned with the effectiveness of commercial services and commercial officer representation abroad; and development of justification for personnel and other resource requirements involved in State and Commerce budget requests.

b. The U.S. Expositions Staff shall review requests and prepare recommendations on U.S. Government recognition of international expositions to be held in the United States; plan, develop, construct, and operate Federal pavilions and exhibitions at such international expositions; publicize expositions and Federal exhibitions scheduled in the United States; coordinate all Department activities involving the Bureau of Interna-

tional Expositions (BIE) in Paris and furnish official U.S. representation to it; provide information, promotional assistance, and certification services to industry associations, business and civic groups and other operators of expositions in the United States, under the Trade Fair Act of 1959; arrange visits to expositions and industry for foreign businessmen and government officials; and develop, schedule, and arrange for exhibits and displays to promote Bureau and Department programs and services at selected domestic trade expositions. The Staff shall also furnish ongoing, career professional staff support to and representation for the Secretary on the American Revolution Bicentennial Commission (ARBC) and the Advisory Council on Historic Preservation.

c. The International Trade Analysis Staff shall provide statistical information and analysis on the foreign trade of the United States and of foreign countries. This includes analysis of past and projected trends in United States and world trade based on econometric, questionnaire, and other techniques; preparation of special analyses on subjects related to foreign trade flows for the use of policy officials; evaluation of shifts in U.S. shares of foreign markets, principally for manufactured goods; analysis of developments in world trade; compilation and publication of data on trade between the free world and communist areas for government-wide use, and preparation of reports on trends in this trade; provision of service to businessmen and government officials for foreign trade data of the United States and of other countries; and collection and publication of information on factors influencing U.S. and world trade.

Sec. 4. Office of Export Development.—

.01 The Office of the Director includes: the Director who shall plan and direct the execution of the policies and programs of the Office; the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence; and the Assistant Director who shall assist in programming and planning and perform the functions of the Director in the absence of both the Director and the Deputy Director. The Director shall supervise and direct the following organizational components:

.02 The National Business Activities Division shall develop and administer national marketing and advertising campaigns to stimulate export awareness and commitment on the part of U.S. business; shall develop promotional literature to acquaint U.S. firms with export opportunities and procedures; shall organize conferences, seminars, and other promotional techniques to familiarize U.S. industry with the advantages of exporting; shall promote government dialog with U.S. business by providing centralized staff support and program guidance to the National Export Expansion Council; shall administer the President's "E" and "E Star" Award and other national incentive programs; and shall manage the national multiplier program which en-

lists the support of service organizations such as banks and airlines in delivery of informational material on overseas marketing opportunities to carefully identified elements of industry.

.03 The Domestic Field Programs Division shall be the focal point for conducting the export expansion activities with the DIBA field offices. In this regard, it shall prepare comprehensive pre-packaged sales programs for the field offices to use in their calls on target industries; shall provide program guidance and administrative support to the Regional Export Expansion Councils; shall participate in domestic trade shows to promote Bureau programs; and shall administer the export assistance masters program (TEAM) which utilizes graduate university students to prepare foreign market surveys for individual U.S. firms. It shall support these field activities by providing individual counseling services to U.S. exporters and prospective exporters; shall process trade inquiries from U.S. firms; shall assist in the resolution of commercial trade disputes; shall disseminate reports containing information on foreign production and commercial data to U.S. firms; shall arrange for Foreign Service assistance to U.S. businessmen traveling abroad; and shall arrange meetings and other facilitation as appropriate for foreign business and government visitors. It is also responsible for administering the joint export association program, which provides financial and other assistance to groups of U.S. companies formed to sell their products in foreign markets.

.04 The Export Information Division shall be responsible for the collection of foreign trade opportunity leads and their dissemination to U.S. firms; shall identify foreign agents, distributors, and licensees through Trade Lists and Agency Distributor Services, and shall help U.S. businessmen evaluate foreign firms through the provision of the "World Traders Data Reports"; shall maintain the "Foreign Traders Index" to identify potential customers for U.S. firms; shall maintain a U.S. exporter-importer index to assist firms in developing trade and investment opportunities abroad and to provide information for the export development and international marketing programs of the Bureau; and shall support the export control function of the Department and the economic defense activities of other U.S. agencies.

.05 The Major Export Projects Division shall serve as the focal point in the Department for providing government-wide assistance to U.S. firms on major international business transactions, including export-related investments; identify foreign capital projects with major export potential which should be brought to the attention of U.S. industry or which are likely to require special U.S. Government assistance for successful participation by American firms; and inform U.S. firms of specific large-scale projects overseas with significant potential for exports of U.S. goods and services and assist them on a case-by-case basis in competing for such projects. The

Division communicates directly with other Washington agencies and with U.S. missions abroad as appropriate to obtain the quick reaction needed to assist U.S. firms in winning major foreign contract awards.

Sec. 5. Office of International Marketing.—01 The Office of the Director includes: The Director who shall plan and direct the execution of the policies and programs of the Office, and the Deputy Director who shall provide principal direction to overseas operations and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

.02 The Assistant Director for Program Development shall be responsible for development of global objectives and targets, the design of country programs, the identification of target industries, the collection of foreign market data, the design of the Office's publication program, and the development of the mechanism for securing the necessary approvals for country commercial programs within DIBA.

a. The Program Targeting Division shall identify a priority ranked listing of industries with the greatest export opportunities; and, in conjunction with the Office of Export Development, develop a periodic domestic promotional cycle indicating the distribution of industry-related promotional efforts over a long-term period.

b. The Market Research Division shall design and coordinate the program to produce marketing information about countries, regions, and markets which will identify U.S.-export problems and opportunities; and shall collect specific product/industry information to assist U.S. industry in solving problems of advertising, pricing, and product development in the marketing of specific products.

.03 The Assistant Director for Developed Markets shall direct the planning and implementation of individual country programs within his assigned area to support the marketing needs of the U.S. business community on a targeted industry, product, and market basis. The Developed Markets area shall consist of the following geographic divisions:

a. Northern Europe Division (Scandinavia, United Kingdom, Canada, Benelux).

b. Western Europe Division (France, Germany, Austria).

c. Southern Europe Division (Italy, Greece, Yugoslavia, Switzerland, Portugal, Spain).

d. Japan Division.

.04 The Assistant Director for Emergent Markets shall have similar responsibilities within his assigned area. The Emergent Markets area shall consist of the following geographic divisions:

a. Far East Division (excluding Japan).

b. Latin America Division.

c. Africa Division.

d. Near East/South Asia Division (Israel, Arab countries, Pakistan, India, Turkey, Iran).

.05 Each Division of the Developed Markets and Emergent Markets areas shall be responsible for the content and management of country marketing programs for its assigned territory within global export priorities and targets established by the Assistant Director for Program Development. Each of these geographic divisions shall perform the following functions:

a. Provide overseas marketing information and counseling services to the U.S. business community and to other U.S. Government agencies.

b. Identify key economic, trade, financial, and marketing problems in overseas country or country groupings.

c. Provide to the U.S. business community a regular review of the prospects for increased U.S. exports in significant overseas markets.

d. Develop and coordinate the annual country commercial programs, including identification of policy issues; setting of specific country goals and priorities; determining the mix of target industries and targets of opportunity (industries with less than a worldwide export potential but which are of special importance to a particular country) to be given coverage in a given year; scheduling promotional events best suited to the target mix in terms of U.S. commercial objectives in that country; and assembling the information requirements necessary to support the Department's policy, promotional, and publications program.

e. Plan and direct trade promotional activities within the country, including trade centers and commercial fairs.

f. Within the framework of Bureau approved country programs, provide guidance and direction to overseas personnel engaged in commercial activities, i.e., the Commercial Foreign Service, trade center staffs, commercial fair staffs, and other trade promotion personnel.

g. Maintain contact with foreign government representatives in the United States on matters concerning the marketing programs developed for their countries.

.06 In addition to the functions set forth in the preceding paragraph, the Far East Division shall administer the Department's responsibilities pursuant to the China Trade Act of 1922, as amended.

.07 The Assistant Director for Resources shall plan, develop, and manage the fiscal and physical resources supporting and complementing the various programs of the Office.

a. The Support Services Division shall provide logistical support for overseas promotional activities. In this regard, it shall provide for exhibition design; shall prepare specifications and provide technical administration of contracts with private design firms; shall provide for the leasing, construction, operation, and promotional support of overseas exhibi-

tions and seminars; shall provide for the leasing, design, and construction of U.S. Trade Center facilities; and shall coordinate the shipment of exhibition products and support material. It shall also provide for program allocation of resources; shall coordinate the development of operational budgets and fiscal plans; shall provide facilitative services and coordination for office printing, supplies, equipment, and space requirements; and shall develop analytical techniques and operate a system to evaluate the effectiveness of the Office's informational and promotional programs to assure that they are consonant with established Bureau objectives.

b. The Special Activities Division shall plan and develop promotional techniques and activities as required by the geographic divisions to meet special export marketing needs of U.S. industry such as catalog fairs, trade missions, in-store consumer products promotions, and seminars.

Sec. 6. Office of International Trade Policy.—01 The Office of the Director includes: The Director who shall plan and direct the execution of the policies and programs of the Office; and two Assistant Directors who shall assist in the direction of the Office and either one of whom, at the discretion of the Director, shall perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

.02 The Special Trade Activities Division shall develop recommendations with respect to the position of the Department on policy matters regarding problems of international trade with the following countries and regions which are particularly important to U.S. commercial interests: Canada, Japan, and the European Economic Community; develop recommendations on problems relating to the trade of the United States with these major trading partners arising from negotiations under the General Agreement on Tariffs and Trade (GATT), the Organization for Economic Cooperation and Development (OECD), or other agreements or treaties; prepare and clear position papers for U.S. delegations to meetings of those organizations and represent the Department at such meetings; undertake special studies related to the formulation of U.S. trade policy toward Japan, Canada, and the European Economic Community; represent the Department at interagency meetings dealing with the trade policy issues of the United States vis-a-vis these important trading areas; and carry out similar functions with respect to other areas or projects as may be assigned.

.03 The General Commercial Policy Division shall develop and coordinate the Department's position on trade and commercial policy issues regarding all individual countries and regions other than those specifically handled within the Special Trade Activities Division, including those arising from U.S. participation in the GATT, OECD, and United

Nations Conference on Trade and Development (UNCTAD); prepare and clear position papers for U.S. delegations to meetings of those organizations and represent the Department at such meetings; undertake special studies related to the formulation of U.S. trade policy; and represent the Department at interagency meetings and task forces dealing with the various issues of U.S. trade policy.

.04 The Legislation and Tariff Policy Division shall develop and coordinate the Bureau's position on proposed legislation affecting U.S. tariffs and trade measures; represent the Bureau and, as directed, the Department at interagency meetings and congressional committee hearings dealing with U.S. trade regulations and tariff legislation; develop proposals on new trade measures for executive or legislative branch action and review such proposals of other agencies; and prepare positions of the Department on all reports of the Tariff Commission to the President.

.05 The Trade Negotiations Division shall develop, coordinate, and supervise the Department's preparations for, and participation in, international trade negotiations arising from U.S. participation in the GATT and existing bilateral trade agreements; formulate basic negotiating positions and tactics; monitor the obligations of other countries to the United States, initiate action necessary to assure compliance with those obligations; represent the Department at interagency meetings and at international conferences dealing with these aspects of trade policy; and identify and evaluate foreign impediments to U.S. commercial interests and take appropriate action to eliminate or alleviate their adverse impact.

.06 The Transportation and Insurance Division shall provide information to policy officials of the Department and to the U.S. business community regarding insurance and transportation abroad; serve as the insurance industry's point of contact with the Department; develop recommendations with respect to foreign insurance and transportation laws and practices as they affect U.S. export trade, and with respect to transportation and insurance programs of international organizations; develop recommendations for easing the burden of U.S. business interests engaged in international transportation by eliminating or simplifying procedural requirements; and process requests for exemption from taxes and import duties on supplies and equipment for aircraft.

Sec. 7. *Office of International Finance and Investment.*—01 The Office of the Director includes: The Director, who shall plan and direct the execution of the policies and programs of the Office; the Deputy Director, who shall assist in the direction of the Office and perform the functions of the Director in his absence; and the Assistant Director, who shall provide policy coordination and perform the functions of the Director

in the absence of both the Director and the Deputy Director. The Director shall supervise and direct the following organizational components:

.02 The International Finance Division shall represent the Department in matters relating to international finance, including those developed within the National Advisory Council on International Monetary and Financial Policies (NAC), and particularly those relating to export financing, export guarantees and credit insurance, foreign lending and assistance activities of United States and international agencies, and balance-of-payments measures; provide the analyses and staff support necessary to execute the Secretary's responsibility as Chairman of the Export Expansion Advisory Committee in the financing of export transactions and formulation of export finance policy for the export expansion facility which is administered by the Export-Import Bank; act as the Department's principal liaison with banks and other private institutions engaged in international financing activities as well as with U.S. Government and multilateral agencies lending abroad; formulate policy and program recommendations relating to the administration of Government-financed procurement programs, including foreign aid; formulate policy and program recommendations and appraise trends and developments in the U.S. balance of payments, including analytical and staff support for the Secretary in his role as a member of the Cabinet Committee on Balance of Payments; and provide advice to firms on financing mechanisms available in private institutions, the U.S. Government, and international agencies.

.03 The Investment Policy Division shall represent the Department in matters relating to the development of international direct investment, including the operations and impact of U.S.-based multinational corporations; formulate recommendations with respect to the Department's position on programs, policies, and legislation affecting investment abroad by U.S. citizens and investment in the United States by foreign citizens; and analyze U.S. investment overseas and foreign investment in this country, including the nature, trends, and economic impact of such investments, particularly relative to the U.S. balance of payments and trade and the role of the U.S. Government.

.04 The Foreign Business Practices Division shall formulate policy and program recommendations relating to international commercial and investment operations of American firms, specifically with reference to restrictive business practices, patents, trademarks, copyrights, standardization, commercial law, arbitration, State-trading, expropriation, and U.S. and foreign tax measures; develop departmental policy and program recommendations for the protection of American property rights abroad, and with respect to drafting and negotiation

of treaties, conventions, and agreements bearing on the international operations of American business; and provide information and advice to U.S. firms on such matters.

.05 The International Monetary Affairs Division shall develop the Department's views, policies, and positions on international monetary issues, including exchange rates, gold prices, special drawing rights (SDR's), and related questions, particularly as they relate to the ability of the international monetary system to support an expanding volume of U.S. international commerce; represent the Department on staff-level consideration of international monetary affairs by the National Advisory Council on International Monetary and Financial Policies; and participate in interagency formulation of U.S. policy regarding the reform of the international monetary system by the Group of Twenty countries.

.06 The Investment Services Division shall carry out the Department's Invest in the U.S.A. program, designed to encourage and facilitate foreign direct capital investment and licensing by foreign firms in the United States as one of the continuing Department programs to improve the U.S. balance of payments; develop domestic investment, joint ventures, and licensing opportunities and proposals for transmission to interested foreign businessmen; obtain specific investment and licensing proposals from potential foreign investors for presentation to the U.S. business community; provide information and counsel, consistent with U.S. balance-of-payments policies and objectives, to U.S. businessmen concerning their existing and planned overseas investments; identify and disseminate for the benefit of the U.S. business community, foreign investment, licensing, and joint venture proposals; and furnish information to U.S. foreign investors on private and public sources of investment capital, particularly foreign sources, guarantees, and related types of investment and loan capital available for financing investment abroad, particularly developing countries.

Sec. 8. *Administrative, Public Affairs and Field Services.*—01 The Office of Public Affairs for Domestic and International Business Administration shall furnish public affairs and information services to Bureau of International Commerce organization units.

.02 The Directorate for Administrative Management, Domestic and International Business Administration shall furnish management, budget, personnel, travel, and administrative services to Bureau of International Commerce organization units. The Directorate will also serve as liaison with departmental elements providing other administrative services to the Bureau of International Commerce organization units.

.03 Field support necessary to Bureau of International Commerce activities will

be provided by the Office of Business Services.

M. VAN GESSEL,
Deputy Assistant Secretary and
Director, Bureau of International
Commerce.

Approved:

JUDITH S. CHADWICK,
Deputy Assistant Secretary and Di-
rector, Directorate of Administra-
tive Management.

[FR Doc. 73-7104 Filed 4-12-73; 8:45 am]

[DIBA Organization and Function Order
44-1]

BUREAU OF RESOURCES AND TRADE ASSISTANCE

Organization and Functions

This order effective November 17, 1972, supplements the material appearing at 37 FR 25555 of December 1, 1972.

SECTION 1. Purpose.—This order delegates authority to the Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance, and prescribes the organization and functions of the Bureau.

Sec. 2. Delegations of Authority.—01 Pursuant to section 5.03 of Department Organization Order 10-3 of November 17, 1972, the following authorities delegated to the Assistant Secretary for Domestic and International Business by the Secretary of Commerce are hereby delegated to the Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance:

a. Such provisions of the act of February 14, 1903 (15 U.S.C. 171 et seq.), as amended, to foster, promote, and develop the foreign and domestic commerce of the United States, as are necessary to the performance of the Bureau's functions;

b. Section 402 of the act of June 30, 1949 (40 U.S.C. 512), as it relates to the authority of the Secretary of Commerce with respect to the importation of foreign excess property, section 601 of the act of June 30, 1949 (40 U.S.C. 473), relating to the importation into the United States of surplus property sold in foreign areas before July 1, 1949, as delegated to the Secretary of Commerce pursuant to F.L.C. Regulation 8 (44 CFR 308.15);

c. The Educational Scientific and Cultural Materials Importation Act of 1966 (19 U.S.C. 1202);

d. Headnote 6(d) of schedule 7, part 2, subpart E of the "Tariff Schedules of the United States" (19 U.S.C. 1202), added by Public Law 89-805, pertaining to the allocation of quotas for duty-free importation into customs territory of the United States of watches and watch movements by producers located in the Virgin Islands, Guam, and American Samoa;

e. Chapters 1 and 2 of title III of the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.), as amended by Executive Order 11106 of April 18, 1963, except the authority to certify or revoke adjustment proposals; to permit modifications of adjustment proposals already certi-

fied; to certify tax assistance, and revoke such certifications; to make determinations as to the referral of adjustment proposals to other agencies; and to authorize the furnishing of technical and financial assistance pursuant to sections 313 and 314 of the act;

f. Executive Order 11651 of March 3, 1972, regarding textile trade agreements; and

g. Other authorities of the Assistant Secretary applicable to performing the functions assigned in this order.

02 The Deputy Assistant Secretary may redelegate his authority to any employee of the Bureau of Resources and Trade Assistance or to any other appropriate officer or agency of the Government, subject to such conditions in the exercise of such authority as he may prescribe.

Sec. 3. Organization and Line of Authority.—01 The Bureau of Resources and Trade Assistance shall be headed by the Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance who shall report and be responsible to the Assistant Secretary for Domestic and International Business. The Deputy Assistant Secretary shall be assisted by a Deputy Director who shall perform the functions of the Deputy Assistant Secretary during the latter's absence.

02 The Bureau of Resources and Trade Assistance shall consist of the following principal organizational elements:

Office of Import Programs.
Office of Trade Adjustment Assistance.
Office of Energy Programs.
Office of Textiles.

Sec. 4. Functions.—The Bureau of Resources and Trade Assistance shall be the principal point of contact within the Department on:

01. Special import problems involving industries experiencing difficulties from import competition and on problems in the field of international trade in primary commodities. For such import-impaired industries and as otherwise required, it shall maintain interagency relationships and provide legislative comment; international negotiations and representation with business and trade groups. It shall make policy recommendations as appropriate. It will process applications for duty-free importation of educational, scientific, and cultural materials; process applications to import foreign excess property into the United States; process applications pertaining to the allocation quotas for duty-free importation into customs territory of the United States of watches and watch movements by producers located in the Virgin Islands, Guam, and American Samoa; and provide executive secretariat services and administrative support to the Foreign-Trade Zones Board. The Bureau shall analyze information pertaining to international trade in selected industrial products and analyze developments affecting U.S. imports of or international trade in primary commodities, and represent the Department in U.S.

Government participation in international agreements and arrangements on commodities and industrial products.

02 The fiber, textile, and apparel sector of the industrial economy, including the administration and negotiation of international and bilateral textile agreements; coordination of interagency relations; providing of legislative comments; and liaison with relevant industry and trade groups. The Bureau shall conduct studies and analyses of the fiber, textile, and apparel sector, provide interpretive data on trends affecting its economic stability, and recommend appropriate Government action to approve the economic position of the sector.

03 The Bureau shall recommend policies and procedures of adjustment assistance to minimize the adverse effects of import competition on industry. The Bureau shall administer the trade adjustment assistance program for firms.

04 Energy programs including energy policy development, providing of legislative comments, and coordination of existing and proposed Commerce energy programs. The Bureau shall be the principal point of contact for development of specific policy and programs for the stimulation of domestic energy production and the development of new energy resources.

A. E. GIBSON,
Assistant Secretary for Domestic
and International Business.

[FR Doc. 73-7105 Filed 4-12-73; 8:45 am]

[DIBA Organization and Function
Order 44-2]

BUREAU OF RESOURCES AND TRADE ASSISTANCE

Organization and Functions

This order effective December 4, 1972, supplements the material appearing at 37 FR 25557 of December 1, 1972.

SECTION 1. Purpose.—This order prescribes the organization and assignment of functions within the Bureau of Resources and Trade Assistance.

Sec. 2. Organization and structure.—The organization structure and line of authority of the Bureau of Resources and Trade Assistance (the Bureau) shall be as depicted in the attached organization chart. A copy of the chart is on file with the original of this document in the Office of the Federal Register.

Sec. 3. Delegations of authority.—Pursuant to section 2.02 of DIBA Organization and Function Order 44-1 of November 17, 1972, the following authorities delegated to the Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance are hereby redelegated to the Director, Office of Import Programs except the authority to issue any rules, regulations or procedures under the following acts:

a. Section 402 of the act of June 30, 1949 (40 U.S.C. 512) as it relates to the authority of the Secretary of Commerce with respect to the importation of foreign excess property, section 601 of the

act of June 30, 1949 (40 U.S.C. 473), relating to the importation into the United States of surplus property sold in foreign areas before July 1, 1949, as delegated to the Secretary of Commerce pursuant to F.L.C. Regulation 8 (44 CFR 308.15);

b. The Educational Scientific and Cultural Materials Importation Act of 1966 (19 U.S.C. 1202);

c. Headnote 6(d) of schedule 7, part 2, subpart E of the "Tariff Schedules of the United States" (19 U.S.C. 1202), added by Public Law 89-805, pertaining to the allocation of quotas for duty-free importation into customs territory of the United States of watches and watch movements by producers located in the Virgin Islands, Guam, and American Samoa.

SEC. 4. Office of the Deputy Assistant Secretary and Director.—01 The Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance shall be responsible to the Assistant Secretary, Domestic and International Business, and shall determine the objectives of the Bureau, formulate the policies and programs for achieving those objectives and direct execution of the programs. The Deputy Assistant Secretary shall serve as a member of the Oil Import Appeals Board, as an alternate member of the Oil Policy Committee, Chairman of the Committee for the Implementation of Textile Agreements and Chairman of the Committee of Alternates of the Foreign-Trade Zones Board.

02 The Deputy Director shall assist in the direction of the Bureau and perform the functions of the Deputy Assistant Secretary in the latter's absence.

03 The Deputy Assistant Secretary shall supervise and direct the following organizational components:

- a. Immediate Office of the Deputy Assistant Secretary and Director.
- b. Office of Import Programs.
- c. Office of Textiles.
- d. Office of Trade Adjustment Assistance.
- e. Office of Energy Programs.

SEC. 5. Office of Import Programs.—01 The Office of the Director includes: The Director who shall plan and direct the execution of policies and programs of the Office, and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

02 The Special Import Programs Division shall perform technical evaluation, application review, and general administration in connection with the importation of scientific educational, and cultural material under the Florence Agreement; administer (jointly with the Interior Department) the watch-quota program including allocation of quota units, licensing of quota recipients, maintenance of official records, and publication of rules and regulations; and process applications connected with the administration of the foreign excess property program.

03 The Foreign-Trade Zones Division shall provide staff support to the Secretary of Commerce as Chairman of

the Foreign-Trade Zones Board. Support includes processing of new zone applications, holding public hearing on zone proposals, monitoring zone operations, processing requests for changes in established zone operations, reporting on the economic impact of zones, maintaining board files and records, providing technical advice on zones and publishing of the Foreign-Trade Zones annual report.

04 The International Commodities Division shall keep abreast of and analyze developments affecting U.S. imports of or international trade in primary commodities including coffee, tin, lead, zinc, tungsten, sulphur, cocoa, and rubber; monitor international commodity arrangements; participate in interagency work on U.S. quota systems involving international commodity trade; and work (with the Department of State and other departments) on all phases of international discussions and negotiations on basic commodities.

05 The Industrial Products Division shall monitor, collect, and analyze information and data pertaining to international trade in industrial products including steel, consumer electronic products, footwear, and automobiles; produce market impact studies, product trade pattern analyses, penetration studies and special purpose reports on industrial products; participate in interagency consideration of these problems; and formulate recommendations for action.

SEC. 6. Office of Textiles.—01 The Office of the Director includes: The Director who shall formulate policies, and direct the development and execution of programs; and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director or his designees will participate in the negotiation of multilateral and bilateral textile agreements. The Director will insure that the Office of Textiles provides appropriate administrative support to: the Committee for the Implementation of Textile Agreements, the CIEP Special Working Group for textile trade policy, the Management-Labor Textile Advisory Committee, the Importers' Textile Advisory Committee, and the Exporters' Textile Advisory Committee. Functions of the Office shall include the performance of economic impact studies and liaison with industries affected by the Flammable Fabrics Act as amended in 1967 and standards resulting from the act.

02 The Market Analysis Division shall develop data and analyses descriptive of conditions in the textile and apparel market and on the impact of imports on these markets; develop economic analyses necessary for the negotiation and administration of textile agreements; analyze legislative proposals to determine the potential effect on the textile and apparel industries; provide liaison with industry and other Government agencies to provide, collect, and exchange information; and promote U.S. textile and apparel exports including preparation and publication of studies on

factors impeding the expansion of U.S. textile exports.

03 The Trade Analysis Division shall provide statistical compilations necessary for the negotiation and administration of international textile arrangements; maintain liaison with other agencies to insure that import trade data are accurately recorded; develop and maintain import and export classifications and reporting procedures; provide necessary technical assistance to negotiating teams, other government agencies and foreign governments; review legislative proposals, particularly tariff schedules proposals; and prepare regular and special statistical and trade reports.

04 The Implementation Division shall monitor bilateral textile agreements; coordinate market and import analyses to identify problems relating to implementation of agreements and propose and implement solutions; provide staff support and technical assistance in the drafting of agreements; and prepare performance reports and special reports on textile imports.

SEC. 7. Office of Trade Adjustment Assistance.—01 The Office shall be headed by a Director who shall administer such regulations as may be necessary to assure the adequacy and effectiveness of the program for trade adjustment assistance and direct all activities of the Office. He shall be assisted by a Deputy Director who shall also perform the functions of the Director in his absence.

02 The Certification and Proposals Development Division shall prepare recommendations for action by the Assistant Secretary, Domestic and International Business, on requests from firms for certification for eligibility to apply for adjustment assistance; render guidance and assistance to firms in the preparation of proposals for adjustment assistance; prepare recommendations for action by the Secretary on proposals for adjustment assistance; as appropriate, refer certified adjustment proposals to Federal agencies for action and maintain followup on such referrals; and furnish financial and/or technical assistance, as necessary, to firms whose adjustment proposals have been certified by the Secretary.

03 The Program Analysis and Policy Division shall develop policy recommendations relating to the adjustment assistance program; establish guidelines and procedures to govern submission and processing of requests by firms for certification of eligibility to apply for adjustment assistance; establish guidelines and procedures to govern submission and processing of applications; establish procedures for investigation of a firm's progress in implementing adjustment proposals for which assistance has been provided; and help to insure compliance by firms receiving adjustment assistance.

SEC. 8. Office of Energy Programs.—01 The Office shall be headed by a Director who will be responsible for all Commerce programs on energy to insure maximum effectiveness and consistency of the Department's position on energy.

.02 Energy Planning Division shall be responsible for energy planning and policy development; coordinating legislative proposals; developing investment policy on importation of energy; and providing coordination of existing and proposed Commerce energy programs.

.03 Energy Resources Division shall provide staff support for Commerce participation in Oil Policy Committee, Oil Import Appeals Board, and the Energy Subcommittee of the Domestic Council on oil import problems affecting national security and shall be responsible for operational matters pertaining to domestic and imported supplies of energy.

Sec. 9. Administrative, Public Affairs and Field Services.—01 The Office of Public Affairs for Domestic and International Business Administration shall furnish public affairs and information services to Bureau of Resources and Trade Assistance organization units.

.02 The Directorate for Administrative Management, Domestic and International Business Administration shall furnish management, budget, personnel, travel and administrative services to Bureau of Resources and Trade Assistance organization units. The Directorate will also serve as liaison with Departmental elements providing other administrative services to the Bureau of Resources and Trade Assistance organization units.

.03 Field support necessary to Bureau of Resources and Trade Assistance activities will be provided by the field offices of the Office of Business Services.

STANLEY NEHMER,
Deputy Assistant Secretary and
Director, Bureau of Resources
and Trade Assistance.

Approved:

JUDITH S. CHADWICK,
Deputy Assistant Secretary and
Director, Directorate of Administrative Management.

[FR Doc. 73-7106 Filed 4-12-73; 8:45 am]

[DIBA Organization and Function Order
45-1]

BUREAU OF COMPETITIVE ASSESSMENT AND BUSINESS POLICY Organization and Functions

This order effective March 2, 1973, supplements the material appearing at 37 FR 2555 of December 1, 1972, and 38 FR 4278 of February 12, 1973.

SECTION 1. Purpose.—This order delegates authority to the Deputy Assistant Secretary for Competitive Assessment and Business Policy; and prescribes the organization and functions of the Bureau.

Sec. 2. Delegations of Authority.—01 Pursuant to section 5.03 of Department Organization Order 10-3 of November 17, 1972, the following authorities delegated to the Assistant Secretary, DIB by the Secretary of Commerce are hereby delegated to the Deputy Assistant Secretary for Competitive Assessment and Business Policy:

a. Such provisions of the act of February 14, 1903 (15 U.S.C. 1512 et seq.; 15 U.S.C. 171 et seq.) as amended, to foster, promote, and develop the domestic commerce of the United States, as are necessary to the performance of the Bureau's functions;

b. The Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, et seq.) conferred on the Secretary under Executive Order 10480, dated August 14, 1953, as amended, except authority with respect to transportation facilities and the creation of new agencies within the Department of Commerce;

c. Headnote 2, subpart B, part 6, schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) relating to the development, maintenance, and publication of a list of bona fide motor vehicle manufacturers, and authority to promulgate rules and regulations pertaining thereto under section 501(2) of title V of the Automotive Products Trade Act of 1965 (19 U.S.C. 2031);

d. Executive Order 11490 of October 28, 1969, as it relates to the development of national emergency preparedness plans and programs concerning production functions;

e. The National Security Act of 1947 (50 U.S.C. 401 et seq.) as amended, as it relates to mobilization preparedness responsibilities assigned thereunder;

f. The Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98-98h), as amended, with respect to the acquisition of stocks of materials for defense purposes;

g. Executive Order 11179 of September 22, 1964, with respect to the establishment and training of the National Defense Executive Reserve;

h. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense; and

i. Other authorities of the Assistant Secretary applicable to performing the functions assigned in this order.

.02 The Deputy Assistant Secretary may redelegate his authority to any employee of the Bureau of Competitive Assessment and Business Policy or to any other appropriate officer or agency of the Government subject to such conditions in the exercise of such authority as he may prescribe.

Sec. 3. Organization and line of Authority.—01 The Bureau of Competitive Assessment and Business Policy shall be headed by the Deputy Assistant Secretary for Competitive Assessment and Business Policy who shall be the Director and who shall report and be responsible to the Assistant Secretary for Domestic and International Business. The Deputy Assistant Secretary shall be assisted by a Deputy Director who shall perform the functions of the Deputy Assistant Secretary during the latter's absence.

.02 The Bureau of Competitive Assessment and Business Policy shall consist of the following principal organizational elements:

Office of Competitive Assessment.
Office of Domestic Business Policy.
Office of Business Research and Analysis.

Office of Industrial Mobilization.
Office of Business Assistance.

Sec. 4. Functions.—The Bureau of Competitive Assessment and Business Policy shall:

.01 Perform the following functions:

a. Assess the competitiveness of American industries in domestic and international markets. This shall include studies of specific industries, sectors, and functions of the American economy; development and operation of early warning systems that anticipate shifts in competitive conditions; and analyses of key competitive factors within and across industries;

b. Provide a working forum of business and the Federal Government on domestic business policy issues, particularly economic and financial issues, consumer protection, labor-management relations, industrial development of marine resources, industrial pollution, and short-supply export controls;

c. Collect, analyze, and maintain factual data on U.S. industries, exclusive of data related to the fiber, textile, and apparel sector of the industrial economy, which shall be the responsibility of the Bureau of Resources and Trade Assistance. This information will be used in support of policy decisions and program actions by the Bureau of Competitive Assessment and Business Policy, as well as other parts of the Department and the Government. Both domestic and international data shall be included in categories such as production, pricing, inventories, marketing, labor, financing, taxation, and location and size of companies;

d. Provide business assistance and advice to the Nation's business community.

.02 Perform the following action specifically required by law:

a. Certify U.S. firms as "bona fide motor vehicle manufacturers" qualified to trade under the provisions of the U.S.-Canadian Automotive Agreement; and prepare the President's Annual Report to Congress concerning implementation of the Automotive Products Trade Act of 1965;

.03 Perform the following national defense and industrial mobilization functions:

a. Assist in achieving, through administration of priorities and allocations and other means, an adequate supply of strategic, critical, and other products and materials for defense and defense-supporting activities and essential civilian needs, including the timely completion of current military, atomic energy, and space programs for production, construction, and research and development; and

b. Participate in the development of national plans to assure maximum readiness of the industrial resources of the United States including the means for administering them, to meet any future demands of any national emergency.

LAWRENCE A. FOX,
Acting Assistant Secretary for
Domestic and International
Business.

MARCH 2, 1973.

[FR Doc. 73-7107 Filed 4-12-73; 8:45 am]

[DIBA Organization and Function Order
45-2]

BUREAU OF COMPETITIVE ASSESSMENT AND BUSINESS POLICY

Organization and Functions

This order effective December 4, 1972 supplements the material appearing at 37 FR 25557 of December 1, 1972.

Sec. 1. Purpose.—This order prescribes the organization and assignment of functions within the Bureau of Competitive Assessment and Business Policy.

Sec. 2. Organization and Structure.—The organization structure and line of authority of the Bureau of Competitive Assessment and Business Policy (the "Bureau") shall be as depicted in the attached organization chart. A copy of the chart is on file with the original of this document in the Office of the Federal Register.

Sec. 3. Delegation of Authority.—The following authority delegated to the Deputy Assistant Secretary and Director, Bureau of Competitive Assessment and Business Policy, is hereby redelegated to the Director, Office of Business Research and Analysis in accordance with section 2.02 of DIBA Organization and Function Order 45-1:

Headnote 2, subpart B, part 6, schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) relating to the development, maintenance, and publication of a list of bona fide motor vehicle manufacturers, and authority to promulgate rules and regulations pertaining thereto under section 501(2) of title V of the Automotive Products Trade Act of 1965 (19 U.S.C. 2031).

Sec. 4. Office of the Deputy Assistant Secretary and Director.—01 The Deputy Assistant Secretary and Director, Bureau of Competitive Assessment and Business Policy, shall be responsible to the Assistant Secretary for Domestic and International Business and shall determine the objectives of the Bureau, formulate the policies and programs for achieving those objectives and direct execution of the programs.

02 The Deputy Director shall assist in the direction of the Bureau and perform the functions of the Director in the latter's absence.

03 The Deputy Assistant Secretary shall supervise and direct the following organizational components:

- a. Office of the Deputy Assistant Secretary and Director.
- b. Office of Competitive Assessment.
- c. Office of Domestic Business Policy.
- d. Office of Business Research and Analysis.
- e. Office of Industrial Mobilization.
- f. Office of Business Assistance.

04 The economics advisory staff, headed by the Assistant Director for Economics, shall identify and analyze areas of economic and technological concern and coordinate Bureau actions in resolving these problems.

Sec. 5. Office of Competitive Assessment.—01 The Office of the Director includes: The Director who shall plan and direct the execution of policies and programs of the Office, and the Deputy Director who shall assist in the direction of the Office and perform the functions

of the Director in his absence. The Director shall supervise and direct the following organizational components:

02 The Competitive Studies Division will conduct and/or direct the conduct of studies of competitive factors and conditions within and between industries and industry sectors of the U.S. economy, and their competitiveness in domestic and international markets; and will also prepare policy options for improving competitiveness of U.S. industries at home and abroad.

03 The Competitive Information Division shall develop and maintain a surveillance system to provide a continuous monitoring of factors affecting the competitiveness of American industries; and perform continuing analyses of key factors in industry competitiveness.

Sec. 6. Office of Domestic Business Policy.—01 The Office of the Director includes: The Director who shall plan and direct the execution of policies and programs of the Office, and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

02 The Business Policy Development Division shall conduct research and develop policy options to improve domestic business practices. In addition to analysis of economic issues, general studies and analyses shall be performed on issues such as productivity, research and development, transfer of technology, tax, investment incentives, and management techniques.

03 The Industrial Relations Division shall analyze Federal policies and industry practices that affect industrial efficiency and develop such policy options as will promote optimum utilization of human resources. The Division's area of responsibility shall include policy matters relating to labor-management relations, conditions of work, employee benefits, labor law and practices, and international labor organizations and activities.

04 The Legislation Division shall review proposed legislation on business-related issues and develop policy positions on such matters. Based on current major economic issues, the Division shall research and develop Department legislative initiatives. It shall prepare and coordinate within the Bureau the preparation of responses to legislative inquiries, and coordinate its activities with the Office of the General Counsel.

05 The Environmental Affairs Division shall conduct studies and develop policy options to insure a balanced environmental approach to industrial pollution problems and the development of land and marine resources. It shall provide economic and technological assessments of legislative and regulatory proposals and evaluate specific industry impacts as appropriate.

06 The Financial Analysis Division shall analyze production, price, and market trends; and analyze and formulate domestic financial policy options having significance for the U.S. economy.

Sec. 7. Office of Business Research and Analysis.—01 The Office of the

Director includes: the Director who shall plan and direct the execution of policies and programs of the Office, and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

02 Special reports and forecasting staff shall compile special purpose tabulations and reports involving more than one industry or business segment; shall develop techniques and methods for improving forecasting of measures of activity for specific industries and business segments; and shall be responsible for publication of industrial outlook reports covering economic and industry analysis and trends for major industries.

03 The industry sector divisions, as listed below, shall be generally responsible for the development and maintenance of data necessary to make a current assessment of the key factors affecting their sectors' competitive position in domestic and international markets.

- Consumer Goods and Services Division.
- Materials Division.
- Construction and Forest Products Division.
- Transportation and Capital Equipment Division.
- Science and Electronics Division.

04 The Research Division shall obtain and maintain data to support the activities of the industry sector divisions; provide an analytical and forecasting capability in support of the Bureau's programs and objectives; and maintain the publications/editorial activities required to support the Bureau's outputs.

Sec. 8. Office of Industrial Mobilization.—01 The Office of the Director includes: the Director who shall plan and direct the execution of policies and programs of the Office, and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

02 The Mobilization Readiness Division shall develop and test the organizational plans and procedures for the Bureau to assume the responsibility for industrial production, construction, and distribution in the event of national emergencies; assist and guide industry in preparing for the conduct of emergency operations to assure the continuity of required production; and recruit and train Executive Reservists to assume major responsibilities in the event of a national emergency.

03 The Industrial Resources Division shall provide guidance and recommendations to the Office of Emergency Preparedness on matters relating to the national stockpile program, including the establishment of objectives, development of procurement programs and purchase specifications, special instructions, disposal programs, storage manuals and special studies; provide staff support for the chairman, NATO Industrial Planning Committee, and the co-chairman, U.S./Canada Emergency Industrial Production and Materials Committee; and

investigate and report on alleged impact of imports on national security.

.04 The Industrial Evaluation Division shall identify industrial facilities of exceptional importance to the national security, mobilization readiness, post-attack survival, and recovery; specify standards for assessing and evaluating their production capabilities; supervise the preparation of industrial analyses of critically important products and industrial services, including essential survival items; conduct industrial feasibility studies to determine capabilities to meet national emergencies; and provide liaison between the Bureau and the Resource Analysis office of the Office of Emergency Preparedness.

.05 The Mobilization Operations and Plans Division shall support current national defense requirements by administering the Defense Materials System, and the Defense Priorities System under title I of the Defense Production Act of 1950, as amended and extended; plan for and maintain emergency measures for regulating industrial production and distribution during emergency situations; and develop plans for natural disasters and implement them as necessary.

SEC. 9. *Office of Business Assistance.*— .01 The Office of the Director includes: The Director who shall plan and direct the execution of policies and programs of the Office, and shall also serve as the Department's Ombudsman for Business.

.02 The Office of Business Assistance shall provide responses for business inquiries directed to it and shall provide technical advice and assistance, as requested, to the Nation's business community.

SEC. 10. *Administrative, Public Affairs and Field Services.*— .01 The Office of Public Affairs for Domestic and International Business Administration shall furnish public affairs and information services to Bureau of Competitive Assessment and Business Policy organization units.

.02 The Directorate for Administrative Management, Domestic and International Business Administration shall furnish management, budget, personnel, travel and administrative services to Bureau of Competitive Assessment and Business Policy organization units. The Directorate will also serve as liaison with departmental elements providing other administrative services to the Bureau of Competitive Assessment and Business Policy organization units.

.03 Field support necessary to Bureau of Competitive Assessment and Business Policy activities will be provided by the field offices of the Office of Business Services.

GARY M. COOK,

Deputy Assistant Secretary and Director, Bureau of Competitive Assessment and Business Policy.

Approved:

JUDITH S. CHADWICK,

Deputy Assistant Secretary and Director, Directorate of Administrative Management.

[FR Doc. 73-7106 Filed 4-12-73; 8:45 am]

[DIBA Organization and Function Order 46-1]

BUREAU OF EAST-WEST TRADE

Organization and Functions

This order effective November 17, 1972, supplements the material appearing at 37 FR 25555 of December 1, 1972.

SECTION 1. *Purpose.*—This order delegates authority to the Deputy Assistant Secretary and Director, Bureau of East-West Trade, and prescribes the organization and functions of the Bureau.

SEC. 2. *Delegation of Authority.*— .01 Pursuant to section 5.03 of department organization order 10-3 of November 17, 1972, the following authorities delegated to the Assistant Secretary for Domestic and International Business by the Secretary of Commerce are hereby delegated to the Deputy Assistant Secretary and Director, Bureau of East-West Trade:

a. Such provisions of the act of February 14, 1903 (15 U.S.C. 1512 et seq.; 15 U.S.C. 171 et seq.), as amended, to foster, promote, and develop the foreign commerce of the United States, as are necessary to the performance of the Bureau's functions;

b. The Export Administration Act of 1969 (50 U.S.C. app. 2401 et seq.), as amended and extended by the Equal Export Opportunity Act (Public Law 92-412), the administration of which was delegated to the Secretary of Commerce by Executive Order 11533 of June 4, 1970, and 11683 of August 29, 1972, except that the following power, authority, and discretion shall be reserved to the Secretary:

(1) The determinations required by section 7(c) with respect to the publication or disclosure of confidential information obtained under the provisions of the act, and

(2) The submission of reports to the President and to the Congress required by section 10 of the act;

c. Executive Order 11490 of October 30, 1969, as it relates to the development of national emergency preparedness plans and programs concerning the regulations and control of exports and imports, under the jurisdiction of the Department, in support of national security, foreign policy, and economic stabilization objectives;

d. Executive Order 11322 of January 5, 1967 and Executive Order 11419 of July 29, 1968, as relates to exportation from the United States of commodities or products to or on behalf of Southern Rhodesia;

e. Such provisions as are necessary to the performance of the Bureau's functions of the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.) (TEA) and Executive Order 11075 of January 15, 1963, as amended by Executive Order 11106 of April 18, 1963, with respect to foreign trade agreements and tariff matters except chapters 1 and 2 of title III of the TEA dealing with the furnishing of adjustment assistance, section 401 of title IV of the TEA authorizing the issuance of regulations and delegation of functions, and section 361 of the TEA

dealing with the Adjustment Assistance Advisory Board;

f. Such portions as are necessary to the performance of the Bureau's functions of the delegations of authority, dated June 25, 1962, from the United States Information Agency under section 5(e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.); and

g. Other authorities of the Assistant Secretary applicable to performing the functions assigned in this order.

.02 The Deputy Assistant Secretary may redelegate his authority to any employee of the Bureau of East-West Trade or to any other appropriate officer or agency of the Government, subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 3. *Organization and Line of Authority.*— .01 The Bureau of East-West Trade shall be headed by the Deputy Assistant Secretary and Director, Bureau of East-West Trade, who shall report and be responsible to the Assistant Secretary for Domestic and International Business. The Deputy Assistant Secretary shall be assisted by a Deputy Director who shall perform the functions of the Deputy Assistant Secretary during the latter's absence.

.02 The Bureau of East-West Trade shall consist of the following principal organizational elements:

Office of East-West Trade Development.
Office of East-West Trade Analysis.
Office of the Joint Commission Secretariat.
Office of Export Control.

SEC. 4. *Functions.*—The Bureau of East-West Trade shall be the principal point of contact within the Department on:

.01 Policies and programs with regard to trade promotion and other commercial relations with the socialist nations;

.02 Economic analyses of problems peculiar to East-West trade; studies of market potential for U.S. trade with the socialist nations; and analytic support for the development of trade policy and the conduct of trade negotiations;

.03 The interchange of information concerning East-West trade among United States and foreign industry groups, trade associations, universities, and other interested organizations;

.04 Export control and related responsibilities under the Export Administration Act and the Equal Export Opportunity Act; and

.05 Executive secretariat services to U.S. joint commercial commissions with socialist nations.

A. E. GIBSON,
Assistant Secretary for Domestic and International Business.

[FR Doc. 73-7106 Filed 4-12-73; 8:45 am]

[DIBA Organization and Function Order 46-2]

BUREAU OF EAST-WEST TRADE

Organization and Functions

This order effective December 4, 1972, supplements the material appearing at 37 FR 25557 of December 1, 1972.

Section 1. Purpose.—This order prescribes the organization and assignment of functions within the Bureau of East-West Trade.

Sec. 2. Organization and structure.—The organization structure and line of authority of the Bureau of East-West Trade (the "Bureau") shall be as depicted in the attached organization chart. A copy of the chart is on file with the original of this document in the Office of the Federal Register.

Sec. 3. Delegations of authority.—01 The Director, Office of Export Control, is delegated authority to exercise and perform all powers and functions provided by the Export Administration Act of 1969 (50 U.S.C. app. 2401 et seq.), as amended and extended by the Equal Export Opportunity Act (Public Law 92-412), except that the determinations required by section 7(c) with respect to the publication or disclosure of confidential information obtained under the provisions of the act, and the submission of reports to the President and to the Congress required by section 10 of the act, are reserved to the Secretary of Commerce. This delegation specifically includes the authority:

a. To issue rules and regulations to carry out the purpose of the aforesaid act, including rules and regulations applicable to the financing, transporting, and other servicing of exports and the participation therein by any person;

b. To sign and issue subpoenas requiring any person to appear and testify or to appear and produce books, records, and other writings, or both, to any designated place, in connection with any investigation or proceeding necessary or appropriate to the enforcement of said export control authority;

c. To require reports and the keeping of records by any person to the extent necessary or appropriate to the enforcement of said export control authority, and to require any person to permit the inspection of books, records, and other writings, premises, or property; and

d. To take any other action necessary or appropriate to achieve effective enforcement of the act in connection with actual or potential export control violations, including the issuance of denial and probation orders.

02 The Director, Office of Export Control, is authorized to redelegate any power or function conferred by this delegation and may authorize successive delegations, except as otherwise provided and limited in paragraphs .03, .04, and .05 of this section with respect to inspections, subpoenas, oaths, and affirmations, and other enforcement authority.

03 In addition to the Director, at all times the Deputy Director and Assistant Director, Office of Export Control, the Director of Compliance Division and the

Agent-in-Charge, New York Field Office, Compliance Division, are each authorized to require any person to permit the investigation of books, records, and other writings, premises, or property, and to sign and issue subpoenas requiring any person to appear and testify or appear and produce books, records, and other writings, or both, to any designated place, in connection with any investigation or proceeding necessary or appropriate to the enforcement of said export control authority.

04 The Hearing Commissioner is authorized, in any proceeding relating to the denial of export privileges or the imposition of civil penalties under the Export Administration Act of 1969 as amended and extended by the Equal Export Opportunity Act, to administer oaths and affirmations, and to sign and issue subpoenas, requiring any person to appear and testify or to appear and produce books, records, and other writings, or both.

05 Any special agent employed in the Compliance Division of the Office of Export Control and any attorney in the Office of the General Counsel assigned to export control enforcement duties, who is specifically designated as a special agent of the Bureau of East-West Trade, is hereby authorized to make investigations, obtain information, inspect books, records, and other writings, premises, or property of, and take the sworn testimony of, any person, and to administer oaths and affirmations for the purpose of procuring or receiving from any person sworn statements or other sworn testimony, concerning any matter under investigation necessary or appropriate to the enforcement of the export control authority.

06 This supersedes delegations of authority previously made and confirmed with respect to export control, except that all outstanding rules, regulations, orders, licenses, designations, and other forms of administrative action shall, until amended or revoked, remain in full force and effect.

Sec. 4. Office of the Deputy Assistant Secretary and Director.—01 The Deputy Assistant Secretary and Director, Bureau of East-West Trade (the "Director") shall be responsible to the Assistant Secretary for Domestic and International Business and shall determine the objectives of the Bureau, formulate the policies and programs for achieving those objectives and direct the execution of the programs. The objectives, policies and programs of the Bureau shall relate to the U.S.S.R., People's Republic of China, Poland, Romania, Czechoslovakia, Hungary, Bulgaria, Albania, East Germany, and the Soviet Zone of Berlin, and certain other areas of the world with similar economic/political structures, and, where necessary for export control purposes, other countries.

02 The Deputy Director shall assist in the direction of the Bureau and perform the functions of the Deputy Assistant Secretary in the latter's absence.

03 The Director shall supervise and direct the following organizational components:

- Immediate Office of the Deputy Assistant Secretary and Director.
- Office of East-West Trade Development.
- Office of East-West Trade Analysis.
- Office of the Joint Commission Secretariat.
- Office of Export Control.

04 The Office of the Director shall also include a Hearing Commissioner who shall conduct hearings and perform other duties with respect to administrative compliance proceedings involving export control violation cases, in accordance with the rules set forth in the export regulations.

Sec. 5. Office of East-West Development.—01 The Office of the Director includes: the Director who shall plan and direct the execution of policies and programs of the Office, and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

02 The geographic divisions as listed below, shall maintain full familiarity with the economy and the economic and political policies of the country and area for which each is responsible, and with U.S. trade and other commercial relations involved:

- U.S.S.R. Affairs Division.
- Eastern European Affairs Division.
- People's Republic of China and Other Asian Areas Division.

In carrying out this responsibility, each division shall:

a. Assemble, analyze and disseminate information on foreign economic conditions, tariffs, laws, and regulations, including analytical surveys on individual country markets, as well as information on specific industries. Materials shall be disseminated to the U.S. business community and also made available for use by other Government agencies and other interested parties;

b. Develop recommendations with respect to the positions of the Department on policy and legislative matters regarding problems of international trade and investment with individual countries and regional economic groupings, and develop recommendations on problems relating to U.S. trade arising in connection with the General Agreement on Tariffs and Trade or other agreements or treaties and on international economic integration activities in the region;

c. Develop and provide appropriate information and advice for use by the U.S. cochairmen of joint trade commissions;

d. Advise interested parts of the Department in policy development regarding international organizations and programs concerned with the countries and areas involved and represent the Department as appropriate in interagency and international meetings on such programs;

e. Initiate and pursue, through the Foreign Service of the United States and other channels, representations on behalf of U.S. business interests for the

maintenance of full rights under terms of treaties and international agreements of the United States, and identify and evaluate foreign impediments to U.S. commercial interests and take action to eliminate or alleviate their adverse impact;

f. Maintain contacts on country and regional trade matters with foreign government representatives in the United States, the Department of State, other U.S. Government agencies and intergovernmental organizations.

.03 The Trade Development Assistance Division shall facilitate trade between the United States and the specified countries and areas by acquiring information on how trade is actually conducted, counseling the U.S. business community on how to go about such trade, and assisting U.S. firms to pursue business transactions. Specifically the Division shall:

a. Obtain, from U.S. businessmen who have had personal experience in doing business with the specified countries, detailed information on how such business is conducted, including contract terms and conditions requested, the roles played by government trade and ministerial organizations, methods of financing, problems to be anticipated and pitfalls to be avoided in doing business;

b. Advise U.S. firms wishing to do business with the specified countries on methods used to conduct such trade, names of decisionmakers and channels of access to them, contract clauses required, negotiating factors likely to be used, alternative methods of financing, and other specific information;

c. Actively assist U.S. firms on a case-by-case basis to compete for business transactions with these countries by calling the attention of U.S. firms to specific sales, joint-venture, barter and other opportunities, arranging contacts between U.S. businessmen and officials of these countries and when needed participating in business discussions, suggesting methods for obtaining U.S. Government approvals and clearances, and in general making every effort to advance trade between the United States and these countries without actually becoming a party to transactions.

.04 The Trade Promotion Division shall be responsible for the formulation of promotional programs, responsive to the needs of American businessmen in the markets of the countries and areas specified in section 4.01 above. The Division shall:

a. Plan and procure commercial trade fair exhibitions for the specified countries and areas; identify qualified U.S. firms and arrange for their participation, and undertake appropriate followup activities to facilitate the establishment and/or development of permanent and productive trade relationships by participants;

b. Plan and conduct where appropriate U.S. trade missions to promote international trade and investment as an integral part of the worldwide trade missions program, and encourage and facilitate private utilization of the trade

mission technique by U.S. business with the sponsorship of the Department;

c. Establish business information offices and business development offices at selected international trade fairs and at other appropriate locations in these countries and areas, and plan and develop appropriate technical seminars and symposia as a useful trade promotional technique;

d. In conjunction with other DIBA organizational components, test new trade promotion techniques, such as reverse trade missions and single company-sponsored catalog and product shows, and recommend appropriate action for Departmental consideration;

e. Establish and operate, in conjunction with other DIBA components, Trade Development and Information Offices (TDIO) and other export promotion facilities in selected countries and areas, and in particular the Regional Trade Development Office in Vienna and the TDIO in Warsaw;

f. Maintain and disseminate market data and project information pertaining to fairs and exhibits in these countries and areas which can be used by U.S. firms to promote the international trade interests of the United States.

Sec. 6. *Office of East-West Trade Analysis.*—01 The Office of the Director includes: The Director who shall plan and direct the execution of policies and programs of the Office, and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

.02 The East-West Trade Policy Division shall formulate and research policy issues arising in East-West trade activities; develop and present concise statements of policy options and alternatives, objectives and goals, benefits and costs, and conclusions and recommendations; perform critical reviews of existing and proposed legislation which impinges on East-West trade, and develop legislative recommendations; develop, monitor, and review policies governing the operational aspects of East-West trade; coordinate East-West trade policy review with international trade, monetary, finance, research, and technical organizations; examine legal, economic, and historical aspects of East-West trade policy; and monitor the East-West trade activities of national and international organizations such as the Council for Economic Mutual Assistance (CEMA), the General Agreement on Tariffs and Trade (GATT), and the International Monetary Fund (IMF).

.03 The East-West Trade Analysis Division shall perform analyses of key policy issues arising in East-West trade using such disciplines as economic and financial analysis, international trade theory, and systems analysis; develop specialized analytic methodologies oriented to considerations and constraints unique to East-West trade such as input-output analysis, systems modeling, mathematical programming, and decision theory; carry out microanalytic studies

addressing East-West trade from the perspectives of U.S. business and industry, those with whom they trade, and third countries on such topics as trade opportunities, opportunities for and effects of technology transfer, problems inherent in commerce between state-trading and competitive economies, and opportunities and problems of joint projects and institutional arrangements in East-West trade; carry out microanalytic studies in support of the Trade Policy Division on such topics as trade projections, balance of payments, econometric modeling of trading economies, U.S. policy regarding government and/or private financing of East-West trade, and the determination of the economic and social impact of East-West trade on the United States, its trading partners, and relevant third countries; maintain liaison with joint scientific and technical commissions, research groups and institutes, and international organizations concerned with the conduct of specialized analyses as applied to East-West trade; support as necessary interagency working groups and task forces concerned with East-West trade; and propose and monitor contracts for the conduct of certain analyses to be performed by entities external to the Bureau.

Sec. 7. *Office of the Joint Commission Secretariat.*—01 The Office of the Director includes: The Director who shall plan and direct the execution of policies and programs of the Office, and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

.02 The Commercial Commission Division shall provide executive secretariat services to U.S. joint commercial commissions with the U.S.S.R., Poland, and as may be established with other countries; coordinate preparation of briefing materials for meetings of such commissions or sub-groups thereof; provide reporting for such meetings; provide logistical arrangements for commission meetings here or abroad; and maintain the Legislative Agenda for the Bureau.

.03 The Communications Division shall:

a. Provide communications arrangements between the Department and commission meetings;

b. Maintain broad East-West trade contacts and two-way information flow with U.S. and foreign industry groups, trade associations, universities and other non-governmental organizations;

c. Develop and maintain, in accordance with applicable Department Orders and with the assistance of the Office of East-West Trade Analysis, storage and retrieval systems for information in the Bureau's areas of interest and propose contracts for external retrieval systems;

d. Maintain for the Bureau correspondence and study assignment control and reporting systems, operational deadline schedules, centralized review of communications media, and coordinate

comment on intraagency and interagency studies.

.04 The Publications and Reports Division shall coordinate Bureau publications, reports, and speaking activities; provide speech writing assistance to the Office of the Bureau Director; provide editorial assistance to Bureau personnel in preparing articles for publication; coordinate Bureau contribution to reports required by higher authority; and prepare special reports and articles.

Sec. 8. *Office of Export Control.*— .01 The Office of the Director includes: The Director who shall plan and direct the execution of policies and programs of the Office; the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence; the Assistant Director who shall assist the Director in policy formulation, assist, as required, in the direction of the Office, and perform the functions of the Director and Deputy Director in their absence; and the Executive Secretary of the Advisory Committee on Export Policy. The Director or his designees shall administer and, in conjunction with the Department's Office of the General Counsel, enforce the export control regulations and programs required to carry out Departmental responsibilities under the Export Administration Act of 1969 as amended and extended by the Equal Export Opportunity Act. The Director shall supervise and direct the following organizational components:

.02 The Policy Planning Division shall develop recommendations for export control policies to be applied to specific countries and commodities; recommend the disposition of certain license applications which present special policy or security problems; represent the Department on certain committees and working groups of the Department of State's Economic Defense Advisory Committee (EDAC) and coordinate Department policies and programs concerning United States and international export controls and U.S. economic defense; and represent the Department on national security and foreign policy matters involving export controls before the Operating Committee of the Advisory Committee on Export Policy (ACEP).

.03 The Operations Division shall process license applications; develop internal operating procedures; conduct public contact activities; issue U.S. import certificates; prepare analytical and statistical reports on export control activities; develop and publish export control regulations and procedures as well as instructions for Foreign Service Officers; handle clearances with the Office of Management and Budget of public reporting requirements for the Bureau; carry out Bureau emergency readiness and planning functions; collect and disseminate statistics on requests made to U.S. exporters to cooperate in restrictive trade practices or boycotts; and prepare the quarterly report of the Secretary of Commerce on Export Control to the President and the Congress.

.04 The Compliance Division shall ensure compliance with the export control regulations, develop intelligence information regarding areas of possible export control violations, investigate suspected violations, and prepare cases on violations for referral to the Hearing Commissioner through the Office of the General Counsel or to the Office of the General Counsel for other legal guidance or action; promote compliance with export control clearance regulations; develop and coordinate methods and systems to reduce paperwork and simplify export documentation and clearance procedures; and maintain liaison with the Bureau of Customs, U.S. Postal Service, and other Government and private organizations on export control compliance and facilitation matters.

.05 The Technical Data Division shall administer export controls over technical data in accordance with the provisions set forth in the Export Administration Act and the Equal Export Opportunity Act, and the policies and procedures established by the Office of Export Control; act on export license applications for technical data; conduct studies of technology in important fields to establish a basis for recommendations on export control policies, criteria and regulations; provide assistance to industry and other Government agencies on export control problems involving technical data; and represent the Department on committees, dealing with East-West exchanges.

.06 The product/licensing divisions as stated below:

Capital Goods Division.
Production Materials and Consumer Products Division.
Scientific and Electronic Equipment Division.

Each division shall, for the products under its jurisdiction, administer export controls in accordance with the Export Administration Act and the Equal Export Opportunity Act and the policies and procedures established by the Office of Export Control; determine and take appropriate action on export license applications; conduct technical analyses of products, including potential end-use applications, to determine and recommend the extent of controls to be applied; and render assistance to industry and other Government agencies on export control problems within its jurisdiction.

Sec. 9. *Administrative, Public Affairs and Field Services.*— .01 The Office of Public Affairs for DIBA shall furnish public affairs and information services to Bureau of East-West Trade organization units.

.02 The Directorate of Administrative Management for DIBA shall furnish management, budget, personnel, travel, and administrative services. The Directorate will also serve as liaison with departmental elements providing other administrative services.

.03 Field support necessary to Bureau of East-West Trade activities will be provided by the field offices of the Office of Business Services and by an Export Con-

trol Field Compliance Office located in New York, N.Y., which investigates possible violations of export control regulations.

STEVEN LAZARUS,
Deputy Assistant Secretary and
Director, Bureau of East-West
Trade.

Approved:

JUDITH S. CHADWICK,
Deputy Assistant Secretary
and Director, Directorate of
Administrative Management.

[FR Doc. 7110 Filed 4-12-73; 8:45 am]

Maritime Administration

TANKER CONSTRUCTION PROGRAM

Public Hearing on Draft Environmental Impact Statement

Notice is hereby given that a public hearing concerning the U.S. Department of Commerce draft environmental impact statement previously released on March 15, 1973, regarding the Maritime Administration tanker construction-differential subsidy program will be held on May 1, 1973, in the departmental auditorium of the Department of Labor, 14th and Constitution Avenue, Washington, D.C. 20212, commencing at 10 a.m. The public is invited to attend and participate.

As previously noticed on March 14, 1973, 38 FR 6912 (No. 49), the draft environmental impact statement refers to proposed Government assistance to private industry to aid in the construction in the United States of modern tankers and other oil-carrying vessels during the decade of the 1970's. Vessel classes included range from 35,000 dwt to 400,000 dwt. Copies of the statement are available for public inspection at the following locations:

Maritime Administration, Office of Public Affairs, room 4889, Department of Commerce (Building) Washington, D.C. 20235.
Maritime Administration, Eastern Regional Office, 26 Federal Plaza, New York, N.Y. 10007.
Maritime Administration, Central Regional Office, 701 Loyola Avenue, New Orleans, La. 70152.
Maritime Administration, Western Regional Office, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

Copies may also be purchased from either the National Technical Information Service, Ordering Department, 5285 Port Royal Road, Springfield, Va. 22151, or at the Environmental Law Institute, Document Service, 1346 Connecticut Avenue NW., Washington, D.C. 20036 (approximately 700 pages including appendixes) (NTIS order No. AA 73 0392-D) (ELR order No. 00392).

In order to assist in the administration of the hearing it is requested that all presentations be limited to 30 minutes in duration unless advance written request for additional time is submitted to Dr. Sidney R. Galler, Deputy Assistant Secretary of Environmental Affairs, Department of Commerce, Washington,

D.C. 20230. Further particulars concerning the hearing, its location and directions to the hearing room within the Department of Labor Building may be obtained by calling Dr. Galler's office on area code 202-967-4335.

Persons desiring to file written submission in lieu of oral comment at the hearing may do so by filing such comment with Dr. Galler at the above address in accordance with the prior notice set forth on March 14, 1973, at 38 FR 6912.

Dated April 10, 1973.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, JR.,
Secretary,
Maritime Subsidy Board.

[FR Doc.73-7231 Filed 4-12-73;8:45 am]

National Oceanic and Atmospheric Administration

PAUL A. PAULBITSKI

Issuance of Letter of Exemption for Marine Mammals

On March 6, 1973, a notice was published in the FEDERAL REGISTER (38 FR 6087) stating that an application had been filed with the National Oceanic and Atmospheric Administration for an economic hardship exemption by Paul A. Paulbitski, graduate student, Department of Marine Biology, California State University, San Francisco, Calif., to continue tagging harbor seals (*Phoca vitulina richardi*) in San Francisco Bay in order to complete his research requirements for an advanced degree from California State University.

Notice is hereby given that pursuant to the provisions of the Marine Mammal Protection Act of 1972 (Public Law 92-522), after having considered the application and all other pertinent information and facts with regard thereto, the National Marine Fisheries Service has issued a letter of exemption to Paul A. Paulbitski, subject to certain conditions set forth in the letter of exemption. Such letter and supporting documents are available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235.

Dated April 9, 1973.

ROBERT W. SCHONING,
Acting Director,
National Marine Fisheries Service.

[FR Doc.73-7140 Filed 4-12-73;8:45 am]

Office of Import Programs

ALBERT EINSTEIN COLLEGE OF MEDICINE

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

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

regulations issued thereunder as amended (37 FR 3892 et seq.).

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

Docket No. 73-00136-01-77030. Applicant: Albert Einstein College of Medicine, Yeshiva University, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: NMR spectrometer, model PS-100. Manufacturer: JEOLCO, Japan. Intended use of article: The article will be used to investigate biological phenomena at the molecular level by observing the nuclear magnetic resonance of various nuclei in the following:

1. Iron transport by iron binding proteins.
2. Chemistry of metal chelates and metalloproteins using ¹⁹F as a probe.
3. Drug-receptor interactions.
4. Mechanism of ion transport by antibiotic ionophorus agents.
5. Structure and chemistry of heme proteins.
6. Conformation changes in oligosaccharide - hapten - antibody interactions using ¹⁹F as a probe, and
7. Enzyme mechanisms.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (May 24, 1971). Reasons: The captioned application is a resubmission of Docket No. 72-00226-01-77030 which was denied without prejudice to resubmission June 16, 1972 due to informational deficiencies. The applicant is studying complex biological systems using ¹H, ¹⁹F, ¹³C and ³¹P nuclear magnetic resonance with special emphasis in resonance lines shifted over a wide frequency range by interaction with paramagnetic ions. Such studies require the measurement of short relaxation times (T₁ and T₂) that may be less than one millisecond. The foreign article provides high pulse power with concomitant short pulse widths for 90° pulses. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated December 28, 1972 that the capabilities of the foreign article described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the article for the applicant's intended purposes which was available at the time the foreign article was ordered. HEW cited as precedents its prior recommendations relating to Docket Nos. 72-00262-01-77030 and 72-00504-01-77030 which conform in certain particulars with this application.

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

manufactured in the United States at the time the article was ordered.

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

[FR Doc.73-7168 Filed 4-12-73;8:45 am]

NEW YORK LEAGUE FOR THE HARD OF HEARING ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before May 3, 1973.

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

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

Docket No. 73-00276-99-03400. Applicant: New York League for the Hard of Hearing, 71 West 23d Street, New York, N.Y. 10010. Article: Audio-therapy units, Suvag I and Suvag II and Vibrator. Manufacturer: SEDI, France. Intended use of article: The article is intended to be used in a research project involving the aural health care and educational training of hearing-impaired people. Application received by Commissioner of Customs: March 9, 1973.

Docket No. 73-00410-98-42800. Applicant: National Accelerator Laboratory, Universities Research Association, Inc., 2100 Pennsylvania Avenue NW., room 828, Washington, D.C. 20006. Article: 75 Dipole Magnets. Manufacturer: Thomson Electric, Ltd., Canada. Intended use of article: The articles are to be used in the construction of a 200 BeV accelerator which is to be used in a large variety of scientific exploratory experiments with protons accelerated by the article to 200 BeV energy. Application received by Commissioner of Customs: March 2, 1973.

Docket No. 73-00435-33-46040. Applicant: Baylor College of Medicine, Texas Medical Center, Houston, Tex. 77025. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used by senior investigators and selected post-doctoral fellows to examine biological material in a broad-based study of normal and diseased

mammalian myocardium. Studies of normal fine structure of mammalian fetal, neonatal and adult heart will be performed, as well as continuing investigation of animal models for myocardial disease. Application received by Commissioner of Customs: March 20, 1973.

Docket No. 73-00436-56-17500. Applicant: University of Washington, CR-Physical Ocean, Department of Oceanography, Seattle, Wash. 98195. Article: Recording Current Meter, Model 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used to determine water structure and circulation by measurement of the water temperature, salinity (conductivity related), and pressure to calculate density differences and, finally the horizontal pressure gradients at various levels above some arbitrary datum plane. The article will also be used in the course Ocean 360: Methods and Instruments in Oceanography to familiarize students with methods of measuring environmental parameters. The articles will be demonstrated in class session ashore and afloat and deployed in short experiments for students. Application received by Commissioner of Customs: March 20, 1973.

Docket No. 73-00437-33-46040. Applicant: University of Cincinnati, College of Medicine, Eden and Bethesda Avenues, Cincinnati, Ohio 45219. Article: Electron Microscope, Model EM 301 and accessories. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for ultrastructural research on biological material in various studies: Some studies to be undertaken are as follows:

- Ultrastructural studies on embryonic chick connective tissue.
- Fine structure studies of connective tissue after short term ingestion of cadmium.
- Ultrastructural and biochemical analysis of isolated liver mitochondria in diabetic rats.
- Study of morphologic changes in testicular interstitial tissue of the rat after cryptorchidism or x-irradiation.
- Ultrastructural studies on cultured Hep-2 cells treated with diphtheria toxin and cytochalasin B.
- Study of ultrastructural morphology, cellular adhesion and mucopolysaccharide synthesis following treatment with cytochalasin B.
- Study of testicular interstitial morphology following chronic cadmium ingestion.
- Study of ultrastructural changes within the rat testis and epididymis after surgical interruption of the vas deferens.
- Histochemical localization of mucopolysaccharides at the ultrastructural level in the spleens of mice under conditions of erythropoietic stimulation and inhibition and in genetically anemic mice, and
- Ultrastructural characterization of hamster corpora lutea during growth and regressive phases.

The article will also be used for educational purposes in the courses Micro Anatomy (Histology) and Electron Microscopic Techniques wherein students will be assisted and trained on the instrument.

Application received by Commissioner of Customs: March 20, 1973.

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

[FR Doc.73-7170 Filed 4-12-73;8:45 am]

NORTHEASTERN UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11 (e).)

A copy of the record pertaining to each of the decisions is available for public review during ordinary business hours of the Department of Commerce, at the office of import programs, Department of Commerce, Washington, D.C.

Docket No. 73-00296-00-46040. Applicant: Northeastern University, 360 Huntington Avenue, Boston, Mass. 02115. Article: Transmission Hot Stage with Power Supply. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope being used to study the amorphous to crystalline transformation in amorphous solids prepared in various ways. The article will also be used for educational purposes to assist graduate students in the pursuance of their degrees under the following course numbers: 02.991 Masters Thesis and 02.995 Ph. D. Thesis. Application received by Commissioner of Customs: December 15, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 30, 1973.

Docket No. 73-00298-00-46070. Applicant: National Bureau of Standards, Institute for Materials Research, Metallurgy Division, Washington, D.C. 20234. Article: SEM Television Scanning System. Manufacturer: Cambridge Scientific Instrument, Ltd., United Kingdom. Intended use of article: The article is intended to be used to obtain SEM information at TV rates in order to carry out dynamic experiments directly within the SEM. These experiments will include the following:

- The study of superplastic alloys of commercial interest.
- Investigation of plastically deformed single crystals concentrating on slip line lengths and slip step density measurements.
- Studies of freshly produced fractured surfaces terminating the deformation tests.

(d) Tests at elevated temperatures employing a heating stage within the microscope.

(e) Fatigue test utilizing flexible vibrating beam geometry, and

(f) Experiments in crystal growth at elevated temperatures using low vapor pressure materials concentrating on the kinetics and morphology of the liquid-solid interface.

Application received by Commissioner of Customs: December 20, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 30, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturer which produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that it knows of no comparable domestic articles. The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

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

[FR Doc.73-7169 Filed 4-12-73;8:45 am]

NORTHWESTERN UNIVERSITY

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

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

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

Docket No. 72-00185-01-77000. Applicant: Northwestern University, 2145 Sheridan Road, Evanston, Ill. 60201. Article: Electron spectrometer, ES 100B. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article will be used for X-ray excited photoelectron spectroscopy of solids, liquids, and gases with both polychromatic and monochromatic excitation and for ultraviolet radiation excited photoelectron spectroscopy of both

solids and gases. The article will also be used in courses designed to familiarize graduate students with modern chemical synthesis and analysis technique.

Comments: Comments dated December 20, 1971, have been received from Varian Associates which allege inter alia that Varian's Model VIEE-15 is equivalent to or better than the foreign article. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides an X-ray monochromatic (dispersed) source and an X-ray nondispersed source in the same instrument. Comparable domestic instruments manufactured by Varian Associates, McPherson and Hewlett Packard provide either an X-ray monochromatic source or an X-ray nondispersed source, but not both in the same instrument. The National Bureau of Standards (NBS) advised in its memorandum dated December 22, 1972, that both capabilities in the same instrument provided by the article, are pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended uses.

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

[FR Doc.73-7166 Filed 4-12-73; 8:45 am]

ST. CLOUD STATE COLLEGE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, office of import programs, Washington, D.C. 20230, on or before May 3, 1973.

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

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

Docket No. 73-00427-33-46500. Applicant: St. Cloud State College, Biology Department, St. Cloud, Minn. 56301. Article: Ultramicrotome, Model LKB 8800ANM. Manufacturer: LKB Produkter AB, Sweden. Intended use of article:

The article is intended to be used by undergraduate and graduate students and faculty for research involving electron microscopy. Projects under consideration and in progress include studies involving:

- (a) Cytology of selected protozoa.
- (b) Delineation of paramylum bodies of *Euglena* after light and dark treatment.
- (c) Ultrastructure of *Chlorella pyrenoidosa* grown heterotrophically.
- (d) Chromosome mapping of *Drosophila melanogaster* mutant using the salivary gland tissue.
- (e) Effect of mercury on liver tissue of the white rat.
- (f) Cytogenetics of aquatic bull rush *Scirpus* spp.
- (g) Phytophage of certain blue-green algae.
- (h) Anatomy of soil bacteria and their bacteria phages.

The article will also be used for demonstration or on single lesson units in various biology courses. Application received by Commissioner of Customs: March 15, 1973.

Docket No. 73-00428-33-46040. Applicant: The Mount Sinai School of Medicine of the City University of New York, 100th Street and Fifth Avenue, New York, N.Y. 10029. Article: Electron Microscope, Model EM 300S. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used to examine biological and mineralogical material consisting of human and animal tissues and mineral crystals found in the tissues. Various tissue components such as cell membranes, cell organelles, basement membranes, intercellular substances, protein crystals and paracrystals will be studied in order to determine their exact structure and the modifications of such structure in disease. Application received by Commissioner of Customs: March 15, 1973.

Docket No. 73-00429-33-46040. Applicant: University of California, Davis Campus, Davis, Calif. 95616. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of insect tissues, plant and animal viruses, and mycoplasma (in relation to the insects that transmit them) and viruses and other microorganisms affecting insects. The experiments to be undertaken are as follows:

- (a) A morphological study of aphid symbionts to determine their systematic status and physiological function.
- (b) Study of the effect of plant viruses, plant mycoplasma, and insect pathogens on insect cells in a monolayer culture.
- (c) Observation of certain plant viruses after purification procedures to determine the validity of the procedures.
- (d) Study of insect mitochondria to observe the aging process on these organelles.
- (e) Several projects involving the general observation of insect and mite ultrastructure.

The article will also be used for instructional purposes in the following courses:

- A. Insect Morphology—Entomology 101.
- B. Insect Physiology—Entomology 102.

- C. Insect Vectors of Plant Pathogens—Entomology 125.
- D. Medical Entomology—Entomology 153.
- E. Electron Microscopy in Entomological Research—Entomology 298.

Application received by commissioner of customs: March 15, 1973.

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

[FR Doc.73-7171 Filed 4-12-73; 8:45 am]

UNIVERSITY OF CINCINNATI

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

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

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

Docket No. 73-00274-33-68495. Applicant: University of Cincinnati, Department of Pharmacology and Therapeutics, College of Medicine, Cincinnati, Ohio 45219. Article: Watson Marlow Micro Metering Pump and accessories. Manufacturer: Watson-Marlow, Ltd., United Kingdom. Intended use of article: The article is intended to be used for the infusion or injection of drugs with addictive potentials into rats with chronic electrodes during studies to compare the drug's effect on brainwaves. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The use requires very slow rates of infusion of narcotic solution into a number of rats simultaneously to assess phenomena associated with drug addiction. The foreign article provides a minimum flow rate of 1 milliliter per 60 days. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated March 22, 1973, that the capability of the article described above is pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the article for the purposes for which the article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.73-7167 Filed 4-12-73; 8:45 am]

UNIVERSITY OF UTAH ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

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

Docket No. 73-00264-33-46500. Applicant: University of Utah, 50 North Medical Drive, Salt Lake City, Utah 84112. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological, mainly mammalian, tissues derived from experimental animals and tissue culture and exhibit both normal and pathologic structure. Experiments to be conducted include investigation of the normal, physiologic behavior of the aortic smooth muscle cell and its relation to vascular aging and atherosclerosis. In addition, the behavior of this cell in pathologic and deficiency status will be investigated. Application received by Commissioner of Customs: November 29, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 22, 1973.

Docket No. 73-00266-33-46500. Applicant: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, Mass. 02115. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for experiments on the permeability to macromolecules of the pathologically altered glomerulus. The deposition of immune complexes by immunocytochemical means, as well as localizing certain intracellular antigens will also be investigated. Application received by Commissioner of Customs: December 5, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 22, 1973.

Docket No. 73-00267-33-46500. Applicant: Mercy Hospital and Medical Center, Stevenson Expressway at King Drive, Chicago, Ill. 60616. Article: Ultramicrotome, Model LKB 4800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for experiments which include those inducing tumors in laboratory animals by known chemical carcinogens and oncogenic virus, establishment of cell cultures from human tumors, and normal tissues, treatment of such cultures with various reagents and those involving feeding of pregnant rats on diets containing varying amounts of proteins and examining tissues from offsprings fed

normal and low protein diets. Application received by Commissioner of Customs: December 5, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 22, 1973.

Docket No. 73-00268-33-46500. Applicant: College of Medicine and Dentistry of New Jersey, New Jersey Medical School, 100 Bergen Street, Newark, N.J. 07103. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in a training program to prepare inner-city residents for employment at entry-level positions at a health-medical center. After completion of class instruction and on-the-job training in laboratories, the trainee may either seek immediate employment at a technician level or enter specialty training to qualify for a higher position. The anatomy portion of this program is to provide these trainees with the ability to section material for light and electron microscopic study. Application received by Commissioner of Customs: December 5, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 22, 1973.

Docket No. 73-00269-33-46500. Applicant: University of California, Cancer Research Laboratory, 230 Warren Hall, Berkeley, Calif. 94720. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used during studies of various normal, precancerous, and cancerous tissues of the laboratory mouse, or cells from such tissues grown in culture to identify morphologically those aspects of cell behavior and interaction that are altered when cells escape from normal growth controls. Application received by Commissioner of Customs: December 5, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 22, 1973.

Docket No. 73-00270-33-46500. Applicant: Mayo Foundation, 200 First Street SW., Rochester, Minn. 55901. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies of peripheral nerve tissue from patients with peripheral neuropathy or from experimental animals with peripheral neuropathy to elucidate neuropathological mechanisms in fiber degeneration and related histological questions. The article will also be used by postdoctoral fellows working on projects or on master's thesis in the neuropathological alteration of peripheral nerve tissue. Application received by Commissioner of Customs: December 5, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 22, 1973.

Docket No. 73-00272-33-46500. Applicant: Frederick Cancer Research Center, P.O. Box B, Building 560, 11-33, Frederick, Md. 21701. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of several different DNA and RNA oncogenic viruses. Principally,

methods of producing these viruses will be developed, primarily in tissue culture. Cell lines known to produce virus at low levels will be studied first. Using these lines, different parameters of culture will be followed. Also research will be directed toward a better elucidation of virus and viral components from and in cells. Application received by Commissioner of Customs: December 6, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 22, 1973.

Docket No. 73-00283-33-46500. Applicant: University of Utah, Salt Lake City, Utah 84112. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in the investigation of the normal, physiologic behavior of the aortic smooth muscle cell and its relation to vascular aging and atherosclerosis. In addition, the behavior of this cell in pathologic and deficiency status will be investigated. Application received by Commissioner of Customs: December 12, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 22, 1973.

Docket No. 73-00284-33-46500. Applicant: Boston University School of Medicine, Mallory Institute of Pathology, 784 Massachusetts Avenue, Boston, Mass. 02118. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in a study devoted to the development of experimental models of emphysema in which particular attention will be paid to the initial injury and evolution of subsequent changes. The tissues studied will be lung and bronchus, each of which has a range of tissue consistency ranging from soft and compressible to hard and relatively unyielding. Application received by Commissioner of Customs: December 12, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 22, 1973.

Docket No. 73-00285-33-46500. Applicant: University of Illinois at Medical Center, 1737 West Polk Street, Chicago, Ill. 60612. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in experiments to be conducted to demonstrate the normal fine structure of oral tissues, particularly mucosa during and after wounding, and salivary glands. In addition, the effects of pathologic states including precancerous conditions and conditions following x-irradiation, will be investigated. The article will also be used to generate teaching material in the courses Advanced Oral Pathology 401, Advanced Oral Pathology 402, Oral Pathology 325, elective course The Pathologic Basis of Oral Diseases, and the Electron Microscopy Seminar. Application received by Commissioner of Customs: December 12, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 22, 1973.

Docket No. 73-00286-33-46500. Applicant: Tennessee State University, 3500 Centennial Boulevard, Nashville, Tenn.

37203. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in experiments which involve an ultrastructural examination of both spontaneous and induced thymic germinal centers in AKR mice. Emphasis will focus on virus and/or antigen localization in these centers as possible preleukemic conditions. Application received by Commissioner of Customs: December 12, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 22, 1973.

Docket No. 73-00287-33-46500. Applicant: Pomona College, Sixth Street and College Avenue, Claremont, Calif. 91711. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for conducting experiments on the fine structure of synapses in the nervous system of a primitive chordate, amphioxus. In addition, the ultrastructure of intercellular junctions, particularly septate junctions, in a variety of invertebrate animals will be studied. The article will also be used in the course Zoology 199, Introduction to Research in Zoology to provide students with experience and training in research techniques and procedures. Application received by Commissioner of Customs: December 18, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 22, 1973. Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 mm per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 mm per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block.

In connection with a prior application (docket No. 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that

"Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (docket No. 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultra-thin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments. For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

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

[FR Doc.73-7165 Filed 4-12-73;8:45 am]

DEPARTMENT OF STATE

[Delegation of Authority No. 127]

DEPUTY UNDER SECRETARY FOR MANAGEMENT

Delegation of Authority

By virtue of the authority vested in me by the act of June 20, 1874 (18 Stat. 90; 22 U.S.C. 2664) and by section 4 of the act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658), as amended, for any period of vacancy in the position of the Deputy Under Secretary of State for Management, I hereby delegate:

(1) All duties, functions, and responsibilities vested in the Deputy Under Secretary of State for Management, to the

Under Secretary of State for Coordinating Security Assistance Programs;

(2) In the absence of the Under Secretary of State for Coordinating Security Assistance Programs, all duties, functions, and responsibilities vested in the Deputy Under Secretary of State for Management, to the Assistant Secretary of State for Administration; and

(3) In the absence of the Under Secretary of State for Coordinating Security Assistance Programs and when the Assistant Secretary of State for Administration is absent, or when the latter position is vacant, all duties, functions, and responsibilities vested in the Deputy Under Secretary of State for Management, except for the issuance of those rules and regulations and the taking of other actions required by law to be approved by higher authority, to the Director General of the Foreign Service.

The delegation to the Under Secretary of State for Coordinating Security Assistance Programs is in addition to functions previously vested in him as Under Secretary of State for Coordinating Security Assistance Programs, and it includes the authority to redelegate any of the functions herein delegated.

This Delegation of Authority shall be effective on April 4, 1973.

Dated April 4, 1973.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

[FR Doc.73-7141 Filed 4-12-73;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

PRIVATE SECURITY ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that the Private Security Advisory Council to the Law Enforcement Assistance Administration will hold a meeting April 17, 1973, starting at 10 a.m. at the Statler Hilton, Scheyler Room, 33d and Seventh Avenue, South Bloomington, Minn. 55420.

The meeting will be open to the public. Any interested person may file a written statement with the Council for its consideration.

Statemnets may be sent to or information requested from Robert Macy, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20530.

JACK A. NADOL,
Advisory Committee Management Officer, Office of General Counsel.

[FR Doc.73-7306 Filed 4-12-73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-97]

FOREIGN CURRENCIES

Certification of Rates

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable

to the currencies of the countries listed in section 16.4(d), Customs Regulations (19 CFR 16.4(d)), for the period from March 26 through March 30, 1973. This table is published for the information and use of Customs officers and others concerned to show the amount of variation in these exchange rates following the devaluation of the U.S. dollar which took effect on February 13, 1973.

(342.211)

[SEAL]

R. N. MARRA,
Director, Appraisal and
Collections Division.

Country	Currency	March 26	March 27	March 28	March 29	March 30
Australia	Dollar	\$1.4150	\$1.4150	\$1.4150	\$1.4150	\$1.4150
Austria	Schilling	.0485	.0486	.0485	.0485	.0484
Belgium	Franc	.025205	.025167	.025120	.025081	.024925
Canada	Dollar	Q	Q	Q	Q	Q
Ceylon	Rupiah	.1565	.1574	.1575	.1575	.1574
Denmark	Krone	.16215	.1622	.1620	.1617	.1612
Finland	Markka	.2580	.2580	.2580	.2580	.2580
France	Franc	.2210	.2214	.2212	.2210	.2204
Germany	Deutsche Mark	.3543	.3540	.3537	.3531	.3518
India	Rupiah	.1320	.1325	.1325	.1320	.1325
Ireland	Pound	2.4767	2.4814	2.4814	2.4820	2.4755
Italy	Lira	Q	Q	Q	Q	Q
Japan	Yen	.003766	.003768	.003765	.003764	.003760
Malaysia	Dollar	.3980	.4031	.4027	.4030	.4025
Mexico	Peso	Q	Q	Q	Q	Q
Netherlands	Guilder	.3441	.3442	.3422	.3411	.3397
New Zealand	Dollar	1.3200	1.3250	1.3290	1.3275	1.3275
Norway	Krone	.1695	.1695	.1695	.1694	.1694
Portugal	Escudo	.0098	.0098	.0098	.0098	.0097
Republic of South Africa	Rand	1.4180	1.4157	1.4160	1.4150	1.4155
Spain	Peseta	.017138	.017167	.017170	.017165	.017160
Sweden	Krona	.2231	.2231	.2226	.222525	.2225
Switzerland	Franc	.3096	.3101	.3098	.3091	.3083
United Kingdom	Pound	2.4767	2.4814	2.4814	2.4820	2.4755

Q—Use quarterly rate published in T.D. 73-16; daily rate did not vary by 5 percent or more.

[FR Doc. 73-7057 Filed 4-12-73; 8:45 am]

Office of the Secretary

RACING PLATES (ALUMINUM HORSESHOES) FROM CANADA

Antidumping Proceeding Notice

On March 8, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that racing plates (aluminum horseshoes) from Canada, are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States

are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL]

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

APRIL 9, 1973.

[FR Doc. 73-7150 Filed 4-12-73; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Modification and Clarification of Grazing District and Administrative District Office Boundaries and Jurisdictions

Pursuant to the authority vested in the Secretary of the Interior, as delegated to the Director, Bureau of Land Management by 235 D.M. 1.1, the following modifications and clarifications of grazing district and administrative district boundaries and jurisdictions are made. These changes become effective July 1, 1973.

1. Lands in grazing district No. 2 (presently under the jurisdiction of the Glenwood Springs District Office) which lie north and east of the following described boundary are eliminated from grazing district No. 2 and added to grazing district No. 1 (administered by the Craig District Office). Lands in grazing district

No. 2 which lie west and south of this boundary are eliminated from grazing district No. 2 and are added to grazing district No. 7 (administered by the Grand Junction District Office). These changes in administrative jurisdiction will not affect the status or use of the lands within the grazing districts.

The boundary referred to above is described as follows:

Beginning at the Routt-Garfield County line and the southwest corner of sec. 22, T. 1 N., R. 86 W.; east to the southwest corner of sec. 24; north to the southwest corner of sec. 18, T. 1 N., R. 85 W.; east to the southeast corner of sec. 13, T. 1 N., R. 84 W.; south to the southeast corner of sec. 36, T. 1 N., R. 84 W.; east to the northeast corner of sec. 1, T. 1 S., R. 83 W.; south to the southeast corner of sec. 36, T. 1 S., R. 83 W.; west along the Routt County line to the northwest corner of sec. 5, T. 2 S., R. 83 W.; south between secs. 5 and 6 to its intersection with the centerline of the Colorado River; southeasterly along the centerline of the Colorado River to its intersection with the centerline of the Colorado State Highway bridge across the Colorado River at State Bridge in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 26, T. 2 S., R. 83 W., sixth principal meridian, Colorado; southeasterly along the south bank of the Colorado River approximately one-fourth mile; southeasterly along the ridge-line between Piney Creek and Colorado State Highway 131 to the northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 25, T. 2 S., R. 83 W.; east to the northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 25; south to the south quarter corner of sec. 25; east to angle point 9 of tract 43 in sec. 30, T. 2 S., R. 82 W., sixth principal meridian, Colorado; south to angle point 4 of tract 45; east to angle point 1 of tract 46; south to angle point 4 of tract 46; thence easterly along the south boundary of T. 2 S., R. 82 and 81 W., to an intersection with the west boundary of Summit County; thence southeasterly along the west boundary of Summit County to its intersection with the Continental Divide at the southwest corner of Summit County.

2. As a result of the above transfers, grazing district No. 2 is abolished. The Grazing District Advisory Board for Grazing District No. 2 is also abolished.

3. To facilitate administrative management and to avoid confusion, Colorado Grazing Districts 4, 5, and 7 are renumbered as follows:

Colorado Grazing District No. 4 (administered by the Montrose District Office) becomes Colorado Grazing District No. 3A. (The Montrose District Office has jurisdiction over two grazing districts and therefore has two grazing district advisory boards. For administrative purposes the advisory boards will be designated 3 and 3A to coincide with their grazing districts.)

Colorado Grazing District No. 5 (administered by the Canon City District Office) becomes Colorado Grazing District No. 4.

Colorado Grazing District No. 7 (administered by the Grand Junction District Office) becomes Colorado Grazing District No. 2.

Colorado Grazing Districts Nos. 1 and 3 remain the same.

4. The Bureau of Land Management office located at Glenwood Springs, Colo., is redesignated as a Resource Area Headquarters. It will be known as the Glenwood Springs Resource Areas Headquarters and will come under the administrative jurisdiction of the Grand Junction District Office. National resource lands

not included in the new resource area described in paragraph 5 below, formerly managed by the Glenwood Springs District Office, now come under the jurisdiction of the Craig and Canon City District Offices. These jurisdictional changes do not affect the status or use of the national resource lands involved.

5. Resource Area Headquarters offices formerly located at Eagle and Rifle, Colo., are consolidated with the Resource Area Headquarters Office at Glenwood Springs. The area of jurisdiction of the Glenwood Springs Resource Area Headquarters includes all national resource lands formerly in the Garfield (Rifle), Eagle, and Glenwood Springs resource areas.

6. The Resource Area Headquarters Office formerly located at Walden, Colo., is consolidated with the Resource Area Headquarters Office at Kremmling. The area of jurisdiction of the Kremmling Resource Area Headquarters will include all national resource lands formerly in the North Park and Middle Park resource areas. This office will come under the administrative jurisdiction of the Craig District Office.

7. The modified boundaries and administrative jurisdictions of district offices in Colorado are described as follows:

CRAIG DISTRICT OFFICE

Begin at the northeast corner of T. 12 N., R. 74 W., of the sixth principal meridian, Colorado, on the Colorado-Wyoming border.

From the initial point, west along the Colorado-Wyoming State line to the northwest corner of Colorado; south along the Colorado-Utah State line to the southwest corner of lot 3 of sec. 36, T. 6 S., R. 105 W., sixth principal meridian, Colorado; easterly along the established boundary between the Craig and Grand Junction Districts (FR Doc. 68-11655, Sept. 26, 1968) to the south quarter corner of sec. 32, T. 4 S., R. 94 W., sixth principal meridian, Colorado; east to the south quarter corner of sec. 34; north to the north quarter corner of sec. 34; west to the southwest corner of sec. 27; north to the northwest corner of sec. 27; west to the south quarter corner of sec. 21; north to the north quarter corner of sec. 4, T. 4 S., R. 94 W., sixth principal meridian, Colorado; east to the southeast corner of sec. 32, T. 3 S., R. 93 W., sixth principal meridian, Colorado; north to the northwest corner of sec. 29; west to the south quarter corner of sec. 20; north to the center of sec. 20; thence northeasterly along the watershed boundary between the upper main stem of the Colorado River and the White River to the Routt-Garfield County line at the southwest corner of sec. 22, T. 1 N., R. 85 W.; east to the southeast corner of sec. 24; north to the southwest corner of sec. 18, T. 1 N., R. 85 W.; east to the southeast corner of sec. 13, T. 1 N., R. 84 W.; south to the southeast corner of sec. 36, T. 1 N., R. 84 W.; east to the northeast corner of sec. 1, T. 1 S., R. 83 W.; south to the southeast corner of sec. 36, T. 1 S., R. 83 W.; west along the Routt County line to the northwest corner of sec. 5, T. 2 S., R. 83 W.; south between secs. 5 and 6 to its intersection with the center line of the Colorado River; southeasterly along the centerline of the Colorado River to its intersection with the centerline of the Colorado State Highway bridge across the Colorado River at State Bridge in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 26, T. 2 S., R. 83 W., sixth principal meridian, Colorado; southeasterly along the south bank of the Colorado River

approximately one-fourth mile; southeasterly along the ridge line between Piney Creek and Colorado State Highway 131 to the northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 25, T. 2 S., R. 83 W.; east to the northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 25; south to the south quarter corner of sec. 25; east to angle point 9 of tract 43 in sec. 30, T. 2 S., R. 82 W., sixth principal meridian, Colorado; south to angle point 4 of tract 45; east to angle point 1 of tract 46; south to angle point 4 of tract 46; thence easterly along the south boundary of T. 2 S., R. 82 and 81 W., to an intersection with the west boundary of Summit County; thence southeasterly along the west boundary of Summit County to its intersection with the Continental Divide at the southwest corner of Summit County; thence northeasterly along the Continental Divide to its intersection with the north boundary of Rocky Mountain National Park; northeasterly along the north boundary of Rocky Mountain National Park to its intersection with the range line between R. 73 and 74 W., sixth principal meridian, Colorado; north along said range line to the northeast corner of T. 12 N., R. 74 W., the place of beginning.

GRAND JUNCTION DISTRICT OFFICE

Begin at the southwest corner of lot 3 of sec. 36, T. 6 S., R. 105 W., sixth principal meridian, Colorado.

From the initial point, easterly along the established boundary between the Craig and Grand Junction Districts (FR Doc. 68-11655, Sept. 26, 1968) to the south quarter corner of sec. 32, T. 4 S., R. 94 W., sixth principal meridian, Colorado; east to the south quarter corner of sec. 34; north to the north quarter corner of sec. 34; west to the southwest corner of sec. 27; north to the northwest corner of sec. 27; west to the south quarter corner of sec. 21; north to the north quarter corner of sec. 4, T. 4 S., R. 94 W., sixth principal meridian, Colorado; east to the southeast corner of sec. 32, T. 3 S., R. 93 W., sixth principal meridian, Colorado; north to the northwest corner of sec. 29; west to the south quarter corner of sec. 20; north to the center of sec. 20; thence northeasterly along the watershed boundary between the upper main stem of the Colorado River and the White River to the Routt-Garfield County line at the southwest corner of sec. 22, T. 1 N., R. 85 W.; east to the southeast corner of sec. 24; north to the southwest corner of sec. 18, T. 1 N., R. 85 W.; east to the southeast corner of sec. 13, T. 1 N., R. 84 W.; south to the southeast corner of sec. 36, T. 1 N., R. 84 W.; east to the northeast corner of sec. 1, T. 1 S., R. 83 W.; south to the southeast corner of sec. 36, T. 1 S., R. 83 W.; west along the Routt County line to the northwest corner of sec. 5, T. 2 S., R. 83 W.; south between secs. 5 and 6 to its intersection with the centerline of the Colorado River; southeasterly along the centerline of the Colorado River to its intersection with the centerline of the Colorado State Highway bridge across the Colorado River at State Bridge in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 26, T. 2 S., R. 83 W., sixth principal meridian, Colorado; southeasterly along the south bank of the Colorado River approximately one-fourth mile; southeasterly along the ridge line between Piney Creek and Colorado State Highway 131 to the northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 25, T. 2 S., R. 83 W.; east to the northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 25; south to the south quarter corner of sec. 25; east to angle point 9 of tract 43 in sec. 30, T. 2 S., R. 82 W., sixth principal meridian, Colorado; south to angle point 4 of tract 45; east to angle point 1 of tract 46; south to angle point 4 of tract 46; thence easterly along the south boundary of T. 2 S., R. 82 and 81 W., to an intersection with the west boundary of Summit County; thence southeasterly

along the west boundary of Summit County to its intersection with the Continental Divide at the southwest corner of Summit County; southerly along the Continental Divide to the junction of Pitkin, Chaffee, and Gunnison County lines; westerly along the watershed boundary between the upper main stem of the Colorado River and the Gunnison River to the northeast corner of Delta County; southwesterly along the Mesa-Delta County boundary to the intersection with the Gunnison River; thence along the established Montrose-Grand Junction District boundary (FR Doc. 68-10155, Aug. 23, 1968) to the northwest corner of T. 51 N., R. 14 W., N.M.P.M., Colorado; south to the southwest corner of T. 51 N., R. 14 W.; west to the southwest corner of T. 51 N., R. 16 W., N.M.P.M.; south to the southwest corner of T. 50 N., R. 16 W., N.M.P.M.; west to the southwest corner of sec. 35, T. 50 N., R. 17 W., N.M.P.M.; north to the southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 34; thence along the established Montrose-Grand Junction District boundary (FR Doc. 68-11405, Oct. 20, 1966) to the southwest corner of sec. 35, T. 50 N., R. 20 W., N.M.P.M.; thence north along the Colorado-Utah State line to the southwest corner of lot 3 of sec. 36, T. 6 S., R. 105 W., sixth principal meridian, the place of beginning.

MONTROSE DISTRICT OFFICE

The following description of the administrative boundaries of the Montrose District is by way of confirmation of existing boundaries and no changes are effected by this order.

Begin on the Continental Divide at the intersection of Pitkin, Chaffee, and Gunnison County boundaries in approximately T. 12 S., R. 82 W., Sixth principal meridian, Colorado.

From the initial point, westerly along the watershed boundary between the upper main stem of the Colorado River and the Gunnison River to the northeast corner of Delta County; southwesterly along the Mesa-Delta County boundary to the intersection with the Gunnison River; thence along the established Montrose-Grand Junction district boundary (FR Doc. 68-10155, Aug. 23, 1968) to the northwest corner of T. 51 N., R. 14 W., N.M.P.M., Colorado; south to the southwest corner of T. 51 N., R. 14 W., N.M.P.M.; west to the southwest corner of T. 51 N., R. 16 W., N.M.P.M.; south to the southwest corner of T. 50 N., R. 16 W., N.M.P.M.; west to the southwest corner of sec. 35, T. 50 N., R. 17 W., N.M.P.M.; north to the southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 34; thence along the established Montrose-Grand Junction district boundary (FR Doc. 68-11405, Oct. 20, 1966) to the southwest corner of sec. 35, T. 50 N., R. 20 W., N.M.P.M.; thence south along the Colorado-Utah State line to the southwest corner of Colorado; east along the Colorado-New Mexico State line to its intersection with the Continental Divide, thence northerly along the Continental Divide to its intersection with the Pitkin-Chaffee-Gunnison Counties, the place of beginning.

CANON CITY DISTRICT OFFICE

Begin at the northeast corner of Colorado. From the initial point, west along the Colorado-Nebraska and Colorado-Wyoming State line to the northwest corner of T. 12 N., R. 73 W., sixth principal meridian, Colorado; thence southerly along the range line between R. 73 and 74 W., sixth principal meridian, Colorado, to the north boundary of Rocky Mountain National Park; thence westerly and southerly along said boundary to the Continental Divide; thence following the Continental Divide south to its intersection with the southern boundary of Colorado; thence east along the Colorado-New Mexico and Colorado-Oklahoma State line to the

southeast corner of Colorado; thence north along the Colorado-Kansas border to the northeast corner of Colorado, the place of beginning.

BURT SILCOCK,
Director.

APRIL 11, 1973.

[FR Doc.73-7268 Filed 4-12-73;8:45 am]

[Serial No. I-4837]

IDAHO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

APRIL 5, 1973.

Notice of an application Serial No. I-4837, for withdrawal and reservation of lands was published as FEDERAL REGISTER Doc. 72-6631 on page 8890 of the issue for May 2, 1972. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b), such lands will be at 10 a.m. on May 14, 1973, relieved of the segregative effect of the above mentioned application.

The lands involved in the notice of termination are:

BOISE MERIDIAN, IDAHO

SANITARY LAGOON—STANLEY BASIN

T. 10 N., R. 13 E.,
Sec. 22, Lots 2 and 3, W $\frac{1}{2}$ of Lot 6, W $\frac{1}{2}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$.

CHALLIS NATIONAL FOREST

WATER SOURCE—STANLEY ADMINISTRATIVE
SITE

T. 10 N., R. 13 E.,
Sec. 27, NW $\frac{1}{4}$.

The area described aggregates 269.99 acres.

VINCENT S. STROBEL,
Chief, Branch of
L&M Operations.

[FR Doc.73-7142 Filed 4-12-73;8:45 am]

Office of the Secretary

DISASTER AT SUNSHINE SILVER MINE, KELLOGG, IDAHO

Notice of Public Hearing

Notice is hereby given that the hearing into the cause of the Sunshine Silver Mine disaster of May 2, 1972, will be reconvened. Pursuant to the request of the Sunshine Mining Co., the hearing will be reopened for the purpose of receiving comments and objections to the U.S. Bureau of Mines "Final Report of Major Mine Fire Disaster, Sunshine Mining Co., Kellogg, Idaho, May 2, 1972."

The hearing will convene at 9:30 a.m. on May 14, 1973, at the North Shore Convention Center, Coeur d'Alene, Idaho.

The hearing will be conducted in accordance with the provisions of the Federal Metal and Nonmetallic Mine Safety Act of 1966, 30 U.S.C. section 721 et seq., for the purpose of obtaining, utilizing, and disseminating information relating to the cause of the accident involv-

ing loss of life on May 2, 1972, at the Sunshine Silver Mine, Kellogg, Idaho.

All parties having direct information relating to the disaster who desire to give testimony at the hearing must contact the Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va. 22203 (telephone: 703-557-1500) by 5 p.m., May 1, 1973.

Dated April 6, 1973.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

[FR Doc.73-7133 Filed 4-12-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 7322]

TETRACYCLINE, OXYTETRACYCLINE, CHLORTETRACYCLINE, DEMECLOXYCLINE, ROLITETRACYCLINE, AND METHACYCLINE FOR SYSTEMIC USE; AND DOXYCYCLINE FOR ORAL USE

Drugs for Human Use; Drug Efficacy Study Implementation: Labeling Amendment

In the FEDERAL REGISTER of October 14, 1971 (36 FR 19990), the Food and Drug Administration published revised labeling for tetracycline, oxytetracycline, chlortetracycline, demeclocycline, rolitetracycline, and methacycline for systemic use. In the FEDERAL REGISTER of March 28, 1972 (37 FR 6341) the Food and Drug Administration published revised labeling for doxycycline for oral use.

Based upon new information concerning the susceptibility of streptococcus strains to tetracycline class drugs, the Commissioner of Food and Drugs finds it appropriate to revise the labeling of all of the drugs, as set forth in the aforesaid notices, as follows:

In the indications sections for each of the drugs, the portions which read:

Streptococcus pyogenes (For upper respiratory infections due to group A beta-hemolytic streptococci, penicillin is the usual drug of choice, including prophylaxis of rheumatic fever.)

Alpha-hemolytic streptococci (viridans group),

Enterococcus group (*Streptococcus faecalis*), are changed to read:

Streptococcus species:

Up to 44 percent of strains of *streptococcus pyogenes* and 74 percent of *streptococcus faecalis* have been found to be resistant to tetracycline drugs. Therefore, tetracyclines should not be used for streptococcal disease unless the organism has been demonstrated to be sensitive.

For upper respiratory infections due to group A beta-hemolytic streptococci, penicillin is the usual drug of choice, including prophylaxis of rheumatic fever.

Holders of applications approved for all tetracycline class drugs are requested to submit, on or before June 12, 1973, amendments to their antibiotic applications to provide for revised labeling in accord with the above.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51; as amended 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated April 6, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.73-7156 Filed 4-12-73;8:45 am]

THERMALLY PROCESSED LOW-ACID FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS

Notice of Designation of Schools for Instruction of Personnel

In the matter of thermally processed low-acid foods packed in hermetically sealed containers (21 CFR part 128b), there was published in the FEDERAL REGISTER of January 24, 1973 (38 FR 2398) the requirement that commercial processors engaged in the thermal processing of these foods must ensure, prior to September 25, 1974, that all operators of retorts, processing systems, and aseptic processing and packaging systems, and container closure inspectors are under the operating supervision of a person who has attended a school approved by the Commissioner of Food and Drugs and has been identified by that school as having satisfactorily completed the prescribed course of instruction.

The authority to approve schools for giving the instruction prescribed in part 128b of this chapter has been delegated to the Director, Bureau of Foods, Food and Drug Administration. A number of universities from various regions of the country have expressed a desire to provide this instruction and have agreed to the requirements and guidelines necessary for uniform and adequate presentation of the prescribed course of instruction. These schools have been designated approved schools by the Director, Bureau of Foods.

Although these schools will be issuing timely notices concerning this program, commercial processors and other interested persons may obtain a current list of approved schools upon request from the Division of Food Technology (BF-410), Bureau of Foods, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 402(a)(4), 701(a), 52 Stat. 1046, 1055; 21 U.S.C. 342(a)(4), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated April 5, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.73-7155 Filed 4-12-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety
Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE AD HOC COMMITTEE ON DRIVER EDUCATION

Notice of Public Meeting

On April 24 and 25, 1973, the National Highway Safety Advisory Committee's Ad Hoc Committee on Driver Education will hold an open meeting at the DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized: (1) To review research projects or programs; and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The Ad Hoc Committee on Driver Education will meet from 9 a.m. to 3 p.m. on Tuesday, April 24, and from 9 a.m. to noon on Wednesday, April 25, in room 4238, to discuss the portion of the proposed highway safety standard on traffic safety education calling for certification and supervision of commercial driving schools (proposed Standard N-4, §§ 244.3, 244.4, and 244.5). The following items will be discussed:

Terminology and definitions.
Curriculum approval.
Certification approval.
Private driving school contracts with high schools.
Model law for licensing auto driving schools.

Individuals, representatives of commercial and professional driving schools, and safety organizations have been invited to participate.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

This notice is given pursuant to section 10(a) (2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued on April 10, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-7151 Filed 4-12-73; 8:45 am]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE, SUBCOMMITTEE ON RE- SEARCH AND PROGRAM DEVELOPMENT

Notice of Public Meeting

On April 25, 26, and 27, 1973, the National Highway Safety Advisory Committee's Subcommittee on Research and Program Development will hold an open meeting at the DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized: (1) To review research projects or programs; and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The Subcommittee on Research and Program Development will meet from 2 p.m. to 4 p.m. on Wednesday, April 25, with the following agenda:

Police manpower requirements on interstate system.
FHWA comments on proposed resolution on elimination of highway hazards from interstate system.

On Thursday, April 26, from 9 a.m. to 4 p.m., the subcommittee will meet to discuss the following:

Report of ad hoc committee on driver education.
Review of standards revision (including draft standards on emergency medical services and police traffic services; also planning and administration requirements, "right-turn-on-red," mandatory seat belt usage, and other issues).

On Friday, April 27, from 9 a.m. to 12 noon, the subcommittee will meet to discuss the following:

Development of report and recommendations on standards revision to full Committee.
Highway safety manpower training—National Safety Council resolution.
New business.

The above scheduled meetings will be held in room 4238 of the DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C.

This notice is given pursuant to section 10(a) (2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400

Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued on April 10, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-7152 Filed 4-12-73; 8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-295; 50-304]

COMMONWEALTH EDISON CO.

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Alan S. Rosenthal, Chairman.
William C. Parler, Member.
Dr. Lawrence R. Quarles, Member.

Dated April 9, 1973.

MARGARET E. DUFLO,
Secretary to the Appeal Board.

[FR Doc.73-7143 Filed 4-12-73; 8:45 am]

[Docket No. 50-295]

COMMONWEALTH EDISON CO.

Notice of Issuance of Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-39 to Commonwealth Edison Co. (Commonwealth Edison) for the Zion Nuclear Power Station, Unit 1 (the facility). The facility is a pressurized light-water moderated and cooled reactor located at Commonwealth Edison's 250-acre site on the west shore of Lake Michigan in Zion, Lake County, Ill. The facility is designed for operation at approximately 3,250 megawatts thermal.

In accordance with the provisions of Facility Operating License No. DPR-39, and the technical specifications appended thereto, Commonwealth Edison is authorized to perform reactor testing operations at core power levels not to exceed 1,625 megawatts thermal (50 percent of rated power) in accordance with appendix A to the agreement in Commonwealth Edison's motion to the Atomic Safety and Licensing Board dated January 26, 1973; *Provided, however*, That Commonwealth Edison shall not proceed in the performing of such testing operations beyond fuel loading and maintaining the reactor in the cold shutdown operating mode, as defined in the technical specifications, until specifically approved in writing by the Commission.

A notice of consideration of issuance of facility operating licenses was published by the Commission on June 30, 1972 (37 FR 12982). The notice provided that within thirty (30) days from the date of publication in the FEDERAL REGISTER, any person whose interest might be affected by the issuance of the licenses could file

a petition for leave to intervene in accordance with 10 CFR part 2, Rules of Practice, of the Commission's regulations. A number of petitions for leave to intervene were filed in response to said notice, and by memorandum and order dated September 29, 1972, the Commission determined that a public hearing would be held and that Businessmen for the Public Interest and David Dinsmore Comey should be admitted to intervene as parties in this proceeding. An appropriate notice of hearing was issued by the Commission on October 5, 1972 (37 FR 20995) and an Atomic Safety and Licensing Board (the Board) was appointed to preside over the hearing. The Commission directed the Board to rule on the petitions filed by the Sierra Club, and the Metropolitan Sanitary District of Greater Chicago. A prehearing conference was held on February 1, 1973, in Chicago, Ill., at which the Board granted joint intervention status to the Sierra Club and the Metropolitan Sanitary District of Greater Chicago. All intervenors are participating as joint intervenors.

The Commission's Final Environmental Statement related to operation of Zion Nuclear Power Station was issued on December 5, 1972 (37 FR 25870).

On January 26, 1973, Commonwealth Edison made a motion, pursuant to the Commission's regulations, for an order authorizing the Director of Regulation to make the appropriate findings and to issue a license authorizing the loading of fuel in the reactor core and operation at not more than 50 percent of full power for the purpose of testing the Zion Nuclear Power Station, Unit 1. The joint intervenors signed a stipulation and did not oppose the motion.

By order dated February 7, 1973, as amended by order dated February 27, 1973, the Atomic Safety and Licensing Board authorized the Director of Regulation to make appropriate findings on the matters specified in 10 CFR 50.57(a) and appropriate environmental findings, and to issue a license authorizing fuel loading, low power testing, and further operations short of full power at 1,625 megawatts thermal in accordance with appendix A to the agreement attached to Commonwealth Edison's motion.

The Commission's regulatory staff has inspected the facility and has determined that, for operation as authorized by the license, the facility has been constructed in accordance with the application, as amended, the provisions of Provisional Construction Permit No. CPPR-58, the Atomic Energy Act of 1954, as amended (the act), and the Commission's regulations. Commonwealth Edison has submitted proof of financial protection in satisfaction of the requirements of 10 CFR part 140.

The Commission's Director of Regulation has made the findings set forth in the license, and has concluded that the facility will operate in conformity with the application, as amended, the requirements of the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission, and will not be inimical to the common defense and se-

curity or to the health and safety of the public, and that Commonwealth Edison is technically and financially qualified to engage in the activities authorized by the operating license.

The license is effective as of the date of issuance. When authorized by the Commission, the conduct of tests Nos. VII-1 through VII-12, as specified in appendix A of the agreement attached to the applicant's January 26, 1973 motion to the Atomic Safety and Licensing Board, may be completed; however, tests at 1,625 MWt are authorized for 2 weeks from initiation or until completed, whichever event first occurs. Thereafter, the reactor shall be placed and maintained in the cold shutdown operating mode, as defined in the technical specifications.

Copies of (1) Commonwealth Edison's motion dated January 26, 1973, (2) the Board's orders dated February 7 and 27, 1973, (3) Facility Operating License No. DPR-39, complete with Technical Specifications (appendixes A and B), (4) Commonwealth Edison's Environmental Report dated May 17, 1971, as supplemented, (5) the Commission's Safety Evaluation for the Zion Nuclear Power Station dated October 6, 1972, (6) the report of the Advisory Committee on reactor safeguards dated June 26, 1972, (7) the Commission's Final Environmental Statement dated December 1972, related to operation of the Zion Nuclear Power Station, and (8) Commonwealth Edison's Final Safety Analysis Report, as amended, are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Waukegan Public Library, 128 North County Street, Waukegan, Ill. Single copies of the license in addition to items (5) and (7) may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 6th day of April 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Pressurized Water Reactors Branch No. 3, Directorate of Licensing.

[FR Doc. 73-7144 Filed 4-12-73; 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.; Montauk 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 an 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, Conn. 06115, and at the Southeastern Connecticut Regional Planning Agency, 139 Boswell Avenue, Norwich, Conn. 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. 50-277, 50-278]

PHILADELPHIA ELECTRIC CO.

Notice of Availability of Final Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in appendix D to 10 CFR part 50, notice is hereby given that a document entitled "Final Environmental Statement" related to the proposed continuation of construction permits CPPR-37 and CPPR-38 and the issuance of an operating license for Philadelphia Electric Co., Peach Bottom Atomic Power Station Units 2 and 3 is being placed in the following locations where it will be available for inspection by members of the public: The Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20545, and in the Martin Memorial Library, 159 East Market Street, York, Pa. The report is also being made available at the Commonwealth of Pennsylvania, State Clearing House, 5100 Finance Building, Harrisburg, Pa. 17120.

The notice of availability of the draft environmental statement for the Peach Bottom Atomic Power Station Units 2 and 3 and request for comments from interested persons was published in the FEDERAL REGISTER on October 11, 1972 (37 FR 21453). The comments received from Federal, State and interested members of the public have been included as appendices to the final statement.

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

Dated at Bethesda, Md., this 10th day of April 1973.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects
Branch No. 2, Directorate of
Licensing.

[FR Doc. 73-7176 Filed 4-12-73; 8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

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

The new guides are in Division 1, "Power Reactor Guides." Regulatory Guide 1.37, "Quality Assurance Requirements for Cleaning of Fluid Systems and Associated Components of Water-Cooled Nuclear Power Plants," describes an acceptable method of complying with the Commission's regulations for onsite cleaning of materials and components, cleanliness control, and preoperational cleaning and layout of water-cooled nuclear powerplants fluid systems. Regulatory Guide 1.38, "Quality Assurance Requirements for Packaging, Shipping, Receiving, Storage, and Handling of Items for Water-Cooled Nuclear Power Plants," describes an acceptable method of complying with the Commission's regulations with regard to the quality assurance requirements for packaging, shipping, receiving, storage, and handling of items for water-cooled nuclear powerplants. Regulatory Guide 1.39, "Housekeeping Requirements for Water-Cooled Nuclear Power Plants," describes an acceptable method of complying with the Commission's regulations with regard to housekeeping requirements for the control of work activities, conditions, and environments at water-cooled nuclear powerplant sites. Regulatory Guide 1.40, "Qualification Tests of Continuous Duty Motors Installed Inside the Containment of Water-Cooled Nuclear Power Plants," describes an acceptable method of complying with the Commission's regulations with regard to qualification testing of prototype continuous duty class I motors installed inside the containment of water-cooled nuclear powerplants. Regulatory Guide 1.41, "Preoperational Testing of Redundant Onsite Electric Power Systems to Verify Proper Load Group Assignments," describes, for onsite emergency power systems designed in accordance with Safety Guides 6 and 32, an acceptable method of complying with the Commission's regulations with respect to verifying the proper assignments of redundant load groups to the related onsite power sources.

Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides or for placement on an automatic distribution list for single copies of future guides should be made in writ-

ing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

Other division 1 regulatory guides currently being developed include the following:

- Bypassed and inoperable status indication for nuclear powerplant safety systems.
- Availability of electric power sources.
- Requirements for instrumentation to assess nuclear power plant conditions during and following an accident for water-cooled reactors.
- Shared emergency and shutdown power systems at multi-unit sites.
- Physical independence of safety related electric systems.
- Isolating low pressure systems connected to the reactor coolant pressure boundary.
- Assumptions for evaluating a control rod ejection accident for pressurized water reactors.
- Assumptions for evaluating a control rod drop accident for boiling water reactors.
- Requirements for collection, storage, and maintenance of quality assurance records for nuclear powerplants.
- Requirements for assessing ability of material underneath nuclear powerplant foundations to withstand safe shutdown earthquake.
- Design basis floods for nuclear powerplants.
- Design phase quality assurance requirements for nuclear powerplants.
- Qualification tests of electric valve operators for use in nuclear powerplants.
- Fire protection criteria for nuclear powerplants.
- Protective coatings for nuclear reactor containment facilities.
- Quality assurance requirements for protective coatings applied to water-cooled nuclear powerplants.
- Application of the single failure criterion to nuclear power generating station protective systems.
- Protection against pipe whip inside containment.
- Additional material requirements for bolting.
- Inservice surveillance of grouted prestressing tendons.
- Stainless steel overlay welding.
- Design loading combinations for fluid system components.
- Design loading combinations for primary metal containment systems.
- Reactor coolant pressure boundary leak detection system.
- Concrete placement in category I structures.
- Control of sensitized stainless steel.
- Design spectra for seismic design of nuclear power stations.
- Seismic input motion to uncoupled structural model.
- Control of preheat temperature for low-alloy steel welding.
- Rules for inservice inspection of class 3 and class C nuclear powerplant components.
- Primary reactor containment (concrete) design and analysis.
- Preservice testing of in situ components.
- Preheat temperature control during low-alloy steel welding.
- Installation of over-pressure devices.
- Nondestructive examination of tubular products.
- Category I structural foundations.
- Maintenance of water purity in BWR's.
- Manual initiation of protective actions.
- Electric penetration assemblies in nuclear powerplant.
- Containment structures.

Qualifications of inspection, examination, and testing.
 Personnel for nuclear powerplants.
 Quality assurance requirements for installation, inspection, and testing of mechanical equipment and systems.
 Quality assurance requirements for installation, inspection, and testing of structural concrete and structural steel.
 Design, testing, and maintenance criteria for atmosphere cleanup.
 System air filtration and adsorption units of light-water-cooled nuclear powerplants.
 (5 U.S.C. 552(a))

Dated at Bethesda, Md., this 5th day of April 1973.

For the Atomic Energy Commission.

LESTER ROGERS,

Director of Regulatory Standards.

[FR Doc.73-7145 Filed 4-12-73; 8:45 am]

[Dockets Nos. 50-338, 50-339]

VIRGINIA ELECTRIC & POWER CO.

Notice and Order for Prehearing Conference

APRIL 10, 1973.

On December 22, 1972, the Atomic Energy Commission published in the *FEDERAL REGISTER* (37 FR 28313) a notice of hearing pursuant to 10 CFR part 50, appendix D, section B, to be held in this proceeding by an atomic safety and licensing board. Section B of appendix D of 10 CFR part 50 provides procedures for the environmental review of certain licenses to construct or operate production or utilization facilities for which construction permits or operating licenses were issued during the period January 1, 1970 to September 9, 1971. Construction permits for the two nuclear power reactors, designated as North Anna Power Station Units 1 and 2, to be constructed at the applicant's site near Mineral, in Louisa County, Va., were issued on February 19, 1971.

The issues to be considered by the atomic safety and licensing board under the notice published on December 22, 1972 were specified as being: (1) In the event that the proceeding is not a contested proceeding as defined by the Commission's rules of practice, the board, without conducting a de novo evaluation of the application, would determine whether the environmental review by the Commission's regulatory staff has been adequate; (2) in the event that the proceeding should be contested, the board would decide any matters in controversy among the parties within the scope of appendix D of 10 CFR part 50 with regard to whether the construction permit previously granted should be continued, modified, terminated or appropriately conditioned to protect environmental values; (3) regardless of whether the proceeding should be contested or uncontested, the board would determine in accordance with 10 CFR part 50, appendix D, § A.11, whether the requirements of section 102(2) (C) and (D) of the National Environmental Policy Act of 1969 and 10 CFR part 50, appendix D have been complied with, independently

consider the final balance among conflicting factors with a view toward determining the appropriate action to be taken, and determine, after weighing the environmental, economic, technical, and other benefits against environmental costs and considering available alternatives, whether the construction permits should be continued, modified, terminated or appropriately conditioned to protect environmental values.

A notice dated March 9, 1973, published in the *FEDERAL REGISTER* on March 15, 1973 at volume 38, page 7017, announced the appointment of an atomic safety and licensing board in this proceeding consisting of R. B. Briggs, Dr. Emil T. Chanlett, and Sidney G. Kingsley, chairman, with Dr. Kenneth A. McCollom as a technically qualified alternate and Daniel M. Head as alternate chairman.

Petitions for leave to intervene pursuant to 10 CFR 2.714(c) were filed by the Fauquier League for Environmental Protection and jointly by Clarence T. Kipps, Jr. and J. R. Bowen. Each petition addressed itself to the environmental considerations associated with a proposed transmission line from North Anna to Morrisville. The motions were granted by an order of this atomic safety and licensing board dated March 28, 1973, the intervention in each case being limited to that issue.

Please take notice that a prehearing conference, constituting both the special prehearing conference pursuant to § 2.751a of the Commission's rules of practice (vol. 10, Code of Federal Regulations, part 2) and the prehearing conference pursuant to § 2.752 of the rules of practice, will be held at 10 a.m. local time on April 27, 1973, at the Council Chamber, City Hall, Princess Anne Street, Fredericksburg, Va., to consider:

1. Oral argument on the scope of the responsibility of the atomic safety and licensing board under the National Environmental Policy Act, the Commission's regulations, and the notice of hearing;
2. Identification, simplification and clarification of the issues;
3. The necessity or desirability of amending the pleadings;
4. The need for discovery, if any, and the time required therefor;
5. Stipulations, and admissions of fact and of the contents and authenticity of documents in order to avoid unnecessary proof;
6. Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;
7. Procedures, including rules of evidence, to be followed in the presentation of evidence at the evidentiary hearing;
8. Establishment of a schedule for further action, including a hearing schedule; and
9. Such other matters as may aid in the orderly disposition of the proceeding.

Members of the public are invited to attend the prehearing conference and any later prehearing conferences, as well

as the evidentiary hearing to be held at a later date to be fixed by the atomic safety and licensing board.

The prehearing conference will be limited to the purposes specified, in preparation for the later evidentiary hearing. No evidence will be received at the prehearing conference, and there will not be an opportunity at the prehearing conference to present statements by members of the public who wish to make limited appearances for that purpose. Applications for permission to make limited appearances for the purpose of making such statements will be ruled upon by the atomic safety and licensing board at the evidentiary hearing to be held later.

It is ordered, That counsel shall conduct informal conferences, including telephone conferences, to the extent that they may be practicable, to expedite the proceeding and in particular to advance the purposes of the prehearing conference.

Dated this 10th day of April 1973 at Washington, D.C.

The Atomic Safety and Licensing Board.

SIDNEY G. KINGSLEY,
Chairman.

[FR Doc.73-7269 Filed 4-12-73; 8:45 am]

[Dockets Nos. 50-404, 50-405]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Adjourned Session of Prehearing Conference

APRIL 10, 1973.

Please take notice that an adjourned session of the prehearing conference in this proceeding, to consider the subjects identified in the notice and order for prehearing conference dated January 17, 1973 and published in the *FEDERAL REGISTER* on January 22, 1973 at volume 38, page 2186, will be held pursuant to §§ 2.751a and 2.752 of the rules of practice of the Atomic Energy Commission (Vol. 10, Code of Federal Regulations, Pt. 2) at 2 p.m. local time on April 27, 1973 at the Council Chamber, City Hall, Princess Anne Street, Fredericksburg, Va.

Members of the public are invited to attend this prehearing conference and any later prehearing conferences, as well as the evidentiary hearing to be held at a later date to be fixed by the atomic safety and licensing board.

The prehearing conference will be limited to the purposes specified, in preparation for the later evidentiary hearing. No evidence will be received at this prehearing conference, nor will there be an opportunity at the prehearing conference to present statements by members of the public who wish to make limited appearances for that purpose. Applications for permission to make limited appearances for the purpose of making such statements will be ruled upon by the Atomic Safety and Licensing Board at the evidentiary hearing to be held later.

The attention of counsel is directed to the provisions of the notice and order of January 17, 1973, concerning informal conferences to expedite the proceeding.

Dated this 10th day of April 1973 at Washington, D.C.

The Atomic Safety and Licensing Board.

SIDNEY G. KINGSLEY,
Chairman.

[FR Doc.73-7270 Filed 4-12-73; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25187; Order 73-4-49]

TEXAS INTERNATIONAL AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of April, 1973.

By application in Docket 25187 Texas International Airlines, Inc. (TXI) has requested amendment of its certificate of public convenience and necessity for Route 82 so as to delete College Station-Bryan, Tex., therefrom. Simultaneously, TXI filed for issuance of an order to show cause.

No answers were filed in response to the application.

Upon consideration of TXI's request and all the relevant facts, we have decided to issue an order to show cause which proposes to grant the requested deletion. We tentatively find and conclude that the public convenience and necessity require the amendment of TXI's certificate for Route 82 so as to delete College Station-Bryan, Tex., therefrom.

In support of our ultimate conclusion, we make the following tentative findings and conclusions. Texas International's service at College Station-Bryan has been characterized by declining traffic and excessive costs and is not likely to become economically sound in the future. In 1964, its first full year of service,¹ TXI generated 9,730 passengers, a level which successively increased until 1967 when approximately 17,000 passengers were generated. The level then began to decrease and in 1972 about 9,400 passengers were generated. Coincidentally, Davis Airlines, a commuter operator, commenced scheduled service in 1965 to Houston and Dallas and, in 1972, generated 19,552 passengers, a level more than double that of TXI.² Presently, Davis offers six daily nonstop round trips in the Dallas market and three daily nonstop round trips in the Houston market

with Cessna 402 aircraft. (OAG, March 1, 1973).³ In the former market, Davis' and TXI's fares are identical while in the latter Davis offers a \$20 fare as opposed to TXI's \$21 fare.

Continuation of service by TXI will result in a subsidy need requirement of approximately \$315,000, or \$41 per passenger, in fiscal 1973. This figure is substantially greater than the subsidy need per passenger figure which in similar cases the Board has found to be unwarranted in relation to the concurrent public service benefits.⁴ Moreover, the presence of Davis Airlines coupled with Davis' proven ability to generate traffic indicates that College Station will not be deprived of scheduled air transportation.⁵ Finally, the absence of civic opposition to TXI's application lends support to our decision that the show cause procedure is appropriate in these circumstances.⁶

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered That: 1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending Texas International Airlines, Inc.'s certificate of public convenience and necessity for Route 82 so as to delete College Station-Bryan, Tex., therefrom;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings,

¹ TXI presently offers two daily one-stop round trips in the Dallas market and one daily nonstop round trip in the Houston market using Convair 600 equipment.

² See e.g., order 70-6-22, June 2, 1970; order 73-2-16, February 5, 1973; and order 72-11-26, November 9, 1972.

³ Even without air transportation, the College Station-Bryan area would not be isolated. Houston is accessible by automobile over excellent highways within 90 minutes and there is ample bus service at frequent intervals.

⁴ We further tentatively find that TXI is a citizen of the United States within the meaning of the act and is fit, willing, and able properly to perform the transportation pursuant to the amended certificate proposed to conform to the provisions of the act and the Board's rules, regulations, and requirements thereunder.

conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph 5 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon Texas International Airlines, Inc.; mayor, city of College Station; mayor, city of Bryan; mayor, city of Houston, mayor, city of Dallas, and Director, Texas Aeronautics Commission, and Davis Airlines.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-7179 Filed 4-12-73; 8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make 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 Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary, Office of the Secretary of Labor.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.73-7180 Filed 4-12-73; 8:45 am]

DEPARTMENT OF THE TREASURY

Notice of 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 Special

⁵ All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

¹ TXI received authority to serve College Station-Bryan in the Southwestern Area Local Service Case, 37 C.A.B. 489 (1963).

² It should be noted that these statistics submitted by commuter carriers are confidential for a period of 1 year. However, pursuant to section 298.66 of the Board's economic regulations, the Board, on its own motion, finds that it is in the public interest to disclose the information that it does in this order.

Assistant to the Secretary (Debt Management), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.73-7184 Filed 4-12-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Notice of 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 Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of Assistant General Counsel, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.73-7181 Filed 4-12-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

Notice of 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 Small Business Administration to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.73-7182 Filed 4-12-73;8:45 am]

SELECTIVE SERVICE SYSTEM

Notice of Revocation of Authority To Make 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 Selective Service System to fill by noncareer executive assignment in the excepted service the position of Public Information Officer, Office of Public Information.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.73-7185 Filed 4-12-73;8:45 am]

U.S. TARIFF COMMISSION

Notice of 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 U.S. Tariff Commission to fill by noncareer executive

assignment in the excepted service the position of Executive Director.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.73-7183 Filed 4-12-73;8:45 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order No. 15C]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority

Pursuant to the authority delegated to the Director by Cost of Living Council Order No. 14 (38 FR 1489, Jan. 12, 1973) it is hereby ordered as follows:

1. There is hereby delegated to the Commissioner of Internal Revenue (the Commissioner), subject to the policy guidance and implementation directives of the Director of the Cost of Living Council, the authority to perform the following functions:

(a) Monitoring and enforcement of the provisions of Subpart M of Part 130, Chapter I, Title 6, Code of Federal Regulations (Subpart M);

(b) Initiating and conducting of investigations with respect to compliance with the provisions of subpart M; and

(c) Signing and issuance of subpoenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and administration of oaths, all in accordance with section 206 of the Economic Stabilization Act of 1970, as amended, in connection with investigations with respect to compliance with the provisions of subpart M.

2. The Commissioner may redelegate to any official of the Internal Revenue Service any authority under this order.

3. The authority hereby delegated is in addition to the authority delegated to the Commissioner by Council Orders Nos. 15, 15A, and 15B.

Issued in Washington, D.C., on April 11, 1973.

JAMES W. McLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-6989 Filed 4-11-73;5:04 pm]

HEALTH INDUSTRY WAGE AND SALARY COMMITTEE

Certification of Establishment

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), I certify that the creation of the Health Industry Wage and Salary Committee is in the public interest. The Health Industry Wage and Salary Committee is established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a) (iv) of Executive Order No. 11695, and Cost of Living Council Order No. 14. It will be made up of labor, management, and public members and will perform three basic functions:

1. Review pending and new health industry wage and salary cases filed with the Cost of Living Council and advise on their disposition.

2. Advise the Cost of Living Council and the Labor-Management Advisory Committee on matters pertaining to any wage stabilization policies which are necessary to meet the special problems of the health industry (and its various branches), consistent with the general framework of wage stabilization policies.

3. Cooperate with labor and management organizations in the health industry and with appropriate government agencies to facilitate the settlement of disputes in 1973 within stabilization policies.

Issued in Washington, D.C., on April 11, 1973.

JAMES W. McLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-7326 Filed 4-11-73;5:04 pm]

FEDERAL POWER COMMISSION

[Project No. 2212]

AMERICAN CAN CO.

Application for Change in Land Rights; Approval of Revised Exhibits J and K

April 5, 1973.

Public notice is hereby given that application for approval of the conveyance of project property to the State of Wisconsin and for approval of revision of approved exhibits J and K to reflect such conveyance was filed on October 15, 1971, under the Federal Power Act (16 U.S.C. 791a-825r) by the American Can Co. (Correspondence to: Mr. D. B. Wiesley, Senior Vice President, American Can Co., American Lane, Greenwich, Conn. 06830) licensee for project No. 2212 which is on the Wisconsin River in Marathon County, Wis., near the village of Rothschild.

Applicant seeks Commission approval of the conveyance of 18.35 acres (approximately 2,000 feet by 390 to 490 feet) of inundated project land which conveyance took place on June 23, 1970. The State of Wisconsin used the land for construction of a causeway and a bridge as a portion of State Highway No. 29 (Wausau-Ringle Road) across the Rothschild project reservoir (Wisconsin River) located approximately 1,000 feet upstream of the dam.

Applicant also seeks Commission approval of revisions to approved exhibits J (FPC 2212-1; a general map covering the entire project area) and K (FPC 2212-3; a detailed map covering the entire project area) which are submitted to show and describe the project as it actually exists.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, 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 the 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.73-7130 Filed 4-12-73;8:45 am]

[Docket No. CI73-634]

AMOCO PRODUCTION CO.

Notice of Application

APRIL 6, 1973.

Take notice that on March 26, 1973, Amoco Production Co. (Applicant), P.O. Box 3092, Houston, Tex. 77001, filed in docket No. CI73-634 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 United Gas Pipe Line Co. from the Seven Oaks Field, Polk 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 approximately 43,200 M ft³ of gas per month for 1 year or until a total of 1,000,000 M ft³ of gas has been delivered, whichever occurs first, at 48.6 cents per M ft³ at 14.65 lb/in², including all adjustments and tax reimbursements, within the contemplation of section 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 22, 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 inter-

vene 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.73-7113 Filed 4-12-73;8:45 am]

[Dockets Nos. E-7738, E-7784]

BOSTON EDISON CO.

Notice of Further Extension of Time and Postponement of Hearing

APRIL 4, 1973.

On March 27, 1973, Boston Edison Co. requested further extension of the procedural dates established by notice issued March 7, 1973, in the above matter. The request states that neither the customers nor the Commission Staff Counsel interposes any objection to the request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Interveners service date, April 16, 1973.
Company rebuttal service date, May 18, 1973.
Prehearing conference, May 30, 1973 (10 a.m. e.d.t.).
Hearing, June 5, 1973 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7124 Filed 4-12-73;8:45 am]

[Docket No. CI73-647]

BURMONT CO. ET AL.

Notice of Application

APRIL 6, 1973.

Take notice that on March 29, 1973, Burmont Co. (Operator), et al. (Applicant), 1121 Americana Building, Houston, Tex. 77002, filed in docket No. CI73-647 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 United Gas Pipe Line Co. from the Lake Hatch Field Area, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on March 20, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and it proposes to continue said sale for 1 year 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 60,000 M ft³ of gas per month at 45 cents per M ft³ at 15.025 lb/in², subject to upward and downward British thermal unit adjustment.

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 24, 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.73-7118 Filed 4-12-73;8:45 am]

[Docket No. CI73-646]

C. T. CARDEN

Notice of Application

APRIL 6, 1973.

Take notice that on March 29, 1973, C. T. Carden (Applicant), 1460 Oil and Gas Building, New Orleans, La. 70112, filed in docket No. CI73-646 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp., from the Humphreys Field, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that shortly after the filing of the instant application he proposes to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year 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 16,800 M ft³ of gas per month at 45.0 cents per M ft³ at 15.025 lb/in²a, subject to upward and downward Btu adjustment.

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 24, 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 protestant 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.73-7119 Filed 4-12-73; 8:45 am]

[Docket No. R173-256]

CHAMPLIN PETROLEUM CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

APRIL 5, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly dis-

criminatory, or preferential, or other wise unlawful.

The Commission finds.—It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders.—(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "date suspended until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per M ft ³		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
R173-256...	Champlin Petroleum Co....	109		6 Mountain Fuel Supply Co. (Church Butte Field, Sweetwater County, Wyo.)	\$987,500	3-6-73		9-6-73	15.0	40.0	G-16476

¹ The pressure base is 15.025 lb/in².

The proposed unilateral increase tendered here by Champlin is allegedly based on the redetermination provision in its sales contract and its interpretation thereof. Mountain Fuel, the purchaser, on March 26, 1973, filed a motion requesting the Commission to reject Champlin's filing because of its unilateral nature. Mountain Fuel also claims that the filing is unauthorized under the redetermination provision in the contract.

While it is clear that Champlin has no right to make a unilateral filing during the term of its contract,¹ it is possible that the filing may be permissible under the subject redetermination provision. We shall defer action on Mountain Fuel's motion pending hearings on this issue. Aside from the contractual issue presented, the proposed rate exceeds the rate limit for a 1-day suspension. Accordingly, we shall suspend it for 5 months from the

expiration of the statutory notice period. The rate increase granted in this case has been reviewed in the light of and is consistent with the Economic Stabilization Act of 1970, as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FR Doc.73-7122 Filed 4-12-73; 8:45 am]

[Docket No. R-432]

MONTHLY REPORT OF COST AND QUALITY OF FUELS FOR STEAM ELECTRIC PLANT

Notice of Extension of Time

APRIL 5, 1973.

On April 3, 1973, Consolidated Edison Co. of New York requested an extension of time to file an offer of proof as provided by the order issued March 27, 1973.

Upon consideration, notice is hereby given that an extension of time is hereby granted to and including April 9, 1973, within which Consolidated Edison Co. of

New York may submit an offer of proof in the above matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7132 Filed 4-12-73; 8:45 am]

[Docket No. C173-643]

NORTH AMERICAN ROYALTIES, INC.

Notice of Application

APRIL 5, 1973.

Take notice that on March 27, 1973, North American Royalties, Inc. (Applicant), 200 East Eighth Street, Chattanooga, Tenn. 37402, filed in docket No. C173-643 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 Texas Gas Transmission Corp. from the North Parc Perdue Field, Lafayette and Vermilion Parishes, La.,

¹ *United Gas Pipe Line Co. v. Mobil Gas Service Corp.*, 350 U.S. 332.

all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application indicates that Applicant commenced the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale from the end of the 60-day emergency period, April 9, 1973, for 6 months to October 10, 1973, and by month to month thereafter for an additional 6-month period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 600,000 M ft³ of gas per month at 45 cents per M ft³ at 15.025 lb/in².

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 20, 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.73-7114 Filed 4-12-73; 8:45 am]

**NATIONAL GAS SURVEY TECHNICAL
ADVISORY COMMITTEE—SUPPLY
Order Designating a Member**

APRIL 5, 1973.

The Federal Power Commission by order issued April 6, 1971, established the

Technical Advisory Committee of the National Gas Survey.

1. **Membership.**—A new member to the Technical Advisory Committee—Supply, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Hon. Duke R. Ligon, Director, Office of Oil and Gas, Department of the Interior.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7131 Filed 4-12-73; 8:45 am]

[Docket No. CI73-640]

**PHILLIPS PETROLEUM CO.
Notice of Application**

APRIL 6, 1973.

Take notice that on March 26, 1973, Phillips Petroleum Co. (Applicant), Bartlesville, Okla. 74004, filed in docket No. CI73-640 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 of natural gas in interstate commerce to Northern Natural Gas Co. from the Benedictum Plant, Permian Basin Area, Upton 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 March 12, 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 10 months 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 18,600 M ft³ of gas per month at 45 cents per M ft³ at 14.65 psia, subject to upward or downward Btu adjustment.

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 22, 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 pro-

cedure, 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.73-7115 Filed 4-12-73; 8:45 am]

[Docket No. G-17350]

PACIFIC GAS TRANSMISSION CO.

**Notice of Proposed Changes in Maximum
Daily Demands**

APRIL 4, 1973.

Take notice that on March 22, 1973, Pacific Gas Transmission Co. (Pacific), tendered for filing a revised exhibit A (30th rev.) to Pacific's service agreement with El Paso Natural Gas Co., dated August 21, 1961. Pacific states that this revision provides for new maximum daily demands at 16 delivery points. Pacific proposes that this revised exhibit A (30th rev.) become effective May 1, 1973.

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, D.C. 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 23, 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.73-7125 Filed 4-12-73; 8:45 am]

[Project No. 2145]

PUBLIC UTILITY DISTRICT NO. 1

**Notice of Application for Change in Land
Rights**

APRIL 4, 1973.

Public notice is hereby given that application for a change in land rights was filed February 6, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by Public Utility District No. 1 of Chelan County, Wash. (correspondence to: Mr. Howard C. Elmore, Manager, Public Utility District No. 1 of Chelan County, P.O. Box 1231, Wenatchee, Wash. 98801).

licensee for Rocky Reach Project No. 2145, which is located on the Columbia River north of the city of Wenatchee and near the towns of Chelan, Azwell, and Entiat in Chelan County, Wash., and the town of Orondo in Douglas County, Wash.

Applicant seeks Commission approval of its proposal to grant an easement to the Entiat irrigation district, a municipal corporation of the State of Washington, for a pumphouse and pipeline to be located in the town of Entiat on lots 5 and 6, block 11, and upon part of the former right-of-way of the Great Northern Railway Co. and across lots 3, 4, 5, and 19, block 12, lying southeasterly of the right-of-way of Burlington Northern Railway.

Entiat irrigation district proposes to install pumps and to withdraw irrigation water from the reservoir of the Rocky Reach project into a pressure system instead of using the present gravity system. The irrigation district further proposes to build an attractive pumphouse faced with stone and to bury all pipelines.

Any person desiring to be heard or to make protest with reference to said application should on or before May 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, protests or petitions to intervene 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. 73-7126 Filed 4-12-73; 8:45 am]

[Docket No. CP72-52]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Amendment to Settlement

APRIL 6, 1973.

Take notice that on March 26, 1973, Southern Natural Gas Co. (Southern) and Mississippi Chemical Corp. (Mississippi) jointly filed a motion for approval of an amendment to the stipulation and agreement to terminate the proceedings filed by Southern on July 17, 1972, in docket No. CP72-52. Southern submitted on September 1, 1971, an application for abandonment of service and certain facilities that provide that service to Mississippi to become effective on December 31, 1972.

In its original form, the stipulation and agreement incorporated certain agreements executed between Southern and Mississippi. The main agreement, dated

February 14, 1972, would allow Southern to abandon service to Mississippi but maintain the facilities that provide that service on a "standby" basis until June 30, 1973. Now Southern and Mississippi jointly move the Commission to approve the stipulation and agreement, as amended by the proposed amendment, and to include in its final order, a condition that Mississippi may continue to receive deliveries of firm gas from Southern until such time as it has received reliable service for its full requirements from another source or sources, but not beyond December 31, 1975, all as more fully set forth in the filings which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to the filing should on or before April 27, 1973, file with the Federal Power Commission, 441 G Street NW., 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 participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-7117 Filed 4-12-73; 8:45 am]

[Docket No. RP73-95]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in Tariff Sheets

APRIL 4, 1973.

Take notice that Southern Natural Gas Co. (Southern) on March 29, 1973, tendered for filing certain revised tariff sheets to its FPC gas tariff, sixth revised volume No. 1 and requested those sheets to be effective April 29, 1973, or such other date as may be ordered by the Commission. Southern further requests that, if the Commission considers that this filing does not fully comply with orders Nos. 467, 467-A, and 467-B, it should reject the filing.

Southern alleges that the revised tariff sheets contain changes in its tariff and are made pursuant to and in compliance with the Commission's orders Nos. 467, 467-A, and 467-B and its order of March 7, 1973 in docket No. RP-72-74. The revised tariff sheets provide for a 14-step curtailment plan. Steps 10 through 14 provide for curtailment of all deliveries of gas in excess of firm contract entitlements, that is, in excess of resale customers' contract demands and maximum delivery obligations and direct industrial customers' firm contract quantities; provided, however, that during the period commencing on November 1 and ending on the next ensuing March 31, resale customers with more than one delivery point are permitted to conjunctively group their delivery points.

Following the complete curtailment of deliveries of gas in excess of firm contract entitlements in steps 10 through 14, curtailments below firm contract entitlements are effectuated in the 9 steps provided in order No. 467-B. Again, during the period November 1-March 31, conjunctive grouping of delivery points is permitted multiple delivery point customers.

Copies of this tariff filing have been served upon all jurisdictional customers and upon interested State commissions and are available for inspection at Southern's offices in Birmingham, Ala.

Any person desiring to be heard or to protest said application should file a protest, or file a petition to intervene 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 20, 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. 73-7127 Filed 4-12-73; 8:45 am]

[Docket No. CI73-644]

SOUTHWEST GAS PRODUCING CO., INC.

Notice of Application

APRIL 5, 1973.

Take notice that on March 28, 1973, Southwest Gas Producing Co., Inc. (Applicant), 1309 Louisville Avenue, Monroe, La. 71201, filed in docket No. CI73-644 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 Texas Eastern Transmission Corp. from the Hospital Bayou Field, Lafourche Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application indicates that Applicant commenced the sale of natural gas on March 15, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that Applicant proposes to continue said sale for 1 year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 15,000 Mft³ of gas per month at 50 cents per Mft³ at 15.025 lb/in.²

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 20, 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.73-7116 Filed 4-12-73;8:45 am]

[Docket No. RP73-74]

ALGONQUIN GAS TRANSMISSION CORP.

Notice of Extension of Time

APRIL 5, 1973.

On April 2, 1973, the Commission Staff Counsel filed a motion for an extension of the procedural dates as set forth in the order issued February 14, 1973 in the above-designated matter. The motion states that Algonquin, The Rhode Island Consumers' Council, and Boston Gas Co. have no objection to this motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Staff service date, April 17, 1973.
Intervenors' service date, May 1, 1973.
Algonquin's rebuttal service date, May 15, 1973.
Prehearing conference, May 22, 1973 (10 a.m., e.d.t.)
Hearing date, June 5, 1973 (10 a.m., e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7208 Filed 4-12-73;8:45 am]

[Docket No. G-10354]

ATLANTIC RICHFIELD CO.

Notice of Further Extension of Time and Postponement of Hearing

APRIL 9, 1973.

On April 6, 1973, Atlantic Richfield Co. requested a further extension of the procedural dates as fixed by order issued January 12, 1973, and modified by notices issued January 29, 1973 and March 14, 1973, in the above-designated matter. The request states that staff counsel and counsel for intervenors have no objection to the request.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of direct case of applicant, May 9, 1973.
Service of rebuttal testimony, May 23, 1973.
Hearing, May 30, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7200 Filed 4-12-73;8:45 am]

[Docket No. RP73-93]

COLORADO INTERSTATE GAS CO. AND COLORADO INTERSTATE CORP.

Notice of Proposed Changes in Rates and Charges

APRIL 10, 1973.

Take notice that on March 30, 1973, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (CIG), filed First Revised Sheets Nos. 5, 6, and 66 to its FPC Gas Tariff, Second Revised Volume No. 1, providing for a general increase in rates to its jurisdictional customers. The proposed increased rates include \$9.6 million reflecting CIG's purported increase in present operations and a \$10.1 million annual revenue increase which is dependent upon its pending application in docket No. CP73-184 to transfer its production properties to its newly formed subsidiary, CIG Exploration, Inc. (Exploration).

CIG states that the jurisdictional rates filed herewith are designed to enable CIG to recover its increased jurisdictional cost of service for the test period which is based on the calendar year ending December 31, 1972, adjusted to include the annualized effect of changes which are known and measurable with reasonable accuracy and which will become effective by September 30, 1973. CIG states that the principal increased costs result from the following:

1. *Additional facilities.*—Gas plant at December 31, 1972, has been adjusted to include net test period additions, including certain pipeline and storage facilities for which authorization has been requested. Such facilities are scheduled to be placed in service on or before September 30, 1973. The company states that the facilities are needed to help CIG to continue in the future to maintain the

level of peak day and annual sales upon which this filing is predicated. The costs associated with the operation of such facilities have been included in the test period cost of service.

2. *Additional research and development and advance payments for gas supplies.*—CIG is financially supporting several research projects including Canadian gas Arctic study, Rulison nuclear stimulation project, and various projects related to gasification of coal. CIG has also made substantial advance payments for gas supplies and is expecting to make more such advances during the test period.

3. *Proposed rate of return of 9.15 percent.*—CIG states that this would permit a rate of return to equity of 15 percent, which is needed to enable CIG to continue to provide its customers with safe and adequate service and to provide for additional facilities to help meet market requirements in the future.

4. *Proposed transfer of CIG's production properties to its newly formed subsidiary, CIG Exploration, Inc. (Exploration).*—In docket No. CP73-184, CIG has requested authority to transfer its existing company-owned production properties to Exploration. Exploration has committed itself to a minimum expenditure of \$50.9 million for exploration and development within the next 5 years and proposes to charge CIG the Commission's established area rates for the vintages of gas production being transferred to it (docket No. CI73-485).

CIG states that in the event the Commission approves the proposals in dockets Nos. CP73-184 and CI73-485 prior to the date on which the rates proposed herein become effective under the Natural Gas Act, CIG will file appropriate substitute rates to reflect the effect of the property transfer; or, if such approval does not occur prior to such date, that CIG will file substitute rates, lower than those proposed herein, reflecting the continuation of its ownership of the production properties, such lower rates to continue to be effective until the date the authorizations requested in the two dockets are granted.

The company states that copies of this filing have been mailed to the customers of CIG and interested public bodies.

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, D.C. 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 20, 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.73-7190 Filed 4-12-73;8:45 am]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in Rates and Charges

APRIL 6, 1973.

Take notice that on March 20, 1973, Columbia Gas Transmission Corp. (Columbia) tendered for filing the following tariff sheets to Columbia's FPC Gas Tariff, Original Volume No. 1:

Second Revised Sheets Nos. 76, 77, 78, 79, and 81.

The proposed effective date is April 19, 1973. Columbia states that copies of this filing have been mailed to all of Columbia's jurisdictional customers and interested State commissions.

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, D.C. 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 19, 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.73-7210 Filed 4-12-73;8:45 am]

[Docket No. RP73-85]

COLUMBIA GULF TRANSMISSION CO.

Proposed Revised Tariff Sheets

APRIL 9, 1973.

On February 28, 1973, Columbia Gulf Transmission Co. (Columbia Gulf) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1.¹ The proposed changes would increase revenues from jurisdictional service by \$16,462,000 annually for the 12-month period ending October 31, 1972, as adjusted for known and measurable changes through July 31, 1973. The proposed effective date is April 14, 1973. Copies of the filing were served upon Columbia Gas Transmission Corp.

The increased rates reflect increases in Columbia Gulf's depreciation rates, rate of return from 8.15 percent to 9 percent, and in the method of computing Federal Income Taxes. Columbia Gulf alleges that the increased revenues to be derived

from such changes are needed to increase internally generated funds in order to attract additional outside capital "to develop new sources of gas supply having far greater costs than historically experienced by the industry."

Columbia Gulf's filing was noticed on March 5, 1973, and petitions and one notice to intervene were received by the parties listed in appendix A. The city of Charlottesville, Va. (Charlottesville), the Public Service Commission of New York (New York), and UGI Corp. request a 5-month suspension of the filing and a hearing thereon. Charlottesville also requests the proceedings in this docket be consolidated with those in Columbia Gas Transmission Corp., docket No. RP73-86 for purposes of hearing and decision.

On March 28, 1973, the Commission issued an order in docket No. RP73-86 which required the submission of additional data before a filing date would be assigned. Therefore, it would not be appropriate at this time to consider the issue of consolidation of docket No. RP73-86 with the proceedings in this docket.

Review of Columbia Gulf's filing indicates that it raises certain issues which may require development in an evidentiary hearing. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Columbia Gulf's FPC Gas Tariff, as proposed to be amended in this docket, and that the tendered tariff sheets listed in footnote 1 above be accepted for filing and suspended as hereinafter provided.

(2) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(3) Participation of the parties listed in appendix A in this proceeding may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR ch. I), a public hearing shall be held, commencing with a prehearing conference on August 7, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Columbia Gulf's FPC gas tariff, as proposed to be amended herein.

(B) At the prehearing conference on August 7, 1973, Columbia Gulf's prepared testimony (statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding.

(C) On or before July 31, 1973, the Commission staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before August 14, 1973. Any rebuttal evidence by Columbia Gulf shall be served on or before August 28, 1973. The public hearing herein ordered shall convene on September 11, 1973, at 10 a.m., e.d.t.

(D) A presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see delegation of authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) Pending hearing and a decision thereon Columbia Gulf's tariff sheets listed in footnote 1 above are accepted for filing, suspended for 5 months and the use thereof deferred until September 14, 1973, and until such further time as they are made effective in the manner provided in the Natural Gas Act.

(F) The petitioners listed in appendix A are hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene and *Provided, further*, That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(G) Pursuant to § 2.59(c) of the Commission's rules of practice and procedure, Columbia Gulf shall promptly serve copies of its filing upon all of the above-mentioned intervenors, unless such service has already been effected pursuant to part 154 of the regulations under the Natural Gas Act.

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

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Secretary.

APPENDIX A

PARTIES FILING PETITIONS TO INTERVENE¹

Baltimore Gas & Electric Co., city of Charlottesville, Va., Commonwealth Natural Gas Corp., General Services Administration, New York State Electric & Gas Corp., UGI Corp., Peoples Natural Gas Co. and West Ohio Gas Co., Washington Gas Light Co.

[FR Doc.73-7220 Filed 4-12-73;8:45 am]

¹ 20th Revised Sheet No. 7 (which supersedes 19th Revised Sheet No. 7) and 5th Revised Sheet No. 8 (which supersedes 4th Revised Sheet No. 8).

¹ The Public Service Commission for the State of New York filed a notice of intervention.

[Docket No. RP73-72]

CONSOLIDATED GAS SUPPLY CORP.**Notice of Extension of Time and Postponement of Prehearing Conference and Hearing Date**

APRIL 9, 1973.

On April 5, 1973, Commission staff counsel filed a motion for an extension of the procedural dates fixed by order issued February 21, 1973 in the above-designated matter. The motion states that Consolidated has no objection to this motion.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are modified as follows:

Staff service date, April 27, 1973.

Interveners' service date, May 11, 1973.

Consolidated's rebuttal service date, May 25, 1973.

Prehearing conference, June 5, 1973 (10 a.m., e.d.t.).

Hearing date, June 12, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-7201 Filed 4-12-73; 8:45 am]

[Docket No. CP73-261]

CROWN ZELLERBACH CORP.**Order To Show Cause**

APRIL 6, 1973.

Crown Zellerbach Corp. is primarily engaged in the manufacture of paper and paper products. As a means of obtaining fuel for its Bogalusa, La., mill Crown Zellerbach owns and operates a pipeline system which delivers gas to the mill from nearby sources.

As of September 23, 1969, the pipeline system consisted of approximately 100 miles of pipe, ranging in size from 4 inches to 12 inches in diameter. Segments of the line extended from Forrest County, Miss., Pearl River County, Miss., Lamar County, Miss., Marion County, Miss., and Walthall County, Miss., into the State of Louisiana and thence to Bogalusa.

On September 23, 1969, Crown Zellerbach submitted a letter to our staff describing this pipeline system and acknowledging that the system is very similar to the one owned by International Paper and declared jurisdictional in *International Paper Co. v. Federal Power Commission*, 42 FPC 248 (1969), aff'd, 438 F.2d 1349 (CA-2 1971), cert. denied, 404 U.S. 827 (1971). In that letter, Crown Zellerbach stated it had always considered its pipeline facilities as outside the jurisdiction of the Federal Power Commission under the Natural Gas Act and therefore had never applied for a certificate of public convenience and necessity. By letter of October 8, 1969, the Commission stated that it would defer determination of jurisdiction over the Crown Zellerbach system until the termination of litigation in the *International Paper* case.

The Commission's position ultimately sustained by the second circuit in *International Paper*, is based upon section 1(b) of the Natural Gas Act which pro-

vides, in pertinent part, "The provisions of this act shall apply to the transportation of natural gas in interstate commerce * * *", and section 7(c) of said act provides, in pertinent part:

No natural-gas company or person which will be a natural-gas company upon completion of any proposed construction or extension shall engage in the transportation or sale of natural gas, subject to the jurisdiction of the Commission, or undertake the construction or extension of any facilities therefor, unless there is in force with respect to such natural-gas company a certificate of public convenience and necessity issued by the Commission authorizing such acts or operations * * *

Examination of the facts available to us at this time discloses that Crown Zellerbach is transporting natural gas in interstate commerce between the States of Louisiana and Mississippi. Accordingly, we shall issue an order below directing Crown Zellerbach to show cause why its transportation of natural gas should not be subject to this Commission's jurisdiction and why Crown Zellerbach should not be required to apply for and obtain a certificate of public convenience and necessity under sections 7(c) and (e) of the Natural Gas Act to operate said transmission line.

The Commission finds:

That good cause exists for, and the public interest in administering the Natural Gas Act demands that Crown Zellerbach be directed to show cause why it should not be required to file an application for a certificate of public convenience and necessity covering the pipeline system used to transport gas consumed in its paper mill at Bogalusa, La.

The Commission orders:

(A) That Crown Zellerbach Corp., show cause why its transportation of natural gas from Mississippi to Bogalusa, La., for consumption in its paper mill should not be subject to this Commission's jurisdiction under section 1(b) of the Natural Gas Act, and why Crown Zellerbach should not be required to apply for and obtain a certificate of public convenience and necessity under sections 7(c) and 7(e) of the Natural Gas Act to operate said transmission line.

(B) That Crown Zellerbach respond in writing to this order to show cause within 30 days of the date of the issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-7211 Filed 4-12-73; 8:45 am]

[Dockets Nos. RP72-150, RP72-155]

EL PASO NATURAL GAS CO.**Proposed Change in Rates and Charges**

APRIL 6, 1973.

Take notice that on April 2, 1973, El Paso Natural Gas Co. (El Paso) tendered for filing 10th revised sheet No. 3-B to El Paso's FPC Gas Tariff, original volume No. 1. According to El Paso this is a corrected filing submitted pursuant to the requirements of § 154.38(d) (4) (v) of the

Commission's regulations. El Paso states that based upon Southern Division System sales volumes applicable to El Paso's original volume No. 1 tariff for the 12 months ended December 31, 1972, the proposed increase in rates of \$0.0048 per thousand cubic feet attributable to the annualized purchased gas cost increases will produce additional jurisdictional revenues of \$5,904,450 annually and based upon Southern Division System jurisdictional sales volumes under El Paso's FPC Gas Tariff, original volume No. 1, for the 6 months ended December 31, 1972, the surcharge rate of \$0.0063 per thousand cubic feet will produce increased Southern Division System revenues of \$3,838,041 during the 6-month period subsequent to April 1, 1973. El Paso further states that the total increase in rates is \$0.0111 per thousand cubic feet as contrasted with the increase in rates of \$0.0119 per thousand cubic feet which was the subject of the filing of February 14, 1973, as corrected. The proposed effective date of the \$0.0111 per thousand cubic feet increase is April 1, 1973. El Paso requests waiver of the Commission's Rules and Regulations if necessary to effectuate the said changes in rates as of April 1, 1973. El Paso also states that a copy of this filing has been served upon all parties of record in Docket Nos. RP72-150 and RP72-155 and, otherwise, upon all Southern Division System customers and interested state regulatory commission.

[Dockets Nos. RP72-150 and RP72-155]

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, D.C. 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 25, 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. 73-7212 Filed 4-12-73; 8:45 am]

[Dockets Nos. RP72-151, RP72-154]

EL PASO NATURAL GAS CO.**Proposed Changes in Rates and Charges**

APRIL 6, 1973.

Take notice that on April 2, 1973, El Paso Natural Gas Co. (El Paso) tendered for filing 11th revised sheet No. 10 to El Paso's FPC Gas Tariff, first revised volume No. 3. El Paso states that this is a corrected filing submitted pursuant to the requirements of § 154.38(d) (4) (v) of the Commission's regulations. El Paso states that based upon Northwest Division Systems sales volumes applicable to

El Paso's first revised volume No. tariff for the 12 months ended December 31, 1972, the proposed increase in rates of \$0.0046 per thousand cubic feet attributable to the annualized purchased gas cost increases will produce additional jurisdictional revenues of \$2,003,365 annually and based upon the Northwest Division System jurisdictional sales volumes under El Paso's FPC Gas Tariff, first revised volume No. 3 for the 6 months ended December 31, 1972, the proposed surcharge rate of \$0.0155 per thousand cubic feet will produce increased Northwest Division System revenues of \$3,283,293 during the 6-month period subsequent to April 1, 1973. El Paso further states that the total increase in rates is \$0.0201 per thousand cubic feet as contrasted with the increase in rates of \$0.0246 per thousand cubic feet which was the subject of the filing of February 14, 1973. El Paso requests waiver of the Commission's Rules and Regulations if necessary to effectuate the said changes in rates as of April 1, 1973. El Paso further states that a copy of this filing has been served upon all parties of record in Dockets Nos. RP72-151 and RP72-154 and, otherwise, upon all Northwest Division System customers and interested State regulatory commissions.

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, D.C. 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 24, 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.73-7213 Filed 4-12-73;8:45 am]

[Docket No. RI73-44]

GETTY OIL CO.

Notice of Postponement of Prehearing Conference

APRIL 9, 1973.

On April 6, 1973, Getty Oil Co. requested a postponement of the prehearing conference scheduled for April 10, 1973, by notice issued January 5, 1973, in dockets Nos. RI73-3 et al.

Upon consideration, notice is hereby given that the prehearing conference scheduled in the above-designated matter is postponed to May 10, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7202 Filed 4-12-73;8:45 am]

[Docket No. CI73-575]

HIGH CREST OILS, INC.

Notice of Application

APRIL 6, 1973.

Take notice that on March 2, 1973, High Crest Oils, Inc. (Applicant), 2640 1 Calgary Place, 330 Fifth Avenue SW., Calgary, Alberta T2P 0L4, Canada, filed in docket No. CI73-575, 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 Northern Natural Gas Co. from the Sherard area, Blaine and Chouteau Counties, Mont., at the rate of \$0.235 per thousand cubic feet at 15.025 lb/in², subject to upward and downward British thermal unit adjustment, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 27, 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.73-7214 Filed 4-12-73;8:45 am]

[Docket No. E-8100]

IOWA SOUTHERN UTILITIES CO.

Notice of Application

APRIL 6, 1973.

Take notice that on March 30, 1973, Iowa Southern Utilities Co. (Applicant)

filed an application for an order pursuant to section 204 of the Federal Power Act for authorization to issue and sell 17,928 additional shares of its common stock, par value \$10 per share.

Applicant is incorporated under the laws of the State of Delaware and qualified to do business as a foreign corporation in the State of Iowa, with its principal place of business being located in Centerville, Iowa.

Applicant proposes to issue and sell to its employees up to but not exceeding 17,928 additional shares of its common stock, par value \$10 per share, in accordance with the terms and conditions of its employee stock purchase plan, a copy of which is filed as an exhibit to its application. The sales will be made through payroll deductions, and request is made for exemption from the competitive bidding requirements of § 34.1a (b) and (c) of the regulations under the Federal Power Act. Applicant states that the net proceeds realized from the sale of the 17,928 additional shares of its common stock dedicated to the employee stock purchase plan is estimated at approximately \$427,517.

Any person desiring to be heard or to make any 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 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.73-7203 Filed 4-12-73;8:45 am]

[Docket No. CI73-645]

McCULLOCH OIL CORP.

Notice of Application

APRIL 6, 1973.

Take notice that on March 29, 1973, McCulloch Oil Corporation (Applicant), 10880 Wilshire Boulevard, Los Angeles, Calif. 90024, filed in docket No. CI73-645 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation from the North Lake des Allemands Field, St. John the Baptist Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 3,000 M ft³ of natural gas per

day for 18 months at 40 cents per thousand cubic feet at 15.025 lb/in² 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 24, 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. 73-7191 Filed 4-12-73; 8:45 am]

[Dockets Nos. RI73-3, RI73-4, RI72-250]

MOBIL OIL CORP. ET AL.

Notice of Postponement of Prehearing Conference

APRIL 9, 1973.

On April 2 and April 6, 1973, Mobil Oil Corporation and Atlantic Richfield Company, respectively requested that the prehearing conference scheduled for April 10, 1973 by notice issued January 5, 1973, in the above-designated matters, be postponed. The requests stated that there were no objections to the postponement.

Upon consideration, notice is hereby given that the prehearing conference in the above-designated matters is postponed to June 12, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power

Commission, 441 G Street NW., Washington, D.C.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-7205 Filed 4-12-73; 8:45 am]

[Docket No. CP73-249]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

APRIL 6, 1973.

Take notice that on March 27, 1973, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603 filed in docket No. CP73-249 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas to Roger C. Hanks (Hanks) and the construction and operation of certain natural gas facilities to effectuate such delivery, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport and deliver to Hanks natural gas for use as fuel in the operation of Hanks' field compressors in Dagger Draw area, Eddy County, N. Mex. Applicant states that it has entered into a gas purchase contract with Hanks providing for the sale and delivery of residue gas to Applicant at the outlet of Marathon Oil Company's Indian Plant in Eddy County, N. Mex. Applicant further states that Hanks has advised it that field compression facilities are needed to bring the gas to market and that Hanks' untreated gas cannot be used efficiently for fuel in the operation of Hanks' field compressor engines, thereby necessitating the delivery of gas from Applicant. Pursuant to the terms of a letter agreement dated July 18, 1972, applicant proposes to deliver up to 875 M ft³ of natural gas per day to Hanks.

Applicant further proposes to construct and operate necessary tap connections, measuring and related facilities at two proposed delivery points in Eddy County in order to effectuate the project. Applicant estimates the cost of such facilities at \$9,000, for which it will be reimbursed by Hanks.

Applicant states that Hanks will pay a charge of 0.1 cent per thousand cubic feet for the gas delivered and that the volume delivered for compressor fuel will be deducted from the volume of gas Applicant will purchase from Hanks in computing Applicant's payment to Hanks.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Com-

mission 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. 73-7215 Filed 4-12-73; 8:45 am]

NATURAL RESOURCES DEFENSE COUNCIL, INC., ET AL.¹

Order Denying Petition for Proposed Rulemaking

APRIL 9, 1973.

On March 20, 1973, the Natural Resources Defense Council, Inc., et al. (Petitioners) filed a petition and supporting memoranda requesting the Commission to issue rulemaking amending its regulations to require applications for license and preliminary permit to contain complete information about proposed transmission line rights of way and to require that no construction on a proposed new generating facility be authorized by the Commission pending consideration and approval of the application, except construction to maintain water rights under State law. The petition argues that such amendment is necessary to achieve the purposes of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq. Petitioners submitted draft language of the amendments which they proposed will accomplish these objectives. Specifically, they would supplement or amend §§ 4.30, 4.40(e), 4.40(g), 4.41, 4.82(e), 4.82(f), 4.82(k), 4.86, and 131.2 of the regulations under the Federal Power Act. See appendix.²

¹ The Sierra Club, Inc., the National Wildlife Federation, Inc., and the Environmental Defense Fund, Inc., join in this petition.

² Filed as part of the original document.

Petitioner's proposed amendments which refer to the information concerning transmission line rights of way submitted with an application for license ignore current regulations which require such information. With regard to applications for license, §§ 4.41 exhibits J, K, M, N, U, V, and W, 4.50 and 4.60 require detailed information about transmission lines. The information required, in brief, covers the location, design, description, cost, interconnection and coordination, alternatives, and environmental impact. The Commission believes that these exhibits adequately meet Petitioners' stated goal to achieve compliance with NEPA, especially in light of the guidelines for exhibit V. Furthermore, order No. 415-C² sets forth the criteria to be followed by applicants for license under the Federal Power Act by requiring information regarding the environmental impact of the entire proposed facility. The Commission has jurisdiction over primary transmission lines and presently considers these lines as part of the project when evaluating environmental impacts under the mandate of NEPA. In addition, Petitioners' attention is directed to notice of proposed rulemaking to provide guidelines for the preparation of applicant's environmental reports, pursuant to order No. 415-C, issued March 2, 1973 in docket No. R-473. Under this proposed rule the Commission would consider potential nonjurisdictional transmission line rights of way in evaluating the environmental consequences of any proposed project. Therefore, the Commission is of the opinion that the Petitioners' proposed amendments would be duplicative of existing Commission policy and practice. Hence, a rulemaking order in this regard is unnecessary.

Petitioner's proposed amendments also address themselves to the prevention of any construction of facilities before Commission approval of applicant's license. See: proposed §§ 4.30(a) and 4.86, appendix.³ Under existing Commission interpretation, no construction is authorized with respect to an application for license prior to approval of the application. Petitioners are mistakenly concerned that § 4.86 of the regulations authorizes construction pursuant to the issuance of a preliminary permit. The principal purpose of the preliminary permit is to establish priorities among applicants seeking licenses. The issuance of a preliminary permit does not as a matter of right authorize any construction of a proposed facility. Section 4.86 of the regulations states:

Upon a satisfactory showing of reasons therefor, the Commission may authorize permittees to perform such construction work

as may be necessary to maintain water rights under state law, or as may be desirable in preparation for the construction of project works; but the granting of such authority shall not be deemed to have created any equities or to have established any rights beyond what would have been created or established had such authority not been given.

Such construction as may be undertaken on authority of a preliminary permit is subject in every instance to Commission approval. Moreover, when authority to construct is given, it is subject to the clear proviso that the construction "shall not be deemed to have created any equities or to have established any rights * * *." Petitioner's proposed amendments to that section as well as their proposed § 4.30(a) would be redundant of existing regulations. Both order No. 415-C and section 102(2)(c) of NEPA require that an environmental impact statement be prepared for any "major Federal action significantly affecting the quality of the human environment." This requirement is clearly as apposite when a permittee requests Commission authorization for preparatory construction under § 4.86 as it would be when the Commission is reviewing an application for license.

The Commission finds:
Petitioner's proposed amendments to the regulations under the Federal Power Act are inappropriate.

The Commission orders:
The petition for proposed amendment of the regulations is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7221 Filed 4-12-73; 8:45 am]

[Project 2292]

NEKOOSA EDWARDS PAPER CO., INC.

Application for Change in Land Rights

APRIL 5, 1973.

Public notice is hereby given that application for approval of two conveyances of project property to the village of Port Edwards, Wood County, Wis., for municipal use purposes, was filed on November 9, 1970, under the Federal Power Act (16 U.S.C. 791a-825r) by Nekoosa Edwards Paper Co., Inc. (correspondence to Mr. Robert R. Johnson, secretary, Nekoosa Edwards Paper Co., Inc., Port Edwards, Wis. 54469) licensee for project No. 2292, which is located on the Wisconsin River in the city of Nekoosa, Wood County, Wis.

Applicant seeks Commission approval of the conveyance of 2.65 acres (350 feet by 330 feet) of project land for the site of the new village of Port Edwards Sewage treatment plant.

Applicant also seeks Commission approval of the conveyance of a right-of-way easement for sewer and waterline purposes on, under and across a fifty (50) foot strip of project land beginning on the north side of the sewage treatment plant tract and extending north 850 feet.

Any person desiring to be heard or to make protest with reference to said application should on or before May 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, 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 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.73-7216 Filed 4-12-73; 8:45 am]

[Project 2292]

NEKOOSA EDWARDS PAPER CO., INC.

Application for Amendment of License

APRIL 5, 1973.

Public notice is hereby given that application for a change in project boundaries and for approval of revised exhibits J and K was filed on September 3, 1965, under the Federal Power Act (16 U.S.C. 791a-825r) by Nekoosa Edwards Paper Co., Inc. (correspondence to Mr. Robert R. Johnson, Secretary, Nekoosa Edwards Paper Co., Inc., Port Edwards, Wis. 54469), licensee for project No. 2292 which is located on the Wisconsin River in the city of Nekoosa, Wood County, Wis.

Applicant seeks to change the project boundary by removing approximately 110 acres of land from the project due to the fact that since the elevation and reconstruction of State Trunk Highway 73, which parallels the Wisconsin River on the river side of the subject property, the property has changed in character to the point where it now appears that its best utilization is for the expansion of the company's pulp and paper operations, for industrial sites, and for other uses. Some of the area has already been improved for these uses by the removal of timber and by the placing of fill. The application further states that the property is adjacent to three common carrier railroads, is not necessary for operation of the project, and when improved will be at the same elevation or higher than adjoining State Trunk Highway 73.

The approval of revisions to exhibits J (a general map covering the entire project area) and K (a detailed map covering the entire project area) are sought by applicant so that these exhibits will properly show and describe the project as it actually would exist upon approval of the boundary changes.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, in accordance with the requirements of the

¹ Filed as part of the original document.
² On Dec. 18, 1972, order No. 415-C was issued by the Commission to amend the regulations governing implementation of NEPA, 48 FPC —, and the order denying rehearing was issued Feb. 7, 1973, 49 FPC —. Presently, litigation concerning order No. 415-C is pending in *Jersey Central Power & Light Co., Metropolitan Edison Co., Pennsylvania Electric Co. v. F.P.C.*, CADC, No. 73-1278.

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 the 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.73-7217 Filed 4-12-73;8:45 am]

[Docket No. RP73-8]

NORTH PENN GAS CO.

Notice of Proposed Changes in Rates and Charges

APRIL 4, 1973.

Take notice that on March 26, 1973, North Penn Gas Co. (North Penn) tendered for filing revised sheet Nos. 4 and 5 and fourth revised sheet No. PGA-1 to its FPC gas tariff, first revised volume No. 1. North Penn states that the revised tariff sheets reflect a decrease of 0.599 cent per thousand cubic feet to the rates, as submitted for Commission approval on March 2, 1973, in 30th Revised Sheet Nos. 4 and 5 and Third Revised Sheet No. PGA-1. The cost decrease is occasioned by the following supplier rate change:

Consolidated Gas Supply Corp:

1. A tracking decrease of 3.74 cents per thousand cubic feet filed March 15, 1973, to become effective May 1, 1973.

According to North Penn in its March 2, 1973, filing, it also submitted alternate 30th revised sheet Nos. 4 and 5 and alternate third revised sheet No. PGA-1. North Penn stated that in the event that those alternate tariff sheets become effective, North Penn is submitting alternate 31st revised sheet Nos. 4 and 5 and alternate fourth revised sheet No. PGA-1 to its FPC gas tariff, first revised volume No. 1, which reflect a decrease of 0.599 cent per thousand cubic feet.

North Penn requests a waiver of the provision in its PGA clause requiring it to file 45 days in advance of the effective date of a rate change. Also, North Penn requests a waiver of any of the Commission's rules and regulations as may be required to permit 31st or alternate 31st revised sheet Nos. 4 and 5 and fourth or alternate fourth revised PGA-1, submitted herewith, to become effective May 1, 1973.

North Penn also states that copies of this letter of transmittal and all enclosures are being mailed to each of North Penn's jurisdictional customers and the State commissioners shown on the attached list.

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

N.W., Washington, D.C. 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 20, 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.73-7204 Filed 4-12-73;8:45 am]

[Docket No. E-7777]

PACIFIC GAS AND ELECTRIC CO.

Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

APRIL 9, 1973.

On April 3, 1973, Commission Staff Counsel filed a motion for a further extension of the procedural dates fixed by order issued November 27, 1972, and amended by notice issued March 7, 1973. The motion states that all parties have been notified and have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are further modified as follows:

Staff service date, May 15, 1973.

Intervener service date, May 29, 1973.

Company rebuttal service date, June 12, 1973.

Prehearing conference, May 22, 1973, 10 a.m., e.d.t.

Hearing, June 26, 1973, 10 a.m., e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7206 Filed 4-12-73;8:45 am]

[Docket No. E-7768]

PUBLIC SERVICE ELECTRIC & GAS CO.

Notice of Extension of Time and Postponement of Hearing

APRIL 9, 1973.

On April 5, 1973, the borough of Milltown filed a request for an extension of time to file its exhibits and testimony as required by order issued March 9, 1973, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including April 11, 1973, within which the borough of Milltown may file its exhibits and testimony in the above-designated matter. The other procedural dates are modified as follows:

Direct testimony of Public Service Electric & Gas Co., April 25, 1973.

Rebuttal testimony and exhibits by Milltown, May 7, 1973.

Cross-examination, May 15, 1973, 10 a.m., e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-7207 Filed 4-12-73;8:45 am]

[Docket No. RP73-92]

RATON NATURAL GAS CO.

Proposed Purchased Gas Cost Adjustment Provisions

APRIL 5, 1973.

Take notice that on March 27, 1973, Raton Natural Gas Co. (Raton) tendered for filing the following tariff sheets as a part of its FPC gas tariff, original volume No. 1:

Original sheet No. 3a.
Original sheet No. 20a.
Original sheet No. 20b.

Raton states that these tariff sheets embody a purchased gas cost adjustment provision and necessary conforming changes in related tariff provisions in Raton's FPC gas tariff, and are intended to conform to the requirements of the Commission's order Nos. 452-A and 452-B in docket No. R-406. Raton proposes to make its purchased gas adjustment provision effective October 1, 1973, and requests the Commission to grant the requisite approvals and any necessary waivers to permit the provision and related changes to become effective as proposed. Raton further states that a copy of this filing has been mailed to Raton's only customer, Southwestern States Gas Co. and to the Public Service Commission of New Mexico.

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 N.W., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 20, 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.73-7218 Filed 4-12-73;8:45 am]

[Docket No. CP73-247]

SOUTHERN NATURAL GAS CO.

Notice of Application

APRIL 6, 1973.

Take notice that on March 26, 1973, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Ala. 35202, filed in docket No. CP73-247 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline facilities and the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities in order to receive and purchase natural gas from Atlantic Richfield Company (Atlantic) from South Pass Block 60, 66, and 59, South Pass Block 61 Field offshore Louisiana:

1. Approximately 23 miles of 18-inch pipeline extending in a generally southerly direction from a point of interconnection on Applicant's Main Pass-South Pass pipeline to Atlantic's production platform in South Pass Block 60;

2. A receiving station and a compressor station or stations to be constructed at a mutually agreeable point or points on Atlantic's production platforms in South Pass Block 60; and

3. Inlet and outlet side valves, block valves and other related facilities to be located at a mutually satisfactory point on Applicant's pipeline onshore Louisiana, to enable Applicant to deliver gas to Atlantic for processing for the extraction of liquefiable hydrocarbons and to accept redelivery of gas after such processing.

Applicant states that since gas reserves in the South Pass Block 61 Field cannot be demonstrated and agreed upon before the commencement of construction because the Field has not been fully defined, Atlantic has agreed to underwrite a portion of Applicant's pipeline construction costs if reserves as of December 1, 1981, in support of Applicant's pipeline do not amount to at least 125 G ft³. Applicant further states that significant volumes of casinghead gas are being vented in conjunction with Atlantic's drilling and production activities and that Atlantic estimates that by the end of 1973 approximately 30,000 M ft³ of casinghead gas per day will be venting and available for purchase by Applicant from the subject area.

Applicant also requests authorization to transport natural gas for plant use, fuel, loss and shrinkage from Atlantic's proposed delivery point to the onshore processing plant.

Applicant estimates the cost of the proposed project at \$10,838,636, which it plans to finance from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-7222 Filed 4-12-73; 8:45 am]

[Docket No. RP73-94]

VALLEY GAS TRANSMISSION, INC.
Proposed Changes in Rates and Charges
APRIL 6, 1973.

Take notice that on March 30, 1973, Valley Gas Transmission Inc. (Valley) tendered for filing a Notice of Change in Rates, dated March 29, 1973, proposing an increase in Valley's currently effective rates to 21.32 cents per thousand cubic feet effective May 14, 1973. Valley states that such rate will affect Valley's jurisdictional sales under Valley's FPC Gas Tariff, Original Volume No. 1. Also tendered for filing by Valley were amendments to Gas Purchase Contracts between Valley, as seller and Iroquois Gas Corp., Tennessee Gas Pipeline Co. and United Gas Pipeline Co., as buyers as supplements to said rate schedules. In addition, Valley filed a proposed purchased gas cost adjustment provision to be incorporated in its tariff. The proposed effective date for the change in rate is May 14, 1973.

Valley states that the contract amendments transmitted herewith, permit Valley to make unilateral rate increase filings and recover its costs. According to Valley, the proposed increase will recover approximately \$400,000 annually, providing a return of 9.3 percent (12 percent on equity). Valley requests permission to place its increased rates into effect without suspension.

Valley also requests that the Commission waive the requirements of § 154.63 (b) (3) of the regulations, which require the filing of statement P material within 15 days of the date of filing of the Notice of Change in Rate. Valley further requests that in the event the Commission suspends the proposed changes in rate, Valley be permitted to file the statement P material within 15 days after the date of such suspension. In addition, Valley requests that it be permitted to file the supporting data submitted herewith, rather than all statements and schedules listed by statement A through L. Finally, Valley asks that the notice period be

shortened so that an early determination can be made of any persons, if any, having an interest in this matter.

Valley states that 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, D.C. 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 24, 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. 73-7219 Filed 4-12-73; 8:45 am]

[Docket Nos. E-7824, E-8038]

CENTRAL MAINE POWER CO.

Order Accepting for Filing Initial Rate Schedule and Proposed Revised Rate Schedule, Providing for Hearing, Permitting Interventions, Denying Motions To Reject and Instituting Investigation

APRIL 10, 1973.

On November 13, 1972, Central Maine Power Co. (Central Maine) on behalf of 12 electric utilities¹ (transmitting companies) tendered for filing as an initial rate schedule a Composite Transmission Agreement dated as of April 1, 1971, (agreement). The agreement between the transmitting companies provides for the transmission of electricity from the Maine Yankee Atomic Power Co. and is designated as docket No. E-7824. The transmitting companies request an effective date of December 1, 1972, or such earlier date at which commercial operation of the Maine Yankee unit commence.

Notice of the filing was issued on December 19, 1972, which provided for the filing of protests or petitions to intervene during a period terminating on January 3, 1973. No protests or petitions to intervene have been received.

On February 14, 1973, Central Maine tendered for filing a proposed supplement to the initial rate schedule which was designated as docket No. E-8038. This filing consists of a modification of the agreement signed by Central Maine, Bangor Hydro-Electric Co., and Maine Public Service Co. and is dated December 1, 1972. Central Maine states that it has not obtained the concurrence of all the

¹ The Connecticut Light and Power Co., New England Power Co., Boston Edison Co., The Hartford Electric Light Co., Western Massachusetts Electric Co., Central Maine Power Co., Public Service Co. of New Hampshire, Montauk Electric Co., Cambridge Electric Light Co., Bangor Hydro-Electric Co., Maine Public Service Co., and Maine Electric Power Co., Inc.

transmitting companies and thus it is submitting the modification as a unilateral filing pursuant to section 10 of the agreement. Central Maine requests that the modification be made effective on December 1, 1972, or such other date as the agreement is made effective as a rate schedule.

Central Maine states that "the effect of the modification will be to resolve an ambiguity now existing between section 4 of the agreement, which requires all purchasing companies, including Central Maine, to pay for transmission services received, and appendix A of the agreement which correctly indicates that Central Maine will not receive transmission services from the other signatory parties." Central Maine avers that the proposed revision of section 4 is intended to make it clear that it will not be required to pay for such transmission services. Further, Central Maine states that under the modification it would receive approximately \$1,175,000 in additional revenues to partially offset the annual carrying charges estimated at \$3,835,000, incurred from the construction of two 345 kV lines from the Main Yankee unit.

Notice of Central Maine's proposed modification was issued on February 26, 1973, with the period for protests or petitions to intervene ending March 9, 1973. On March 9, 1973, the New England Power Co. (NEPCO) filed a petition to intervene and a motion to reject the filing or in the alternative that the supplement be treated as a change in rates and suspended for 5 months. NEPCO's motion to reject is predicated on the assertion that the proposed supplement is in fact a change of rates and thus does not comply with the filing requirements under §§ 35.1 and 35.13 of the regulations under the Federal Power Act. Further NEPCO avers that Central Maine could not file the modification under section 10 of the agreement because the agreement was not yet in effect.

Also, on March 9, 1973, the Connecticut Light and Power Co., the Hartford Electric Light Co., and Western Massachusetts Electric Co. (petitioners) jointly filed a petition to intervene and motion to reject the filing or, in the alternative, to suspend the filing for 5 months and to order a hearing. The petitioners' motion to reject is predicated on their construction of § 35.2(e) of the Commission's regulations. Reasoning that the agreement is presently in effect as an initial rate schedule under § 35.2(e) of the Commission's regulations, the petitioners concluded the proposed modification to the agreement is a filing of a change in rate schedule. Petitioners also allege that Central Maine has not met its burden of proof to support the proposed change. Central Maine filed a response to these objections on March 22, 1973.

Central Maine's filing tendered on November 13, 1972, in docket No. E-7824 is an initial rate schedule and we will accept it for filing to become effective January 1, 1973, the date upon which the Maine Yankee unit began commercial

operations.² Further, we find the modification tendered by Central Maine in docket No. E-8038 was submitted by only 3 of the 12 transmitting companies and therefore was not a joint application to supplement the initial rate schedule filing but rather a proposed superseding change in the initial rate schedule. Contrary to NEPCO's assertions, Central Maine has supplied all the data required under §§ 35.1 and 35.13 of the Commission's regulations to evaluate its proposal. Accordingly we will accept the proposed modification for filing as a superseding change properly filed under section 35 of our regulations and as contemplated by section 10 of the agreement. However, the matters set forth in the filing in docket No. E-8038 and the petitions to intervene raise issues which require development in an evidentiary hearing. The proposed changes have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall permit the proposed change in rate schedule in docket No. E-8038 to become effective March 16, 1973 (30 days after filing), and institute an investigation under section 206 of the Federal Power Act.

The basic transmission agreement appears to provide for automatic adjustments in rates to reflect sales tax changes. Any such rate adjustments must be filed with the Commission as a rate schedule change together with appropriate data and computations showing the basis for the change in rate.

It is noted that section 4 of the basic transmission agreement provides for a transmission charge to be based on "total annual costs" and "total New England capability" as determined by the NEPOOL executive committee, and that section 5 provides for division of payments among the transmitting parties on the basis of kilowatt-miles of transmission capacity made available. All requisite determinations to be made by NEPOOL should be submitted by Central Maine as soon as they become available.

Section 4 of the basic transmission agreement defines the main line transmission system by reference to the Interim NEPEX agreement dated May 1, 1970. The applicable portion of the NEPEX agreement should be submitted by Central Maine as an exhibit to the basic transmission agreement filed herein.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed modification in docket

No. E-8038, and that the tendered initial rate schedule and proposed modification of the rate schedule be accepted for filing as hereinafter provided.

(2) The disposition of the proceeding in docket No. E-8038 should be expedited in accordance with the procedure set forth below.

(3) Good cause exists to permit the intervention of all the above-named petitioners including those who filed late.

(4) Participation by all the above-named petitioners in the proceedings in docket No. E-8038 may be in the public interest.

The Commission orders:

(A) Central Maine's agreement tendered on November 13, 1972, is hereby accepted for filing to become effective on January 1, 1973.

(B) Central Maine's proposed modification tendered on February 14, 1973, is hereby accepted for filing to become effective March 16, 1973.

(C) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR ch. I), a public hearing shall be held, commencing with a prehearing conference on July 31, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the lawfulness of the agreement as supplemented.

(D) Central Maine shall file its direct case in support of its filings in these dockets on or before May 15, 1973. Intervenor shall file their direct cases on or before June 15, 1973. The staff shall file its direct case, if any, on or before July 6, 1973. Central Maine's rebuttal evidence shall be filed on or before July 20, 1973.

(E) At the prehearing conference on July 31, 1973, the evidence submitted by Central Maine, the intervenors, and the staff shall be admitted into the record subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of § 1.18 of the Commission's rules of practice.

(F) The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see delegation of authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(G) Motions to reject the filing in docket No. E-8038 filed respectively by NEPCO and the Petitioners are hereby denied.

(H) Central Maine shall submit the cost and capability determinations to be made by NEPOOL, as hereinbefore described, as soon as they become available.

(I) The applicable portion of the May 1, 1970, Interim NEPEX agreement,

² By letter dated Jan. 24, 1973, the Maine Yankee Atomic Power Co. informed the Commission that its plant began commercial operations on Jan. 1, 1973.

as hereinbefore described, shall be submitted by Central Maine within 10 days from the date of this order.

(J) The above-named petitioners are hereby permitted to intervene in the proceedings in docket No. E-8038, subject to the rules and regulations of the Commission: *Provided, however, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: And provided further, That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.*

(K) Pursuant to § 2.59(c) of the Commission's rules of practice and procedure, Central Maine shall promptly serve copies of its filing in docket No. E-8038 upon all of the above-mentioned intervenors, unless such service has already been effected pursuant to part 35 of the regulations under the Federal Power Act.

(L) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-7209 Filed 4-12-73; 8:45 am]

NATIONAL COMMISSION ON MATERIALS POLICY

PREPARATION OF FINAL REPORT Notice of Meeting

APRIL 10, 1973.

Pursuant to the requirements of the Federal Advisory Committee Act, notice is hereby given that there will be a meeting of the National Commission on Materials Policy on Monday, April 16, 1973, at 9 a.m. The meeting will be held in the Commission's offices, room 3002, 2025 M Street NW., Washington, D.C. The meeting will be held for the purpose of reviewing reports prepared for the Commission by staff members and by various persons and groups outside the Government, and for the purpose of preparing the Commission's final report to the Congress and the President. The meeting will not be open to the public.

JAMES BOYD,
Executive Director.

[FR Doc. 73-7282 Filed 4-12-73; 8:45 am]

OFFICE OF ECONOMIC OPPORTUNITY

[Contract No. B2C-5370]

FUTURE HOUSING PROGRAMS Notice of Reported Findings

As a result of OEO contract No. B2C-5370, Boone, Young, and Associates of New York City has presented to the agency a report containing recommendations for planning future housing programs for low-income individuals and families by community action agencies.

Based on a research sample of nine communities in region III the report suggests the following roles for housing components of community action agencies: Greater emphasis should be placed upon development of property management (of low- and moderate-income housing) components, tenant and homeowner organizations, and comprehensive tenant and homeowner education programs; and, coordination of CAA and other housing programs should be strengthened and expanded, especially in the areas of financing, zoning, and precise needs determination.

Copies of the report are available in limited quantities from the region III program evaluation branch.

HOWARD PHILLIPS,
Acting Director.

[FR Doc. 73-7149 Filed 4-12-73; 8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 09/12-0023]

CALIFORNIA GROWTH CAPITAL, INC.

Notice of Approval for Transfer of Control of a Small Business Investment Company

On March 15, 1973, a notice of request for approval for transfer of control was published in the FEDERAL REGISTER (37 FR 7033) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR 107.701 (1972)) for the transfer of control of California Growth Capital, Inc. (Growth), 1615 Cordova Street, Los Angeles, Calif. 90007, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C., 661 et seq.).

The name of Growth is to be changed to "First Southern Capital Corp." and the principal office moved to 1208 Commerce Building, New Orleans, La. First National Bank of Commerce will own 49 percent of the licensee's stock, All American Assurance Co., 16.6 percent, and Jaser Development Co., 14.9 percent.

Interested persons were given 15 days to submit written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has approved this application for transfer of control.

Dated April 6, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc. 73-7146 Filed 4-12-73; 8:45 am]

[License application No. 03/05-5115]

EQUAL OPPORTUNITY CORP. OF PENNSYLVANIA

Notice of Application for a License as a Limited Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of

1958, as amended (15 U.S.C. 661 et seq.), has been filed by Equal Opportunity Corp. of Pennsylvania (Applicant) with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1972)).

The officers and directors of the Applicant are as follows:

Clarence G. Kitzmiller, president, director,
700 Ohio Avenue, Lemoyne, Pa. 17043.
Earl J. Brandt, vice president, director, 2806
Rothforn Road, Camp Hill, Pa. 17011.
Morton A. Lutzker, secretary, director, 1800
Appletree Road, Harrisburg, Pa. 17110.
E. Richard Dodd, treasurer, director, 414
Blockatch Lane, Cony Hill, Pa. 17011.

The Applicant, a Pennsylvania corporation, with its principal place of business located at 302 North Bridge Street, New Cumberland, Pa. 17070, will begin operations with \$300,000 of paid-in capital, consisting of 1 million shares of common stock having a par value of \$0.01 per share. All of the issued and outstanding common stock will be owned equally by the four individuals above-named, each owning 250,000 shares of such stock.

According to the company's stated investment policy, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant will be the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness in accordance with the Small Business Investment Act and the SBA rules and regulations.

Any person may, on or before April 30, 1973, submit written comments to SBA on the proposed licensee. Any such communication should be addressed to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New Cumberland, Pa.

Dated April 6, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc. 73-7147 Filed 4-12-73; 8:45 am]

[License application No. 02/02-5294]

FINEST CAPITAL CORP.

Notice of Application for a License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.),

has been filed by Finest Capital Corp. (Applicant with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1972)).

The officers and directors of the applicant are as follows:

Abraham Fruchthandler, president, director, general manager, 1109 East Seventh Street, Brooklyn, N.Y. 11230.

Moshe Fruchthandler, vice president, director, 1119 Ocean Parkway, Brooklyn, N.Y. 11230.

Solomon Fruchthandler, treasurer, director, 406 Crown Street, Brooklyn, N.Y. 11225.

Joseph Fruchthandler, secretary-director, 1060 East 17th Street, Brooklyn, N.Y. 11230.

Ruth Fruchthandler, director, 364 Crown Street, Brooklyn, N.Y. 11225.

The Applicant, a New York corporation, with its principal place of business located at 118-21 Queens Boulevard, Forest Hills, N.Y. 11375, will begin operations with \$155,000 of paid-in capital, consisting of 150 shares of preferred stock of \$1,000 par value, and issued at par, and 50 shares of no-par common stock, issued at \$100 a share. All of the issued and outstanding common stock and all of the preferred stock will be owned equally by the 5 individuals above-named, each owning 30 shares of the preferred stock and 10 shares of the common stock.

According to the company's stated investment policy, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the application under that management, including adequate profitability and financial soundness in accordance and the SBA rules and regulations.

Any person may, on or before April 30, 1973, submit written comments to SBA on the proposed licensee. Any such communication should be addressed to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Forest Hills, N.Y.

Dated April 5, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.73-7135 Filed 4-12-73; 8:45 am]

[License No. 04/05-0033]

GULF STATES CAPITAL CORP.

Notice of License Surrender

Notice is hereby given that Gulf States Capital Corp., 3605 North Davis Street, Pensacola, Fla. 32502, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the Small Business Administration's rules and regulations governing small business investment companies (13 CFR 107.105 (1972)).

Gulf States Capital Corp., was licensed as a small business investment company on August 14, 1961, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.), and the regulations promulgated thereunder.

Under the authority vested by the Act and pursuant to the cited regulation, the surrender of the license is hereby accepted and all rights, privileges, and franchises therefrom are canceled.

Dated April 9, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.73-7148 Filed 4-12-73; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 219]

ASSIGNMENT OF HEARINGS

APRIL 10, 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.

PD 25949, Lehigh Valley Railroad Co., abandonment between Dushore and Towanda, Pa., now assigned May 1, 1973, at Towanda, Pa., will be held in Courtroom 2, Bradford County Courthouse.

MC 113678 subs 469, 470, and 471, Curtis, Inc., now assigned May 9, 1973, at Denver, Colo., is cancelled and reassigned to June 25, 1973, at New York, N.Y., in a hearing room to be later designated.

MC 113678 subs 481, 482, and 483, Curtis, Inc., now being assigned hearing June 25, 1973 (1 week), at New York, N.Y., in a hearing room to be later designated.

MC 5623 sub 19, Arrow Trucking Co., now assigned June 11, 1973, at Columbus, Ohio, is cancelled and application dismissed.

MC 138168, Load & Go Truck Line, now assigned May 7, 1973, at Phoenix, Ariz., is postponed indefinitely.

MC 69635 sub 4, The Fortune Corp., now being assigned hearing May 22, 1973 (3 days), at Olympia, Wash., in a hearing room to be later designated.

MC 133748 sub 3, Life Moving & Storage Co., now being assigned June 4, 1973 (1 week), at Olympia, Wash., in a hearing room to be later designated.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-7186 Filed 4-12-73; 8:45 am]

[I.C.C. Order 89; Rev. S. O. 994]

KANSAS CITY SOUTHERN RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Kansas City Southern Railway Co., is unable to transport traffic over its line south from Kansas City, Mo., because of congestion.

It is ordered, That:

(a) The Kansas City Southern Railway Co., being unable to transport traffic over its line south from Kansas City, Mo., because of congestion, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.*—This order shall become effective at 3 p.m., April 5, 1973.

(g) *Expiration date.*—This order shall expire at 11:59 p.m., April 12, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 5, 1973.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-7187 Filed 4-12-73;8:45 am]

[Notice 252]

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 May 3, 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-74000. By order of March 29, 1973, the Motor Carrier Board approved the transfer to Northern Express, Inc., Carteret, N.J., of the portion of certificate No. MC-60852 issued June 8, 1970, to Warco Service, Inc., Dunellen, N.J., authorizing the transportation of: General commodities, subject to restrictions, between New York, N.Y., on the one hand, and, on the other, points in

Hudson, Essex, Passaic, Bergen, Union, Somerset, and Middlesex Counties, N.J. Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904, and George A. Olsen, 69 Tonnelle Avenue, Jersey City, N.J. 07306, applicants' practitioners.

No. MC-FC-74264. By order of March 29, 1973, the Motor Carrier Board approved the transfer to Valley Transit Corp., Justice, Ill., of certificate No. MC-59378, issued October 16, 1967, to West Suburban Transit Lines, Inc., authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicles with passengers, between Chicago and Joliet, Ill., and between Chicago and Aurora, Ill., over described routes. Philip A. Lee, 33 North Dearborn Street, Chicago, Ill. 60602, applicants' attorney.

No. MC-FC-74288. By order entered March 30, 1973, the Motor Carrier Board approved the transfer to John A. Bagwell, doing business as Bagwell Trucking, Delmar, Md., of the operating rights set forth in certificates Nos. MC-125833 (sub-No. 1) and MC-125833 (sub-No. 3), issued by the Commission April 6, 1964, and July 18, 1967, respectively, to Albert C. Davidson, Harbeson, Del., authorizing the transportation of lumber, from Hebron and Salisbury, Md., to specified points in New Jersey and Pennsylvania, and points in Delaware and Maryland; lumber and forest products, from points in Wicomico and Somerset Counties, Md., and Sussex County, Del., specified areas in Pennsylvania and New Jersey, and those in the New York, N.Y. commercial zone: from points in Sussex County, Del., to Baltimore, Md.; fruit and vegetable containers, from Hebron and Salisbury, Md., to specified points in New Jersey, New York, and Virginia and points in Delaware and Maryland; building materials, from Philadelphia, Pa., and Wilmington, Del., to Hebron, Salisbury, and Fruitland, Md.; agricultural commodities, from points in Wicomico County, Md., within 15 miles of Hebron, Md., to specified points in Pennsylvania, and New York, N.Y.; and wooden pallets, from points in Kent County, Del., to Baltimore, Md., Philadelphia, Pa., New York, N.Y., points in Nassau County, N.Y., and points in New Jersey. M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061, attorney for applicants.

No. MC-FC-74324, by order of March 27, 1973, the Motor Carrier Board approved the transfer to L&L Equities, Inc., doing business as Delta Truck Lines, Newfoundland, Pa., of certificate No.

MC-75 issued to Harry Smulovitz, doing business as Smulovitz Bros., Kingston, Pa., authorizing the transportation of: Coal, groceries, and farm produce, between specified points and areas in New York, New Jersey, and Pennsylvania. Kenneth R. Davis, practitioner, Taylor, Pa. 18517.

No. MC-FC-74329. By order of March 28, 1973, the Motor Carrier Board approved the transfer to Langer Truck Line, Inc., Springfield, Mo., of certificate No. MC-135414 issued to Harold W. Langer, Springfield, Mo., authorizing the transportation of: General commodities, usual exceptions, between Springfield and Mt. Vernon, Mo. Thomas F. Kilroy, attorney, 6914 Conservation Drive, Springfield, Va. 22153.

No. MC-FC-74353. By order of March 29, 1973, the Motor Carrier Board approved the transfer to Angeline D. Nickrosz, doing business as Black & White Trucking Co., Mount Lebanon Street, East Pepperell, Mass. 01437, of certificate of registration No. MC-57831 (sub-No. 2) issued to Victor Nickrosz, doing business as Black & White Trucking Co. (above address), evidencing a right to engage in interstate or foreign commerce, solely within the State of Massachusetts.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-7189 Filed 4-12-73;8:45 am]

[Notice 251]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 10, 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-74330. By application filed April 9, 1973, Smithway Motor Xpress, Inc., Route 4, Box 404, Fort Dodge, Iowa 50501, seeks temporary authority to lease the operating rights of Park Transportation Co., P.O. Box 93, Madison, Ill. 62060, and Acme Transfer, Inc., Route 4, Fort Dodge, Iowa 50501, under section 210a(b). The transfer to Smithway Motor Xpress, Inc., of the operating rights of Park Transportation Co., and Acme Transfer, Inc., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-7188 Filed 4-12-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR	Page	9 CFR—Continued	Page	20 CFR	Page
PROCLAMATIONS:		123.....	8426, 9221	PROPOSED RULES:	
2032 (see PLO 5342).....	8445	316.....	9088	405.....	8450
2372 (see PLO 5342).....	8445	318.....	9088		
4205.....	9151	PROPOSED RULES:		21 CFR	
4206.....	9215	203.....	9238	1.....	8650
4207.....	9217	319.....	9170	2.....	8650
EXECUTIVE ORDER:		327.....	8449	8.....	8650, 9077
10918 (revoked by 11710).....	9071	12 CFR		9.....	9077
11710.....	9071	201.....	9076	121.....	8593-8596, 8651, 8652, 8738
		265.....	8592	135.....	8652, 9009
5 CFR		303.....	9221	135b.....	8653, 8739, 9010
213.....	8448, 8588, 8737, 9073, 9219	563.....	9153	135c.....	8596, 8652, 9294
6 CFR				135e.....	8596, 8597, 8651, 8654, 9009
130.....	8505, 8588, 9024	13 CFR		141.....	8654, 8656
7 CFR		121.....	9007, 9291	141a.....	8597, 8654
68.....	9074	14 CFR		141c.....	9010
301.....	8659, 8660	39.....	8508, 8509, 8643, 9221	146a.....	8597, 8654
319.....	9005	61.....	9292	148e.....	8656
354.....	9006	71.....	8428, 8509, 8643, 8737, 9008, 9157, 9221, 9292	149g.....	8597
722.....	8508			149k.....	8654
724.....	9153, 9219	73.....	9077, 9157, 9292	150b.....	9011
905.....	9075	95.....	8428	150g.....	9013
907.....	8425, 8660, 9219	97.....	8643, 9292	167.....	8650
908.....	8425, 8661, 9006, 9220	189.....	9008	295.....	9161
909.....	8508	221.....	9222	PROPOSED RULES:	
910.....	8747, 9291	229.....	9008	121.....	9310
1103.....	8748	298.....	8430	130.....	8714
1468.....	9075	399.....	9222	141a.....	8520
1472.....	9075	PROPOSED RULES:		146a.....	8520
1701.....	8589	39.....	8667, 8751, 9091, 9092, 9314	149h.....	8520
1823.....	8662, 8663	71.....	8522, 8667-8669, 9029, 9092, 9093, 9240, 9241	191.....	9310-9312
PROPOSED RULES:		249.....	9030	191e.....	9312
52.....	9302	371.....	9030	273.....	8600, 8666
210.....	9234-9236	16 CFR		278.....	9027
220.....	9236, 9237	4.....	8644	308.....	9170
225.....	9234-9237	13.....	8645-8649, 9157, 9223-9225	22 CFR	
760.....	9234	PROPOSED RULES:		6.....	9013
908.....	8749	433.....	8600	24 CFR	
989.....	8749	17 CFR		1914.....	8431, 8432, 8740, 8741, 9014, 9015, 9085, 9086, 9162
1030.....	8518, 9025	211.....	9158	1915.....	9016, 9086
1103.....	8751	231.....	9158	25 CFR	
1121.....	9303	240.....	9160	112.....	9163
1125.....	8520	241.....	9158	26 CFR	
1427.....	9025	270.....	8592	1.....	8656, 9295
1701.....	9026, 9027, 9309	PROPOSED RULES:		12.....	9295
8 CFR		230.....	8600	13.....	9295
1.....	8590	270.....	8601	148.....	9226
103.....	8590	18 CFR		601.....	8448, 9227
212.....	8590	1.....	8738, 9293	29 CFR	
214.....	8591	PROPOSED RULES:		15.....	8664
264.....	8591	2.....	9315, 9316	1910.....	9078
299.....	8592	19 CFR		PROPOSED RULES:	
312.....	8592	4.....	9009	602.....	9031
499.....	8592	16.....	9225	603.....	9031
PROPOSED RULES:		153.....	9226	608.....	9031
100.....	8449			609.....	9031
9 CFR				610.....	9031
73.....	9007			612.....	9031
78.....	9087			614.....	9031
82.....	9088			615.....	9031
101.....	8426, 9221			687.....	9031
				723.....	9031
				724.....	9031
				725.....	9031

31 CFR	Page	40 CFR—Continued	Page	47 CFR	Page
51.....	9132	224.....	8729	0.....	8744
306.....	8432	225.....	8729	1.....	9169
		226.....	8730	2.....	9228
32 CFR		PROPOSED RULES:		21.....	8569, 9017
164.....	8509	164.....	8670	25.....	8569
815.....	9017			64.....	8744
873.....	9165	41 CFR		73.....	8746, 9297
1499.....	9017	1-3.....	8741	PROPOSED RULES:	
1604.....	8739	3-50.....	9079	2.....	9170
1613.....	8739	4-3.....	8443	18.....	9170
PROPOSED RULES:		4-7.....	8443	21.....	9170
1604.....	9030	101-32.....	8510	64.....	8753
		101-35.....	8444, 8513	73.....	8461, 8754, 9170, 9315
32A CFR		114-1.....	8743	74.....	8170
PROPOSED RULES:		114-47.....	9081	89.....	9170
OI Reg. I.....	9091	PROPOSED RULES:		91.....	9170
		15-16.....	8458	93.....	9170
33 CFR		71.....	8522		
117.....	8433, 8656, 9079, 9227	114-50.....	9302	49 CFR	
401.....	8433, 9228			1.....	9082
		42 CFR		71.....	9228
36 CFR		PROPOSED RULES:		192.....	9083
327.....	9166	57.....	9314	571.....	8514
PROPOSED RULES:				1033.....	8445,
7.....	8749	43 CFR		8446, 8516, 8598, 8657, 9229, 9230,	
		PUBLIC LAND ORDERS:		9232	
37 CFR		5158 (corrected by PLO 5342).....	8445	1036.....	8517, 8657
1.....	9297	5290 (corrected by PLO 5343).....	8445	PROPOSED RULES:	
		5242 (corrected by PLO 5343).....	8445	85.....	9030
38 CFR		5343.....	8445	570.....	8451
3.....	8568	PROPOSED RULES:		571.....	8600, 8752
21.....	8659	2800.....	8449	572.....	8455
PROPOSED RULES:				574.....	9030
17.....	9316	45 CFR		1300.....	8461, 8601
21.....	8523	15.....	8492	1303.....	8601
		205.....	8743	1304.....	8601
40 CFR		233.....	8743	1306.....	8601
52.....	9088	1061.....	8445	1307.....	8601
61.....	8820	46 CFR		1308.....	8601
182.....	9089	70.....	9081	1309.....	8601
220.....	8726	80.....	9081	50 CFR	
221.....	8727	310.....	9166	28.....	9169, 9232
222.....	8727	PROPOSED RULES:		33.....	8599, 8657, 8658, 9018, 9084, 9233
223.....	8729	Ch. IV.....	9241	240.....	9018
		544.....	9241	PROPOSED RULES:	
				33.....	8664

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	Date
8419-8499.....	April 2
8501-8559.....	3
8561-8636.....	4
8637-8730.....	5
8731-8998.....	6
8999-9063.....	9
9065-9143.....	10
9145-9207.....	11
9209-9284.....	12
9285-9419.....	13

federal register

FRIDAY, APRIL 13, 1973

Volume 38 ■ Number 71

PART II



DEPARTMENT OF LABOR

**Employment Standards
Administration**



**Minimum Wages for Federal
and Federally Assisted
Construction**

**Area Wage Determination Decisions,
Modifications, and Supersedeas
Decisions**

DEPARTMENT OF LABOR

Employment Standards Administration
MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTIONModifications and Supersedeas Decisions
to Area Wage Determination Decisions

Area wage determination decisions.—Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, procedure for predetermination of wage rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area wage determination decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as

required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to area wage determination decisions.—Modifications and supersedeas decisions to area wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, procedure for predetermination of wage rates (37 FR 21138), and of Secretary of Labor's Orders 12-71 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 decision being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Colorado:	
AP-232; AP-233; AP-234...	Sept. 15, 1972.
Florida:	
AP-123; AP-124; AP-127...	Nov. 17, 1972.
Kansas:	
AP-500	Aug. 11, 1972.
AP-503	Aug. 25, 1972.
Louisiana:	
AP-397; AP-398	Jan. 26, 1973.
Maryland:	
AP-492	Mar. 9, 1973.
Massachusetts:	
AP-457; AP-459; AP-461...	Jan. 19, 1973.
AP-470	Feb. 16, 1973.
Montana:	
AP-279	Mar. 30, 1973.
Nebraska:	
AP-523	Mar. 30, 1973.
New Mexico:	
AP-700	Feb. 9, 1973.
New York:	
AM-1726	Aug. 1, 1971.
AP-452	Dec. 15, 1972.
AP-469	Feb. 9, 1973.
AP-800	Mar. 30, 1973.
North Dakota:	
AP-267; AP-268	Mar. 9, 1973.
Pennsylvania:	
AP-422; AP-425	Sept. 29, 1972.
AP-430	Oct. 30, 1972.
AP-454	Jan. 5, 1973.
AP-464; AP-465; AP-466;	
AP-467	Jan. 26, 1973.
AR-480	Mar. 2, 1973.
AP-490	Mar. 9, 1973.
South Dakota:	
AP-262	Feb. 16, 1973.
Tennessee:	
AP-138	Nov. 25, 1972.
Texas:	
AP-388; AP-391; AP-392;	
AP-393; AP-394	Jan. 26, 1973.
AP-399	Feb. 2, 1973.
Virginia:	
AP-492	Mar. 9, 1973.
Washington, D.C.:	
AP-491	Mar. 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 decisions numbers are in parentheses following the number of the decision being superseded):

Hawaii:	
AP-208(AP-291)	Aug. 4, 1972.
AP-247(AP-292)	Oct. 13, 1972.
Nebraska:	
AP-518(AP-525)	Mar. 23, 1973.
West Virginia:	
AM-9690(AP-801)	Mar. 24, 1972.

Signed at Washington, D.C., this 6th day of April 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 1

MODIFICATIONS P. 2

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments				Ded.
	H & W	Pensions	Vacation	App. Tr.		H & W	Pensions	Vacation	App. Tr.	
DECISION #AP-232 - Mod. #4 (37 - FR - 18854 - September 15, 1972) Statewide, Colorado Change: Power Equipment Operators See Modifications Pages 2, 3 and 4										
DECISION #AP-233 - Mod. #3 (37 FR 18861 - September 15, 1972) El Paso County, Colorado Change: Power Equipment Operators See Modifications Pages 2, 3 and 4										
DECISION #AP-234 - Mod. #3 (37 FR 18868 - September 15, 1972) Adams, Arapahoe, Boulder (southeast portion incl. City of Boulder), Denver, Douglas (northern portion), Elbert (northern portion, Jefferson, Weld (southeast portion) Counties, Colorado Change: Power Equipment Operators See Modifications Pages 2, 3 and 4										
POWER EQUIPMENT OPERATORS (For Work in Tunnels, Shafts, & Raises)										
BRAKEMAN					\$5.35	.32	.35	.10	.03	
MOTORMAN					5.70	.32	.35	.10	.03	
COMPRESSOR (900 CFM & Over), Serving tunnels, shafts & raises					5.80	.32	.35	.10	.03	
AIR TRACTORS: Grout machine; Concrete machine; Jumbo form; Mechanic; Welder					6.05	.32	.35	.10	.03	
CONCRETE PLACEMENT PUMPS 8" & OVER DISCHARGE; Mechanic-Welder (Heavy Duty); Mocking Machine & Frontend Loaders Underground; Slusher					6.20	.32	.35	.10	.03	
MOLE					6.60	.32	.35	.10	.03	

MODIFICATIONS P. 3

Colo. 1 - FED - 1-2-3-c (1-2)

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts & Raises)	Basic Hourly Rates	Fringe Benefits Payments			App. To	On
		H & W	Pension	Vacation		
GROUP I Asphalt Screed; Brakeman; Drill Operator, smaller than William MF & similar; Helper to Heavy Duty Mechanic and/or Welder; Tractor Operator (under 70 HP), with or without attachments; Oiler	\$5.20	.32	.35	.10	.03	
GROUP II Air Compressor; Ditch Witch Trenching Machine and similar; Equipment Lo- driving and Service Engineer; Fork Lift; Haulage Motorman (Brakeman); Operators of five or more light Plants; Welding Machines, Com- pressors 360 C.F.M. or less, Pumps, Generators; Pughill Operator; Pug- mill; Pumps; Portable Screening Plant with or without a Spray Bar; Screening Plants with Classifier; Self-Propelled Rollers - 5 tons & under; Vacuum Well point system	5.55	.32	.35	.10	.03	
GROUP III Asphalt Plant; Backfiller; Bituminous Spreader or Laydown Machine; Cable- way Signalman; Caissons Drill; (William MF, similar and larger; C. M.L. and similar; Concrete Finish Machine; Concrete Gang Saws on Concrete Paving; Concrete Mixer (less than 1 yd.); Concrete Place- ment Pumps (under 8 in.); Conveyor (handling building materials); Dis- tributors, bituminous surfaces; Drill, (diamond or core); Drill Rigs (Rotary, churn or cable tool); Elevating Graders; Engineer Fire- man; Fireman or Tank Heater, Road; Grout Machine; Gunnite Machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to & including 6 cu. yd.); Machine Doctor Road Stabilization Machine; Rollers- Self-Propelled-all types over 5 tons Sandblasting Machine; Scrapers -						

MODIFICATIONS P. 4

Colo. 1 - FED - 1-2-3-c (2-2)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			App. To	On
		H & W	Pension	Vacation		
GROUP III (cont'd) Single Bowl - under 40 cu. yds.; Single Unit Portable Crusher-with or without washer; Tilt Taper, Wheel Mounted; Tractor (70 h.p. and over) (with or without attachments); Trenching Machine; Welder; Winch Operator on Truck; Concrete Batching Plants	\$5.90	.32	.35	.10	.03	
GROUP IV Concrete Mixer (over 1 cu. yd.); Con- crete Paver 34 E or similar; Concrete Placement Pumps (8 in. & over); Crane (50 tons & under); Hoists (2 drums); Loader - over 6 cu. yd.; Mechanic - Welder (Heavy Duty); Mixmobile; Multiple Unit Portable Crusher - with or without washers; Pile Driver; Refractor; Cable-operated crane, truck mounted, 25 tons & over; Cable-operated power shovels; dragline; Clamshells, & backhoes (5 cu. yd. & under); Hydraulic backhoes, 1 1/2 cu. yd. & over; Special utility Operator; Scooper; Scraper-all tan- dem bowls; Scraper - Single bowl in- cluding gups 40 cu. yd. & over; Self- Propelled Hydrocrane; Tractor with Side Boom; Truck Mounted Hydrocrane	6.05	.32	.35	.10	.03	
GROUP V Crane Operator - over 50 tons; Der- rick; Electric Rail Type Tower Crane; Hoist (3 drum or more); Cable- operated Power Shovels, Draglines, Clamshells & Backhoes (over 5 cu. yd.); Quad Mine and Similar Push Unit	6.20	.32	.35	.10	.03	
GROUP VI Cableway; Crawler or Truck Mounted Tower Crane; Wheel Excavator; Climbing tower crane	6.35	.32	.35	.10	.03	

MODIFICATIONS P. 5.

MODIFICATIONS P. 6.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AP-123 - Mod. #5 (37 FR 24521 - November 17, 1972) Broward County, Florida Change: Building Construction: Sheet Metal Workers	\$9.45	.45	.35	.08	
DECISION #AP-124 - Mod. #5 (37 FR 24524 - November 17, 1972) Monroe County, Florida Change: Carpenters & Soft floor layers Sheet Metal Workers Add: Painters: Scaffold work Extension ladder and erected scaffold over 28'; Tapers and peperhangers; Structural steel Drywall taper mechanical	6.00 9.45 7.85 7.70 8.20	.45 .45 .25 .25 .25	.30 .30 .30 .30 .30	.01 .06 .01 .01 .01	
DECISION #AP-127 - Mod. #6 (37 FR 24531 - November 17, 1972) Bada County, Florida Change: Building Construction Sheet Metal Workers	9.45	.45	.35	.08	
DECISION #AP-500 - Mod. #5 (37 FR 16308 - August 11, 1972) Sedgewick County, Kansas Change Mod. #3 (38 FR 7696 - March 23, 1973) to Read Mod. #4					

DECISION #AP-503 - Mod. #3
(37 FR 17349 - August 25, 1972)
Douglas, Jefferson, Leavenworth,
Miami, and Shawnee Counties, Kansas
Change:
IRONWORKERS
CEMENT MASONS:
Douglas & Shawnee Counties
Jefferson County
POWER EQUIPMENT OPERATORS
SCHEDULE (Leavenworth County)
TRUCK DRIVERS SCHEDULE (Leavenworth
County)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
	\$8.50	.40	.40	.50	.05
	6.85	.35	.25		
	6.55	.35	.25		

MODIFICATIONS P. 7

DECISION #AP-503 (Cont'd)

MODIFICATIONS P. 8

DECISION #AP-503 (Cont'd)

100 - KAN FED. 2 - 3 - h (1-2)

100 - KAN FED. 2 - 3 - h (2-2)

LEAVENWORTH COUNTY

POWER EQUIPMENT OPERATORS

Group I

Asphalt Paver and Spreader; Auto Grader; Back Hoe; Blade Operator, all types; Boilers - 2; Booster Pump on Dredge; Boring Machine (Truck or Crane Mounted); Bulldozer Operator; Clashall Operator; Compressor Maintenance Operator - 2; Concrete Plant Operator - Central Mix; Concrete Mixer Paver; Crane Operator; Derrick Operator; Dredge Engine; Dredge Operator; Drillcut with Compressor Mounted on Cat; Drilling or Boring Machine, Rotary, self-propelled; High Loader - Fork Lift; Locomotive Operator, Standard Gauge; Mechanics and Welders; Maintenance Operator; Hoisting Machine; Pile Driver Operator; Pitman Crane Operator; Pump - 2; Quad-Trac; Scoop Operator - all types; Scoops in Tandem; Self-Propelled Rotary Drill (Leroy or Equal - not Air Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Throttle Man; Truck Crane; Welding Machine Maintenance Operator - 2; Hoisting Engine-2 active drums

Group II

"A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman; Drum or Roller; Asphalt Plant Mixer Operator; Asphalt Plant Operator; Asphalt Roller Operators; Backfiller Operator; Chip Spreader; Concrete Batch Plant, dry - Power Operated; Concrete Mixer Operator, Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser; Hoisting Engine - 1 drum; Lafourneau Booter; Multiple Compactor; Pavement Breaker, Self-Propelled, of the Hydra-Hammer or Similar Type; Power Shield; Stamp Cutting Machine; Towboat Operator; Tractor Operator - over 50 HP

Group III

Boilers - 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator - 1; Concrete Saw, Self-Propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Oilier Driver, all types; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than High Type Asphalt; Screening and Washing Plant Operator

LEAVENWORTH COUNTY

POWER EQUIPMENT OPERATORS (CONT'D)

Group III (Cont'd)

Self-Propelled Street Broom or Sweeper; Siphons and Jets; Sub-Grading Machine Operator; Tank Car Heater Operator - Combination Boiler and Booster; Tractor - 50 HP or less, without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1

Group IV
Mechanic's Helper; Oilier

Clashalls, 3 yards or over

Crane or Rigs, 80 feet of boom or over (including jib)

Crane or Rigs 200 feet of boom or over

Dragline, 3 yards or over

Pile drivers, 80 feet of boom or over (including jib)

Shovels, 3 yards or over

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.

LEAVENWORTH COUNTY

TRUCK DRIVERS:

One Team; Station Wagons; Pickup Trucks; Material Trucks, Single Axle; Tank Wagon Drivers, Single Axle

Material Trucks, Tandem; Two Teams; Semi-Trailers; Winch Truck--Fork Trucks; Distributor Drivers and Operators; Agitator and Transit Mix; Tank Wagon Drivers, Tandem or Semi-Trailer; Insley Wagons; Dump Trucks excavation 5 cu. yds. and over; Dumpsters; Half-Trucks; Spedace; Euclids and other similar excavating equipment

A Frame-Low Boy-Tow truck drivers

Mechanics & Welders

Mechanics' Helpers, Oilers & Greasers

Kansas 1-3-Lab-2-3-E

DECISION #AF-503 (cont'd)

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
	H & W	PENSIONS	VACATION	APP. TL. OTHER

DECISION #AF-503 - Mod. #3
(37 FR 17349 - August 25, 1972)
Douglas, Jefferson, Leavenworth,
Miami, and Shawnee Counties, Kansas

Change:
LABORERS SCHEDULES
Douglas and Shawnee Counties
Leavenworth County
Miami County
Jefferson County

LEAVENWORTH COUNTY

LABORERS:
Board mat weavers & cable tiers;
Georgia buggy (manually operated);
Mixer-man-no skip; lift; Nailers,
Salamander Tenders; Truck men;
Tractor Swampers; Truck Dumper; Wire
Mesh Setter; Water Pump up to 4 inch;
& all other general laborer including
flagman
Air tool operators; Cement Handlers
(Bulk); Chain Saw; Georgia Buggy
(Mechanically operated); Grade Man;
Hot Mastic Kettleman; Crusher Feeder;
Joint Man; Jute Man; Mason Tender;
Material Batch Hopper & Scale man;
Mixer Man; Pier Hole Man Working 10
feet deep; Pipelayer - Drainage (con-
crete and/or corrugated metal);
Signal Man (Crane); Truck Dumper -
Dry Batch; Vibrator Operator; Wagon
and Churn Drill Operator
Asphalt Baker, Barco Tamper; Concrete
Saw; Creosote Material - Handling &
Applying; Nozzle Burner (cutting
torch)
Conduit Pipe; Tile & Duct Line Setter;
Form Setter & Liner on concrete pav-
ing; Powderman; Sandblasting & Gun-
ite Nozzleman; Sanitary Sewer Pipe
Layer
Leadmen or Pusher

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. TL.
4.775	.20		.20	
4.925	.20		.20	
5.025	.20		.20	
5.175	.20		.20	
5.275	.20		.20	

Kansas 1-3-Lab-2-3-E

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. TL.
\$5.00	.35		.25	
5.15	.35		.25	
5.25	.35		.25	
5.40	.35		.25	
5.50	.35		.25	

DOUGLAS AND SHAWNEE COUNTIES

LABORERS:
Board mat weavers & cable tiers;
Georgia buggy (manually operated);
Mixer-man-no skip; lift; Nailers,
Salamander Tenders; Truck men;
Tractor Swampers; Truck Dumper; Wire
Mesh Setter; Water Pump up to 4 inch;
& all other general laborer including
flagman
Air tool operators; Cement Handlers
(Bulk); Chain Saw; Georgia Buggy
(Mechanically operated); Grade Man;
Hot Mastic Kettleman; Crusher Feeder;
Joint Man; Jute Man; Mason Tender;
Material Batch Hopper & Scale man;
Mixer Man; Pier Hole Man Working 10
feet deep; Pipelayer - Drainage (con-
crete and/or corrugated metal); Sig-
nal Man (Crane); Truck Dumper - Dry
Batch; Vibrator Operator; Wagon and
Churn Drill Operator
Asphalt Baker, Barco Tamper; Concrete
Saw; Creosote Material - Handling &
Applying; Nozzle Burner (cutting
torch)
Conduit Pipe; Tile & Duct Line Setter;
Form Setter & Liner on concrete pav-
ing; Powderman; Sandblasting & Gun-
ite Nozzleman; Sanitary Sewer Pipe
Layer
Leadmen or Pusher

DECISION #AP-503 (cont'd)

Kansas 7-Lab-2-3-E

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pension	Vacation	App. Tr.	
\$3.925	.35	.25			
LABORERS: Board mat weavers & cable tiers; Georgia buggy (manually operated); Mixer-man- skip; lift; Nailers, Salamander Tenders, Tractor Swamper; Wire Mesh Setter; Water Pump up to 4 inch; & all other general laborer including flagman Air tool operators; Cement Handlers (Bulk); Chain Saw; Georgia Buggy (Mechanically operated); Grade Man; Hot Mastic Kettlemen; Crusher Feeder; Joint Man; Jute Man; Mason Tender; Material Batch Hopper & Scale man; Mixer Man; Pier Hole Man Working 10 feet deep; Pipelayer--Drainage (concrete and/or corrugated metal); Sig- nal Man (Crane); Truck Dumper-- Dry Batch; Vibrator Operator; Wagon and Churn Drill Operator Asphalt Baker, Barco Tamper; Concrete Saw; Concrete Material--Handling & Applying; Nozzle Burner (Cutting torch) Conduit Pipe; Tile & Duct Line Setter; Form Setter & Liner on concrete pav- ing; Powderman; Sandblasting & Gun- nite Nozzlemen; Sanitary Sewer Pipe Layer Loadmen or Pusher					
4.075	.35	.25			
4.175	.35	.25			
4.325	.35	.25			
4.425	.35	.25			

MIAMI COUNTY

LABORERS:

Board mat weavers & cable tiers;
Georgia buggy (manually operated);
Mixer-man-skip; lift; Nailers,
Salamander Tenders; Tractor Swamper;
Wire Mesh Setter; Water Pump up to 4 inch; & all
other general laborer including flag-
man
Air tool operators; Cement Handlers
(Bulk); Chain Saw; Georgia Buggy
(Mechanically operated); Grade Man;
Hot Mastic Kettlemen; Crusher Feeder;
Joint Man; Jute Man; Mason Tender;
Material Batch Hopper & Scale man;
Mixer Man; Pier Hole Man Working 10
feet deep; Pipelayer--Drainage
(concrete and/or corrugated metal);
Signal Man (Crane); Truck Dumper--
Dry Batch; Vibrator Operator; Wagon
and Churn Drill Operator
Asphalt Baker, Barco Tamper; Concrete
Saw; Concrete Material--Handling &
Applying; Nozzle Burner (Cutting
torch)
Conduit Pipe; Tile & Duct Line Setter;
Form Setter & Liner on concrete
paving; Powderman; Sandblasting &
Gunite Nozzlemen; Sanitary Sewer
Pipe Layer
Loadmen or Pusher

Kansas 2-Lab-2-3-E

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pension	Vacation	App. Tr.	
\$3.925	.35	.25			
4.725	.35	.25			
4.825	.35	.25			
4.975	.35	.25			
5.075	.35	.25			

JEFFERSON COUNTY

LABORERS:

Board mat weavers & cable tiers; buggy
(manually operated); Mixer-man-
skip; lift; Nailers, Salamander Tenders,
Tractor Swamper; Wire Mesh Setter; Water
Pump up to 4 inch; & all other general
laborer including flagman
Air tool operators; Cement Handlers
(Bulk); Chain Saw; Georgia Buggy
(Mechanically operated); Grade Man;
Hot Mastic Kettlemen; Crusher Feeder;
Joint Man; Jute Man; Mason Tender;
Material Batch Hopper & Scale man;
Mixer Man; Pier Hole Man Working 10
feet deep; Pipelayer - Drainage (con-
crete and/or corrugated metal); Sig-
nal Man (Crane); Truck Dumper - Dry
Batch; Vibrator Operator; Wagon and
Churn Drill Operator
Asphalt Baker, Barco Tamper; Concrete
Saw; Concrete Material - Handling &
Applying; Nozzle Burner (Cutting
torch)
Conduit Pipe; Tile & Duct Line Setter;
Form Setter & Liner on concrete pav-
ing; Powderman; Sandblasting & Gun-
nite Nozzlemen; Sanitary Sewer Pipe
Layer
Loadmen or Pusher

NOTICES

9393

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Tr.	
DECISION #AP-397 - Mod. #3 (38 FR 2602 - January 26, 1973) Caddo & Bossier Parishes, Louisiana Change: Cement masons Cement masons Troweling machine operators	\$6.00 6.25				
DECISION #AP-398 - Mod. #3 (38 FR 2604 - January 26, 1973) Caddo & Bossier Parishes, Louisiana Change: Cement masons Cement masons Troweling machine operators	6.00 6.25				
DECISION #AP-492 - Mod. #2 (38 FR 6538 - March 9, 1973) Montgomery and Prince Georges Counties, Maryland; City of Alexandria, Virginia; Arlington and Fairfax Counties, Virginia and Dulles International Airport Change: Asbestos workers	\$9.00 .35	.15		.015	

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Tr.	
DECISION #AP-457 - Mod. #4 (38 FR 2054 - January 19, 1973) Essex County, Massachusetts Change: Painters: Essex, Gloucester, Manchester, & Rockport Brush Roller	\$6.10 6.40 .30 .30				
Omit: Carpenters; Soft floor layers: Amesbury, Boxford, Georgetown, Groveland, Haverhill, Lynn, Lynnfield, Merrimack, Nahant, Newbury, Newburyport, Rowley, Salisbury, Saugus, Swampscott, & West Newbury	8.20 .30 .30	.30		.01	
Add: Carpenters; Soft floor layers: Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimack, Newbury, Newburyport, Rowley, Salisbury, & West Newbury Lynn, Lynnfield, Nahant, Saugus, & Swampscott	8.75 8.55 .30 .30	.30 .50		.02 .02	

MODIFICATIONS P. 11

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Tr.	
DECISION #AP-459 - #3 (38 FR 2062 - January 19, 1973) Middlesex County, Massachusetts Change: Carpenters; Soft floor layers: Arlington, Lexington, Melrose, & Woburn	.30	.50		.02	
DECISION #AP-461 - Mod. #4 (38 FR 2070 - January 19, 1973) Worcester County, Massachusetts Change: Electricians: Fitchburg, Harvard, Lancaster, & Leominster	.45	12+.25		.02	
DECISION #AP-470 - Mod. #2 (38 FR 4617 - February 16, 1973) Hampden County, Massachusetts Change: Power equipment operators: Backhoe Bucket loader Grapple Roller Trenching machine	7.95 7.55 7.95 7.55 7.95	.35 .35 .35 .35 .35	.50 .50 .50 .50 .50	b b b b b	.05 .05 .05 .05 .05

MODIFICATIONS P. 12

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Tr.	
DECISION #AP-279 - Mod. #1 (38 FR 8353 - March 30, 1973) Blaine, Cascade, Chouteau, Ell, Fergus, Glacier, Judith-Basin, Lewis and Clark, Pondera, Teton, Toole, Valley and Wheatland Counties, Montana Change: Ironworkers: Ornamental, Reinforcing, Structural Lewis and Clark (south portion) Lewis and Clark (northern area) and Remaining Counties Add: Electricians: Fergus and Wheatland Counties (Electrical Contracts less than \$20,000) (Electrical Contracts \$20,000 or more) Roofers: Wheatland County Remaining Counties	.40 .40	.65 .65		.05 .05	$\frac{1}{2}$ $\frac{1}{2}$
7.10 7.03 5.40 6.10 5.755 5.75					

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Others
		H & W	Vacation	Pension	Fringe		
DECISION #AF-523 - Mod. #1 (38 FR 8393 - March 30, 1973) Douglas & Sarpy Counties, Nebraska							
Change: Building Constructors: Plumbers; Steamfitters	\$6.64	.25	.45		.05		
Roofers:	6.88	.15	.20	.20	.01		
Slate and Tile Composition	6.58	.15	.20	.20	.01		
Omit: Heavy & Highway Construction Schedule							
Add: Building Constructors: Soft Floor Layers	6.80						
BUILDING CONSTRUCTION: POWER EQUIPMENT OPERATORS: Oilers, greasers, mechanics helpers Oilier drivers (motor truck crane) Spread oiler Conveyors and beaters; tractors 35 HP or under; air compressors; pumps and welding machine operators Bulldozers and fork lifts Blades, end loaders, self-propelled scrapers Concrete pumps and tractors over 35 HP; one drum hoist; straddle truck Two drum hoist; trenching machines, pile drivers, dredges, heavy duty mechanics; shovels, draglines, clamshells, orange peel; derricks, cranes; backhoe, winch truck and side boom or cat boom; locomotives; firemen used on high pressure boilers in construction work; automobile; and electric hammers and extractors	5.98 6.08 6.59 6.33 6.85 6.95 6.85	.25 .25 .25 .25 .25 .25 .25	.20 .20 .20 .20 .20 .20 .20	.20 .20 .20 .20 .20 .20 .20	.05 		
CEMENT FINISHERS: Carpenters Piledriverman	6.38 6.505 6.63	.20 .20 .25	.20 .20 .20	.20 .20 .20			

MODIFICATIONS P. 15

DECISION #AP-1,726 - Mod. #5
(36 FR 14932 - August 1, 1971)
Jefferson County, New York

Change:	Fringe Benefits Payments				Basic Monthly Rates
	H & W	Pension	Vacation	App. To	
Boilermakers	.50	10%			8.705
Bricklayers, cement masons, masons, plasterers, stone masons, terrazzo workers, tile setters	.20	.40	a		7.70
Carpenters:					
Building:					
Carpenters & soft floor layers	.40	.40	d		7.30
Millwrights	.40	.40	d		7.35
Piledrivers	.40	.40	d		7.45
Heavy & Highway:					
Carpenters & Piledrivers	.30	.30			7.57
Electricians:					
Project \$10,000 or over:	.30	13+.25			8.25
Electricians	.30	13+.25			8.50
Cable splicers	.30	13+.25			7.95
Project less than \$10,000:	.30	13+.25			8.20
Electricians	.30	13+.25			6.25
Cable splicers	.40				
Clarifiers					
Line Construction:					
Linemen	.45	13+.25	c		9.00
Cable splicer	.45	13+.25	c		9.75
Groundman digging machine operator	.45	13+.25	c		8.80
Groundman mobile equipment operator	.45	13+.25	c		8.30
Groundman truck driver and mechanic	.45	13+.25	c		7.90
Groundman dynamite man	.45	13+.25	c		8.30
Painters:					
Brush & roller	.25	.30			6.05
Swing staging & bosun chair	.25	.30			6.40
Steel work	.25	.30			6.40
Lead burners	.30	.50	b		8.25
Sprinkler fitters	.30				8.75

MODIFICATIONS P. 15

DECISION #AP-700 - Mod. #4
(38 FR 4162 - February 9, 1973)
Statewide, New Mexico

Change:	Fringe Benefits Payments				Basic Monthly Rates
	H & W	Pension	Vacation	App. To	
General Building and Heavy Engineering Construction Electricians:					
Bernalillo, Santa Fe, Torrance, Delaca, Oadalupe, Quay, San Miguel, Mora, Hardings, Union, Colfax, Taos, Rio Arriba, Sandoval, Valencia, Socorro, Catron, Sierra, and Grant Counties and all San Juan County excluding the Navajo Indian Reservation					
From nearest basing point cities or towns and mileage from main post office in the following towns:					
Albuquerque - 15 miles					
Santa Fe - 10 miles					
Las Vegas - 8 miles					
Farmington - 8 miles					
Raton - 6 miles					
Socorro - 6 miles					
Zone (1) Shall be established at each of these locations which shall comprise an area as designated from the main post office in the town:					
Electricians	.25	13+.30		1/7%	7.80
Cable splicers	.25	13+.30		1/7%	8.58
Zone (2) Shall extend up to 20 miles beyond zone 1:					
Electricians	.25	13+.30		1/7%	8.35
Cable splicers	.25	13+.30		1/7%	9.13
Zone (3) Shall extend up to 30 miles beyond zone 1:					
Electricians	.25	13+.30		1/7%	8.81
Cable splicers	.25	13+.30		1/7%	9.59
Zone (4) Any area beyond 30 miles from zone 1:					
Electricians	.25	13+.30		1/7%	9.36
Cable splicers	.25	13+.30		1/7%	10.14
Electricians (Los Alamos County):					
Electricians	.25	13+.30		1/7%	8.81
Cable splicers	.25	13+.30		1/7%	9.59

Change:	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	App. Tr.	
Asbestos workers	.40	.10		.01	9.16
Boilermakers	.50	.10		.025	8.705
Carpenters, Heavy & Highway	.50	.45			7.22
Elevator Constructors	.345	.23	25+6	.015	8.475
Elevator Constructors' helpers	.345	.23	25+6	.015	5.93
Elevator Constructors' helpers - (prob.)	4.54				

DECISION #A-P-469 - Mod. #1
(37 FR 4169 - February 9, 1973)
Broome County, New York

Change:	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	App. Tr.	
Bricklayers, cement masons, plasterers and stone masons	.35	.35			7.905
Carpenters & pildrivermen, Heavy and Highway	.30	.45		.025	7.42
Ironworkers	.36	.35			8.00
Structural, ornamental, reinforcing Marble setters, terrazzo workers and tile setters	.35	.35			7.535

Change:	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	App. Tr.	
BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS	.65+70	1.10			6.635
BUILDING					
BLASTER; Plumbing Laborer, Wagon Drill Operator; Swing Scaffold	.65+70	1.10			6.585
PNEUMATIC-GAS-ELECTRIC TOOL OP (over 8 feet deep)	.65+70	1.10			6.535
MORTAR MIXER					
FOUNDATION LABORER (over 8 feet deep); Mod Carrier; Plaster Tender; Plaster Scaffold Builder; Pneumatic Gas-Electric Tool Operator	.65+70	1.10			6.485
LABORER					6.385
WRECKING					
WAGON DRILL OPERATOR	.65+70	1.10			6.635
PNEUMATIC-GAS-ELECTRIC TOOL OPERATORS					
Steel Burners	.65+70	1.10			6.485
WRECKERS	.65+70	1.10			6.385
OPEN CUT SINKER					
BLASTER; Wagon Drill Op	.65+70	1.10			6.635
BOTTOM MEN; Pneumatic-Gas-Electric Tool Op.	.65+70	1.10			6.485
LABORER; Top Men	.65+70	1.10			6.385
CAISSON-SHAFT-COFFERDAMS (OPEN CUT)					
BLASTER; Bottom Men; Wagon Drill Op.	.65+70	1.10			6.635
PNEUMATIC-GAS-ELECTRIC TOOL OP.	.65+70	1.10			6.485
TOP MEN	.65+70	1.10			6.385
STREET-ROAD-WORK					
PAVEMENT FORM SETTER; Wagon Drill Op.	.65+70	1.10			6.635
CONCRETE WORKER (boom); Pneumatic-Gas-Electric Tool Op.	.65+70	1.10			6.485
LABORER	.65+70	1.10			6.385
SOFT GROUND TUNNEL OR JACKING					
ROUGHEN (reinforce); Welder	.65+70	1.10			6.985
LEAD MINER	.65+70	1.10			6.785
CONCRETE FORM MOVER; Monkey Hole Man	.65+70	1.10			6.735
Side Miner	.65+70	1.10			6.585
BOTTOM SHAFT MEN	.65+70	1.10			6.635
TUNNEL-SHAFT MOCKER; Shaft Miner	.65+70	1.10			6.535
CAR PUSHER; Concrete Placing Crew; & Bull Gangs	.65+70	1.10			6.385
TOP MAN	.65+70	1.10			6.585
ROCK TUNNEL					
RODMAN (reinforce); Welder	.65+70	1.10			6.985
LEAD HEADING ROCK DRILLERS	.65+70	1.10			6.785
CONCRETE FORM MOVER; Side Heading Rock Drillers	.65+70	1.10			6.735
FLING HOLE AND ROOF BOLT DRILLERS; Mucking Machine Tender; Tunnel & Shaft Mucker; Shaft Sinking Drillers	.65+70	1.10			6.635
BOTTOM SHAFT MAN	.65+70	1.10			6.335

MODIFICATIONS P. 10

N.Y. 4-LAB-1-7-3 H 2 of 2

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS		
	H & W	PENSIONS	VACATION APP. TR.
6.535	.65+.70	1.10	
6.385	.65+.70	1.10	

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS

CAR PUSHERS; Roll & Tract Gangs;
Concrete Placing Crew
TOP MANDECISION #AP-268 - Mod #1
(38 FR 6615 - March 9, 1973)
Burlingame, Cass, Grand Forks, Morton,
Richland, Steele, Walsh and Ward
Counties, North Dakota

Change:

Carpenters:
Building Construction (Ward County)

Carpenters

Fildriversmen

Millwrights

Bricklayers:

Building Construction:

Grand Forks, Steel and Walsh Cos.

Add:

Cement Masons:

Building Construction:

Grand Forks, Steele and Walsh Cos.

Plasterers:

Building Construction:

Grand Forks, Steele and Walsh Cos.

DECISION #AP-267 - Mod. #1
(38 FR 6612 - March 9, 1973)
Statewide, North Dakota

Changes:

TRUCK DRIVERS

Single axle

Tandem

Agitator dumpcrete

Lowboy; Off road heavy duty and
dumps, 20 yds. & under; Tandem
semi

Euclid, over 20 yds.

1-MO. DAK.-TD-2-3- k (1-1)

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS		
	H & W	PENSIONS	VACATION APP. TR.
4.37	.35		
4.47	.35		
4.57	.35		
4.72	.35		
5.35	.35		

Site Preparation, Excavation
and Incidental Paving

TRUCK DRIVERS

Single axle

Tandem

Agitator dumpcrete

Lowboy; Off road heavy duty and
dumps, 20 yds. & under; Tandem
semi

Euclid, over 20 yds.

1-MO. DAK.-TD-2-3- k

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS		
	H & W	PENSIONS	VACATION APP. TR.
4.37	.35		
4.47	.35		
4.57	.35		
4.72	.35		
5.35	.35		

MODIFICATIONS P. 21

MODIFICATIONS P. 22

DECISION #AP-422 - Mod. #3 (37 FR 20454 - September 29, 1972) Erie County, Pennsylvania	Basic Monthly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Yr.
Change: Heavy and Highway: Truck Drivers See Schedule, Modifications PS 24					
DECISION #AP-425 - Mod. #5 (37 FR 20464 - September 29, 1972) Lawrence County, Pennsylvania					
Change: Building Construction: Bricklayers & Stonemasons Piledrivermen	\$8.02 8.95	.35 5%	7% 6%		4 of 12
DECISION #AP-430 - Mod. #4 (37 FR 21259 - October 6, 1972) Lehigh County, Pennsylvania					
Change: Building Construction: Laborers See Modifications Page 22					
DECISION #AP-454 - Mod. #3 (38 FR 943 - January 5, 1973) Armstrong, Blair, Crawford, Indiana, McKean, Venango and Warren Counties, Pennsylvania					
Change: Heavy and Highway: Truck Drivers Schedule See Modifications Page 24					
DECISION #AP-464 - Mod. #3 (38 FR 2609 - January 26, 1973) Butler, Cambria, Fayette and Somerset Counties, Pennsylvania					
Change: Heavy and Highway: Truck Drivers Schedule See Modifications Page 24					
DECISION #AP-465 - Mod. #4 (38 FR 2612 - January 26, 1973) Bedford, Cameron, Clarion, Clinton, Els, Forest, Fulton, Huntingdon, Mifflin and Potter Counties, Pennsylvania					
Change: Heavy and Highway Construction: Truck Drivers Schedule See Modifications Page 23					
DECISION #AP-466 - Mod. #2 (38 FR 2615 - January 26, 1973) Centre, Clearfield, Jefferson and Greene counties, Pennsylvania					
Change: Heavy and Highway Construction: Truck Drivers Schedule See Modifications Page 24					
DECISION #AP-467 - Mod. #2 (38 FR 2618 - January 26, 1973) Beaver County, Pennsylvania					
Change: Heavy and Highway Construction: Truck Drivers Schedule See Modifications Page 24					
DECISION #AP-480 - Mod. #2 (38 FR 5771 - March 2, 1973) Franklin County, Pennsylvania					
Change: Heavy and Highway Construction: Truck Drivers Schedule See Modifications Page 23					
DECISION #AP-490 - Mod. #1 (38 FR 6624 - March 5, 1973) Northampton Counties, Pennsylvania					
Change: Building Construction: Laborers See Modifications Page 22					

MODIFICATIONS P. 23

HEAVY & HIGHWAY CONSTRUCTION

MODIFICATIONS P. 24

1 of 1

PA-5-ED-2-3-C

DECISIONS #AP-430 and #AP-490 (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Pensions	Vacation	App. T.		M & W	Pensions	Vacation	App. T.
Laborers:										
Unskilled laborers & window cleaners	\$5.50	.20	.20			\$5.91	6%	3.5%		
Operator of jackhammer, paving breaking and other pneumatic and mechanical tools coming under the jurisdiction of laborers, wagon drills and men handling burning torches in the wrecking of buildings, laying of all clay, term cotta, ironstone, vitrified concrete or non-metallic pipe and the making of joints for same and coffer-dams (below 10')	5.75	.20	.20			6.10 6.21	6% 6%	3.5% 3.5%		
Plaster and Mason tenders, scaffold builders and handling of all materials to be used by plasterers and masons, brick and block loaded on pallets, cement finisher tenders, gunmiting and molded-D and sandblaster helpers, power buggies, to get mason tender rates, all floor barbed and "cure" application shall be the work of the mason tender. All pumps, such as the concrete, plaster, mortar and water, installing plastic or other non-solid refractory materials in connection with boiler work	5.80 6.00	.20 .20	.20 .20			6.26 5.95	6% 6%	3.5% 3.5%		
Barbo Tamper operator						6.05	6%	3.5%		
						6.21	6%	3.5%		
						6.10 6.21 6.30	6% 6% 6%	3.5% 3.5% 3.5%		

NOTICES

9401

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pension	Vacation	App. Tr.	
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup, and similar equipment, parts man and warehousemen)	\$6.16	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)	6.30 6.39	6% 6%	3.5% 3.5%			
Tri-axle trucks						
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclid; end or belly dump, single twin-engine or tandem; atkey wagon; pay loader, cornwagons, and similar equipment when not self-loaded rated under forty-five tons)	6.39	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.48	6%	3.5%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-frames (when used for transporting materials), dumpsters, rock 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)	6.46	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.21	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.30	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.39	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.)	6.30 6.39 6.26 6.48	6% 6% 6% 6%	3.5% 3.5% 3.5% 3.5%			

DECISION #AP-262 - Mod. #1
(38 FR 4641 - February 16, 1973)
Meade and Pennington Counties,
South Dakota

Change:
Cement Masons
Sheet Metal Workers

\$5.70
6.50

.20

.005

DECISION #AP-128 - Mod. #1
(37 FR 25113 - November 25, 1972)
Seale County, Tennessee

Change:
Building Construction:
Boilermakers
Carpenters, pilledrivers and
soft floor layers
Elevator Constructors
" " Helpers (prob.)
" " Tennesse Workers
Tile setters

\$7.13
6.85
7.66
5.08
3.63
6.15
6.15

.40
.30
.345
.345
.25
.25

.70
.20
.23
.23

.01
.04
.015
.015

MODIFICATIONS P. 28

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	App. Tr.	
DECISION #AP-393 - Mod. #3 (38 FR 2637 - January 26, 1973) Bexar County, Texas Change: Building Construction: Asbestos workers					
\$7.36	.29	.20		.05	
DECISION #AP-394 - Mod. #5 (38 FR 2649 - January 26, 1973) Lubbock County, Texas Change: Building Construction: Cement masons Painters: Brush Spray Soft floor layers					
5.25 5.35 6.00 5.35					
DECISION #AP-399 - Mod. #2 (38 FR 3260 - February 2, 1973) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant and Wise Counties, Texas Change: Building Construction: Electricians: Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties: Zone A - All work performed in Dallas County Zone B - All work performed outside of Dallas County up to a radius of 40 road miles from the City Hall in the City of Dallas					
7.60	4%	11		7/10%	
7.85	4%	11		7/10%	

MODIFICATIONS P. 27

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	App. Tr.	
DECISION #AP-388 - Mod. #2 (38 FR 2621 - January 26, 1973) Armstrong, Carson, Castro, Childress, Collingsworth, Dallas, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher and Wheeler Counties, Texas Change: Building Construction: Carpenters: Hansford, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree and Roberts Counties Millwrights Hansford, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree and Roberts Counties					
\$6.65 6.90					
DECISION #AP-391 - Mod. #3 (38 FR 2631 - January 26, 1973) Tarrant County, Texas Change: Building Construction: Asbestos workers					
7.36	.29	.20		.05	
DECISION #AP-392 - Mod. #2 (38 FR 2634 - January 26, 1973) Harris County, Texas Change: Building Construction: Glaziers					
5.06		.20			

DECISION #AP-399 (CONT'D)

Electricians (Cont'd):
 Electricians (Cont'd):
 Collin, Dallas, Ellis, Hunt,
 Kaufman & Rockwall Counties
 (Cont'd):
 Zone C - All work performed
 outside of Zone A and
 Zone B
 Cable splicers:
 Collin, Dallas, Ellis, Hunt,
 Kaufman & Rockwall Counties:
 Zone A - All work performed
 in Dallas County
 Zone B - All work performed
 outside of Dallas County
 up to a radius of 40 road
 miles from the City Hall
 in the City of Dallas
 Zone C - All work performed
 outside of Zone A and
 Zone B
 Marble setters:
 Collin, Dallas, Ellis, Hunt,
 Kaufman & Rockwall Counties
 Tile Setters:
 Collin, Dallas, Hunt, Kaufman,
 & Rockwall Counties

Add:

Building Construction:
 Terrazzo workers:
 Collin, Dallas, Ellis, Hunt,
 Kaufman & Rockwall Counties

DECISION #AP-491 - Mod. #2
 (38 FR 6651 - March 9, 1973)
 Washington, D. C.

Change:
 Asbestos workers

Basic Monthly Rates	Fringe Benefits Payments				Other
	H & V	Pensions	Vacation	App. Tc.	
\$8.10	4%	1%		7/10%	
8.36	4%	1%		7/10%	
8.61	4%	1%		7/10%	
8.86	4%	1%		7/10%	
7.20					
7.70					
7.60					
\$9.00	.35	.15		.015	

AP-291 P. 2

SUPERSEDES DECISION

STATE: Hawaii
 DECISION NUMBER: AP-291
 COUNTY: Statewide
 DATE: Date of Publication
 Supersedes Decision No. AP-208 dated August 4, 1972, in 37 FR 15797
 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. Tc. Other
ASBESTOS WORKERS	\$6.20	.23	.50		.02
BOILERMAKERS	7.00	.18	.30		.03
BRICKLAYERS: Stonemasons	6.35	.32	.40		.03
CARPENTERS:					
Carpenters: Piledrivers	6.63	.32	.35		.04
Millwrights	6.88	.32	.35		.04
CEMENT MASONS:					
Cement masons	6.05	.32	.40		.03
Trowel machine operators	6.15	.32	.40		.03
DETFALL INSTALLERS	6.73	.32	.35		.04
ELECTRICIANS:					
Line equipment operator	6.84	.25	.90	7.2%	.10
Electricians; Linemen	7.28	.25	.90	7.2%	.10
Cable splicers	8.01	.25	.90	7.2%	.10
ELEVATOR CONSTRUCTORS	6.90	.185	.20	22+%	
ELEVATOR CONSTRUCTORS' HELPERS	7.01	.185	.20	22+%	
ELEVATOR CONSTRUCTORS' HELPERS (FROB.)	6.70	.53	.15	.43	.08
GLAZIERS					
IRONWORKERS:					
Ornamental; Structural; Bridge	7.35		.45		.02
Reinforcing	7.35		.45		.02
LATHERS (metal, wire and wood)	7.25	.24	.60		.01
MARBLE SETTERS	6.35	.32	.40		.03
PAINTERS:					
Brush	6.80	.30	.40		.04
Tapers	7.00	.30	.40		.04
Spray	7.30	.30	.40		.04
PLASTERERS:					
Plasterers	7.25	.45	.50		.15
Mortar mixers	5.91	.32	.44	.04	.06
Mod carriers	5.71	.32	.44	.04	.06
PLUMBERS: Steamfitters	7.66	.45	.90	8%	.10
ROOFERS	6.45	.39	.30		.02
SHEET METAL WORKERS	7.40	.35	.90	8.11%	.10
SOFT FLOOR LAYERS	6.25	.20		.10	.04
SPRINKLER FITTERS	8.70	.30	.50		.05
TERRAZZO WORKERS:					
Terrazzo workers	6.15	.20	.30		.03
Terrazzo base grinder	5.85	.20	.30		.03
Floor machine grinder and helper	5.05	.20	.30		.03
TERRAZZO WORKERS' HELPERS:					
1st 60 calendar days' experience	4.75	.20	.30		.03

TILE SETTERS (ceramic):
 TILE SETTERS' HELPERS (ceramic):
 1st 60 calendar days' experience
 Over 60 but less than 90 calendar days' experience
 After 90 calendar days' experience
 TRUCK DRIVERS:
 Flatbed
 Dump, 8 yds. and under; Water truck up to and incl. 1500 gals.
 Water truck (over 1500 gals.)
 Tandem, semi-trailer, or semi-dump
 Slip-in or pump
 End dumps, unlicensed (Euclid, Mack, Caterpillar, or similar); Tractor trailer (hauling equipment)
 WELDERS: Receive rate prescribed for craft performing operations to which welding is incidental.
 FOOTNOTES:
 a. Employer contributes 4% of basic hourly rate for 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; B-Memorial Day; C-Independence Day; D-Labor Day;
 E-Thanksgiving Day; F-Christmas Day.

AF-251 P. 4

Basic Monthly Rates	Fringe Benefits Payments				Basic Monthly Rates
	H & W	Families	Vacation	App. T.	
GROUP III All clean-up work of debris, grounds and buildings; Bridge laborers; Construction laborers; Dumpmen; Gardeners; Horticultural and landscape laborers; General laborers; Limbers, brush loaders and pilers; Maintenance, repair (track and roadbeds)	.32	.44	.04	.06	\$5.41
Mason Tenders	.32	.44	.04	.06	5.81
High Scaler	.32	.44	.04	.06	6.01
Gumite Operator	.32	.44	.04	.06	6.06
Powderman	.32	.44	.04	.06	6.26

AF-251 P. 3

Basic Monthly Rates	Fringe Benefits Payments				Basic Monthly Rates
	H & W	Families	Vacation	App. T.	
GROUP I Asphalt trimmers & rakers; Barko and similar type tampers; Baggy mobile; Chainsaw, faller, log loader & buckers; Concrete & aggregate mixer under 1/2 yd.; Concrete grinder; Concrete pan work; Concrete saw (walking or hand type); Cribbers; Cut granite curb setter; Form raisers; Reader board; Mortar mixers (block-brick-masonry); Jackhammer op.; Jackson & similar type compactors; Laying, sheeting, walling bracing, trench-jacking, hand-guided lagging hammer; Magnesite & mastic workers (wet or dry); Mechanical drillers not covered elsewhere; Pavement breakers; Pipelayers, caulkers, bander; Pipe-wrappers, kettlemen, pot-men & men applying asphalt, Lay-Kold, concrete & similar type materials; Post hole diggers (hand held--gas, air and electric); Riprap, stonepaver and rock-slinger, incl. placing of sacked concrete (wet or dry); rotary scarifier; Moto-tiller; Sandblasters; Tank cleaners; Tree climbers; Vibra-screed (ball float in connection with laborers' work); Vibrator; Burning, welding, signaling, & rigging in connection with laborers' work; Concrete pump machine; Joy drill Model TWH-26, Gardner Denver DS-143, & similar type drills (Track Drillers, Diamond Core, & Wagon Drillers; & Davis Trencher T-46 or similar	.32	.44	.04	.06	\$5.76
GROUP II Asphalt shovellers; Cement dumpers; Choke setter & rigger (clearing work); Concrete chippings; Concrete laborers (wet or dry) incl. bucket tender for concrete; Driller's helper, chuck tender, outside nipper; Guinea chaser (stockman); High pressure nozzle-man; Hydraulic monitor (over 100# pressure) excl. levee work; Loading & unloading, carrying & handling of all rods & materials for use in reinforcing concrete construction; Mucker (underground) Slinger; All Pneumatic, gas and electric tools not listed in Group I	.32	.44	.04	.06	5.56

AP-291 P. 5

OPERATOR EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pension	Vacation	App. Tr.	
GROUP I Partisan (heavy duty repair shop parts room when needed); Repairman helper	.43	.70	.25	.15	
GROUP II Compressor, electrically, diesel or gas powered etc.; Hydraulic monitor; material loader and/or conveyor operator (handling building material); Mixer box operator (concrete plant); Pump operator; Spreader boxman (with screeds); Tar pot fireman (power agitated)	.43	.70	.25	.15	
GROUP III Oiler; Fireman; Switchman; Brakeman; Deckhand; Tar pot fireman; Box operator (bunker); Locomotive (up to and incl. 30 tons); Boiler (5 tons and under); Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Tugger hoist, single drum	.43	.70	.25	.15	
GROUP IV Boom truck or dual purpose "A" Frame truck; Fork lift of lumber stacker (construction job site); Material hoist (1 drum); Straddle truck; Boss carrier and similar (jobsite); Dinky operator	.43	.70	.25	.15	
GROUP V Concrete mixer (up to 2 yds.); Concrete pumps or pumpcrete guns; Generators, gasoline or diesel driven (100 K.W.); Lubrication and service engineer (mobile and grease rack); Towernobile; Welding machine (gasoline or diesel); Agri-Cat (Mini Cat)	.43	.70	.25	.15	

AP-291 P. 6

POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pension	Vacation	App. Tr.	
GROUP VI Combination loader and backhoe incl. Bopto (up to & incl. 1 1/2 yds.); Concrete batch plants (wet or dry); Concrete saws &/or grinder (self-propelled unit on streets, highways, airports and canals); Drilling machinery (not to apply to waterliners, wagon drills or jackhammers); Highline cable-way signal man; Loader (up to & incl. 2 1/2 cu. yds.); Tull high lift; Pavement breaker Maginnis Internal Full Slab Vibrator (on airports, highways, canals, and warehouses); Mechanical finishers (concrete); Large Clary, Johnson Sidwell Bridge Deck or similar types; Mobile crane driver; Portable crushers; Power jumbo operator (setting slip forms, etc., in tunnels); Rollers (over 5 tons); Self-propelled compactor (single engine); Small rubber-tired tractors; Trencher (up to and incl. 6'); Slip form pumps (power driven by hydraulic, electric, gas, etc.); Lifting device for concrete forms	.43	.70	.25	.15	
GROUP VII Crusher plant; Dual drum mixer; Grader-setter; Hoist (2 drums); Loader (over 2 1/2 cu. yds. up to and incl. 5 cu. yds.); Mechanical finishers or spreader machine asphalt (Barber Greene and similar) (Screedman required); Mine or shaft hoist; Pavement breaker, truck mounted, with compressor combination; Pavement breaker with compressor combination (operates 1 or 2); Pipe cleaning machine (tractor propelled and supported); Pipe wrapping machine (tractor propelled and supported); Pipe bending machine (pipe lines only); Self-propelled elevating grade plane; Slusher operator; Trencher (over 6'); Water tanker (pulled by Dozids, T-Pulls, DM-10, 20, 21 or similar); Mixermobile (over 5 tons); Small tractor (with boom D-6 or similar)	.43	.70	.25	.15	

POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pension	Vacation	App. Tn.	
GROUP VIII Boring machine; Cast-in-place pipe laying machine; Concrete batch plant (multiple units); Combination loader and hydraulic backhoe (over 1 1/2 yd. to and incl. 3 1/4 yd.); Conveyor (tunnel); Engineer, locomotive (over 30 tons up to and incl. 100 tons); Finishing machine operator (airports and highways); Hydraulic backhoe (over 1 1/2 yd. to and incl. 3 1/4 yd.); Kottman loader; Mechanical trench shield; Mucking machine; No-joint pipe laying machine; Portable crushing and screening plants; Saurman type dragline (under 5 yds.); Self-propelled boom type lifting device; Stationary pipe wrapping, cleaning and bending machine; Surface heater and planer; Tunnel borer; Tri-batch paver					
GROUP IX Boom type backfilling machine; Combination mixer and compressor (gunite); Dozer loader and Adams Elegrader; Lull Hi-lift (40' or over); Rubber tired earthmoving equipment (up to 12 cu. yds.); Wheel trencher (over 6')	\$7.09	.43	.70	.25	.15
GROUP IX-A Towers; Heavy duty repairman or welder; Push cats; Scrapers; Self-propelled compactor with dozer; Sheep foot; Tractors; Tractors (with boom, larger than D-6 and similar)	7.20	.43	.70	.25	.15
GROUP X Chicago boom; Hoist (3 drums); Koebring skooter; Loader (over 5 yds. up to and incl. 12 yds.); Locomotive (over 100 tons) (Single or multiple units); Power blade operator; Rubber tired earthmoving equipment (up to and incl. 35 cu. yds. Euclid, T-Pulls, DM-10, 20, 21 and similar); Saurman type dragline (5 yds. or over); Soil stabilizer (P&H equal); Sub-grader (Gurries or other automatic type); Track-laying type earthmoving machine (single engine with tandem scraper); Tractor, compressor. Drill combination; Tractor (Tandem scraper); Tractors (D-9 or equivalent)	7.43	.43	.70	.25	.15
	7.49	.43	.70	.25	.15

POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pension	Vacation	App. Tn.	
GROUP X-A Cranes (not over 25 tons); Power shovels; Grabs; Draglines, Backhoes, Graders (up to and incl. 1 cu. yd.)	\$7.64	.43	.70	.25	.15
GROUP XI Automatic slip form paver (concrete or asphalt) (Gradesetter, Screedman re-quired); Cranes (over 25 tons); DM-10, 20, etc. (Tandem); Earth-moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 35 cu. yds. struck "MSC"); Highline cableway; Lift slab machine; Loader (over 12 yds.); Power shovels, clamshells, draglines, backhoes, Graders (over 1 yd. and up to 7 yds.); Power blade operator (16 or over); Pre-stress wire wrapping machine; Self-propelled compactor (with multiple propulsion power units); Single engine rubber tired earth moving machine (with tandem scraper); Tandem cats; Tower cranes, mobile; Trencher (pulling attached shield); Universal, Liebherr, Lindem and similar types of tower cranes; Wheel excavator (up to and incl. 750 cu. yds. per hour)					
GROUP XII Band wagon (in conjunction with wheel excavator); Derricks; Drill rigs; Multi-propulsion earth moving machines (2 or more scrapers) (over 35 cu. yds. "struck" mrc); Power shovels and draglines (7 cu. yds. mrc and over); Rubber tired earthmoving equipment (over 35 cu. yds. Euclid, T-Pulls, DM-10, 20, 21 and similar); Wheel excavator (over 750 cu. yds.)	7.79	.43	.70	.25	.15
	8.15	.43	.70	.25	.15

AF-291 P. 9

DREDGINGWATER FRONT CONSTRUCTIONHYDRAULIC SUCTION DREDGES

Leverman
 Assistant to engineer (steam or electric)
 Welder
 Deckmate
 Winchman (stern winch on dredge)
 Fireman
 Oiler; Deckhand
 Leverman

CLAM SHELL DREDGES

Leverman
 Watch engineer
 Deckmate
 Barge mate (seagoing)
 Fireman
 Oiler; Deckhand
 Bargehand

BOAT OPERATORS

Master boat operator
 Boat operator
 Boat deckhand

DERRICKS

Operators (derricks, pile drivers and cranes)
 Deckmate
 Fireman
 Oiler; Deckhand

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tl.	Other
Leverman	\$7.76	.43	.65	.25	.15	
Assistant to engineer (steam or electric)	7.46	.43	.65	.25	.15	
Welder	7.39	.43	.65	.25	.15	
Deckmate	6.93	.43	.65	.25	.15	
Winchman (stern winch on dredge)	6.60	.43	.65	.25	.15	
Fireman	5.92	.43	.65	.25	.15	
Oiler; Deckhand	5.64	.43	.65	.25	.15	
Leverman	5.47	.43	.65	.25	.15	
Leverman	7.76	.43	.65	.25	.15	
Watch engineer	7.46	.43	.65	.25	.15	
Deckmate	6.93	.43	.65	.25	.15	
Barge mate (seagoing)	6.93	.43	.65	.25	.15	
Fireman	5.92	.43	.65	.25	.15	
Oiler; Deckhand	5.64	.43	.65	.25	.15	
Bargehand	5.47	.43	.65	.25	.15	
Master boat operator	7.39	.43	.65	.25	.15	
Boat operator	7.39	.43	.65	.25	.15	
Boat deckhand	5.64	.43	.65	.25	.15	
Operators (derricks, pile drivers and cranes)	7.76	.43	.65	.25	.15	
Deckmate	6.93	.43	.65	.25	.15	
Fireman	5.92	.43	.65	.25	.15	
Oiler; Deckhand	5.64	.43	.65	.25	.15	

AP-292 P. 2

SUPERSEDAS DECISION

STATE: Hawaii
 DECISION NUMBER: AP-292
 COUNTY: Statewide
 DATE: Date of Publication
 Superseded Decision No. AP-247 dated October 13, 1972, in 37 FR 21759
 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				On
		H & W	Pensions	Vacation	App. Tr.	
ASBESTOS WORKERS	\$6.20	.23	.50		.02	
BOILERMAKERS	7.00	.18	.30		.03	
BRICKLAYERS; Stonemasons	6.35	.32	.40		.03	
CARPENTERS:						
Carpenters; Pile-driverman	6.63	.32	.35		.04	
Millwrights	6.88	.32	.35		.04	
CEMENT WORKERS:						
Cement masons	6.05	.32	.40		.03	
Trowel machine operators	6.15	.32	.40		.03	
DRYWALL INSTALLERS	6.73	.32	.35		.04	
ELECTRICIANS:						
Line equipment operator	6.84	.25	.90	7.2%	.10	
Electricians; linemen	7.28	.25	.90	7.2%	.10	
Cable splicers	8.01	.25	.90	7.2%	.10	
ELEVATOR CONSTRUCTORS	6.90	.185	.20	24%		
ELEVATOR CONSTRUCTORS' HELPERS	702JR	.185	.20	24%		
ELEVATOR CONSTRUCTORS' HELPERS (F&B,)	502JR					
GLAZIERS	6.70	.53	.15	.43	.08	
IRONWORKERS:						
Ornamental; Structural; Bridge	7.35		.45		.02	
Reinforcing	7.35		.45		.02	
LATERS (metal, wire and wood)	7.25	.24	.60		.01	
MARBLE SETTERS	6.35	.32	.40		.03	
PAINTERS:						
Brush	6.80	.30	.40		.04	
Tapers	7.00	.30	.40		.04	
Spray	7.30	.30	.40		.04	
PLASTERERS:						
Plasterers	7.25	.45	.50		.15	
Mortar mixers	5.91	.32	.44	.04	.06	
Mod carriers	5.71	.32	.44	.04	.06	
PLUMBERS; Steamfitters	7.66	.45	.90	8%	.10	
ROOFERS	6.45	.39	.30		.02	
SHEET METAL WORKERS	7.40	.35	.90	8.11%	.10	
SOFT FLOOR LAYERS	6.25	.20		.10	.04	
SPRINKLER FITTERS	8.70	.30	.50		.05	
TERRAZZO WORKERS:						
Terrazzo workers	6.15	.20	.30			
Terrazzo base grinder	5.85	.20	.30			
Floor machine grinder and helper	5.05	.20	.30			
TERRAZZO WORKERS' HELPERS:						
1st 60 calendar days' experience	4.75	.20	.30			

TILE SETTERS (ceramic)
 TILE SETTERS' HELPERS (ceramic):
 1st 60 calendar days' experience
 Over 60 but less than 90 calendar days' experience
 After 90 calendar days' experience
 TRUCK DRIVERS:
 Flatbed
 Dump, 8 yds. and under; Water truck up to and incl. 1500 gals.
 Water truck (over 1500 gals.)
 Tractor, semi-trailer, or semi-dump
 Slip-in or pump
 End dumps, unlicensed (Tractor, Mack, Caterpillar, or similar); Tractor trailer (hauling equipment)
 WELDERS: Receive rate prescribed for craft performing operations to which welding is incidental.

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for 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; B-Memorial Day; C-Independence Day; D-Labor Day;
 E-Thanksgiving Day; F-Christmas Day.

AP-292 P. 4

Basic Hourly Rates	Fringe Benefits Payments				Chk
	H & W	Pensions	Vacation	App. Tr.	
GROUP III All clean-up work of debris, grounds and buildings; Bridge laborers; Construction laborers; Dumpman; Gardeners; Horticultural and landscape laborers; General laborers; Limbers, brush loaders and pilers; Maintenance, repair (track and roadbeds)	.32	.44	.04	.06	
Mason Tenders	.32	.44	.04	.06	
High Scaler	.32	.44	.04	.06	
Concrete Operator	.32	.44	.04	.06	
Powderman	.32	.44	.04	.06	

AP-292 P. 3

Basic Hourly Rates	Fringe Benefits Payments				Chk
	H & W	Pensions	Vacation	App. Tr.	
LABORERS: GROUP I Asphalt ironers & takers; Barko and similar type tampers; Buggymobile; Chainsaw, faller, log loader & bucket; Concrete & magnesite mixer under 1/2 yd.; Concrete grinder; Concrete pan work; Concrete saw (walking or hand type); Cribbers; Cut granite curb setter; Form raisers; Header board; Mortar mixers (block-brick-masonry); Jackhammer op.; Jackson & similar type compactors; Logging, sheeting, whaling bracing, trench-jacking, hand-guided lagging hammer; Magnesite & mastic workers (wet or dry); Mechanical drillers not covered elsewhere; Pavement breakers; Pipelayers, caulkers, bander; Pipe-wrappers, kettlemen, pot-men & men applying asphalt, Lay-Kold, creosote & similar type materials; Post hole diggers (hand held--gas, air and electric); Riprap, stonepaver and rock-slinger, incl. placing of sacked concrete (wet or dry); rotary scarifiers; Moto-tiller; Sandblasters; Tank cleaners; Tree climbers; Vibra-screed (bull float in connection with laborers' work); Vibrator; Burning, welding, signaling, & rigging in connection with laborers' work; Concrete pump machine; Joy drill Model TTM-23, Gardner Denver EM-143, & similar type drills (Track Drillers, Diamond Core, & Wagon Drillers; & Davis Trencher T-66 or similar	.32	.44	.04	.06	
GROUP II Asphalt shovellers; Cement dumpers; Choke setter & rigger (clearing work); Concrete chipping; Concrete laborers (wet or dry) incl. bucket tender for concrete; Driller's helper, chuck tender, outside nipper; Guinea chaser (stockman); High pressure nonmen-hydraulic monitor (over 100# pressure) excl. levee work; Loading & unloading, carrying & handling of all rods & materials for use in reinforcing concrete construction; Mucker (under-ground) Slopers; All Pneumatic, gas and electric tools not listed in Group I	.32	.44	.04	.06	

AF-292 P. 5

OPERATOR EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments				Dm
	H & W	Pensions	Vacation	App. Tr.	
GROUP I Partisan (heavy duty repair shop parts room when needed); Repairman helper	\$5.35	.43	.70	.25	.15
GROUP II Compressor, electrically, diesel or gas powered etc.; Hydraulic monitor; material loader and/or conveyor operator (handling building material); Mixer box operator (concrete plant); Pump operator; Spreader boman (with screeds); Tar pot fireman (power agitated)	5.46	.43	.70	.25	.15
GROUP III Oiler; Fireman; Switchman; Brakeman; Deckhand; Tar pot fireman; Box operator (bunker); Locomotive (up to and incl. 30 tons); Roller (3 tons and under); Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Tugger hoist, single drum	5.63	.43	.70	.25	.15
GROUP IV Boom truck or dual purpose "A" frame truck; Fork lift of lumber stacker (construction job site); Material hoist (1 drum); Straddle truck; Boss carrier and similar (jobsite); Dinky operator	5.90	.43	.70	.25	.15
GROUP V Concrete mixer (up to 2 yds.); Concrete pumps or concrete guns; Generators, gasoline or diesel driven (100 H.P.); Lubrication and service engineer (mobile and grease rack); Towermobile; Welding machine (gasoline or diesel); Agri-Cat (Mini Cat)	6.21	.43	.70	.25	.15

AF-292 P. 6

POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments				Dm
	H & W	Pensions	Vacation	App. Tr.	
GROUP VI Combination loader and backhoe incl. Bopco (up to & incl. 1 1/2 yd.); Concrete batch plants (wet or dry); Concrete saws M/or grinder (self-propelled unit on streets, highways, airports and canals); Drilling machinery (not to apply to waterliners, wagon drills or jackhammers); Highline cable-way signalman; Loader (up to & incl. 2-1/2 cu. yds.); Lull high lift; Pavement breaker Maginnis Internal Pull Slab Vibrator (on airports, highways, canals, and warehouses); Mechanical finishers (concrete) (large Clary, Johnson Bidwell Bridge Deck or similar types); Mobile crane driver; Portable crushers; Power jumbo operator (setting slip forms, etc., in tunnels); Rollers (over 5 tons); Self-propelled compactor (single engine); Small rubber-tired tractors; Trencher (up to and incl. 6'); Slip form pumps (power driven by hydraulic, electric, gas, etc.); Lifting device for concrete forms)	\$6.66	.43	.70	.25	.15
GROUP VII Grubber plant; Dual drum mixer; Grader-setter; Moist (2 drums); Loader (over 2-1/2 cu. yds. up to and incl. 5 cu. yds.); Mechanical finishers or spreader machine asphalt (Barber Greene and similar) (Screedman required); Mine or shaft hoist; Pavement breaker, truck mounted, with compressor combination; Pavement breaker with compressor combination (operates 1 or 2); Pipe cleaning machine (Tractor propelled and supported); Pipe wrapping machine (tractor propelled and supported); Pipe bending machine (pipe lines only); Self-propelled elevating grade plane; Slusher operator; Trencher (over 6'); Water tanker (pulled by Excelsior, T-Pulls, BW-10, 20, 21 or similar); Mixermobile (over 5 tons); Small tractor (with boom D-6 or similar)	6.98	.43	.70	.25	.15

AP-292 P. 7		Fringe Benefits Payments					AP-292 P. 8	
POWER EQUIPMENT OPERATORS		Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	App. Tr.	De
GROUP VIII								
Boring machine; Cast-in-place pipe laying machine; Concrete batch plant (multiple units); Combination loader and hydraulic backhoe (over 1/2 yd. to and incl. 3/4 yd.); Conveyor (tunnel); Engineer, locomotive (over 30 tons up to and incl. 100 tons); Finishing machine operator (airports and highways); Hydraulic backhoe (over 1/2 yd. to and incl. 3/4 yd.); Kolman loader; Mechanical trench shield; Mucking machine; No-joint pipe laying machine; Portable crushing and screening plants; Sauman type dragline (under 5 yds.); Self-propelled boom type lifting device; Stationary pipe wrapping, cleaning and bending machine; Surface heater and planer; Tunnel borer; Tri-batch paver		\$7.09	.43	.70	.25	.15		
GROUP IX								
Boom type backfilling machine; Combination mixer and compressor (gonite); Dozer loader and Adams Elegrader; Lull Hi-lift (40' or over); Rubber tired earthmoving equipment (up to 12 cu. yds.); Wheel trencher (over 6')		7.20	.43	.70	.25	.15		
GROUP IX-A								
Dozers; Heavy duty repairman or welder; Push cats; Scrapers; Self-propelled compactor with dozer; Sheep foot; Tractors; Tractors (with boom, larger than D-6 and similar)		7.43	.43	.70	.25	.15		
GROUP X								
Chicago boom; Moist (3 drums); Koehring skooter; Loader (over 5 yds. up to and incl. 12 yds.); Locomotive (over 100 tons) (single or multiple units); Power blade operator; Rubber tired earthmoving equipment (up to and incl. 35 cu. yds. Euclid, T-Poll, DW-10, 20, 21 and similar); Sauman type dragline (5 yds. or over); Soil stabilizer (PAM equal); Sub-grader (Curries or other automatic type); Track-laying type earthmoving machine (single engine with tandem scraper); Tractor, compressor, Drill combination; Tractor (tandem scraper); Tractors (D-8 or equivalent)		7.49	.43	.70	.25	.15		
POWER EQUIPMENT OPERATORS								
GROUP X-A								
Cranes (not over 25 tons); Power shovels; Clamshells, draglines, backhoes, Graders (up to and incl. 1 cu. yd.)		\$7.64	.43	.70	.25	.15		
GROUP XI								
Automatic slip form paver (concrete or asphalt) (Gradesetter, Screedman required); Cranes (over 25 tons); DW-10, 20, etc. (Tandem); Earth-moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 35 cu. yds. struck "BGR"); Highline cableway; Lift slab machine; Loader (over 12 yds.); Power shovels, clamshells, draglines, backhoes, Graders (over 1 yd. and up to 7 yds.); Power blade operator (16 or over); Pre-stress wire wrapping machine; Self-propelled compactor (with multiple propulsion power units); Single engine rubber tired earth moving machine (with tandem scraper); Tandem cats; Tower cranes, mobile; Trencher (pulling attached shield); Universal, Liebherr, Linsen and similar types of tower cranes; Wheel excavator (up to and incl. 750 cu. yds. per hour)		7.79	.43	.70	.25	.15		
GROUP XII								
Bead wagon (in conjunction with wheel excavator); Derricks; Drill rigs; Multi-propulsion earth moving machines (2 or more scrapers) (over 35 cu. yds. "struck" mrc); Power shovels and draglines (7 cu. yds. mrc and over); Rubber tired earthmoving equipment (over 35 cu. yds. Euclid, T-Poll, DW-10, 20, 21 and similar); Wheel excavator (over 750 cu. yds.)		8.15	.43	.70	.25	.15		

AP-525 P. 2

Statewide (except Cass, Douglas, Sarpy, Washington, and that portion of Saunders County, East of Highway 109)

Older or Greaser
Roller, Self-Propelled (hot mix)
Roller or Compactor, self-propelled (other)

Scraper Under 16 cu. yds.
Scraper 16 cu. yds. and over
Power Grade machine (trimmer)

Tractor:

Farm type (loading)

Farm type (with attachments)

Less than 115 Drawbar H.P.

115 Drawbar H.P. & over

Traveling Plant (stabilization)

Traveling Plant helper (stabilization)

Trenching Machine

Truck Drivers:

Single Axle

Tandem Axle

Semitrailer

Transit Mix

Lowboy

Welder

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tc.
\$3.90				
3.25				
4.00				
3.25				
4.00				
3.25				
2.85				
3.15				
3.00				
3.10				
3.60				
3.45				
2.95				
3.05				
4.00				
3.10				
3.20				
3.75				
3.20				
3.80				
3.90				
3.00				
4.00				
3.00				
3.80				
4.25				
3.90				
3.00				
4.00				
3.30				
3.80				
3.05				
3.60				
3.80				
4.00				
3.80				
4.05				

Statewide (except Cass, Douglas, Sarpy, Washington, and that portion of Saunders County, East of Highway 109)

Carpenters

Carpenters helper

Cement Finisher

Concrete Saw Operator

Form Setter (road)

Form Setter (structures)

Laborer

Machinist Builder

Painter

Pile Driver Leadman

Power Equipment Operators:

All Purpose Spreader

Asphalt Distributor

Asphalt Distributor helper

Asphalt Heaverman

Asphalt Paving Machine

Asphalt Paving Machine Screedman

Stationary Plant (based on stabilization)

Stationary Plant (asphalt or concrete)

Beginner Operator

Bulldozer:

Less than 115 Drawbar H.P.

115 Drawbar H.P. and over

Cement Handler

Clamshell, Dragline, Backhoe, cranes, Pile Driver or Shovel

Concrete mixer

Concrete Paver

Slip Form Paver

Concrete Finishing Machine and Spreader

Conveyor

Crusher (incl. those with integral screening plant)

Dredge Pump Under 10"

Dredge Pump 10" & Over

Fireman (boiler)

Front End Loader:

3½ cu. yds. or less

Over 3½ cu. yds.

Mechanic

Mechanic Helper

Motor Grader (rough)

Motor Grader (finish)

SUPERSEDES INDENTATION

COUNTIES: Statewide (except Douglas and Sarpy)

DATE: Date of Publication

Successes Decision No. AP-518 dated March 23, 1973 in 38 FR 7718

DESCRIPTION OF WORK: Highway and road type construction, including grading, surfacing, paving and miscellaneous work incidental to construction of highways, roads and trails.

AP-525 P. 3

Cass, Washington, and that portion
of Saunders County, East of Highway
109

CARPENTERS:
Carpenters
Fildriversmen
CEMENT FINISHER
CEMENT FINISHER
IRONWORKERS: Reinforcing and Structural
LABORERS:
Common Laborer
Towboat & Dredge Deckhands
Form Setter Helpers
Bakers & Screenmen on Asphalt Work;
Mortar Mixers; Chain Saw Operator
Pipelayers; Concrete Saw Operator
Form Setters & Precast Manhole Setters
Inlet Builders & Manhole Setters
POWER EQUIPMENT OPERATORS:
Oiler; Greaser; Mechanic's Helper;
Spread Oiler (less than one year's
experience)
Oiler Driver
Tractor under 35 HP; Welding Machine;
Spray Machine; Form Trencher;
Belt Machine; Air Compressors; Pumps
Spread Oiler (after one year's
experience in classification)
Concrete Mixer; Concrete Pump; Hydro-
Hammer
Concrete Spreader; Concrete Finishing
Machine; Bulldozer; Tractor;
Roller; Fork Lift; Winch Truck;
One Drum Hoist; Oil Distributor;
Asphalt Roller
Blade (Patrol); Scraper over 35 HP;
Towpavell over 35 HP; DW-21 over
35 HP; DW-10
Two Drum Hoist; Trenching Machine;
Paving Mixer; Pile Driver; Heavy
Duty Mechanic & Welder; Shovel;
Dragline; Clamshell; Orange Peel;
Backhoe; Derrick; Crane; Locomotive;
Fireman (on boilers); Laydown
Machine; Two-Drum Winch Truck; Side
Boom Cat; Pug Mill Operator on
Asphalt Plant; Leman on Dredge;
Tugboat Operator; Grapple Operator;
Rotary Well Drilling Operator;
Hydrocrane Operator; Cleveland-type
Back Filler Operator; Self-propelled
Spreader Vibrator Operator; Slip
Form Power Operator; Engineer on
Dredge

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
\$6.38	.20	.20			
6.505	.20	.20			
6.63	.25	.20			
6.78	.20	.20			
5.00	.20	.20			
5.10	.20	.20			
5.20	.20	.20			
5.18	.20	.20			
5.25	.20	.20			
5.63	.20	.20			
5.18	.25	.20			
5.23	.25	.20			
5.88	.25	.20			
5.88	.25	.20			
5.78	.25	.20			
6.08	.25	.20			
6.23	.25	.20			
6.38	.25	.20			

AP-525 P. 4

Cass, Washington, and that portion
of Saunders County, East of Highway
109

TRUCK DRIVERS:
Single Axle Trucks
Tandem Axle Trucks; Power Lift Form
Trucks; Backed Trucks & Spreader
Trucks
Lowboys & Tractor-Trailers
Lumber Carrier

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
\$5.43	.25	.20			
5.49	.25	.20			
5.62	.25	.20			
5.79	.25	.20			

SUPERSEDES DECISION

STATE: West Virginia

DECISION NO.: AP-801

COUNTY: Statewide

DATE: Date of Publication

March 24, 1972 in 37 FR 6140.

SUPERSEDES DECISION NO. AN-9,690, dated March 24, 1972 in 37 FR 6140.

DESCRIPTION OF WORK: Heavy and Highway Construction.

AP-801 P. 2

HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS

EQUIPMENT with booms of one hundred and fifty (150) feet and/or capacity of three (3) yards and over, or (50) tons and over, front end loader with capacity of four (4) yards and over, capacity to be based on manufacturer's specifications

Tunneling and underground

CABLEWAY, crane derrick (2 or more drums), derrick boat, dragline, dredge, gradall, hoist (2 or more drums), mechanic-heavy, mixer plant (2 or more mixers, including batch control), paver-dual drum, piledriver, shovel, sideboom tractor, trencher - 20" or over, truck crane, backhoe, hi-lift (1½ cy. or over), dozer with ripper (when dozer is D8 class or larger), double ditched equipment, bulldozer with roller, standard gauge locomotive, tug boat, concrete pump, controlled fine grade machine

Tunneling and underground

BULLDOZER, derrick (single drum), hi-lift (under 1½ cubic yards) hoist (single drum), single drum paver, trencher (under 20"), motor grader, air tugger, rubber-tired scraper, self-loading tractor pan, Ross Carrier ¼" Frame, multiple concrete saw, asphalt paver, hydraulic post driver, base paver, rotary drill and greaser and greaser truck, snake or push tractor

Tunneling and underground

CONCRETE MIXER (single drum), one cubic yard or over, fork lift, asphalt batch plant, concrete batch plant, crushing plant, screening and washing plant, roller, and compactor, sub-grader, concrete finishing machine, self-propelled power concrete spreader, bull float, portable concrete saw, bar and joint installing machine, form grader

Tunneling and underground

HIGH PRESSURE FIREMEN

Tunneling and underground

AIR COMPRESSOR, Concrete mixer (under one cubic yard), conveyor-belt or bucket, light plant, narrow gauge locomotive, welding machine, low pressure fireman, mechanic's helper, oiler, screed man, spreader box man, farm tractor and joint sealer, pump

Tunneling and underground

When operating more than one piece of equipment

Tunneling and underground

57-M, Va.-2-3- K

HEAVY & HIGHWAY CONSTRUCTION

Ironworkers:

Misner, Pendleton & Tucker Counties:

Structural and ornamental

Reinforcing

Barbour, Brooke, Harrison, Marion

Marshall, Monongalia, Preston, Randolph, Taylor, Tyler, Wetzel & Ohio Counties:

Ironworkers:

Cabell, Mingo, & Wayne Counties:

Ironworkers:

Wood, Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Roane, Upshur & Wirt Cos.:

Ironworkers:

Kanawha, Putnam, Lincoln, Logan, Wyoming, McDowell, Raleigh, Fayette, Nicholas, Webster, Braxton, Clay and Boone Counties:

Ironworkers:

Greenbrier, Mercer, Monroe, Pocahontas and Summers Counties:

Structural and ornamental

Reinforcing

FRINGE BENEFITS PAYMENTS

BASIC HOURLY RATES	H & W	PENSIONS	VACATION	APP. TEL	OTHER
\$7.15	.30	.20			
7.15	.30	.20			
8.525	.40	.40	5%	.03	
8.40	.50	.55		.01	
8.30	.50	.75		.01	
8.10	.50	.75		.05	
8.10	.50	.75		.05	
8.10	.50	.75		.05	

NOTICES

9415

AP-801 P. 3

56-20, Va.-2-C 2 of 4

HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS (Cont'd)

"A" Counties Only:
Brooke, Cabell, Hancock, Harrison, Jackson,
Kanawha, Marion, Marshall, Mason, Monongalia,
Ohio, Pleasants, Putnam, Tyler, Wayne, Wetzel,
Wood, Preston and Lewis.

LABORERS "A" Counties only
BLACKSMITH, tunnel driller, tunnel miner
POWDERMAN, mucker-chucker
CAISON BOTTOM MAN, pipelayer, form setter (road),
drill operator, inside laborer
AIR TOOL OPERATOR, vibrator man, whacker, chainsaw
operator, mortarmen, mason tender, blacksmith
helper, cement finisher helper, waterproofer,
sheeter & shorer, pipelayers helpers, ballfloat
man, pavement reinforcing placer, drill helper,
handyman, signal man, asphalt raker, green-cutter,
Georgia power buggies, burner, grade checker,
cement blower man, and powderman helpers
LABORER, deckhand, mulcher & seeder (hand or ma-
chine), tree trimmer, flagman
WATCHMAN

TRUCK DRIVERS "A" Counties Only
WAREHOUSE, yardman, truck helpers, pickups, station
wagons, panel trucks, team 2-up
FLATBOAT MATERIAL TRUCKS (Straight jobs), dump
trucks (up to 5 yards), material checkers, ma-
terial receivers, team 4-up, greasers, tireman
and mechanic helpers (truck)
SEMI-DUMP TRUCKS, semi-trailers (flat, rack or
pole), low boy trucks, distributor trucks, agri-
tators or mixer trucks (up to and including 5
yards), dump trucks and dumpsters (5 yards to
12 yards)

RUBBER-TIRED TRACTORS (towing or pushing)
DUMP TRUCK, agitator or mixer trucks and other
hauling equipment (12 yards to 20 yards), mucker
truck

DUMP TRUCK, Agitator or mixer trucks and other
hauling equipment (20 yards and over)
"A" FEASE OPERATOR
MECHANICS (truck)

Rate Hourly Per Hour	C & W	Insurance	Vacation	Ann. Tl.	Other
\$6.54	.25	.25		.03	
6.17	.25	.25		.03	
5.89	.25	.25		.03	
5.61	.25	.25		.03	
5.38	.25	.25		.03	
4.94	.25	.25		.03	
5.36	a	b			
5.70	a	b			
5.93	a	b			
6.25	a	b			
6.31	a	b			
6.46	a	b			
6.62	a	b			
6.67	a	b			

AP-801 P. 4

56-20, Va.-2-C 3 of 4

HEAVY CONSTRUCTION

CARPENTERS "A" Counties only
FILEDRIVERS "A" Counties except for Brooke, Em-
cock, Marshall, Monongalia, Ohio and Wetzel Coun-
ties

CEMENT MASONS "A" Counties only

FILEDRIVERS:
Brooke, Hancock, Marshall, Monongalia, Ohio, and
Wetzel Counties
"A" Counties only:
Berkeley, Fayette, Logan, McDowell, Mercer, Mingo,
Baldwin, Taylor, Wyoming, Barbour, Boone, Brax-
ton, Calhoun, Clay, Boone, Gilmer, Grant,
Greenbrier, Hampshire, Hardy, Jefferson, Lincoln,
Mineral, Monroe, Morgan, Nicholas, Pendleton,
Pocahontas, Randolph, Ritchie, Roane, Summers,
Tucker, Upsher, Webster, Wirt.

LABORERS "A" Counties only
BLACKSMITH, tunnel driller, tunnel miner
POWDERMAN, mucker-chucker
CAISON BOTTOM MAN, pipelayer, form setter (road),
drill operator, inside laborer

AIR TOOL OPERATOR, vibrator man, whacker, chainsaw
operator, mortarmen, mason tender, blacksmith
helper, cement finisher (helper), waterproofer,
sheeter & shorer, pipelayer (helpers), ballfloats
man, pavement reinforcing placer, drill helper,
handyman, signal man, asphalt raker, green-cutter,
Georgia power buggie, burner, grade checker, ce-
ment blower man and powderman helper
LABORER, deckhand, mulcher & seeder (hand or ma-
chine), tree trimmer, flagman
WATCHMAN

TRUCK DRIVERS "A" Counties only
WAREHOUSE, yardman, truck helpers, pickups, sta-
tion wagons, panel trucks, team 2-up
FLATBOAT MATERIAL TRUCKS (Straight jobs), dump
trucks (up to 5 yds), material checkers, material
receivers, team 4-up, greasers, tireman and mech-
anic helpers (truck)
SEMI-DUMP TRUCKS, semi-trailers (flat, rack or
pole), low boy trucks, distributor trucks, agri-
tators or mixer trucks (up to and including 5
yards), dump trucks and dumpsters (5 yards to 12
yards)

RUBBER-TIRED TRACTORS (towing or pushing)
DUMP TRUCK, agitator or mixer trucks and other
hauling equipment (12 yards to 20 yards), mucker
truck

Rate Hourly Per Hour	C & W	Insurance	Vacation	Ann. Tl.	Other
\$6.94	.25	.25		.02	
7.23	.25	.25		.02	
7.15	c				
8.41	5%	6%			
6.27	.25	.25		.03	
5.90	.25	.25		.03	
5.62	.25	.25		.03	
5.33	.25	.25		.03	
5.11	.25	.25		.03	
4.66	.25	.25		.03	
5.34	a	b			
5.49	a	b			
5.70	a	b			
6.01	a	b			
6.07	a	b			

HEAVY CONSTRUCTION

TRUCK DRIVERS (cont'd)

BUMP TRUCK, agitator or mixer trucks and other hauling equipment (20 yards and over)
 "A" FRAME OPERATOR
 MECHANICS (truck)

CARPENTERS - "B" Counties only
 CEMENT MASONS - "B" Counties only
 PILEDRIVERS - "B" Counties only

FOOTNOTES:

- Employer contribution of \$41.16 per month provided the employee has been employed for 30 days or more.
- Employer contribution of \$34.67 per month provided the employee has been employed for 30 days or more.
- Employer contributes \$.25 per hour into the Health & Welfare or Pension Fund.

Hourly Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate
Hourly Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate
\$6.25	a	b							
6.46	a	b							
6.66	a	b							
6.26	.25	.25							
6.22	c								
6.56	.25	.25							

HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS-Statewide W.Va.

Class I: Equipment with booms of one hundred and fifty (150) feet and /or capacity of three (3) yards and over, or 50 tons or over, front-end loader with capacity of four (4) yards and over, capacities to be based on manufacturer's specifications.
 Transloader.

Tunneling and underground

Class II: Cable way, crane, derrick (two drums or more), derrick boat, dragline, dredge, gradall, hoist (two drums or more) mechanic (heavy) mixer plant (two or more mixers, including batch control), paver, (dual drums), pile driver, shovel, side boom tractor, cone drill operator, trencher (20' or over), truck crane, backhoe, hi-lift (1-1/2 cubic yards or over), dozer with ripper (when dozer is D-8 class or larger), double hitched equipment, bulldozer with roller, standard gauge locomotive, tug boat, concrete pump, controlled fine grade machine

Tunneling and underground

Class III: Bulldozer, derrick (single drum), hi-lift (under 1-1/2 cubic yards), hoist (single drum), single drum paver, trencher (under 20'), motor grader, air tugger, rubber-tired scraper, self-loading tractor pan, Boss Carrier, "A" Frame, multiple concrete saw, asphalt paver, hydraulic post driver, base paver, rotary drill and greaser and greaser truck, snake or push tractor

Tunneling and underground

Class IV: Concrete mixer (single drum), one cubic yard or over, fork lift, asphalt batch plant, concrete batch plant, crushing plant, screening and washing plant, self propelled power concrete spreader, sub-grader, power form handling equipment, bur-lap and curing machine, concrete finishing machine, form grader, bull float, portable concrete saw, bar and joint installing machine and compactor.

Tunneling and underground

Hourly Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate
Hourly Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate
\$7.49	.25	.35							
7.74	.25	.35							
6.75	.25	.35							
7.00	.25	.35							
6.08	.25	.35							
6.33	.25	.35							
5.87	.25	.35							
6.12	.25	.35							

AP-801 P. 9

57-N, VA.-3-H 4 of 4

HIGHWAY CONSTRUCTION

LABORERS (CONT'D) "B" Counties only

LABORERS, dockhand, mulcher & seeder (hand or machine), tree trimmer, flagman

WATCHMAN

TRUCK DRIVERS-"B" Counties

WAREHOUSE, yardman, truck helpers, pick-ups, station

WAGONS, panel trucks, team 2-up

FLATBODIED MATERIAL TRUCKS (straight jobs), dump trucks

(up to 5 yards), material checkers, material recei-

vers, team 4-up, greasers, tiremen and mechanic

helpers (truck)

SEMI-DUMP TRUCKS, semi-trailers (flat, rack or pole),

low boy trucks, distributor trucks, agitators or

miners trucks (up to and including 5 yards), dump

trucks and dumpsters (5 yards to 12 yards)

RUBBER-TIRED TRACTORS (towing or pushing)

DUMP TRUCK, agitator or mixer trucks and other hauling

equipment (12 yards to 20 yards), mucker truck

DUMP TRUCK, agitator or mixer trucks and other hauling

equipment (20 yards and over)

"A" FRAME OPERATOR

MECHANICS (trucks)

CARPENTERS "B" Counties

FILEDRIVERS "B" Counties

CONCRETE MASONS "B" Counties

Rate	EMPLOYER BENEFITS PAYMENTS			
	Rate	Rate	Rate	Rate
4.87	.25	.25		.03
4.44	.25	.25		.03
5.16	a	b		
5.34	a	b		
5.55	a	b		
5.86	a	b		
5.93	a	b		
6.07	a	b		
6.29	a	b		
6.29	a	b		
6.11	.25	.25		.02
6.41	.25	.25		.02
6.55	c			

FOOTNOTES:

a. Employer contribution of \$41.16 per month provided employee has been employed 30 days or more.

b. Employer contribution of \$34.67 per month provided employee has been employed 30 days or more.

c. Employer contributes \$.25 per hour into the HSW Fund or Pension Fund.

[FIR Doc.73-6980 Filed 4-12-73;8:45 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1973)

Title 7—Agriculture (Parts 700-749).....	\$3.75
Title 7—Agriculture (Parts 1200-1499).....	4.25
General Index.....	3.75

[A Cumulative checklist of CFR issuances for 1973 appears in the first issue of the Federal Register each month under Title 1]

Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402