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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to reflect the title change from Deputy Assistant Secretary for Development Finance (International Affairs) to Deputy Assistant Secretary for Developing Nations Finance, and to show that one position of Energy Adviser to the Deputy Secretary is excepted under schedule C.

Effective April 27, 1973, § 213.3305(a) (32) is amended and § 213.3305(a) (45) is added as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* * * *
(32) Deputy Assistant Secretary for Developing Nations Finance.

* * * * *
(45) Energy Adviser to the Deputy Secretary.

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

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,

Executive Assistant to the Commissioners.

[FR Doc. 73-8282 Filed 4-26-73; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the following positions are excepted under schedule C: One secretary to the Special Assistant to the Under Secretary and one secretary to the Special Assistant to the Deputy Under Secretary.

Effective on April 27, 1973, paragraphs (a) (41) and (a) (42) are added under § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *
(41) One secretary to the Special Assistant to the Under Secretary.

(42) One secretary to the Special Assistant to the Deputy Under Secretary.

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

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,

Executive Assistant to the Commissioners.

[FR Doc. 73-8283 Filed 4-26-73; 8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIAL UNDER CERTAIN CONDITIONS

Approval of Type B, Large Quantity, and Fissile Material Packagings

On November 20, 1971, the Atomic Energy Commission published in the **FEDERAL REGISTER** (36 FR 22134) proposed amendments to 10 CFR part 71 of its regulations. The proposed amendments would provide a means for implementing the transfer of the approval of type B packagings from the Department of Transportation (DOT) to the AEC (in its regulatory function) by adding to part 71 standards and requirements for AEC approval of type B packagings, and procedures for obtaining AEC regulatory staff approval of type B, large quantity, and fissile material packagings. The transfer of the approval function for packages used by license-exempt AEC contractors is being implemented by a change in AEC manual, chapter 5201. Proposed amendments to DOT regulations, published concurrently, would require AEC approval of packagings, other than specification packagings prescribed in the DOT regulations and packagings approved by a foreign national competent authority under the 1967 regulations of the International Atomic Energy Agency, used to ship quantities of fissile material which exceed the small quantities specifically exempted by DOT regulations or to ship quantities of other radioactive material which exceed type A quantities, as defined in DOT regulations.

After consideration of the comments received and other factors involved, the Commission has adopted the amendments published for comment with the following changes:

1. The definition of "Type A quantity" in § 71.4(q) has been modified to limit Californium-252 in special form to 2 curies instead of 20 curies, to conform to that limit recently introduced into DOT regulations.

2. The general license provided in § 71.12 for shipment in DOT specification containers and in packages licensed for use by licensees has been amended to include packaging approved by a foreign national competent authority. The amendment to the DOT regulations, to be made effective concurrently, requires that packages approved by a foreign

competent authority be revalidated by DOT before use in the United States.

3. In § 71.10 the period during which persons are exempted from the requirements for an AEC approval for Type B packages being used under a DOT special permit has been lengthened from 3 to 6 months after the effective date of the amendments.

Other minor corrective and editorial changes have been made.

The amended regulation permits uninterrupted use of type B containers approved under DOT special permits. Pursuant to § 71.10, an AEC licensee using a type B container under a valid DOT special permit is allowed to use that container until the AEC acts on an application for license submitted within 6 months of the effective date of the amendments or prior to the date on which the special permit expires, whichever is later. The corresponding DOT amendments, published February 14, 1973 (38 FR 4396), authorize the use of AEC-approved packagings, and provide that special permits issued by DOT will continue in effect until their stated expiration date.

AEC approval of packagings will consist of: (1) A license or license amendment issued under part 71, (2) an administrative approval issued to AEC license-exempt contractors in accordance with standards and procedures published in the AEC manual, or (3) an approval issued by the AEC's Directorate of Licensing to persons subject to DOT jurisdiction who are not AEC licensees. The latter category includes agreement State licensees, and persons who ship type B quantities or large quantities of radium.

To obtain AEC approval, all persons, other than AEC license-exempt contractors, are required to submit an application to the Chief, Transportation Branch, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545. The contents of the application are set forth in §§ 71.21, 71.22, 71.23, and 71.24 of 10 CFR part 71. AEC license-exempt contractors must apply for approval in accordance with the provisions of the AEC manual, chapter 5201.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, part 71, are published as a document subject to codification to become effective June 30, 1973.

1. Paragraph (a) of § 71.1 of part 71 is amended to read as follows:

RULES AND REGULATIONS

§ 71.1 Purpose.

(a) This part establishes requirements for transportation and for preparation for shipment of licensed material and prescribes procedures and standards for approval by the Atomic Energy Commission of packaging and shipping procedures for fissile material (uranium-233, uranium-235, plutonium-238, plutonium-239, and plutonium-241) and for quantities of licensed materials in excess of type A quantities, as defined in § 71.4(q), and prescribes certain requirements governing such packaging and shipping.

2. A new paragraph (q) is added to § 71.4 to read as follows:

§ 71.4 Definitions.

(q) "Type A quantity" and "type B quantity" means a quantity of radioactive material the aggregate radioactivity of which does not exceed that specified in the following table:

Transport groups [see § 71.4(p)]	Type A quantity (in curies)	Type B quantity (in curies)
I	0.001	20
II	0.05	200
III	3	2000
IV	20	20000
V	20	5,000
VI and VII	1,000	50,000
Special form	10	5,000

¹ Except that for californium-252, the limit is 2 Ci.

§ 71.6 [Redesignated].

3. Section 71.13 is redesignated § 71.6.
4. Section 71.6 is redesignated § 71.7. The heading is revised to read as shown below, and paragraph (b) is amended to read as follows:

§ 71.7 Exemption for no more than Type A quantities.

(b) Shipments subject to the regulations of the Department of Transportation in 49 CFR parts 170-189, 14 CFR part 103, or 46 CFR part 146 or the U.S. Postal Service in 39 CFR parts 14 and 15 of packages each of which contains no more than a type A quantity of radioactive material, as defined in § 71.4(q), which may include one of the following:

(1) Not more than 15 grams of fissile material; or

(2) Thorium, or uranium containing not more than 0.72 percent by weight of fissile material; or

(3) Uranium compounds, other than metal (e.g., UF₆, UF₄, or uranium oxide in bulk form, not pelleted or fabricated into shapes) or aqueous¹ solutions of uranium, in which the total amount of uranium-233 and plutonium present does not exceed 1 percent by weight of the uranium-235 content, and the total fissile content does not exceed 1 percent by weight of the total uranium content; or

(4) Homogeneous hydrogenous² solu-

tions or mixtures containing not more than:

(i) 500 grams of any fissile material, provided the atomic ratio of hydrogen to fissile material is greater than 7,600; or

(ii) 800 grams of uranium-235: *Provided*, That the atomic ratio of hydrogen to fissile material is greater than 5,200, and the content of other fissile material is not more than 1 percent by weight of the total uranium-235 content; or

(iii) 500 grams of uranium-233 and uranium-235: *Provided*, That the atomic ratio of hydrogen to fissile material is greater than 5,200, and the content of plutonium is not more than 1 percent by weight of the total uranium-233 and uranium-235 content; or

(iv) Less than 350 grams of fissile material: *Provided*, That there is not more than 5 grams of fissile material in any cubic foot within the package.

§ 71.8 [Redesignated]

5. Section 71.7 is redesignated § 71.8.
6. A new § 71.9 is added to read as follows:

§ 71.9 Exemption for fissile material.

A licensee is exempt from requirements in §§ 71.33, 71.35(b), 71.36(b), 71.37, 71.38, 71.39, and 71.40 to the extent that he delivers to a carrier for transport packages each of which contains one of the following:

(a) Not more than 15 grams of fissile material; or

(b) Thorium, or uranium containing not more than 0.72 percent by weight of fissile material; or

(c) Uranium compounds, other than metal (e.g., UF₆, UF₄, or uranium oxide in bulk form, not pelleted or fabricated into shapes) or aqueous¹ solutions of uranium, in which the total amount of uranium-233 and plutonium present does not exceed 1 percent by weight of the uranium-235 content, and the total fissile content does not exceed 1 percent by weight of the total uranium content; or

(d) Homogeneous hydrogenous² solutions or mixtures containing not more than:

(1) 500 grams of any fissile material, provided the atomic ratio of hydrogen to fissile material is greater than 7,600; or

(2) 800 grams of uranium-235: *Provided*, That the atomic ratio of hydrogen to fissile material is greater than 5,200, and the content of other fissile material is not more than 1 percent by weight of the total uranium-235 content; or

(3) 500 grams of uranium-233 and uranium-235: *Provided*, That the atomic ratio of hydrogen to fissile material is greater than 5,200, and the content of plutonium is not more than 1 percent by weight of the total uranium-233 and uranium-235 content; or

(e) Less than 350 grams of fissile material: *Provided*, That there is not more than 5 grams of fissile material in any cubic foot within the package.

§ 71.14 [Deleted].

7. Section 71.14 is deleted.

8. Section 71.15 is redesignated § 71.10 and the heading and text are revised to read as follows:

§ 71.10 Limited exemption for shipment of type B quantities of radioactive material.

A person delivering a type B quantity of radioactive material, as defined in § 71.4(q), to a carrier for transport in accordance with the provisions of a special permit, which has been issued by the Department of Transportation and is in effect on June 30, 1973, is exempt from the requirements in this part with respect to such shipments. The exemption granted by this section shall terminate on December 31, 1973, or on the date on which the DOT special permit expires, whichever is later, except as to activities described both in the special permit and in an application for a license which the person has, prior to the termination date of the exemption, filed with the Commission. If the person has filed such an application, the exemption granted by this section shall continue until the application has been finally determined by the Commission.

9. An undesignated centerhead preceding § 71.11 is added to read as follows:

GENERAL LICENSES

10. Section 71.8 is redesignated as § 71.11 and subparagraphs (a)(1) and (b)(1) are amended to read as follows:

§ 71.11 General license for shipment of licensed material.

(a) * * *

(1) No single package contains more than a type A quantity of radioactive material, as defined in § 71.4(q); and

(b) * * *

(1) No single package contains more than a type A quantity of radioactive material, as defined in § 71.4(q); and

11. Section 71.9 is redesignated § 71.12, paragraph (a) is amended, and a new paragraph (c) is added to read as follows:

§ 71.12 General license for shipment in DOT specification containers, in packages licensed for use by another licensee, and in packages approved by a foreign national competent authority.

(a) In a specification container for fissile material as specified in § 173.396(b) or (c) or for a type B quantity of radioactive material as specified in § 173.394(b) or § 173.395(b), or for a large quantity of radioactive material as specified in § 173.394(c) or § 173.395(c) of the regulations of the Department of Transportation, 49 CFR part 173; or

(c) In a package which meets the pertinent requirements in the 1967 regulations of the International Atomic Energy

¹ This applies to light water and does not apply to heavy water.

² This applies to light hydrogen and does not apply to heavy hydrogen (i.e., deuterium or tritium).

Agency and the use of which has been approved in a foreign national competent authority certificate which has been revalidated by the Department of Transportation. *Provided*, That the person using a package pursuant to the general license provided by this paragraph:

(1) Has and complies with the applicable certificate, the revalidation, and the documents referenced in the certificate relative to the use and maintenance of the packaging, and the actions to be taken prior to shipment; and

(2) Complies with the applicable requirements of this part, and of the Department of Transportation regulations in 49 CFR part 173, 14 CFR part 103, and 46 CFR part 146.

§ 71.13, 71.14, 71.15 [Redesignated].

12. Sections 71.10, 71.11, and 71.12 are redesignated as §§ 71.13, 71.14, and 71.15, respectively.

13. A new paragraph (c) is added to § 71.16 to read as follows:

§ 71.16 Amendment of existing licenses.

(c) The reference to § 71.9(b) in AEC licenses issued pursuant to this part prior to June 30, 1973, is changed to 71.12(b).

14. The section heading and the first sentence of § 71.32 are amended to read as follows:

§ 71.32 Structural standards for type B and large quantity packaging.

Packaging used to ship a type B or a large quantity of radioactive material, as defined in § 71.4 (q) and (f), shall be designed and constructed in accordance with the structural standards of this section.

15. The introductory language of paragraph (a) of § 71.35 and paragraph (c) of § 71.35 are amended to read as follows:

§ 71.35 Standards for normal conditions of transport for a single package.

(a) A package used for the shipment of fissile material or more than a type A quantity of radioactive material, as defined in § 71.4(q), shall be so designed and constructed and its contents so limited that under the normal conditions of transport specified in appendix A of this part:

(c) A package used for the shipment of more than a type A quantity of radioactive material, as defined in § 71.4(q), shall be so designed and constructed and its contents so limited that under the normal conditions of transport specified in appendix A of this part, the containment vessel would not be vented directly to the atmosphere.

16. The introductory language of paragraph (a) of § 71.36 is amended to read as follows:

§ 71.36 Standards for hypothetical accident conditions for a single package.

(a) A package used for the shipment of more than a type A quantity of radioactive material, as defined in § 71.4(q), shall be so designed and constructed and its contents so limited that if subjected to the hypothetical accident conditions

specified in appendix B of this part as the free drop, puncture, thermal, and water immersion conditions in the sequence listed in appendix B, it will meet the following conditions:

17. The introductory language of paragraph (a) of § 71.62 is amended to read as follows:

§ 71.62 Records.

(a) The licensee shall maintain for a period of 2 years after its generation a record of each shipment of fissile material or of more than a type A quantity of radioactive material as defined in § 71.4 (q), in a single package, showing, where applicable:

(Secs. 53, 62, 81, 161; 68 Stat. 930, 932, 935, 948, as amended; 42 U.S.C. 2073, 2092, 2111, 2201.)

Dated at Germantown, Md., this 20th day of April 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-8072 Filed 4-26-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-NE-7; Amendment 39-1630]

PART 39—AIRWORTHINESS DIRECTIVE

Pratt & Whitney Model JT3D Engines

Amendment 39-1616 (38 FR 8243), AD 73-7-8, requires inspection of the return tube elbow jam nut for jam nut torque value and remake of the fitting if the threads are not worn or replacement of the tube elbow with a new design elbow if the threads are worn. After issuing amendment 39-1616, the agency determined that, in cases where the threads are found to be worn, replacement with either new or serviceable tube elbows of the old design is acceptable as an alternate means of compliance with the replacement requirements of paragraph (b) (2) of the AD. Therefore, this AD is being amended to permit the replacement of worn fuel control elbows with either new or serviceable parts of the same part number or with new design parts. By the terms of the applicability language, continued compliance with this AD would be required where old design parts were utilized as replacements for worn parts.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 12397), § 39.13 of part 39 of the Federal Aviation Regulations, amendment No. 39-1616 (38 FR 8243), AD 73-7-8 is amended by deleting the present language of paragraph (b) (2) and in-

serting the following language in lieu thereof:

(2) If the threads of the elbow, P/N 424790, or fuel control cover P/N 704972-1, are found worn replace with new or serviceable parts of same part number or with P/N 483848 elbow and associated hardware in accordance with Pratt & Whitney Service Bulletin No. 1511 Revision 4, dated June 20, 1969, or later FAA approved revision.

This amendment becomes effective April 27, 1973.

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

Issued in Burlington, Mass., on April 16, 1973.

FERRIS J. HOWLAND,
Director, New England Region.
[PR Doc.73-8196 Filed 4-26-73;8:45 am]

[Airspace Docket No. 72-WA-55]

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

Alteration of VOR Federal Airways

On November 15, 1972, a notice of proposed rulemaking (NPRM) was published in the **FEDERAL REGISTER** (37 FR 24191) stating that the Federal Aviation Administration (FAA) was considering an amendment to part 71 of the Federal Aviation Regulations that would realine Victor Airways 3, 39, and 93 northeast of Boston, Mass.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. No comments were received.

In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 21, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307, 4388, 37 FR 28502) is amended as follows:

1. In V-3 "Kennebunk, Maine; Augusta, Maine; Bangor, Maine; Millinocket, Maine;" is deleted and "INT Pease 004" and Augusta, Maine 228° radials; Augusta; Millinocket, Maine;" is substituted therefor.

2. In V-39 "Kennebunk, Maine; Augusta, Maine; Bangor, Maine; Millinocket, Maine;" is deleted and "INT Concord 052° and Augusta, Maine 228° radials; Augusta; Millinocket, Maine;" is substituted therefor.

3. In V-93 "INT Concord 041" and Augusta, Maine, 239° radials; Augusta; Bangor, Maine;" is deleted and "Kennebunk, Maine; INT Kennebunk 045° and Bangor, Maine 220° radials; Bangor;" is substituted therefor.

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

Issued in Washington, D.C., on April 20, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.
[FR Doc.73-8192 Filed 4-26-73;8:45 am]

RULES AND REGULATIONS

[Airspace Docket No. 73-CE-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**Alteration of Control Zone**

The purpose of this amendment to part 71 of the Federal Aviation Regulations is to alter the Chadron, Nebr., control zone.

The Chadron, Nebr., control zone, serving the Chadron Municipal Airport is being changed from a continuous to a part-time operation due to a lack of necessary weather reports for the control zone under certain conditions. Accordingly, it is necessary to alter the Chadron control zone description to reflect the part-time status of the control zone. The new hours for the control zone will initially be published in advance by a notice to airmen. Thereafter, the effective date and time of the control zone and any changes thereto will continuously be published in the "Airman's Information Manual."

Since this alteration is relaxatory in nature and is in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., June 21, 1973, as hereinafter set forth:

In § 71.171 (38 FR 351), the following control zone is amended to read:

CHADRON, NEBR.

Within a 5-mile radius of Chadron Municipal Airport (lat. 42°50'00" N., long. 08°05'50" W.); and within 2 miles each side of the 010° bearing from the Chadron Municipal Airport, extending from the 5-mile-radius zone to 8 miles north of the airport. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the "Airman's Information Manual."

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

Issued in Kansas City, Mo., on April 5, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-8184 Filed 4-26-73;8:45 am]

[Airspace Docket No. 73-CE-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**Alteration of Control Zone**

The purpose of this amendment to part 71 of the Federal Aviation Regulations is to alter the Sidney, Nebr., control zone.

The Sidney, Nebr., control zone, serving the Sidney Municipal Airport is being changed from a continuous to a part-time operation due to a lack of necessary weather reports for the control zone under certain conditions. Accordingly, it is necessary to alter the Sidney control zone description to reflect the part-time status of the control

zone. The new hours for the control zone will initially be published in advance by a notice to airmen. Thereafter, the effective date and time of the control zone and any changes thereto will continuously be published in the "Airmen's Information Manual."

Since this alteration is relaxatory in nature and is in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., June 21, 1973, as hereinafter set forth:

In § 71.171 (38 FR 351), the following control zone is amended to read:

SIDNEY, NEBR.

Within a 5-mile radius of Sidney Municipal Airport (lat. 41°05'55" N., long. 102°58'55" W.); within 2 miles each side of the Sidney VORTAC 128° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC; and within 2 miles each side of the Sidney VORTAC 321° radial, extending from the 5-mile-radius zone to 8 miles northwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the "Airman's Information Manual."

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

Issued in Kansas City, Mo., on March 28, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-8185 Filed 4-26-73;8:45 am]

[Airspace Docket No. 72-EA-115]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**Designation of Transition Area**

On page 26739 of the FEDERAL REGISTER for December 15, 1972, the Federal Aviation Administration published a proposed rule which would designate a Westhampton Beach, N.Y., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. In response AOPA recommended excluding an area to permit VFR operations at Mattituck Airbase. Further, the owner and chief pilot at Mattituck Airbase were of the opinion that operations at Mattituck would be hampered by the required lowering of the traffic pattern to below 700 feet during weather conditions of less than 3 miles visibility or ceiling of less than 1,000 feet. They further allege that there is no history of safety problems between Mattituck Airbase and Westhampton Airport (formerly Suffolk Airbase) and other instrument approaches. A review of the airspace history indicates that this is not only correct but also until 1967 a 700-foot transition area, as presently needed, also existed over Mattituck Airbase. But even assuming the lack of such history, the commissioning of the

new ILS approach to runway 24 requires the proposed lowering of the transition area floor to 700 feet.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., April 26, 1973.

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

Issued in Jamaica, N.Y., on March 26, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of part 71 of the Federal Aviation Regulations so as to amend the description of the Westhampton Beach, N.Y., 700-foot floor transition area by adding "and within 5 miles each side of the Squire, N.Y. OM (lat. 40°54'16" N., long. 72°33'25" W.) extending from the 9-mile radius area to 11.5 miles northeast of the OM" following "(lat. 40°50'39" N., long. 72°37'49" W.).

[FR Doc.73-8188 Filed 4-26-73;8:45 am]

[Airspace Docket No. 72-GL-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**Designation, Alteration and Deletion of Transition Areas and Alteration of Airways**

On pages 4348 and 4349 of the FEDERAL REGISTER dated February 13, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend §§ 71.181 and 71.123 of part 71 of the Federal Aviation Regulations so as to designate a transition area within the boundary of the State of Minnesota; alter the transition areas at Albert Lea, Alexandria, Benson, Fairbault-Owatonna, Fergus Falls, Jackson, Mankato, Marshall, Montevideo, Morris, New Ulm, Pipestone, Redwood Falls, St. Cloud, Windom, Brainerd, Duluth, Fairmont, Minneapolis, and Worthington, Minn.; Fargo, N. Dak.; Sioux Falls, S. Dak.; Grantsburg and Osceola, Wis.; and Spirit Lake, Iowa. Transition area deletions at Darwin, Hope, and Madison, Minn., were being considered and airway alterations proposed.

Interested persons were given until March 15, 1973, to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following changes:

The transition areas recited as "Fargo, S. Dak." and "Sioux Falls, N. Dak." should read "Fargo, N. Dak." and "Sioux Falls, S. Dak."

These amendments shall be effective 0901 G.m.t., June 21, 1973.

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

Issued in Des Plaines, Ill., on April 6, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

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

MINNESOTA

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Minnesota south of parallel 46°30'.

In § 71.181 (38 FR 435), the following transition areas are amended by deleting reference to that airspace extending upward from 1,200 feet above the surface:

Albert Lea, Minn.	Montevideo, Minn.
Alexandria, Minn.	Morris, Minn.
Benson, Minn.	New Ulm, Minn.
Fairbault-Owatonna, Minn.	Pipestone, Minn.
Fergus Falls, Minn.	Redwood Falls, Minn.
Jackson, Minn.	St. Cloud, Minn.
Mankato, Minn.	Windom, Minn.
Marshall, Minn.	

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

Madison, Minn.	Hope, Minn.
Darwin, Minn.	

In § 71.181 (38 FR 435), the following transition areas are amended as indicated:

Brainerd, Minn.—Delete all after "1,200 feet above the surface" and insert in place "within a 31½-mile radius of the VORTAC north of parallel 46°30' and west of V161".

Duluth, Minn.—Add "and the portion in Minnesota south of parallel 46°30'."

Fairmont, Minn.—Delete all after "18½ miles southeast of the airport" and insert "excluding the portion in Minnesota".

Fargo, N. Dak.—Add "excluding that portion in Minnesota south of parallel 46°30'".

Grantsburg, Wis.—Add "excluding the portion in Minnesota".

Minneapolis, Minn.—Delete all after "1,200 feet above the surface" and insert in place "within the State of Wisconsin bounded by V13, V55, and V78".

Osceola, Wis.—Add "excluding that portion in Minnesota".

Sioux Falls, S. Dak.—Add "excluding that portion in Minnesota".

Spirit Lake, Iowa—Add "excluding that portion in Minnesota".

Worthington, Minn.—Delete "within 9½ miles west and 4½ miles east of the Worthington VOR 358° radial extending from the VOR to 18½ miles north of the VOR; and", and add at end of description "excluding the portion in Minnesota".

In § 71.123 (38 FR 307), the following airways are amended as follows:

V2—Delete "25 miles, 50 miles, 30 MSL" Alexandria, Minn. including an N alternate from Fargo, 25 miles, 52 miles,

30 MSL Alexandria, 5 miles, 70 miles 25 MSL", and insert in place "Alexandria, Minn".

V24—Delete "15 miles, 64 miles, 33 MSL". V55—Delete "9 miles, 55 miles, 25 MSL" and "9 miles, 45 miles, 26 MSL". V82—Delete "11 miles, 52 miles, 25 MSL". V161—Delete "14 miles, 52 miles, 25 MSL". V171—Delete "6 miles, 51 miles, 27 MSL".

[FR Doc. 73-8189 Filed 4-26-73; 8:45 am]

[Airspace Docket No. 73-GL-2]

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

Alteration of Transition Area

On pages 4350 and 4351 of the FEDERAL REGISTER dated February 13, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of part 71 of the Federal Aviation Regulations so as to alter the transition area at Portsmouth, Ohio.

Interested persons were given until March 15, 1973, to submit written comments, suggestions or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., June 21, 1973.

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

Issued in Des Plaines, Ill., on April 6, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is amended to read:

PORTSMOUTH, OHIO

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Greater Portsmouth Regional Airport (lat. 38°50'26" N., long. 82°50'52" W.), within 3 miles each side of a 177° bearing from the airport extending from the 8-mile radius area to 12 miles south of the airport.

[FR Doc. 73-8190 Filed 4-26-73; 8:45 am]

[Airspace Docket No. 73-GL-5]

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

Designation of Transition Area

On pages 4716 and 4717 of the FEDERAL REGISTER dated February 21, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of part 71 of the Federal Aviation Regulations

so as to designate a transition area at Wapakoneta, Ohio.

Interested persons were given until March 23, 1973, to submit written comments, suggestions, or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., June 21, 1973.

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

Issued in Des Plaines, Ill., on April 6, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

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

WAPAKONETA, OHIO

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Neil Armstrong Field (lat. 40°29'36" N., long 84°18'04" W.).

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

[FR Doc. 73-8191 Filed 4-26-73; 8:45 am]

[Airspace Docket No. 73-SO-171]

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

Extension of VOR Federal Airway; Correction

On April 2, 1973, FR Doc. 73-6224 was published in the FEDERAL REGISTER (38 FR 8428) which amends part 71 of the Federal Aviation Regulations, effective 0901 G.m.t., May 24, 1973, by extending V-168 from Gossett, Ala., Intersection to LaGrange, Ga. Due to publication of an incorrect radial which describes the Gossett Intersection, action is taken to correct that description.

Since amending the description of this intersection is a minor editorial change on which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, effective April 27, 1973, FR Doc. 73-6224 (38 FR 8428) is amended, as hereinafter set forth.

In V-168, line 5, delete "Talladega, Ala., 178° radials." and substitute "Talladega, Ala., 179° radials;" therefor.

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

Issued in Washington, D.C., on April 20, 1973.

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

[FR Doc. 73-8193 Filed 4-26-73; 8:45 am]

RULES AND REGULATIONS

[Airspace Docket No. 73-SW-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**Alteration of Transition Area**

The purpose of this amendment to part 71 of the Federal Aviation Regulations is to alter the Sherman, Tex., transition area.

On March 9, 1973, a notice of proposed rulemaking was published in the **FEDERAL REGISTER** (38 FR 6397) stating the Federal Aviation Administration proposed to alter the Sherman, Tex., 700-foot transition area.

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

In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 21, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the Sherman, Tex., transition area is amended by deleting "(lat. 33°37'30" N., long. 96°35'09" W.) and within a 7-mile radius of Grayson County Airport (lat. 33°42'25" N., long. 96°40'25" W.)" and substituting therefor "(lat. 33°37'30" N., long. 96°35'00" W.); within a 7-mile radius of Grayson County Airport (lat. 33°42'55" N., long. 96°40'25" W.); and within 2 miles each side of the 181° bearing from the Grayson County NDB (lat. 33°49'26" N., long. 96°40'10" W.) extending from the 7-mile-radius area to the NDB."

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

Issued in Fort Worth, Tex., on April 18, 1973.

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

[FR Doc.73-8186 Filed 4-26-73;8:45 am]

[Airspace Docket No. 73-SW-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS**Designation of Transition Area**

The purpose of this amendment to part 71 of the Federal Aviation Regulations is to designate the Lake Village, Ark., transition area.

On March 9, 1973, a notice of proposed rulemaking was published in the **FEDERAL REGISTER** (38 FR 6398) stating the Federal Aviation Administration proposed to designate a transition area at Lake Village, Ark.

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

In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 21, 1973, as hereinafter set forth.

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

LAKE VILLAGE, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lake Village Airport (lat. 33°20'42" N., long. 91°18'57" W.).

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

Issued in Fort Worth, Tex., on April 18, 1973.

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

[FR Doc.73-8186 Filed 4-26-73;8:45 am]

[Docket No. 12755; Amdt. No. 861]

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 canceling the following VOR-VOR/DME SIAP's, effective June 7, 1973.

Beatrice, Nebr.—Beatrice Municipal Airport, VOR runway 13, amendment 7.

Beeville, Tex.—Beeville Municipal Airport, VORTAC runway 12, amendment 1.

Deming, N. Mex.—Deming Municipal Airport, VOR runway 26, amendment 5.

El Campo, Tex.—El Campo Airpark, VORTAC runway 17, original.

Greenville, Tex.—Majors Airport, VORTAC runway 13, original.

Havre, Mont.—Havre City-County Airport, VOR runway 7, amendment 2.

Havre, Mont.—Havre City-County Airport, VOR runway 25, amendment 2.

Lexington, Ky.—Blue Grass Airport, VOR-A, original.

Lexington, Ky.—Blue Grass Airport, VOR runway 33, amendment 10, canceled.

Marshall, Tex.—Harrison County Airport, VORTAC-A, original.

New Bern, N.C.—Simmons Nott Airport, VOR-1, amendment 4, canceled.

New Bern, N.C.—Simmons Nott Airport, VOR runway 4, original.

Pittsburgh, Pa.—Greater Pittsburgh Airport, VOR runway 10R, original.

St. Cloud, Minn.—St. Cloud Municipal Airport, VOR runway 31, amendment 1.

Selma, Ala.—Selfield Airport, VOR-A, original.

Williston, N. Dak.—Slovin Field International Airport, VOR runway 11, amendment 7.

Yakutat, Alaska—Yakutat Airport, VOR runway 11, amendment 8.

* * * effective May 24, 1973.

Logan, Utah—Logan-Cache Airport, VOR-A, amendment 1.

Logan, Utah—Logan-Cache Airport, VOR-B, amendment 1.

* * * effective May 10, 1973.

Jamestown, N. Dak.—Jamestown Municipal Airport, VOR runway 12, amendment 2.

Jamestown, N. Dak.—Jamestown Municipal Airport, VOR runway 30, amendment 2.

* * * effective April 13, 1973.

Bridgeport, Conn.—Bridgeport Municipal Airport, VOR runway 6, amendment 12.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective June 7, 1973.

Chicago, Ill.—Chicago Midway Airport, LOC runway 4R, amendment 2.

Cincinnati, Ohio—Cincinnati Municipal Lunken Field, LOC (BC) runway 2R, amendment 1.

Rapid City, S. Dak.—Rapid City Regional Airport, LOC (BC) runway 14, amendment 4.

* * * effective May 10, 1973.

Jamestown, N. Dak.—Jamestown Municipal Airport, LOC/DME (BC) runway 12, original.

Johnstown, Pa.—Johnstown-Cambria County Airport, LOC runway 33, original.

New Orleans, La.—New Orleans International (Molant Field), LOC (BC) runway 19, original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective June 7, 1973.

Chicago, Ill.—Chicago Midway Airport, NDB runway 4R, amendment 4.

Chicago, Ill.—Chicago O'Hare International Airport, NDB runway 9R, amendment 5.

Cincinnati, Ohio—Cincinnati Municipal Lunken Field, NDB (ADF)-2 runway 20L and 24, amendment 2, canceled.

Cincinnati, Ohio—Cincinnati Municipal Lunken Field, NDB runway 20L, amendment 4.

Cincinnati, Ohio—Cincinnati Municipal Lunken Field, NDB runway 24, original.
 Great Bend, Kans.—Great Bend Municipal Airport, NDB-A, original.
 Great Bend, Kans.—Great Bend Municipal Airport, NDB runway 27, amendment 1.
 NDB runway 27, amendment 1.
 Huntingburg, Ind.—Huntingburg Airport, NDB runway 27, amendment 1.
 Shenandoah, Iowa—Shenandoah Municipal Airport, NDB runway 30, amendment 4.
 * * * effective May 24, 1973.

Logan, Utah—Logan Cache Airport, NDB-A, original, canceled.
 Logan, Utah—Logan Cache Airport, NDB-C, original.
 Summit, Alaska—Summit Airport, NDB-A, amendment 5.
 * * * effective May 10, 1973.
 Jamestown, N. Dak.—Jamestown Municipal Airport, NDB runway 30, original.
 * * * effective May 3, 1973.

North Bend, Oreg.—North Bend Municipal Airport, NDB runway 4, original.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective June 7, 1973.

Chicago, Ill.—Chicago O'Hare International Airport, ILS runway 9R, amendment 3.
 Cincinnati, Ohio—Cincinnati Municipal Lunken Field, ILS runway 20L, amendment 5.
 Lancaster Pa.—Lancaster Airport, ILS runway 8, amendment 2.
 Salina Kans.—Municipal Airport, ILS runway 35, amendment 7.
 Wichita, Kans.—Wichita Municipal Airport, ILS runway 19R, amendment 1.

* * * effective May 10, 1973.

Jamestown, N. Dak.—Jamestown Municipal Airport, ILS runway 30, original.
 New Orleans, La.—New Orleans International (Mitsant Field), ILS runway 1, original.

* * * effective May 3, 1973.

North Bend, Oreg.—North Bend Municipal Airport, ILS runway 4, original.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAP's, effective April 13, 1973.

Denver, Colo.—Stapleton International Airport, Radar-1, amendment 11.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective June 7, 1973.

Amarillo, Tex.—Tradewind Airport, RNAV runway 35, amendment 3.
 Arlington, Tex.—Arlington Municipal Airport, RNAV runway 34, original.
 Florence, S.C.—Florence Municipal Airport, RNAV runway 27, original.
 Ft. Worth, Tex.—Meacham Field, RNAV runway 17, original.
 Ft. Worth, Tex.—Meacham Field, RNAV runway 35, original.
 Lufkin, Tex.—Angelina County Airport, RNAV runway 7, original.
 Lufkin, Tex.—Angelina County Airport, RNAV runway 15, original.
 Portland, Oreg.—Portland International Airport, RNAV runway 10L, original.

Yuma, Ariz.—Yuma MCAS/Yuma International Airport, RNAV runway 21R, original.
 Corrections

In docket No. 12658, amendment 858, to part 97 of the Federal Aviation Regu-

lations, published in the **FEDERAL REGISTER** dated Thursday, April 5, 1973, under § 97.29 effective April 19, 1973, change effective date of Farmingdale, N.Y., Republic Airport, ILS runway 14, original to May 3, 1973.

In docket No. 12719, amendment 859, to part 97 of the **Federal Aviation Regulations**, published in the **FEDERAL REGISTER** dated Friday, April 13, 1973, under § 97.23 effective May 24, 1973, change effective date of Mankato, Minn., Mankato Municipal Airport, VOR runway 15, original and VOR runway 33, amendment 1 to June 21, 1973.

(Secs. 307, 313, 601, 1110, **Federal Aviation Act of 1948**; 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. 522(a)(1).)

Issued in Washington, D.C., on April 19, 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. 73-8078 Filed 4-26-73; 8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Sodium Methohexitol For Injection, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (11-618V) filed by Elanco Products Co., P.O. Box 1750, Indianapolis, Ind. 46206, proposing revised labeling regarding the safe and effective use of sodium methohexitol for injection, veterinary as a general anesthetic in dogs and cats. The supplemental 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 135b (21 CFR part 135b) is amended by adding the following new section:

§ 135b.74 Sodium methohexitol for injection, veterinary.

(a) **Specifications.**—Sodium methohexitol for injection, veterinary is a sterile dry powder containing a mixture of sodium methohexitol and anhydrous sodium carbonate. It is packaged in sterile vials with directions for adding the necessary amount of either sterile water for injection or sterile normal saline solution to produce a 2.5 percent solution of sodium methohexitol. Five percent solutions may be prepared if desired by halving the amount of diluent.

(b) **Sponsor.**—See code No. 014 in § 135.501(c) of this chapter.

(c) **Conditions of use.**—(1) The drug is used in dogs and cats as a general anesthetic.

(2) It is injected intravenously in the average animal at 1 milliliter of a 2.5 percent solution per 5 pounds of animal weight. Approximately half the estimated dose is administered during a period of approximately 30 to 60 seconds; the remainder of the dose is then administered at the rate of 1 milliliter per 60 seconds. To maintain anesthesia for longer periods of time after the initial injection, inject 0.5 milliliter (12.5 milligrams) to 1 milliliter (25 milligrams) of the 2.5 percent solution per 5 pounds of body weight intermittently as required. Continuous drip anesthesia may also be employed after the initial injection by diluting the drug to 0.1 or 0.2 percent levels and adjusting the flow rate to approximately 0.15 milligram of the drug per minute for each pound of body weight to maintain continuous anesthesia.

(3) 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 27, 1973.

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

Dated April 19, 1973.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc. 73-8227 Filed 4-26-73; 8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin and 3-Nitro-4-Hydroxyphenylarsonic Acid

The Commissioner of Food and Drugs has evaluated a new animal drug application (91-912V) filed by Central Soya Co., Ft. Wayne, Ind. 46802, proposing the safe and effective use of a premix containing monensin sodium and 3-Nitro-4-hydroxyphenylarsonic acid for use in manufacturing chicken feed. 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 135e.50 is amended by adding a new paragraph (b) (5) as follows:

§ 135e.50 Monensin; Monensin sodium.

(b) * * *
 (4) * * *

(5) Premix level of 303.5 grams per ton of monensin sodium activity from monensin sodium with 0.0138 percent 3-Nitro-4-hydroxyphenylarsonic acid has been granted: For the sponsor see code No. 006 in § 135.501(c) of this chapter.

Effective date.—This order shall be effective on April 27, 1973.

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

Dated April 19, 1973.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc. 73-8226 Filed 4-26-73; 8:45 am]

RULES AND REGULATIONS

SUBCHAPTER E—HAZARDOUS SUBSTANCES
PART 191—HAZARDOUS SUBSTANCES:
DEFINITIONS AND PROCEDURAL AND
INTERPRETATIVE REGULATIONS

Confirmation of Effective Date of Revocation of Exemption From Banning of Certain Fireworks Devices

In the matter of revising 21 CFR 191.9(a)(3) to revoke the exemption permitting certain fireworks devices to be used for bona fide crop protection purposes:

Pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(q)(1)(B), (2), 74 Stat. 374, as amended 80 Stat. 1304-05; 15 U.S.C. 1261) and the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; 21 U.S.C. 371(e)), and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the *FEDERAL REGISTER* of February 20, 1973 (38 FR 4666). Accordingly, the revision of 21 CFR 191.9(a)(3) promulgated by that order became effective March 22, 1973.

Dated April 24, 1973.

SAM D. FINE,
*Associate Commissioner
 for Compliance.*

[FR Doc. 73-8300 Filed 4-26-73; 8:45 am]

Title 32A—National Defense, Appendix
CHAPTER I—OFFICE OF EMERGENCY PREPAREDNESS

[Defense Mobilization Order 8600.1B]

DMO 8600.1B—GENERAL POLICIES FOR STRATEGIC AND CRITICAL MATERIALS STOCKPILING

Correction.

In FR Doc. 73-7348 appearing at page 9507 in the issue of Tuesday, April 17, 1973, in paragraph 2, *Cancellation*, the date in the third line reading "Dec. 21, 1963" should read "Dec. 21, 1968".

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14-16—PROCUREMENT FORMS

Subpart 14-16.8—Miscellaneous

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, part 14-16 of chapter 14, title 41 of the Code of Federal Regulations is hereby amended as set forth below.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the rulemaking process. However, the amendments herein are minor and entirely administrative in nature. Therefore, the public rulemaking process is waived and

these amendments shall become effective April 27, 1973.

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

APRIL 20, 1973.

The Interior Procurement Regulations are amended to add §§ 14-16.804 and 14-16.804-3 as stated below.

(a) The table of contents is amended by adding the following:

Subpart 14-16.8—Miscellaneous

Sec.

14-16.804 Report on procurement.
 14-16.804-3 Standard Form 37, Report on Procurement by Civilian Executive Agencies.

AUTHORITY.—Secs. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(b) Subpart 14-16.8 is amended by adding §§ 14-16.804 and 14-16.804-3, as follows:

§ 14-16.804 Report on procurement.

§ 14-16.804-3 Standard Form 37, report on procurement by civilian executive agencies.

(a) A consolidated report on standard form 37 shall be prepared by each bureau and office. The report shall be submitted semiannually in original only to reach the Director of Survey and Review within 30 calendar days after the close of each period.

(b) Each report shall state in the "Remarks" portion the total dollar value of contracts awarded during the report period pursuant to section 8(a) of the Small Business Act and § 1-1.713 of this title. This information shall be reported in addition to the requirements of §§ 1-16.804-3 through 1-16.804-5 of this title and the instruction on the reverse of standard form 37.

[FR Doc. 73-8180 Filed 4-26-73; 8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-35—TELECOMMUNICATIONS

Subpart 114-35.2—Major Changes and New Installations

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), subpart 114-35.2 of chapter 114, title 41, of the Code of Federal Regulations is amended as set forth below.

Since this regulation merely revises existing departmental policy related to major changes in or installation of new telecommunication facilities it is determined that the public rulemaking procedure is unnecessary and these amendments shall become effective April 27, 1973.

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

APRIL 20, 1973.

Section 114-35.204(a) is amended by revising subparagraph (2) and by adding subparagraphs (8), (9), (10), and (11) to read as follows:

§ 114-35.204 Submission of changes.

(a) *

(2) 20-40 Dial Paks or any automatic dial intercommunicating system with more than one communicating path.

(8) Installation of any dictation system or equipment (i.e. MTST or MCST) which utilizes telephone facilities, services, or equipment, regardless of cost, contract period or supplier.

(9) Installation of any telephone station equipment which deviates from the standards provided in FPMR 101-35.308.

(10) Any key, button, or multiline telephone system consisting of more than 12 telephone instruments, served by more than 4 lines, and any intercommunicating line with more than 1 talking path, when all stations have access to all services.

(11) Installation of any telephone instrument having more than six buttons.

[FR Doc. 73-8181 Filed 4-26-73; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Miscellaneous Amendments

Order.—In the matter of editorial amendment of part 0, rules and regulations.

1. The Commission recently awarded a contract for the duplication of Commission records to Information Planning Associates, Inc., 310-B Maple Drive, Rockville, Md. 20850. References in the rules and regulations to the previous contractor should therefore be corrected.

2. In addition, the new contract does not require the duplicating contractor to maintain master files of the materials now listed in § 0.465(a) (1)-(4), and it is accordingly appropriate that references to those materials in that section be deleted.

3. Authority for amendments to the rules set forth below is contained in sections 4(1) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(1) and 303(r), and in § 0.231(d) of the rules and regulations, 47 CFR 0.231(d). Because the amendments are strictly informational and editorial in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

4. In view of the foregoing part 0 of the rules and regulations is hereby

amended as set forth below effective May 2, 1973.

Adopted April 20, 1973.

Released April 23, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Part 0 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

1. Section 0.431 is revised to read as follows:

§ 0.431 The FCC service frequency lists.

Lists of frequency assignments to radio stations authorized by the Commission are recapitulated periodically by means of a machine record system. All stations licensed by the Commission are included, except the following: Aircraft, amateur, citizens (except class A), Civil Air Patrol, and disaster. The resulting documents, the FCC service frequency lists, consist of several volumes arranged by nature of service, in frequency order, including station locations, call signs and other technical particulars of each assignment. These documents are available for public inspection at each of the Commission's Field Engineering Bureau field offices (see § 0.121) and, in Washington, D.C., at the Commission's broadcast and dockets reference room and in the offices of the Chief Engineer. Copies may be purchased from the Commission's duplicating contractor. See § 0.465 (a).

2. Section 0.432 is revised to read as follows:

§ 0.432 The NARBA List.

Pursuant to the North American Regional Broadcast Agreement and the United States/Mexican Agreement, appropriate countries are notified of standard broadcast station assignments as they are made. The information thus supplied by notice includes frequency, station location, call letters, power and other technical particulars. Every 6 months, a recapitulative list containing this information for all existing standard broadcast stations, arranged in frequency order, is prepared by the Commission. This is the so-called NARBA list. These lists are available for public examination at each of the Commission's Field Engineering Bureau field offices (see § 0.121) and, in Washington, D.C., at the Commission's broadcast and dockets reference room. Copies may be purchased from the Commission's duplicating contractor. See § 0.465 (a).

3. Section 0.433 is revised to read as follows:

§ 0.433 The Radio Equipment Lists.

Lists of type approved and type accepted equipment (the radio equipment lists) are prepared periodically by the Commission. These documents are available for public inspection at each of the Commission's Field Engineering Bureau field offices (see § 0.121) and in the offices of the Chief Engineer. Copies may be

purchased from the Commission's duplicating contractor. See § 0.465 (a).

4. That portion of § 0.434 preceding paragraph (a) is revised to read as follows:

§ 0.434 Lists of authorized broadcast stations and pending broadcast applications.

Periodically the Commission prepares lists containing information about authorized broadcast stations and pending applications for such stations. These lists, which are prepared by an addressing machine, contain frequency, station locations, and other particulars. They are available for public inspection at the Commission's broadcast and dockets reference room, Washington, D.C. Copies may be purchased from the Commission's duplicating contractor. See § 0.465 (a).

* * * * *

5. Section 0.465 (a) is revised to read as follows:

§ 0.465 Request for copies of materials which are available, or made available, for public inspection.

(a) The Commission annually awards a contract to a commercial firm to make copies of Commission records and offer them for sale to the public. The contract is awarded on the basis of the lowest cost to the public. Currently, the contractor is Information Planning Associates, Inc., 310-B Maple Drice, Rockville, Md. 20850. Except as provided in paragraphs (b) and (c) of this section and in § 0.467, requests for copies of the records listed in §§ 0.453 and 0.455, and those made available for inspection under § 0.461, should be directed to the contractor.

* * * * *

[FRC Doc. 73-8235 Filed 4-26-73; 8:45 am]

with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FRC Doc. 73-8270 Filed 4-26-73; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Back Bay National Wildlife Refuge, Va.

The following special regulation is issued and is effective during the period from May 1, 1973 through December 31, 1973.

§ 28.28 Special regulations; recreation; for individual wildlife refuge areas.

VIRGINIA

BACK BAY NATIONAL WILDLIFE REFUGE

Entry into public use areas is permitted for the purpose of wildlife observation, photography, hiking, swimming, surfing, or fishing during daylight hours only throughout the year. The visitor contact station and parking lot at the field headquarters site, the foot trail system south of the contact station, and the beach are designated as public use areas for permitted activities, except that all swimming and surfing are confined to an area consisting of that portion of the beach lying between the north boundary of the refuge and the dune crossing at the field headquarters. Surf fishing is permitted throughout the year during daylight hours in accordance with applicable State regulations.

Open fires are not permitted. Portable grills with a contained fuel supply are permitted on the beach north of the field headquarters. Pets are not allowed on the beach north of the field headquarters from May 15 to September 15. Pets on a leash are permitted on the beach north of the field headquarters the remainder of the year and in other public use areas throughout the year.

No off-road vehicle of any kind is permitted on the refuge. No vehicles are permitted on the beach, except as authorized by permit in accordance with special regulations published in the *FEDERAL REGISTER* on February 28, 1973 (50 CFR part 28, 38 FR 5339).

The refuge, comprising approximately 4,600 acres, is delineated on a map available from the Refuge Manager, Back Bay National Wildlife Refuge, P.O. Box 6128, Virginia Beach, Va. 23456 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations,

[FRC Doc. 73-8235 Filed 4-26-73; 8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1003—LIST OF FORMS

Revision of Application Form for Temporary Authority

Order.—At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 17th day of January 1973.

It is ordered. That application form OP-95, be, and it is hereby, vacated and revoked.

It is further ordered. That § 1003.1 be, and it is hereby, amended by revising subhead OP-95 as follows:

§ 1003.1 Motor carrier and broker forms. OP-MCB-95 (revised 1972)

(Sec. 210a(a); 49 U.S.C. 310a.)

It is further ordered. That this order shall become effective on May 28, 1973.

And it is further ordered. That notice of this order shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., for inspection and by filing a copy thereof

RULES AND REGULATIONS

part 28, and are effective through December 31, 1973.

RICHARD E. GRIFFITH,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

APRIL 18, 1973.

[FR Doc. 73-8182 Filed 4-26-73; 8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

Subpart A—Regulations

CHANGE IN BASE QUALITY FOR PRICE QUOTATIONS

On March 21, 1973, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (38 FR 7395) regarding a proposal to amend §§ 27.96 and 27.97 of the regulations for "Cotton Classification Under Cotton Futures Legislation" (7 CFR part 27, subpart A) to change the base quality from Middling 1 inch to Strict Low Middling 1 $\frac{1}{16}$ inches.

Statement of considerations.—In cotton quotations work, the price or quotation for the base quality is determined first and stated in cents per pound. Differences are then determined for other qualities and these are stated in points per pound (100 points equals 1 cent) as premiums and discounts above or below the base price.

To facilitate the establishment of a more accurate base price and provide more meaningful premiums and discounts the base quality should be one for which price information is readily obtainable. Over the years it has been necessary from time to time to change the base quality. In 1939 the base was changed from Middling $\frac{1}{8}$ inch to Middling $\frac{1}{16}$ inch and in 1956 to Middling 1 inch. Production of Middling 1 inch has amounted to less than 1 percent of annual U.S. production since 1961. In 7 of the last 10 years the predominant quality has been Strict Low Middling 1 $\frac{1}{16}$ inches.

A number of communications were received pursuant to the notice, representing a broad segment of the cotton industry. A large majority of the respondents were in favor of the proposal.

Therefore, pursuant to authority contained in the cotton futures provisions in sections 4862 and 4863 of the Internal Revenue Code of 1954 (68A Stat. 581, 582; 26 U.S.C. 4862, 4863), the regulations governing cotton classification (7 CFR part 27) under such provisions are hereby amended as follows:

1. Section 27.96 is revised to read as follows:

§ 27.96 Quotations in bona fide spot markets.

The price or value of Strict Low Middling 1 $\frac{1}{16}$ inches cotton and the differences between the price or value of Strict Low Middling 1 $\frac{1}{16}$ inches cotton and of other grades and staple lengths of cotton quoted in each bona fide spot market

shall be based solely upon the official cotton standards of the United States and shall be the actual commercial price or value and differences established by the sale of spot cotton in such bona fide spot market. Such price or value and differences shall be determined as provided in said sections of the act and §§ 27.96-27.102 of this chapter.

2. In § 27.97, paragraph (a) is revised to read as follows:

§ 27.97 Quotations committees: establishment; duties.

(a) The committee shall impartially and carefully ascertain on each business day the price or value of Strict Low Middling 1 $\frac{1}{16}$ inches cotton and the differences between the price or value of Strict Low Middling 1 $\frac{1}{16}$ inches cotton and of other grades and staple lengths of cotton as requested by the Cotton Division. The committee, or a person authorized to act for it, shall obtain information on prices and other terms of sales, including grades and staple lengths, in sufficient detail to enable the committee to perform its duties accurately. The committee shall also carefully consider information presented by representatives of the Cotton Division. The committee, or a person authorized to act for it, shall obtain complete information not later than the close of business on each business day as to the volume of all sales of spot cotton since the close of the preceding day. The committee shall cause its action and findings to be communicated daily to the Cotton Division. Failure by the committee to quote prices which represent actual commercial values of spot cotton in the market shall constitute good cause for disapproval of the committee, or any member of the committee, by the Director.

(Secs. 4862 and 4863, 68A Stat. 581, 582; 26 U.S.C. 4862, 4863; 37 F.R. 28464, 28476.)

Effective date.—These revisions shall become effective August 1, 1973.

Dated April 24, 1973.

E. L. PETERSON,
Administrator,

Agricultural Marketing Service.

[FR Doc. 73-8293 Filed 4-26-73; 8:45 am]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Inspection by Variables

A notice of proposed rulemaking to promulgate U.S. standards for inspection by variables was published in the *FEDERAL REGISTER* of August 24, 1972 (37 FR 17052) and corrected in the *FEDERAL REGISTERS* of September 1, 1972 (37 FR

17851), September 7, 1972 (37 FR 18082), and September 9, 1972 (37 FR 18340).

Statement of consideration leading to the new standards.—Interested persons were given until December 31, 1972, to comment on the proposed standards. Comments and suggestions were received from representatives of two major food processors. One of these endorsed the standards as proposed. The second offered the following comments and suggestions:

(1) "It would be preferable to use the expression 'sample median' rather than 'average median' in the text in reference to the symbol M_l ."

This change is made as suggested.

(2) "Does the new standards for inspection by variables rescind the past practice of calculating the subgroup average (X) when the subgroup median (M_l) is below the lower warning limit for subgroup averages (LWL_{av})?"

Note.—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.

Yes. The operating characteristic curve (OC curve) for the median based on a subgroup size of five sample units quite closely matches the OC curve for the calculated average of a subgroup size of five sample units. Therefore, the difference in the accuracy of the median and the calculated average for a subgroup size of five is slight. The median option is provided for use when a more simplified and rapid procedure which does not require arithmetical calculations is desired at the option of the packer. If greater precision is desired than obtainable by the median option, then the conventional average option should be used.

(3) "A zero tolerance for a rare accidental can below LRL is unnecessary for the purposes of the inspection and unrealistic in terms of acceptability of the rest of the production."

The lower reject limit (LRL) for individuals is three standard deviations below the specification average. Three standard deviations are considered acceptable to distinguish between chance causes and assignable causes for variation. When an individual sample units falls below LRL it is assumed that it is due to an assignable cause and the variation in the filling process has exceeded the specification limits. Provision is made in the *U.S. Standards for Determination of Fill Weights* § 52.231(b) for code segregation which permits a packer to change the code when a portion of the production is rejected so that the rest of the production may be accepted.

(4) "Separately listing X values on a data sheet when such values are plotted on a control chart is unnecessary. Flexibility should be provided to use a control chart in lieu of the data sheet."

Section 52.205(a) is changed to make this provision as requested.

After consideration of all such relevant matters as was presented by interested persons, the proposed standards

are hereby adopted as set forth below. The standards are as follows:

PURPOSE, OPTIONS, REQUIREMENTS

Sec. 52.201 Purpose.
52.202 Options.
52.203 Requirements for application.

DEFINITIONS

52.204 Definitions.

RECORDS

52.205 Records.

PROCEDURE

52.206 Sampling.

52.207 Measurements, calculations, and recording data.

52.208 Application of sampling allowance.

52.209 Acceptance and rejection criteria.

SAMPLING ALLOWANCE CHART

52.210 Sampling allowance chart.

AUTHORITY.—Agricultural Marketing Act of 1946, sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

PURPOSE, OPTIONS, REQUIREMENTS

§ 52.201 Purpose.

The purpose of these standards is to:

(a) Designate and define symbols and terminology associated with statistical quality control;

(b) Prescribe a procedure for collecting and recording data that is adaptable to use for statistical quality control; and

(c) Provide a statistical procedure for determining compliance of a variable, which may be any measurable product characteristic, with a specified requirement.

§ 52.202 Options.

These standards provide for three options, any one of which may be applied to determine compliance of a variable. These options are based on procedures employing the use of:

- (a) Conventional averages;
- (b) The median; or
- (c) Moving averages.

§ 52.203 Requirements for application.

These standards are written in general terms to be applied to any variable. Therefore, in order to use these standards it will be necessary to predetermine:

- (a) The sampling allowance code;
- (b) The sampling frequency;
- (c) The values for:
- (1) Specified averages;
- (2) Warning limits;
- (3) Reject limits; and
- (4) Maximum range, when requested.

DEFINITIONS

§ 52.204 Definitions.

Statistical and inspection symbols and terms and their respective definitions which are pertinent to the understanding and application of these standards follow.

(a) Symbols defined.

LRL—The lower reject limit for individual measurements. The lowest value an individual measurement may have without causing the production to be rejected for failure to meet prescribed requirements for individual measurements.

LRL_x—The lower reject limit for subgroup averages or medians. The lowest value the average or median of a subgroup may have without causing the production to be rejected for failure to meet prescribed requirements for subgroup averages.

LWL—The lower warning limit for individual measurements. This value serves as a warning point that the production may have reached a level where the chances of subsequently finding an individual measurement that will fall below the LRL have increased to a degree that the production may be in danger of rejection.

LWL_x—The lower warning limit for subgroup averages or medians. This value serves as a warning point that the quality of the production may have reached a level where the chances of subsequently finding a subgroup average or median that will fall below LRL_x have increased to a degree that the production may be in danger of rejection.

m—The number of subgroups in a sample.

M—The median of all the individual measurements in a subgroup.

M—The median of all the individual measurements or subgroup medians (M) in a sample.

n—The total number of sample units or measurements in a sample. $n = (m)(n_s)$.

n_s—The number of sample units or measurements in a subgroup.

R—A range of measurements, the difference between the highest measurement and lowest measurement within a subgroup.

R—The average range of all the subgroup ranges.

R'—A specified average range value.

R_{max}—A specified maximum range for a subgroup.

s—The standard deviation of the individual measurements.

s_x—The standard deviation of the averages.

URL—The upper reject limit for individual measurements. The highest value an individual measurement may have without causing the production to be rejected for failure to meet prescribed requirements for individual measurements.

URL_x—The upper reject limit for subgroup averages or medians. The highest value the average or median of a subgroup may have without causing the production to be rejected for failure to meet prescribed requirements for subgroup averages.

UWL—The upper warning limit for individual measurements. This value serves as a warning point that the quality of the production may have reached a level where the chances of subsequently finding an individual measurement that will exceed the URL have increased to a degree that the production may be in danger of rejection.

UWL_x—The upper warning limit for subgroup averages or medians. This value serves as a warning point that the quality of the production may have reached a level where the chances of subsequently finding a subgroup average or median that will exceed URL_x have increased to a degree that the production may be in danger of rejection.

ing a subgroup average or median that will exceed the URL_x—have increased to a degree that the production may be in danger of rejection.

X—The value of an individual measurement for a variable.

X—The average of all individual measurements in a subgroup.

X'_{max}—A specified maximum lot average value.

X'_{max adjusted}—X'_{max} plus a sampling allowance.

X'_{min}—A specified minimum lot average value.

X'_{min adjusted}—X'_{min} minus a sampling allowance.

X—The arithmetic mean of all the individual measurements in a sample. When the average is calculated for each subgroup in a sample for conventional averages, **X** is also the average of the subgroup averages.

(b) Terms defined.—**Average.**—The arithmetic mean of two or more values; the sum of all measurements divided by the number of measurements.

Median.—The median is the middle value with respect to magnitude of all the individual measurements when the number of individual measurements is odd. When the number of individual measurements is even and arranged according to magnitude, the median is the arithmetic mean of the two middle values.

Moving average.—A scheme under which a series of consecutive measurements are made until such number equals the subgroup size; the average is then determined and recorded; as new data is collected from continuing production, the first measurement of the subgroup is dropped, the next new value is added, and a new average is calculated; this process of adding new measurements, dropping the oldest measurement in the subgroup, and calculating the average on the new data is continued throughout the production.

$$\text{Example: } \bar{X}_1 = \frac{5+7+3}{3} = 5.00$$

$$\bar{X}_2 = \frac{7+3+4}{3} = 4.67$$

$$\bar{X}_3 = \frac{3+4+6}{3} = 4.33$$

Moving range.—The difference between the highest measurement and lowest measurement within a subgroup from which a moving average is obtained.

One-sided specification.—A specification with rejection limits applicable to only one side of the specified lot average. When only lower reject limits apply, the term "low-sided specification" may be used. When only upper reject limits apply, the term "high-sided specification" may be used.

Two-sided specification.—A specification with both upper and lower rejection limits applicable.

Sample.—Any number of sample units to be used for inspection of a lot.

Sample unit.—A container, the entire contents of a container, a portion of the contents of a container, a composite

mixture of a product, or any other unit of container or commodity to be used for inspection.

Sampling allowance.—The amount that the sample quality may deviate from the lot quality due solely to the fact that only a portion has been taken from the whole lot.

Subgroup.—Generally a small group of sample units representing a portion of a sample. The term "subgroup" is synonymous with the term "sample" when the sample contains only one subgroup.

Variable.—Any measurable product characteristic.

RECORDS

§ 52.205 Records.

(a) *General.*—Records required for use in the implementation of these standards consist of a data sheet, referred to as an "X and R data sheet," on which numerical values are recorded, and/or a control chart on which certain numerical values are recorded in the form of plotings. It is desirable to use both forms. The control chart may be incorporated on the same sheet with the X and R data sheet. However, one of these forms may be used in lieu of both as desired at the option of the packer.

(b) *X and R data sheets.*—A separate data sheet shall be maintained for each item. When a single item is simultaneously produced on more than one processing line, it is desirable to maintain one data sheet for the item. In such instances, the processing line designation shall be recorded with the corresponding data.

The X and R data sheets shall provide for recording the following information:

(1) The time a sample unit or subgroup has been drawn;

(2) The X values;

(3) The total values of all the X values in the subgroups when conventional averages are used;

(4) The values for \bar{M}_i , R, \bar{R} , M_i , X, and \bar{X} .

(c) *X and R control charts.*—Control charts consist of an \bar{X} chart and may consist of an R chart. When both are used they are contained on the same sheet with the limits for the \bar{X} chart on the top portion and the limits for the R chart on the lower portion with a space separating the two such that plotings from one does not overlap those of the other.

Separate control charts shall be maintained for each item. More than one day's production of an item may be plotted on a single control chart.

(1) *X charts.*—(i) The X charts for two-sided specifications shall consist of lines and values properly representing both the upper and lower reject and warning limit(s), and may require the use of minimum and maximum specification lot averages.

(ii) The X chart for one-sided specifications shall consist of lines and values properly representing, as applicable, the upper or lower reject and warning limit(s), and the minimum or maximum specification lot average.

(2) *R charts.*—When the R chart is used, it shall consist of lines and values properly representing R' , R_{max} , and the lower limit for R. For subgroup sizes of 6 or less the value of the lower limit for R will always be zero.

PROCEDURE

§ 52.206 Sampling.

(a) *General.*—In order to obtain the most reliable results, sampling should be performed at a point where no further change in the variable can occur.

Sample units or subgroups shall be drawn separately for each code, container size, and style.

(b) *Subgroup sampling.*—Sampling by subgroups consists of drawing more than one sample unit at approximately the same time. This type of sampling is required in the use of the conventional X and R determinations for variables.

When a single code is processed on more than one line simultaneously, it is desirable to obtain a subgroup representing a single line, alternating the lines each time a subgroup is drawn for that code. If the processing procedure prohibits obtaining a subgroup representing a single line, it shall be necessary to sample by code only, omitting line identity. Each subgroup thus obtained will generally represent more than one line and consequently reflect variations in the code as a whole but not variations for a single line.

(c) *Sample unit sampling.*—This procedure consists of drawing a single sample unit at random at specified intervals from a production. This type of sampling may employ the use of a moving average and is applicable to a variable or a process when subgroup sampling is not feasible.

§ 52.207 Measurements, calculations, and recording data.

(a) *General.*—Immediately after the sample unit or subgroup has been taken, measurements and calculations shall be made and recorded on the appropriate form as required.

(b) *Recording data on the X and R data sheet.*—The data to be recorded on the X and R data sheet is as follows:

(1) The time the sample unit or subgroup is taken;

(2) The value for each individual measurement (X value);

(3) The total value for all the X values in the subgroup, when applicable;

(4) The average value (X) for each subgroup, when applicable;

(5) The M_i value for each subgroup, when applicable;

(6) The range value (R) for each subgroup, when applicable;

(7) The sample median value (\bar{M}_i) when the median is used;

(8) The sample average value (\bar{X}) when required; and

(9) The average range value (\bar{R}) when applicable.

(c) *Recording data on the X and R control chart.*—The data to be recorded on the X and R control chart is as follows:

(1) *Individual measurements (X values).*—The values representing the individual measurements of each subgroup (X value) shall be plotted on the \bar{X} chart. The distance between the smallest and largest values of the individual measurements in the subgroup may be used for R in lieu of plotting the range on the R chart. It is desirable to plot all the values for a subgroup on the same linear segment of the chart. Identical values are plotted adjacently in such a manner as to associate such values with the subgroup in which they occur.

(2) *The median.*—When the median option is used, the median for each subgroup shall be identified on the \bar{X} chart in such a manner as to make it readily distinguishable from the rest of the values in the subgroup. When a subgroup consists of an even number of individual measurements, the median represented by the arithmetic mean of the two middle values shall also be plotted on the \bar{X} chart in such a manner as to associate it with the subgroup from which it was calculated.

When the median option is used for a particular production, it is not permissible to change to the option for conventional averages during the same shift.

(3) *Subgroup averages (X values).*—When the option for conventional averages is used, the average of each subgroup is calculated and recorded on the X and R data sheet. The subgroup average is then plotted on the \bar{X} chart in such a manner as to associate it with the subgroup from which it was calculated. When this option is used, it is not permissible to change to the median option during the same shift.

(4) *The range (R value).*—The range of each subgroup, when required, shall be plotted on the R chart.

(5) *The average median (\bar{M}_i value) and sample average (\bar{X} value).*—When the plotted values obviously indicate the acceptability of the lot, \bar{M}_i or \bar{X} need not be obtained. When the plotted values for M_i or \bar{X} or both indicate the acceptability of a lot may be questionable, \bar{M}_i in the case of the median option, or \bar{X} in the case of the option for conventional averages must be obtained and recorded. Acceptability of the lot with respect to the sample median or sample average may then be determined in accordance with acceptance criteria as prescribed under § 52.209(a) of these standards.

§ 52.208 Application of sampling allowance.

The amount of sampling allowance is obtained from the sampling allowance chart in these standards. The actual value for the sampling allowance is obtained from the point of intersection of a horizontal line drawn from a point on the vertical axis representing the sample size to the diagonal line for the item involved. The value on the horizontal axis corresponding to the vertical line nearest to this point of intersection is the sampling allowance.

The sampling allowances are applied to the specified lot averages to allow for deviations from these averages that are inherent in any sampling procedure. These allowances are applied to the specified lot averages only when the sample average (\bar{X} or \bar{M}_1) is less than \bar{X}'_{\min} or greater than \bar{X}'_{\max} . When this occurs, the specification average is adjusted by subtracting the allowance from \bar{X}'_{\min} or adding to \bar{X}'_{\max} , whichever is applicable.

§ 52.209 Acceptance and rejection criteria.

(a) *Conventional averages and the median.*—(1) *Acceptance.*—A lot shall be accepted as meeting specified requirements for a variable provided that:

(i) All X values are equal to or greater than LRL and equal to or less than URL;

(ii) All M_1 or \bar{X} values are equal to or greater than LRL₁ and equal to or less than URL₁;

(iii) M_1 or \bar{X} is equal to or less than \bar{X}'_{\max} adjusted and equal to or greater than \bar{X}'_{\min} adjusted; and

(iv) The condition under paragraph (a) (2) (ii) of this section does not exist.

(2) *Rejection.*—A lot shall be rejected for failure to meet specified requirements for a variable under the following conditions:

(i) Failure to meet any of the requirements under paragraph (a) (1), (i), (ii), or (iii) of this section; or

(ii) All M_1 or \bar{X} values are less than \bar{X}'_{\min} or greater than \bar{X}'_{\max} .

(b) *Moving averages.*—(1) *Acceptance.* A lot shall be accepted as meeting specified requirements for a variable provided that:

(i) All X values are equal to or greater than LRL and equal to or less than URL;

(ii) All \bar{X} values are equal to or greater than LRL₁ and equal to or less than URL₁;

(iii) \bar{X} is equal to or less than \bar{X}'_{\max} adjusted and equal to or greater than \bar{X}'_{\min} adjusted; and

(iv) The condition under paragraph (b) (2) (ii) of this section does not exist.

(2) *Rejection.*—A lot shall be rejected for failure to meet specified requirements for a variable under the following conditions:

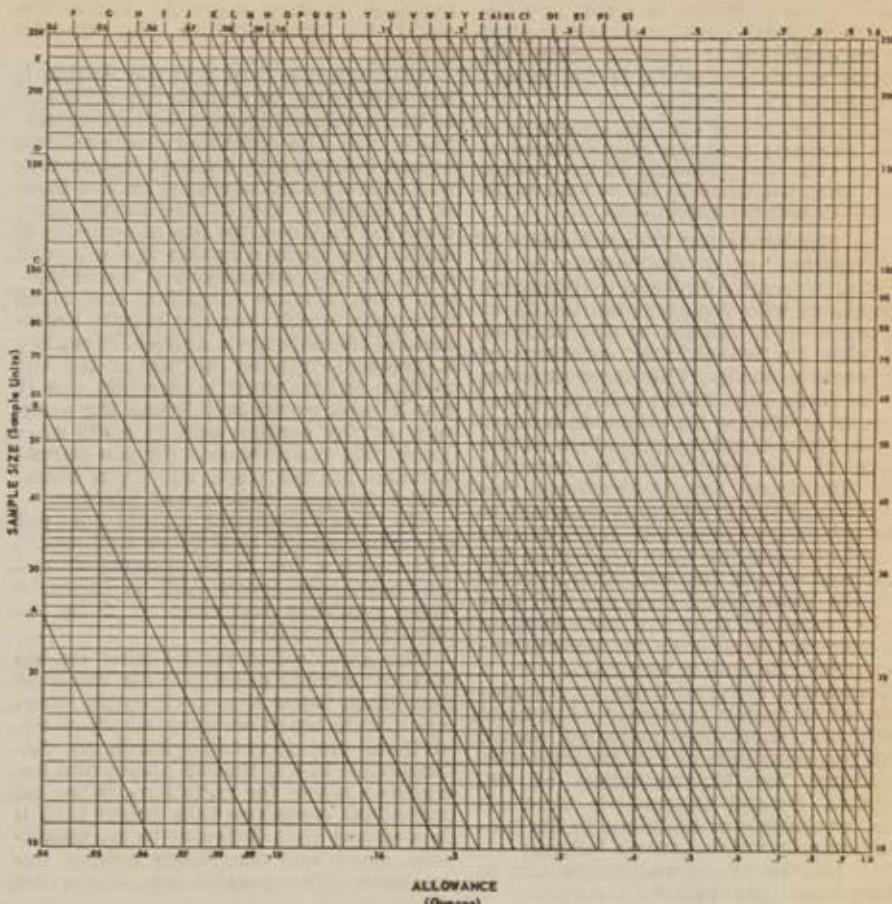
(i) Failure to meet any of the conditions under paragraph (b) (1) (i), (ii), and (iii) of this section; or

(ii) All X values are less than \bar{X}'_{\min} or greater than \bar{X}'_{\max} .

SAMPLING ALLOWANCE CHART

§ 52.210 Sampling allowance chart.

SAMPLING ALLOWANCE CHART



Effective date.—These standards shall become effective May 29, 1973.

Dated April 19, 1973.

JOHN C. BLUM,
Acting Administrator.

[FR Doc. 73-7911 Filed 4-26-73; 8:45 am]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Determination of Fill Weights

A notice of proposed rulemaking to promulgate U.S. Standards for Determination of Fill Weights was published in the *FEDERAL REGISTER* of August 24, 1972 (37 FR 17055), corrected in the

FEDERAL REGISTER of August 31, 1972 (37 FR 17761), and September 23, 1972 (37 FR 20036).

Statement of consideration leading to the new standards.—Interested persons were given until December 31, 1972, to comment on the proposed standards. Comments were received from five different food organizations. Three of these assumed the proposed Standards for Determination of Fill Weights were designed for the same purpose as the proposed Standards for Determining Net Weight of Food Products, which were published in the *FEDERAL REGISTER* of December 18, 1971 (36 FR 24069). All three recommended the period for study and submission of comments on both proposed standards be extended for at least 180 days. An explanation of the

RULES AND REGULATIONS

difference in the purpose of the two proposed standards was given orally to two of the food industry representatives requesting the extension of time. As a result, they orally withdrew their request for an extension of time for comments on the proposed Standards for Determination of Fill Weights.

NOTE.—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.

The Standards for Determination of Fill Weights are a codification of an existing procedure designed to determine compliance with requirements for fill of container with respect to the fruit or vegetable ingredient only, exclusive of any packing media. This determination can be made only during packing operations and is used as an alternate method to the drained weight procedure at the option of the processor. The proposed U.S. Standards for Determining Net Weight of Food Products is designed to determine compliance with requirements for fill of container with respect to the total contents of the container. Therefore, the Department does not feel that an extension of time for comments on the proposed Standards for Determination of Fill Weights is necessary.

Comments received from representatives of a major processor of canned fruits and vegetables indicated accord with the principals of the proposed U.S. Standards for Determination of Fill Weights. Several suggestions were offered as changes or additions to the proposal among which were as follows:

(1) § 52.227 "Tare weights should be taken more than twice a week".

Only a minimum frequency for determining tare weights was proposed. A provision is included to permit the determination of tare weights whenever it is suspected that the one being used is no longer applicable.

(2) § 52.228 (b) "It is not always possible to take samples before the addition of syrup".

This portion has been changed to provide for sampling either prior to or after the addition of syrup, as suggested.

(3) § 52.228 (b) "The standards for Determination of Fill Weights should not be applied in cases where containers must be overfilled to compensate for spillage at the syruping or closing stations".

It is the intent of the fill weight standards to statistically estimate as closely as possible under production conditions the amount of fruit or vegetable ingredient filled into the containers that will be in the containers after they have been sealed. Provision is made in § 52.222 "Explanation" for the alternate procedure of drained weights that may be used in lieu of the fill weight procedure.

Comments and suggestions received from a representative of a second major food processor were directed at the following portions of the proposal:

(1) § 52.231 (b) "Rejection on the basis of 'M1' values is not justifiable statistically. The subgroup size would have

to be increased to give the median the same efficiency as an estimator as the average of a subgroup size of five. Alternatively, greater sampling allowances could be provided for the median option".

Although it is true that the median is not as efficient, or statistically accurate, as the calculated average for a given subgroup size, the operating characteristic curves (OC curves) for both the median and conventional averages on the basis of a subgroup size of five match quite closely. Therefore, the loss of accuracy is slight. The median option was provided solely for the convenience of the processor when a more simplified and rapid procedure which does not require arithmetical calculations is desired. Providing a greater sampling allowance for the median option when a subgroup size of five is used would only lessen the accuracy of the median and in some cases loosen the requirements for the sample average beyond what has been established for good commercial practice.

(2) "The acceptance criteria does not allow any sample unit below LRL which will cause a lot to be rejected if one accidental can below LRL is found. A more practical tolerance of 1 in 150 should be provided."

The lower reject limit (LRL) for individual sample units is three standard deviations below the specification average. Limits based on three standard deviations are acceptable limits to distinguish between chance causes and assignable causes for variations. When an individual container falls below LRL it is assumed that it is due to an assignable cause and the filling process has exceeded the specification limits for variation.

Therefore, the Department contends an allowance for containers to fall below LRL when LRL is three standard deviations below the specification average is not justified.

(3) An additional method for determination of tare weights is provided in § 52.227 as suggested.

(4) "When X values are recorded on the control chart, it would be unnecessary work to put the same information on a data sheet".

In the U.S. Standards for Inspection by Variables § 52.205(a) is changed to permit use of a control chart in lieu of a data sheet at the option of the packer as suggested.

After consideration of all such relevant matters as was presented by interested persons, the proposed standards are hereby adopted as set forth below.

The standards are as follows:

GENERAL

Sec.
52.221 Purpose.
52.222 Explanation.
52.223 Options.
52.224 Type of specification and applicable limits.

PROCEDURE

52.225 Preparation of forms.
52.226 Posting control charts.
52.227 Determination of tare of containers.
52.228 Sampling.

Sec.
52.229 Measurements.
52.230 Calculations and recording data.

INTERPRETATIONS

52.231 Interpretation of plotted values with respect to limits.

OPTIONAL FILL WEIGHT PROCEDURE FOR SMALL LOTS

52.232 Optional fill weight procedure for small lots.

ATTACHMENTS

Attachment 1—Sample X and R data sheet.
Attachment 2—Sample control chart.

AUTHORITY.—Agricultural Marketing Act, 1946, sec. 205, 60 Stat. 1060, as amended, 7 U.S.C. 1624.

GENERAL

§ 52.221 Purpose.

These proposed standards supplement the proposed U.S. Standards for Inspection by Variables so as to adapt them to the determination of fill of container, based on fill weights, for canned fruits, vegetables, and related products.

§ 52.222 Explanation.

(a) The variables inspection standards may be used, where applicable, by any food processor for quality control purposes. Certification by the U.S. Department of Agriculture (USDA) of fill weights based on these standards, however, is applicable only under on-line inspection when a USDA inspector is present at time of packing and maintains appropriate records of the filling process.

(b) The procedure for determination and certification of fill of container, based on drained weights, may be used in the case of lot inspection as well as in-line inspection. This procedure, where applicable, is outlined in the U.S. standards for the respective products.

§ 52.223 Options.

The options of the median or conventional average may be used for determining compliance of fill weights with a specified minimum average fill weight.

§ 52.224 Type of specification and applicable limits.

(a) For the determination of fill weights, a low-sided specification applies.

(b) The specification limits, and values for such limits, are specified in those U.S. Standards for Grades of canned fruits, vegetables, and related products which incorporate the fill weight procedure. Suggested specification limits, and the values for such limits, for those products for which fill weights have been established—but are not yet incorporated in the USDA grade standards—may be obtained as supplements to these standards upon request to:

Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250.

(c) All of these limits, whether stated in the USDA grade standards or supplements hereof, are to be applied in accordance with the proposed U.S. Standards for Inspection by Variables.

PROCEDURE

§ 52.225 Preparation of forms.

(a) Prepare the data sheet and control charts prior to the start of a processing period. Draw lines representing the X'_{\min} , LRL, and LRL_x values applicable for the product, container size, and style on the appropriate linear segment of the \bar{X} chart in such a manner as to be clearly visible when posted in the plant. Lines representing LWL_x and LWL may be drawn on the chart at the option of the user; however, all the values representing each limit (X_{\min} , LWL_x, LRL_x, LWL and LRL) are placed on the \bar{X} chart adjacent to the appropriate limit and identified (in brief form) as \bar{X}' , WL_x, RL_x, WL, or RL accordingly.

(b) When the R chart is used, it is desirable to place it on the lower portion of the control chart, using the bottom as zero, which is the lower limit for R.

(c) Space the limits for R' and R_{max} on the appropriate linear segment above the zero line. The upper portion of the control chart is then used for the \bar{X} chart.

(d) Attachment 1 is an example of an \bar{X} and R data sheet. Attachment 2 is an example of a control chart which combines the \bar{X} chart and the R chart. However, use of the R chart is not required. The \bar{X} chart illustrates the use of the median option as prescribed in the proposed U.S. Standards for Inspection by Variables. The dots plotted on the \bar{X} chart represent the \bar{X} values for the subgroup. The encircled dot represents the median of each subgroup. For easier identification the circle should be in a different color than the dots.

§ 52.226 Posting control charts.

It is desirable to post the control charts in such a place in the plant as to be clearly visible to the filler operator as well as other responsible plant personnel. The control charts serve as an aid to responsible plant personnel in controlling the filling process.

§ 52.227 Determination of tare of containers.

(a) *General.*—Variations in the weight between individual empty containers (tare) must be taken into consideration when determining fill weights. These variations may be accounted for by procedure 1 or procedure 2 of this section.

(b) *Procedure 1.*—Determine tare weights of each container size at least twice a week. In addition, determine tare weights whenever it is suspected that the present tare weight is no longer applicable. Some of the more common reasons for checking tare weights are changes in supply of containers, thickness of tin plate, and type of container.

(1) The number of empty containers taken at random from a given lot of containers to determine the average tare weight is as follows:

For containers equivalent to:

No. 2½ container and smaller ---- not less than 10 empty containers.

Larger than No. 2½ ----- not less than 15 empty containers.

(c) *Procedure 2.*—Preweigh a container (preferably stainless steel or other noncorrosive material) of suitable capacity and use this container as the standard tare. Drain the contents of the filled container as prescribed in § 52.229 and transfer drained fruit or vegetable ingredient to the preweighed tare.

§ 52.228 Sampling.

(a) *Subgroup size.*—Unless otherwise specified, the subgroup size shall be five sample units.

(1) The control chart values, except for X_{\min} , will always be based on the specified subgroup size. When a subgroup size other than that specified is used, the values for the applicable limits must be changed accordingly.

(b) *Time and point of sampling.*—The subgroups are drawn at a point in the process where no further change in the fill weight of the fruit or vegetable ingredient can occur.

(c) *Sampling frequency.*—Unless otherwise specified, the sampling frequency for all canned fruits, vegetables, and related products, for which fill weights have been established shall be approximately every 45 minutes.

(1) The sampling frequency should be arranged to obtain subgroups at varying intervals and drawn in such a manner that the filler operators will not know when a subgroup will be drawn or which containers will be in the subgroup. This is important so that a nonbiased sample will be selected which will reflect the normal filling process.

§ 52.229 Measurements.

(a) Immediately after the subgroup has been drawn, invert each container on the hand or sieve and allow the product to drain until free from liquid, but in no case less than 10 seconds. In this step, do not remove the product from the container when procedure 1 as prescribed in § 52.227 is used. The sample units are then weighed and the net weight of the fruit or vegetable ingredient (total weight minus tare weight) for each sample unit is recorded on the \bar{X} and R data sheet.

(b) In the case of procedure 1 if it is suspected that the weight of individual empty containers deviate from the average tare weight to cause an individual measurement to fall slightly below (or slightly above) LRL, the following procedure may be used:

(1) After the \bar{X} value has been obtained as previously described, empty the contents of the suspected container and wipe it clean and dry.

(2) Weigh the suspected dry container. The amount of deviation is the difference between the weight of the individual container and the average tare weight.

(3) Adjust the suspected \bar{X} value by the amount of deviation thus found.

(c) When adjustments for tare weight are made for individual measurements that fall slightly below LRL, adjustments must also be made for individual measurements that are slightly above LRL.

§ 52.230 Calculations and recording data.

(a) Immediately after the measurements have been obtained, the required calculations are made. All values are recorded to the nearest 0.1, rounding the values as follows:

(1) Drop any values less than 0.050—

EXAMPLE: \bar{X} calculated to be 18.743
Record \bar{X} as 18.7

(2) Increase any values to the next 0.1 when they are 0.050 or more—

EXAMPLE: \bar{X} calculated to be 10.650
Record \bar{X} as 10.7

(b) After the required calculations are made and recorded, the appropriate values are plotted in accordance with the proposed U.S. Standards for Inspection by Variables.

Interpretations

§ 52.231 Interpretation of plotted values with respect to limits.

(a) *Warning limits.*—The values representing LWL and LWL_x are provided for the processor's benefit to use for control purposes. These limits are not to be confused with the reject limits.

(1) An \bar{X} value that falls between LWL and LRL or \bar{X} value that falls between LWL_x and LRL_x may be expected occasionally, even when the process is still meeting requirements. This is the point, however, at which corrective action in the filling procedure may be taken.

(b) *Code segregation.*—The acceptance criteria specified in the proposed U.S. Standards for Inspection by Variables requires all \bar{X} values to be equal to or above LRL for a low-sided specification and all Mi or \bar{X} values to be equal to or above LRL_x.

(1) When an \bar{X} , Mi, or \bar{X} value(s) causes a code or distinctive mark to be rejected, the code or mark for the remainder of the shift may be changed to provide a chance for subsequent production for that shift to pass.

(c) *Sampling allowances.* The sampling allowance code for each can size and style is specified in the grade standards which incorporate fill weights and the supplement to these standards for the applicable product. To determine the sampling allowance, first obtain the letter code for the appropriate container size and style from the table containing the fill weight values. Locate the line represented by this code on the sampling allowance chart accompanying the proposed U.S. Standards for Inspection by Variables. This line represents the sampling allowance for the various sample sizes. Deduct this value from X'_{\min} . Do not add this value to \bar{X} or \bar{M}_i .

(1) The sampling allowance does not apply to a sample size of less than 10 sample units.

RULES AND REGULATIONS

OPTIONAL FILL WEIGHT PROCEDURE FOR
SMALL LOTS§ 52.232 Optional fill weight procedure
for small lots.

(a) For lots consisting of 100 cases or less which require 4 hours or more to pack, the following minimum sampling rate and acceptance criteria may be used in lieu of the requirements and procedures outlined in the proposed U.S. Standards for Inspection by Variables. The conventional average option must be used for this procedure. Do not use the sample median (\bar{M}).

(b) Draw a minimum of 15 sample units, one or two at a time throughout

the entire production of the lot. The sampling intervals shall be such that the total sample will be representative of the lot.

(c) Accept the lot if:

(1) No \bar{X} value is less than LRL.

(2) \bar{X} is equal to or greater than \bar{X}'_{\min} adjusted; and

(3) The condition under paragraph (d) (3) of this section does not exist.

(d) Reject the lot if:

(1) \bar{X} is less than \bar{X}'_{\min} adjusted; or

(2) One or more \bar{X} values are less than LRL; or

(3) All \bar{X} values are less than \bar{X}'_{\min} .

Effective date.—These standards shall become effective May 29, 1973.

Dated April 19, 1973.

JOHN C. BLUM,
Acting Administrator.

[FR Doc. 73-7912 Filed 4-26-73; 8:45 am]

CHAPTER III—ANIMAL AND PLANT
HEALTH INSPECTION SERVICE, DE-
PARTMENT OF AGRICULTUREPART 301—DOMESTIC QUARANTINE
NOTICES

Subpart—Whitefringed Beetle

REGULATED AREAS

This document amends the areas regulated because of the whitefringed beetle by adding the following previously non-regulated counties and parishes to the list of regulated areas: Clay, Dougherty, Lee, Pierce, Quitman, Stewart, Terrell, and Walton Counties in Georgia; and Natchitoches, Red River, Vernon, and Winn Parishes in Louisiana. The regulated area is extended in the previously regulated counties of Crittenden, Mississippi, and Union of Arkansas; Calhoun, Cook, Marion, Randolph, and Webster in Georgia; and in the parish of De Soto in Louisiana. This amendment also changes the previously regulated areas in the parishes of Caldwell and Terrebonne in Louisiana and the counties of Edgecombe, Harnett, Nash, and Scotland in North Carolina from suppressive to generally infested.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.72-2 of the Whitefringed Beetle Quarantine regulations, 7 CFR 301.72-2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.72-2a, is hereby amended as follows:

A. In § 301.72-2a relating to the State of Arkansas, under generally infested area the following counties are redescribed as set forth below.

B. In § 301.72-2a relating to the State of Georgia, under generally infested area the following counties are redescribed or added in alphabetical order as set forth below.

C. In § 301.72-2a relating to the State of Louisiana, under generally infested area the following parishes are redescribed or added in alphabetical order as set forth below.

D. In § 301.72-2a relating to the State of Louisiana, under suppressive area the descriptions for Caldwell Parish and Terrebonne Parish are deleted.

E. In § 301.72-2a relating to the State of North Carolina, under generally infested area the following counties are redescribed or added in alphabetical order as set forth below.

F. In § 301.72-2a relating to the State of North Carolina, under suppressive area the entire description is changed to read as set forth below.

X AND R DATA SHEET

PRODUCT	STYLE	VARIETY	CASE NO.	SIZE OF CONTAINER	DATE	CODE					
PLANT	INSPECTOR				RECORDED BY						
TIME	7:30a	9:05a	9:50a	10:20a	11:00a	11:35a	1:00P	1:45P			
X VALUES	19.9	18.6	18.5	19.1	18.4	19.8	18.7	20.2			
1	18.4	20.9	17.7	21.0	16.6	18.8	18.6	20.6			
2	19.0	19.4	17.9	18.5	17.6	19.9	19.9	20.0			
3	18.9	18.8	19.3	18.4	19.7	19.2	19.1	18.8			
4	19.6	21.7	18.2	20.4	18.4	19.1	18.8	20.7			
SUM OF X VALUES	95.3	99.4	91.6	97.4	91.2	96.8	95.1	100.3			
R	19.1	19.9	18.3	19.5	18.2	19.4	19.0	20.1			
R	1.2	3.1	1.6	2.6	3.1	1.1	1.3	1.9			
X = 19.05											
R = 1.92											
R = 2.0											

CONTROL CHART

<img alt="A control chart with 'Attachment 2' written vertically on the left. The chart has a grid with horizontal lines at 1.0, 1.5, 2.0, 2.5, 3.0, 3.5, 4.0, 4.5, 5.0, 5.5, 6.0, 6.5, 7.0, 7.5, 8.0, 8.5, 9.0, 9.5, 10.0, 10.5, 11.0, 11.5, 12.0, 12.5, 13.0, 13.5, 14.0, 14.5, 15.0, 15.5, 16.0, 16.5, 17.0, 17.5, 18.0, 18.5, 19.0, 19.5, 20.0, 20.5, 21.0, 21.5, 22.0, 22.5, 23.0, 23.5, 24.0, 24.5, 25.0, 25.5, 26.0, 26.5, 27.0, 27.5, 28.0, 28.5, 29.0, 29.5, 30.0, 30.5, 31.0, 31.5, 32.0, 32.5, 33.0, 33.5, 34.0, 34.5, 35.0, 35.5, 36.0, 36.5, 37.0, 37.5, 38.0, 38.5, 39.0, 39.5, 40.0, 40.5, 41.0, 41.5, 42.0, 42.5, 43.0, 43.5, 44.0, 44.5, 45.0, 45.5, 46.0, 46.5, 47.0, 47.5, 48.0, 48.5, 49.0, 49.5, 50.0, 50.5, 51.0, 51.5, 52.0, 52.5, 53.0, 53.5, 54.0, 54.5, 55.0, 55.5, 56.0, 56.5, 57.0, 57.5, 58.0, 58.5, 59.0, 59.5, 60.0, 60.5, 61.0, 61.5, 62.0, 62.5, 63.0, 63.5, 64.0, 64.5, 65.0, 65.5, 66.0, 66.5, 67.0, 67.5, 68.0, 68.5, 69.0, 69.5, 70.0, 70.5, 71.0, 71.5, 72.0, 72.5, 73.0, 73.5, 74.0, 74.5, 75.0, 75.5, 76.0, 76.5, 77.0, 77.5, 78.0, 78.5, 79.0, 79.5, 80.0, 80.5, 81.0, 81.5, 82.0, 82.5, 83.0, 83.5, 84.0, 84.5, 85.0, 85.5, 86.0, 86.5, 87.0, 87.5, 88.0, 88.5, 89.0, 89.5, 90.0, 90.5, 91.0, 91.5, 92.0, 92.5, 93.0, 93.5, 94.0, 94.5, 95.0, 95.5, 96.0, 96.5, 97.0, 97.5, 98.0, 98.5, 99.0, 99.5, 100.0, 100.5, 101.0, 101.5, 102.0, 102.5, 103.0, 103.5, 104.0, 104.5, 105.0, 105.5, 106.0, 106.5, 107.0, 107.5, 108.0, 108.5, 109.0, 109.5, 110.0, 110.5, 111.0, 111.5, 112.0, 112.5, 113.0, 113.5, 114.0, 114.5, 115.0, 115.5, 116.0, 116.5, 117.0, 117.5, 118.0, 118.5, 119.0, 119.5, 120.0, 120.5, 121.0, 121.5, 122.0, 122.5, 123.0, 123.5, 124.0, 124.5, 125.0, 125.5, 126.0, 126.5, 127.0, 127.5, 128.0, 128.5, 129.0, 129.5, 130.0, 130.5, 131.0, 131.5, 132.0, 132.5, 133.0, 133.5, 134.0, 134.5, 135.0, 135.5, 136.0, 136.5, 137.0, 137.5, 138.0, 138.5, 139.0, 139.5, 140.0, 140.5, 141.0, 141.5, 142.0, 142.5, 143.0, 143.5, 144.0, 144.5, 145.0, 145.5, 146.0, 146.5, 147.0, 147.5, 148.0, 148.5, 149.0, 149.5, 150.0, 150.5, 151.0, 151.5, 152.0, 152.5, 153.0, 153.5, 154.0, 154.5, 155.0, 155.5, 156.0, 156.5, 157.0, 157.5, 158.0, 158.5, 159.0, 159.5, 160.0, 160.5, 161.0, 161.5, 162.0, 162.5, 163.0, 163.5, 164.0, 164.5, 165.0, 165.5, 166.0, 166.5, 167.0, 167.5, 168.0, 168.5, 169.0, 169.5, 170.0, 170.5, 171.0, 171.5, 172.0, 172.5, 173.0, 173.5, 174.0, 174.5, 175.0, 175.5, 176.0, 176.5, 177.0, 177.5, 178.0, 178.5, 179.0, 179.5, 180.0, 180.5, 181.0, 181.5, 182.0, 182.5, 183.0, 183.5, 184.0, 184.5, 185.0, 185.5, 186.0, 186.5, 187.0, 187.5, 188.0, 188.5, 189.0, 189.5, 190.0, 190.5, 191.0, 191.5, 192.0, 192.5, 193.0, 193.5, 194.0, 194.5, 195.0, 195.5, 196.0, 196.5, 197.0, 197.5, 198.0, 198.5, 199.0, 199.5, 200.0, 200.5, 201.0, 201.5, 202.0, 202.5, 203.0, 203.5, 204.0, 204.5, 205.0, 205.5, 206.0, 206.5, 207.0, 207.5, 208.0, 208.5, 209.0, 209.5, 210.0, 210.5, 211.0, 211.5, 212.0, 212.5, 213.0, 213.5, 214.0, 214.5, 215.0, 215.5, 216.0, 216.5, 217.0, 217.5, 218.0, 218.5, 219.0, 219.5, 220.0, 220.5, 221.0, 221.5, 222.0, 222.5, 223.0, 223.5, 224.0, 224.5, 225.0, 225.5, 226.0, 226.5, 227.0, 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585.0, 585.5, 586.0, 586.5, 587.0, 587.5, 588.0, 588.5, 589.0, 589.5, 590.0, 590.5, 591.0, 591.5, 592.0, 592.5, 593.0, 593.5, 594.0, 594.5, 595.0, 595.5, 596.0, 596.5, 597.0, 597.5, 598.0, 598.5, 599.0, 599.5, 600.0, 600.5, 601.0, 601.5, 602.0, 602.5, 603.0, 603.5, 604.0, 604.5, 605.0, 605.5, 606.0, 606.5, 607.0, 607.5, 608.0, 608.5, 609.0, 609.5, 610.0, 610.5, 611.0, 611.5, 612.0, 612.5, 613.0, 613.5, 614.0, 614.5, 615.0, 615.5, 616.0, 616.5, 617.0, 617.5, 618.0, 618.5, 619.0, 619.5, 620.0, 620.5, 621.0, 621.5, 622.0, 622.5, 623.0, 623.5, 624.0, 624.5, 625.0, 625.5, 626.0, 626.5, 627.0, 627.5, 628.0, 628.5, 629.0

§ 301.72-2a Regulated areas; suppressive and generally infested areas.

ARKANSAS

(1) Generally infested area.

Crittenden County: all the area included within the corporate limits of the towns of Crawfordville, Earle, Marion, Norvell, and West Memphis; secs. 1, 2, 11, and 12, T. 5 N., R. 7 E.; secs. 35 and 36, T. 6 N., R. 7 E.; secs. 6, 7, 8, and 17, T. 5 N., R. 8 E.; sec. 31, T. 6 N., R. 8 E.; secs. 1, 12, 13, and 24, T. 7 N., R. 7 E.; secs. 6, 7, 18, 19, 21, 22, 27, and 28, T. 7 N., R. 8 E.; secs. 9, 15, 16, 22, and 27, T. 8 N., R. 8 E.; sec. 10, T. 6 N., R. 9 E.

Mississippi County: secs. 7, 8, 9, and 17, T. 15 N., R. 8 E., including all of the town of Leachville; sec. 19, T. 10 N., R. 9 E., secs. 11 and 12, T. 12 N., R. 9 E., all the area within the corporate limits of the town of Manila; secs. 4, 5, 8, and 9, T. 14 N., R. 10 E., including all of the town of Dell; secs. 8, 9, 16, and 17, T. 13 N., R. 11 E., including all of the town of Luxora; all of the area within the limits of the Blytheville Air Force Base; secs. 2, 3, 4, 8, 9, 10, 11, 13, 14, 15, 16, 17, 20, 21, 22, 23, and 28, T. 15 N., R. 11 E., including all of the town of Blytheville; secs. 27 and 34, T. 16 N., R. 11 E.; secs. 8, 17, and 18, T. 15 N., R. 12 E.

Union County: secs. 17 and 35, T. 17 S., R. 15 W.

GEORGIA

(1) Generally infested area.

Calhoun County: the entire county.

Clay County: the entire county.

Cook County: the entire county.

Dougherty County: the entire county.

Lee County: the entire county.

Marion County: the entire county.

Pierce County: that portion of the county lying within Georgia Militia District 584.

Quitman County: the entire county.

Randolph County: the entire county.

Stewart County: the entire county.

Terrell County: the entire county.

Walton County: the entire county.

Webster County: the entire county.

LOUISIANA

(1) Generally infested area.

Gardell Parish: secs. 10, 11, 14, 15, T. 12 N., R. 3 E.

De Soto Parish: secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, T. 11 N., R. 13 W.; and that portion of the parish lying within T. 12 N., R. 13 W.

Natchitoches Parish: that portion of the parish lying within T. 9 N., R. 7 W.

Red River Parish: that portion of the parish lying within the corporate limits of the city of Coushatta.

Terrebonne Parish: that area bounded by a line commencing where the Intercoastal Waterway crosses Bayou Terrebonne; thence north and east along said waterway to the east line of R. 17 E.; thence south along said line to the intersection of East Houma city limits; thence south along said city limits line to the intersection of Louisiana Highway 57; thence north and west along said highway to the intersection of State Highway 24; thence west on State Highway 24 to the point of beginning.

Vernon Parish: that portion of the parish lying within T. 2 N., R. 9 W.; and that portion of the parish lying within the Fort Polk military reservation.

Winn Parish: that portion of the parish lying within T. 11 N., R. 2 and 3 W.

NORTH CAROLINA

(1) Generally infested area.

Edgecombe County: that portion of the city of Rocky Mount lying in Edgecombe County and that area included within the corporate limits of the city of Pinetops.

Harnett County: an area 1 mile wide bounded on the north by the Harnett-Wake County line and extending south along U.S. Highway 401 and said highway as a centerline for a distance of 5 miles.

Nash County: that area bounded by a line beginning at a point where North Carolina Highway 58 intersects the Franklin and Nash County line; thence south along said highway to the junction of county road 1425; thence east along said road to its junction with North Carolina Highway 43; thence south and east along said highway to its intersection with the city limits of Rocky Mount; thence east along said city limits to its intersection with the Nash and Edgecombe County lines; thence south along the Nash and Edgecombe County line to a point where Nash, Edgecombe, and Wilson Counties meet; thence south and west along the Nash and Wilson County line to its junction with the Johnston County line; thence northwest along the Johnston and Nash County line to a point where Johnston, Wake, Franklin, and Nash County lines meet; thence northeast along the Franklin and Nash County line to the point of beginning.

Scotland County: that area bounded by a line beginning at a point where Big Shoe Heel Creek intersects with State Secondary Road 1323; thence extending southeast along said road to the Scotland-Robeson County line; thence southwest along said county line to its intersection with Big Shoe Heel Creek; thence northwest along said creek to the point of beginning.

That area bounded by a line beginning at the intersection of U.S. Highway 401 and State Secondary Road 1323 and extending southeast along said road to its intersection with State Secondary Road 1433; thence southwest along said road to its intersection with the corporate limits of the city of Laurinburg; thence northwest along said corporate city limits to its intersection with U.S. Highway 401; thence northeast along said highway to the point of beginning.

NORTH CAROLINA

(2) Suppressive area.—None.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat., 33; 7 U.S.C. 161, 162, 180ee; 37 FR 28464, 28477; 38 FR 10071, 7 CFR 301.72-2.)

This revision shall become effective on April 27, 1973, when it shall supersede 7 CFR 301.72-2a effective July 6, 1972.

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that infestations of the whitefringed beetle exist or are likely to exist in the civil divisions or parts of civil divisions listed above or that it is necessary to regulate such localities because of their proximity to infestations or their inseparability for quarantine enforcement purposes from infested localities.

The Deputy Administrator has further determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on the interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the whitefringed beetle. Therefore, such civil divisions and parts of civil division listed above are designated as whitefringed beetle regulated areas.

Inasmuch as this revision imposes restrictions necessary to prevent the spread of the whitefringed beetle, it should be made effective promptly to accomplish its purpose in the public interest. According, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of April 1973.

T. G. DARLING,
Acting Deputy Administrator,
Plant Protection and Quarantine Programs.

[FR Doc. 73-8296 Filed 4-26-73; 8:45 am]

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

[Lemon Reg. 583]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitations of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period April 29-May 5, 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.

§ 910.883 Lemon Regulation 583.

(a) *Findings.*—(1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The Committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The Committee further reports the demand for lemons has had no perceptible change, with volume of sales projected as 4 percent higher than last week, but price for the first 2 days this week is down 5 cents. Order business showed slight increase the first 2 days of the week because of warmer weather, but is expected to decline the remainder of the week because of cooler rainy weather. Average f.o.b. price was \$4.85 per carton the week ended April 21, 1973 compared to \$4.94 per carton the previous week. Track and rolling supplies at 134 cars were down 24 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 for regulation together with its supporting information has been submitted by the Committee, however, the Secretary had modified the recommendation to provide for the shipment of a greater quantity of lemons, retaining the same effective date, and such information is being disseminated among handlers of such lemons; it is necessary in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such Committee meeting was held on April 24, 1973.

(b) *Order.*—(1) The quantity of lemons grown in California and Arizona which may be handled during the period April 29, 1973, through May 5, 1973, is hereby fixed at 250,000 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 26, 1973.

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

[FPR Doc. 73-8435 Filed 4-26-73; 1:59 pm]

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

[Milk Order No. 121; Docket No. AO-364-A6]

PART 1121—MILK IN THE SOUTH TEXAS MARKETING AREA

Order Amending Order

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

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

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

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

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

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

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

(b) *Additional findings.*—It is necessary in the public interest to make this order amending the order effective May 27, 1973, with respect to procedures under the advertising and promotion program for establishing an agency. Any delay beyond that date would result in insufficient time for establishing the agency prior to the effective date of July 1, 1973, when funding of the program will begin.

The provisions of this order are known to all interested parties. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued March 7, 1973, and the decision of the Deputy Assistant Secretary containing all amendment provisions of this order was issued April 10, 1973. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 27, 1973, with respect to procedures for establishing an agency, and that it would be contrary to the public interest to delay the effective date of these amendments for 30 days

after their publication in the **FEDERAL REGISTER**. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559.)

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

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

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and to include provisions constituting the advertising and promotion program;

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

ORDER RELATIVE TO HANDLING

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

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.

* * *

(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 participating 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.

RULES AND REGULATIONS

§ 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.

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

Effective date.—April 27, 1973, with respect to marketings on and after July 1, 1973.

Signed at Washington, D.C., on April 24, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-8210 Filed 4-26-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDER

[Colorado 17528]

[Public Land Order 5344]

COLORADO

Withdrawal of Lands for Atomic Energy Commission

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

1. Subject to valid existing rights, and the provisions of existing withdrawals, the public lands and the reserved minerals in the patented lands described as follows, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from those forms of disposition under the public lands laws as hereinafter specified, and reserved for use of the Atomic Energy Commission as a site for its Rio Blanco Phase I experi-

ment in connection with the detonation of nuclear explosives to stimulate natural gas production, for the duration of the experiment, but for not more than 10 years:

A. The following described lands are hereby withdrawn from all forms of disposition under the public lands laws, including the U.S. mining laws, 30 U.S.C. Ch. 2, and from leasing under the mineral leasing laws:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 98 W..

Sec. 10, SE $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$;Sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$;Sec. 15, E $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate 200 acres.

B. The minerals reserved to the United States in the following described patented lands are hereby withdrawn from disposition under the U.S. mining laws, 30 U.S.C. Ch. 2, and from leasing under the mineral leasing laws.

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 98 W..

Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$;Sec. 14, E $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate 160 acres.

The total of the areas described above aggregates 360 acres in Rio Blanco County.

2. This order supplements but does not otherwise affect the withdrawal of lands for oil shale made by Executive Order No. 5327 of April 15, 1930, and by Public Land Order No. 4522 of September 13, 1968, and modifications thereof. The existing resource management plans will remain in effect or modified as necessary to protect other resources and be followed to the extent it does not interfere with the purpose of this order.

JOHN KVI,

Acting Secretary of the Interior.

APRIL 26, 1973.

[FR Doc.73-8389 Filed 4-26-73;9:57 am]

Proposed Rules

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Accounting for Long-Term Contracts and Advance Payments, and Use of the Full Absorption Method of Inventory Valuation; Notice of Public Hearings

Public hearings on the provisions of the below-listed proposed regulations will be held on May 31, 1973, beginning at 10 a.m., e.d.s.t. and if necessary will continue on June 1, 1973, in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW, Washington, D.C. 20224. The public hearings will be in respect to:

(1) Proposed regulations under sections 451 and 471 of the Internal Revenue Code of 1954, relating to accounting for long-term contracts and advance payments, appearing in the **FEDERAL REGISTER** for November 21, 1972 (37 FR 24753). An extension of time for submitting comments appeared in the **FEDERAL REGISTER** for January 24, 1973 (38 FR 2336).

(2) Proposed regulations under sections 61, 446, and 471 of the Internal Revenue Code of 1954, relating to use of the full absorption method of inventory valuation, appearing in the **FEDERAL REGISTER** for February 13, 1973 (38 FR 4337).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearings. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the respective notices of proposed rulemaking (or the extension of time in the case of the notice for long-term contracts and advance payments) and who desire to present oral comments at the respective hearing on such proposed regulations should by May 17, 1973, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the begin-

ning of such hearings should notify the Commissioner, in writing, at the above address by May 24, 1973. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is 10 cents per page, subject to a minimum charge of \$1.

An agenda showing the order of the hearings on the proposed regulations and the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearings, and information with respect to its contents may be obtained on May 30, 1973, by telephoning (Washington, D.C.) 202-964-3935.

LAWRENCE B. GIBBS,
Acting Chief Counsel.

[FR Doc. 73-8316 Filed 4-25-73; 10:30 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Pt. 121]

SELENIUM IN ANIMAL FEED

Proposed Food Additive Regulation

The Commissioner of Food and Drugs, having evaluated data submitted in a petition (MF 3433V) filed by the American Feed Manufacturers Association, Inc., 1725 K Street NW, Washington, D.C. 20006, and other relevant material, proposes that the food additive regulations should be amended as set forth below to provide for the safe use of selenium as a nutrient in the feed of chickens, turkeys, and swine.

In making this proposal, the Commissioner has considered the following factors:

1. Selenium is an element essential for normal growth and metabolism in animals. The minimum dietary requirements for selenium in poultry and swine range from 0.1 to 0.2 p/m of available selenium in the form of sodium selenite or sodium selenate. A dietary intake of less than these quantities of available selenium may result in a variety of debilitating conditions. In chickens, a deficiency of dietary selenium may cause an exudative diathesis (escape of fluids from the capillaries, edema, and hemorrhage) and pancreatic degeneration with a resultant decrease in pancreatic and intestinal enzymes causing a significant reduction in fat digestion and absorption. In turkeys, selenium deficiency causes exudative diathesis, a degeneration of the gizzard, heart, and breast musculature (myopathy), and blood alterations

(anemia and a marked lowering of the serum albumin/globulin ratio). Swine fed a selenium deficient diet develop liver necrosis in addition to cardiac and skeletal myopathy. These disease conditions can be fatal. There is also evidence that selenium is required for maximum growth rate in chickens. A detailed discussion of the role of selenium in nutrition has been prepared by the National Academy of Sciences, "Selenium in Nutrition," ISBNO-309-01926-5, 1971, National Academy of Sciences, 2101 Constitution Avenue, Washington, D.C. 20418.

2. It has been estimated that 70 percent of domestic basic feedstuffs (corn and soybeans) contain less selenium than that required to meet the animals' nutritional needs. For example, a recent survey (see table 1) of the selenium content of corn grown in the midwestern States revealed a median selenium content of 0.05 p/m (the values for the various States ranged from a low of 0.01 to a high of 2.03 p/m).

TABLE 1.—SELENIUM CONTENT OF CORN IN MIDWESTERN STATES (PARTS PER MILLION)

State	No. of samples	Low	High	Mean	Median
North Dakota	6	0.00	0.26	0.19	0.22
South Dakota	10	0.11	2.03	0.40	0.24
Nebraska	6	0.04	0.81	0.35	0.28
Kansas	1	0.99			
Minnesota	22	0.02	0.29	0.09	0.06
Iowa	25	0.02	0.16	0.05	0.05
Missouri	4	0.02	0.09	0.05	0.05
Wisconsin	5	0.02	0.13	0.05	0.02
Illinois	31	0.02	0.15	0.05	0.04
Michigan	5	0.03	0.04	0.03	0.03
Indiana	20	0.01	0.15	0.04	0.01
Total	135	0.01	2.03	0.11	0.05

This survey showed that South Dakota and Nebraska produce corn that has a higher selenium content (means of 0.40 and 0.35 p/m, respectively) than the corn grown in other Midwestern States. Since the mass movements of grain through the agribusiness complex make it impossible to restrict selenium usage only to those areas known to be deficient, levels of selenium which are proposed to be permitted to be added to the feed of chickens, turkeys, and swine have been selected to provide the minimum dietary requirements without being toxic to these animals. Considerable experimental evidence supports the fact that 0.1 p/m in the feed of swine and growing chickens and 0.2 p/m in the feed of turkeys is a safe means of eliminating selenium deficiency in these animals.

3. A variety of toxic effects is noted when excessive quantities of selenium are

ingested by livestock and poultry. Generally, these animals will suffer from a loss of appetite, atrophy of the heart, cirrhosis of the liver, and anemia. A complete description of the toxic effects of selenium can be found in "Trace Elements in Human and Animal Nutrition," by E. J. Underwood, Academic Press, New York City, 1971.

The minimum toxic level of selenium in poultry and swine approximates 3.0 p/m in feed. Feeds that have been supplemented with 0.1 or 0.2 p/m of selenium, as provided for by the regulation proposed below, contain an amount of selenium which is well below that which is toxic to poultry and swine. Accordingly, such feeds are safe for poultry and swine.

4. Because selenium has been shown to be essential to animal nutrition in every species in which it has been tested, it is widely regarded as essential to human nutrition also. Man does not produce selenium endogenously, but depends upon dietary intake to satisfy his nutritional needs.

5. Information with regard to selenium toxicity in man is relatively sparse, and is available only from industrial overexposure. Selenium intoxication (symptomatized by depression, languor, nervousness, and gastrointestinal disturbances) has been reported as a result of industrial inhalation, but the amount of exposure that precipitates these symptoms is not known. No data are available on human oral toxicity.

The NAS has reported that the average normal range of selenium in human blood is 10-34 mcg/100 ml. The highest level known to have been reported in human blood was about 40 mcg/100 ml, which produced no known toxicity. This high level is less than twice the average normal level and is only slightly more than one-tenth the level considered to be indicative of toxicity in cattle.

Human consumption of selenium through the diet has existed throughout history. There is no evidence that persons in the United States suffer either from toxic levels of selenium or from a deficiency of selenium when they consume meat and poultry raised on feed that is naturally high or low in selenium content. There have been no reports whatever of untoward effects on human health relating to dietary selenium.

Thus, the primary question raised by the petition with respect to human safety is whether the amount of selenium in the daily human diet will be increased and, if so, whether it will be increased above levels obtained for years through use of selenium-adequate animal feed. All of the evidence available to the Commissioner shows that if the animal is already receiving a diet of natural feed with an adequate selenium level, the selenium level in meat and poultry will not be increased significantly, if at all. If the animal is receiving a diet naturally deficient in selenium, the addition of the amount of selenium proposed in this pe-

tition will raise the selenium level in the meat or poultry to no higher than that level that would be found if the feed naturally contained sufficient selenium.

It has been shown (see tables 2-6) that use of feeds containing selenium at certain low levels (in some cases including those levels proposed in the regulation below) does not result in a significant increase in the selenium concentration in the edible products of chickens, turkeys, and swine, with the possible exception of prolonged gross misuse of selenium (e.g., repeated use of 20 or more times the amount provided in the petition). Thus, the animals tested absorbed dietary selenium in proportion to their physiological needs, and excesses are rapidly excreted.

Data obtained by Dr. M. L. Scott, Cornell University, in 1971 on the effects of dietary selenium supplementation in turkeys are presented in tables 2 and 3. These data clearly show that under commercial production conditions 0.1-0.2 p/m selenium supplementation in turkeys does not significantly increase the selenium content of breast, leg, or liver tissues or blood. Diets used in these experiments were composed of typical feed ingredients. The starter and grower diets contained 0.2 p/m of selenium and the finisher contained 0.133 p/m selenium. The starting ration was feed through 8 weeks of age, the growing ration from 8 to 14 weeks of age, and the finisher ration 14 to 20 weeks of age.

TABLE 2.—EFFECTS OF SELENIUM SUPPLEMENTATION ON TISSUE SELENIUM LEVELS IN 20-WEEK OLD TURKEYS

Level of selenium in tissue (parts per million)

Tissue	Basal	Basal+0.1 p/m Se	Basal+0.2 p/m Se
Breast muscle	0.179±0.009	0.168±0.004	0.179±0.008
Leg muscle	0.193±0.009	0.221±0.008	0.219±0.008
Liver	0.700±0.021	0.671±0.028	0.681±0.024
Blood	0.181±0.007	0.188±0.006	0.196±0.008

TABLE 3.—EFFECTS OF SELENIUM SUPPLEMENTATION ON TISSUE SELENIUM LEVELS IN 14-WEEK OLD TURKEYS

Level of selenium in tissue (parts per million)

Tissue	Basal	Basal+0.1 p/m Se	Basal+0.2 p/m Se
Breast muscle	0.219±0.007	0.204±0.013	0.197±0.008
Leg muscle	0.172±0.007	0.172±0.007	0.192±0.007
Liver	0.619±0.016	0.651±0.035	0.641±0.012
Blood	0.199±0.012	0.184±0.006	0.192±0.007

Table 4 shows data from a study by Dr. Scott in 1970 in which chicks were fed for 4 weeks either a low selenium basal ration (0.07 p/m) or a low selenium basal ration plus graded levels of selenium (0.1, 0.2, or 0.4 p/m). The data show that at least 0.1 p/m of selenium is required to overcome the effects of a selenium deficient diet and that when the animal's nutritional requirements are met tissue levels of selenium plateau. Those broilers fed 0.4 p/m selenium have residues that are equivalent to the residues obtained from 0.2 p/m selenium.

TABLE 4.—EFFECTS OF SELENIUM SUPPLEMENTATION ON TISSUE SELENIUM LEVELS IN BROILER CHICKENS

Level of selenium in tissue (parts per million)

Tissue	Basal ¹	Basal+0.1 p/m Se	Basal+0.2 p/m Se	Basal+0.4 p/m Se
Muscle	0.061	0.071	0.103	0.114
Liver	0.25	0.48	0.53	0.59
Kidney	0.39	0.34	0.80	0.96
Skin	0.09	0.13	0.16	0.13

¹ Low selenium basal (0.07 p/m).

Table 5 contains data from a study by Dr. O. E. Olson, South Dakota State University in 1971 in which layer chickens were fed either a basal diet or a basal diet plus 2.0 p/m added selenium. The study was conducted for a period of 2 years. The selenium was administered in the form of sodium selenite. These data show that when selenium is repeatedly supplemented at the 2.0 p/m level (20 times the proposed use level) no substantial increase of tissue selenium levels occurs, although there may be some elevation in these levels.

TABLE 5.—EFFECTS OF SELENIUM SUPPLEMENTATION ON TISSUE SELENIUM LEVELS IN CHICKENS

Level of selenium in tissue (parts per million)

Tissue	Basal	Basal+2.0 p/m Se
Thigh	0.44	0.44
Breast	0.40	0.42
Liver	0.80	1.03
Kidney	0.96	1.16
Heart	0.54	0.68

Table 6 presents data from a study by Dr. Olson in 1970 in which swine diets were supplemented with either 0.1 or 1 p/m of selenium as sodium selenite. No significant increases were observed in tissue selenium level when the dietary selenium level was increased tenfold, from 0.1 to 1 p/m.

TABLE 6.—EFFECTS OF SELENIUM SUPPLEMENTATION ON TISSUE SELENIUM LEVELS IN SWINE

Level of selenium in tissue (parts per million)

Tissue	Basal+0.1 p/m Se	Basal+1.0 p/m Se
Muscle	0.13	0.15
Heart	0.17	0.17
Liver	0.57	0.52

5. The applicability of the anticancer clause (sec. 409(c)(3)(A)) of the act to the addition of selenium to animal feed has been thoroughly considered because of the questions that have been raised concerning the possible carcinogenic activity of selenium. Available data have been evaluated by the Food and Drug Administration and the National Cancer Institute. Based on these evaluations, it has been concluded that the judicious administration of selenium derivatives to domestic animals would not constitute a carcinogenic risk. In three of the six studies available on the subject, test animals were found to have developed neoplastic lesions. These lesions were concluded to be a consequence of the liver

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cirrhosis produced by frank selenium toxicity. Further evaluation of the results of these three studies was complicated by the unusually high levels of selenium that had been administered, faulty experimental design, and/or infectious conditions present in the animal colonies used. Results of the remaining three studies, all of which were well controlled investigations, were negative for carcinogenic activity.

Selenium at high dietary levels (above 2 p/m for experimental animals) is a proven hepatotoxic agent. Early studies at dietary levels of 5, 7, and 10 p/m showed liver damage and regeneration in rats and an increased incidence of hepatoma in treated animals as compared with controls. Hepatoma did not occur in the absence of severe hepatotoxic phenomena. In more recent studies, hepatotoxicity was observed in rats fed selenium at 2 p/m. At 16 p/m, more severe liver damage was observed but was not associated with hepatoma. No hepatotoxic effects were noted at 0.5 p/m or below.

In this respect, selenium is no different from a number of foods and drugs available in the marketplace today. Beverage alcohol, for example, is associated with a higher incidence of liver cirrhosis, which, in turn, is associated with a higher incidence of liver cancer. Other common agents, at high levels, may produce the same result.

The Commissioner is of the opinion that these foods and drugs are not, by reason of their capacity to induce liver damage when abused by being consumed at high levels, properly classified as carcinogenic because of their potential association with a higher rate of liver cancer. The various anticancer clauses contained in the act (secs. 409(c) (3) (A), 512(d) (1) (H), 706(b) (5) (B), 72 Stat. 1786, 82 Stat. 345, 74 Stat. 400; 21 U.S.C. 348(c) (3) (A), 360b(d) (1) (H), 376(b) (5) (B)) were predicated on the theory that, since we do not know the mechanisms of carcinogenesis, even one molecule of a carcinogen should not be allowed into the food supply. The anticancer clauses do not apply in the case of an agent that (1) occurs naturally in practically all foods, (2) is used in a manner such that the natural level in food is not increased, (3) has a definite hepatotoxic effect/no-effect level, and (4) has a possible carcinogenic effect which is associated only with the hepatotoxic effect.

Accordingly, the Commissioner has concluded that: (1) The available information does not support classification of selenium or its compounds as having carcinogenic activity, (2) the use of selenium as set forth below constitutes no carcinogenic risk, and (3) the limitations set forth below, while satisfying the animals' dietary need for selenium, will assure safety to animals treated with sodium selenite or sodium selenate and to consumers of edible products of such treated animals.

6. A draft environmental impact statement on this proposed action is available for public inspection in the Offices of the Assistant Commissioner for Public

Affairs and the Hearing Clerk, 5600 Fishers Lane, Rockville, Md. All interested persons are requested to submit comments in quintuplicate on this draft statement to the hearing clerk on or before June 26, 1973. All comments received shall be available for public inspection during working hours, Monday through Friday.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that part 121 (21 CFR part 121) be amended by adding the following new section to subpart C:

§ 121.325 Selenium.

The food additive selenium may be safely used in accordance with the following prescribed conditions:

(a) The additive is used in animal feed as a nutrient in the form of sodium selenite or sodium selenate.

(b) It is added to the complete feed of swine and the complete feed of growing chickens up to 16 weeks of age at a level not to exceed 0.1 p/m of selenium; it is added to the complete feed of turkeys at a level not to exceed 0.2 p/m of selenium.

(c) The additive is to be incorporated into complete feed by a premix formulated so that at least 1 pound but not more than 2 pounds of premix is added per ton of complete feed.

(d) Feeds containing added selenium may not be administered to laying hens.

Interested persons may, on or before June 26, 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 24, 1973.

SHERWIN GARDNER,
Acting Commissioner
of Food and Drugs.

[FIR Doc. 73-8299 Filed 4-26-73; 8:45 am]

[21 CFR Parts 191, 191g]

TOY CHESTS AND SIMILAR CHILDREN'S ARTICLES

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.

FDA investigations and data compiled by the National Electronic Injury Surveillance System (NEISS) indicate that toy chests and similar articles present mechanical hazards to children. Most of the reported injuries were caused by exposed metal hardware and pointed edges. In every case reported to NEISS, surgical attention was required.

The Commissioner of Food and Drugs has determined that the mechanical hazards associated with toy chests and similar articles present an unreasonable risk of personal injury to children from lacerations, contusions, punctures, and suffocation. The Commissioner's proposal set forth below would ban toy chests and similar articles that present mechanical hazards during normal use or as a result of reasonably foreseeable abuse.

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 to add a new subparagraph (19) to § 191.9a (a) and a new part 191g to title 21, chapter I, as follows:

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

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

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

(19) Toy chests and similar articles intended for use by children that do not comply with the requirements of Part 191g of this chapter.

PART 191g—REQUIREMENTS FOR TOY CHESTS AND SIMILAR ARTICLES INTENDED FOR USE BY CHILDREN

Sec.

191g.1 Instructions.

191g.2 Design and construction.

191g.3 Recordkeeping.

AUTHORITY.—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.

§ 191g.1 Instructions.

(a) Toy chests and similar articles intended for use by children, 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 shall be so written that an unskilled layman can correctly assemble the article without making errors that would result in improper and unsafe assembly. The instructions

shall include cautionary statements concerning the secure tightening of bolts and other fasteners.

§ 191g.2 Design and construction.

Toy chests and similar articles intended for use by children shall be designed and constructed as follows:

(a) *Hardware.*—The article shall have no hardware or components that will cause injury by scissoring, shearing, or pinching actions or that will cause laceration or puncture wound injuries. All hardware and components shall be free of sharp edges and rough edges. The article shall have no threaded hardware that protrudes in excess of one diameter beyond the internally threaded fastener or structural member.

(b) *Wood.*—All wood parts and surfaces shall be smooth and free from splinters, splits, and cracks, and other defects.

(c) *Attachments.*—Any attachments, including, but not limited to, built-in toys, decorations, and design components, shall be tested in accordance with the test methods in §§ 191.21, 191.22, and 191.23 of this chapter.

(d) *Size.*—If the article or a component thereof has a continuous enclosed volume greater than 1.1 cubic feet and a smallest internal dimension of 6 inches or more, then:

(1) The article or component shall have no positive latching device.

(2) Any vertically opening door or lid:

(i) Shall not exceed a weight of 3 pounds; or

(ii) Shall be counterbalanced and require a force of less than 1½ pounds for opening as measured at the point or edge opposite the hinge(s); or

(iii) Shall not be self-closing due to the article's design.

(3) The article shall provide ventilation through two or more openings that together total a minimum of 2 square inches in area. Each such opening shall be located either in the top surface and in the upper one-fourth of one or more vertical surfaces, or in the upper one-fourth of two or more vertical surfaces of the enclosure. Such openings shall be at least 10 inches apart at their edges as measured across the surface or surfaces. The article shall contain structural features which permit the passage of air when the ventilated surface is contiguous with a solid, flat surface such as a wall.

§ 191g.3 Recordkeeping.

The manufacturer or importer shall keep and maintain for 3 years after production or importation of each lot of toy chests or similar articles intended for use by children, records of sale, distribution, and results of all inspections and tests conducted in accordance with this part 191g. 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 26, 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 24, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 73-8301 Filed 4-26-73:8:45 am]

Social and Rehabilitation Service [45 CFR Part 221]

SERVICE PROGRAMS FOR FAMILIES AND CHILDREN AND FOR AGED, BLIND, OR DISABLED INDIVIDUALS; TITLES I, IV (PARTS A AND B), X, XIV, AND XVI OF THE SOCIAL SECURITY ACT

Notice of Proposed Rulemaking Correction

In FR Doc. 73-3140 appearing at page 4608 in the issue for Friday, February 16, 1973, in the penultimate line of § 221.54 (b) (2) the reference to "paragraph (6) (3)" should read "paragraph (b) (3)".

DEPARTMENT OF TRANSPORTATION

Coast Guard
[33 CFR Part 110]
[CGD 73-84P]

SODUS BAY, N.Y.

Proposed Special Anchorage Areas

The Coast Guard is considering amending the anchorage regulations by establishing a special anchorage area south of Sand Point in Sodus Bay, N.Y. In special anchorage areas vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

There is no special anchorage area presently in Sodus Bay or in the immediate area. The establishment of this special anchorage area will enhance the safe navigation of vessels in this area.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199. Each person submitting comments should include his name and address, identify the notice (CGD 73-84P) and give any reasons for any recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District will forward any comments received before May 29, 1973, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S.

Coast Guard Headquarters who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed to amend chapter I of title 33 of the Code of Federal Regulations by adding a new § 110.86 to read as follows:

§ 110.86 Sodus Bay, N.Y.

The water area in Sodus Bay, N.Y., south of Sand Point beginning at a point on the shoreline at lat. 43°16'07" N., long. 76°58'47" W.; thence southwesterly to lat. 43°15'55" N., long. 76°59'00" W.; thence easterly to lat. 43°15'52" N., long. 76°58'34" W.; thence northerly to a point on the shoreline at lat. 43°15'58" N., long. 76°58'34" W.; thence along the natural shoreline and structures to the point of beginning.

NOTE: An ordinance of Wayne County, N.Y., requires the permission of the Wayne County Sheriff before any vessel is moored or anchored in this special anchorage area. (Rule 9, 28 Stat. 647, as amended (33 U.S.C. 258); sec. 6(g)(1)(C), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(C); 49 CFR 1.46(c)(3).)

Dated April 24, 1973.

J. D. McCANN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 73-8284 Filed 4-26-73:8:45 am]

Federal Aviation Administration

[14 CFR Part 1]

[Airspace Docket No. 73-CE-2]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending part 71 of the Federal Aviation Regulations so as to designate a transition area at Iowa Falls, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before May 29, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the

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Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Iowa Falls, Iowa, Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Iowa Falls, Iowa.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

IOWA FALLS, IOWA

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Iowa Falls Municipal Airport (lat. 42°28'10" N.; long. 93°16'00" W.); and within 3 miles on each side of the 154 degree bearing from the airport reference point extending from the 6.5 mile radius 8.5 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the west by V13, on the north by V100, on the east by the Waterloo 29 DME arc and on the south by a 20 mile arc of the Iowa Falls Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 4, 1973.

CHESTER W. WELLS,
Director, Central Region.

[FR Doc. 73-8194 Filed 4-26-73; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-GL-19]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending part 71 of the Federal Aviation Regulations so as to designate a transition area at Greenwood, Ill.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in

this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018.

A new public use instrument approach procedure has been developed for the Galt Airport, Greenwood, Ill., utilizing the Northbrook VORTAC as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Greenwood, Ill. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

GREENWOOD, ILL.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Galt Airport (lat. 43°24'09" N., long. 88°22'33" W.).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on April 6, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc. 73-8195 Filed 4-26-73; 8:45 am]

Civil Aeronautics Board

[14 CFR Parts 207, 208, 212, 214, 373, 378]

[Docket No. 25163, 24978; Reg. EDR-243; SPD-32]

U.S. AND FOREIGN AIR CARRIERS

Prohibition on Entering Into Charter Contracts Except in Accordance With Effective Tariffs

Notice is hereby given that the Civil Aeronautics Board proposes to amend parts 207, 208, 212, and 214 of the economic regulations and parts 373 and 378 of the special regulations (14 CFR pts. 207, 208, 212, 214, 373, and 378) so as to prohibit both U.S. and foreign air carriers from entering into charter contracts except in accordance with currently effective tariffs on file with the Board, and to prohibit such carriers from subsequently filing tariffs which would have the effect of increasing the charter rates and fares above those specified in such contracts. The purpose of the proposed amendments is explained in the attached explanatory statement, and the proposed amendments are set forth in the proposed rule. (The amendments are proposed under the authority of secs. 101(3), 101(33), 204(a), 401, 402,

407, 416, and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended) 743, 754 (as amended), 757, 766, 771, 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481.)

Interested persons may participate in this proceeding through submission of 12 copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before May 30, 1973, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the docket section of the Board, room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

Dated April 24, 1973.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

Under the Federal Aviation Act of 1958, as amended, and the Board's regulations (14 CFR pt. 200 et seq.), no U.S. or foreign air carrier may perform air transportation, including charter flights, except in accordance with currently effective tariffs. However, the Board's existing regulations governing charters do not generally require that the price and other terms of a charter contract must be consistent with a tariff in effect at the time the contract is entered into, which may occur months before the scheduled date of the charter flight.¹ Accordingly, since section 403(c) of the act provides that no tariff change shall normally be made except after 30 days' filed notice of the proposed change, the particular tariff rate applicable to any charter flight need not be filed earlier than 30 days in advance of the flight.

Thus, direct air carriers and charterers have long followed the practice of negotiating charter contracts at prices which are not reflected in tariffs in effect at the time, and then subsequently filing a tariff embodying the negotiated price in time to become effective when the actual flight is performed. This practice tends to inhibit the Board's exercise of its power to suspend unreasonable tariffs, because, by the time the tariff is actually filed, the flight date is so close at hand that a last-hour suspension would cause considerable inconvenience and hardship to the potential charter participants, in that the flight must either be canceled or operated at a higher price.

¹ Part 372a of the Board's special regulations (14 CFR pt. 372a) governing travel group charters was recently amended (SPR-66, adopted Mar. 6, 1973), so as to provide that the price and terms of any filed TGC option must be consistent with the tariff of the direct air carrier in effect at the time of such filing, which, by the terms of the rule, must occur no later than 105 days before scheduled flight departure.

Additionally, this practice raises serious questions of preference and prejudice between charterers. The lack of notice or information about privately negotiated charter rates impairs a charterer's ability to compare the rates of competing carriers, and may well give undue bargaining power to large tour operators and other major airline customers. Moreover, the practice encourages unfair and destructive price competition among carriers to attract business developed by their competitors; indeed, the extreme price fluctuations in major charter markets would appear to indicate clearly that not all charter rates are economically sound. Uneconomic charter rates should not be countenanced because they must inevitably be offset by excessive prices for other services, or else produce serious financial difficulties for the carriers caught in the competitive price war, to the detriment of the traveling public and the air transportation system.

In light of the above, the Board proposes herein to amend its general charter regulations so as to require that a direct air carrier may not execute, or agree or offer to enter into, a charter contract except upon a price and other terms which are consistent with a tariff which is effective at the time such charter contract is executed, or such agreement or offer is made.¹ This requirement should facilitate the lodging of complaints by competing carriers, charterers, and other interested persons against rates and other terms upon which charters are proposed to be performed, by enabling the Board to follow normal tariff suspension and investigation procedures before travel plans based on questionable rates have already been made by charter participants, as is the case today. The proposal should thus have the effect of discouraging anticompetitive and economically destructive price competition, and should promote sounder economic conditions in the charter segment of the air transportation industry. With respect to charter contracts involved in study group charters and inclusive tour charters, copies of which are presently required by § 373.10 and §§ 378.13 and 378.19, respectively, to be filed with the Board before prospective charter participants may be solicited, we are proposing herein to prescribe, as we did in our recent amendment of § 372a.22 (a) of the travel group charter rule (part 372a, as amended by SPR-66), to require that at the time of such filing, the

price and other terms and conditions of the charter contract must be consistent with a currently effective tariff of the direct air carrier on file with the Board. It is our tentative view that with respect to charter contracts involved in these special charter arrangements we need not insist that the price and other terms of the charter contract be consistent with a tariff in effect at the time the contract is made, so long as they are consistent with a tariff in effect at the time a copy of the contract is filed with the Board, since such filing is a condition precedent to public solicitation for charter participants.

In addition, the Board proposes to amend parts 207, 208, 212, 214, 373, and 378 so as to prohibit a carrier from subsequently filing any tariff which would have the effect of increasing the price of a charter to which it had previously agreed.² Under section 403(b) of the act and our regulations, absent a specific tariff provision to the contrary, the rates or fares set forth in a carrier's tariff in effect at the time a charter flight is actually performed supersede any inconsistent rates which the carrier may have agreed to previously in a charter contract. Thus, a carrier might evade its contractual commitment to provide air transportation at a particular price by filing a tariff embodying a higher price, to become effective when the actual flight is to be performed. It is our tentative view that charterers should have protection against such subsequent increases of charter prices previously agreed upon with the carrier, and the proposed rule should afford such protection.

In light of the Board's proposal to require charter tariffs to be effective before a carrier agrees or offers to perform any charter flight, we have determined to deny the petition for rulemaking filed by Trans World Airlines (TWA) in docket 24978, to amend part 221 of the Board's economic regulations (14 CFR pt. 221) and part 399 of the Board's statements of general policy (14 CFR pt. 399).³ This

¹ In our recent amendment to § 372a.26 of the travel group charter rule (SPR-66), we prohibited any subsequent change—whether increase or decrease—of the proposed charter contract price, but that was necessitated by the technical structure of the rule itself, which does not allow for subsequent amendments of the individual participants' minimum or maximum pro rata shares of the charter price.

² In addition, we will take this opportunity to deny as now moot another petition for rulemaking filed by TWA in docket 25163. This petition requests amendment of parts 207, 208, 212, 214, 221, and 372a so as to require carriers engaging in travel group charters to have tariffs on file prior to filing any TGC option, and to generally prohibit any person from advertising specific charter or prorated fares unless tariffs reflecting such fares or rates have been filed with the Board. The first aspect of the petition has been rendered moot by SPR-66. See footnote 1, *supra*. The second aspect would be rendered moot by adoption of the amendments proposed herein since no contract to charter aircraft could be entered into except upon prices and other terms consistent with a tariff then in effect.

³ The Board notes that it had previously proposed similar rules as part of a broader package of regulations aimed at curtailing the use of so-called "yo-yo" tariffs. (EDR-106, dated Jan. 6, 1967, 32 FR 387). When that proceeding was terminated (EDR-108B, adopted Mar. 8, 1968, 33 FR 4340), the Board lacked authority to suspend, or to determine the reasonableness of, tariffs in foreign air transportation, where most charter flights are performed. Since that time, the Board has been granted that specific authority. (Public Law 92-259), and, as indicated above, our proposal herein is largely an implementation of the Board's newly acquired powers.

petition requests amendment of part 221 so as to provide that no charter tariff bear an expiration date, or be canceled, within 60 days of its effective date, and that no change in such rates shall take effect within 60 days, absent a showing of substantial changed circumstances or special justification. The proposed amendment to part 399 would have established Board policy to suspend or reject tariffs inconsistent with the 60-day effectiveness rule if submitted for filing without the requisite justification. By its proposed amendments, TWA sought to prevent the use of so-called "yo-yo" tariffs (tariffs filed to be applicable for short duration, often only a single day to favor certain customers) to engage in predatory pricing practices to the detriment of competing air carriers and the overall air transportation system. Of course, these are precisely the problems which have caused the Board to propose the within amendments, and while we share TWA's concern about these practices, we cannot at this time find that a proposal as rigid as TWA's is necessary to correct the situation. Rather, we prefer to await the accumulation of experience under the rules proposed herein before we would consider the more drastic changes proposed by TWA.

PROPOSED RULE

It is proposed to amend parts 207, 208, 212, and 214 of the economic regulations and parts 373 and 378 of the special regulations (14 CFR pts. 207, 208, 212, 214, 373, and 378) as follows:

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

1. Amend § 207.4a(b) to read as follows:

§ 207.4a Written contracts with charterers.

(a) Every agreement * * *

(b) (1) No air carrier shall execute any contract, or agree or offer to enter into any contract, to perform a charter trip except upon rates, fares, charges, and other terms and conditions which are consistent with such carrier's published tariff which is currently effective at the time such contract is executed or such agreement or offer is made.

(2) Subsequent to executing a charter contract, or making an agreement to execute such contract, no carrier shall file a tariff which would have the effect of increasing the charter price specified in such contract or agreement. Each air carrier's tariffs governing charter service shall contain a general rule consistent with the foregoing.

(3) The provisions of this paragraph (b) shall not apply to charter contracts of which copies must be filed with the Board pursuant to § 372a.22(a) (2) or § 373.10(c) of this chapter.

PART 208—TERMS, CONDITIONS, LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

2. Amend § 208.31b to read as follows:

PROPOSED RULES

§ 208.31b Written contract with charterers.

(a) Every agreement ***

(b) (1) No air carrier shall execute any contract, or agree or offer to enter into any contract, to perform any supplemental air transportation except upon rates, fares, charges and other terms and conditions which are consistent with such carrier's published tariff which is currently effective at the time such contract is executed or such agreement or offer is made.

(2) Subsequent to executing any contract to perform supplemental air transportation, or making an agreement to execute such contract, no carrier shall file a tariff which would have the effect of increasing the price specified in such contract or agreement. Each air carrier's tariffs governing supplemental air transportation shall contain a general rule consistent with the foregoing.

(3) The provisions of this paragraph (b) shall not apply to contracts for supplemental air transportation of which copies must be filed with the Board pursuant to § 372a.22(a)(2), § 373.10(c), § 378.13, or 378.19 of this chapter.

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

3. Amend § 212.3a(b) to read as follows:

§ 212.3a Written contracts with charterers.

(a) Every agreement ***

(b) (1) No foreign air carrier shall execute any contract, or agree or offer to enter into any contract, to perform a charter trip except upon rates, fares, charges, and other terms and conditions which are consistent with such carrier's published tariff which is currently effective at the time such contract is executed or such agreement or offer is made.

(2) Subsequent to executing a charter contract, or making an agreement to execute such contract, no foreign air carrier shall file a tariff which would have the effect of increasing the charter price specified in such contract or agreement. Each foreign air carrier's tariffs governing charter service shall contain a general rule consistent with the foregoing.

(3) The provisions of this paragraph (b) shall not apply to charter contracts of which copies must be filed with the Board pursuant to § 372a.22(a)(2) or § 373.10(c) of this chapter.

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

4. Amend the table of contents of part 214 by adding a new § 214.9c, the table of contents as amended to read as follows:

Sec.

214.9b Issuance of statement of authorization.

214.9c Tariff requirement.

Subpart A—Provisions Relating to Pro Rata Charters

5. Amend part 214 by adding a new § 214.9c, to read as follows:

§ 214.9c Tariff requirement.

(a) No foreign air carrier operating pursuant to this part shall execute any contract, or agree or offer to enter into any contract, to perform a charter trip except upon rates, fares, charges, and other terms and conditions which are consistent with such carrier's published tariff which is currently effective at the time such contract is executed or such agreement or offer is made.

(b) Subsequent to executing a charter contract, or making an agreement to execute such contract, no foreign air carrier operating pursuant to this part shall file a tariff which would have the effect of increasing the charter price specified in such contract or agreement. Each foreign air carrier's tariffs governing service pursuant to this part shall contain a general rule consistent with the foregoing.

(c) The provisions of this § 214.9c shall not apply to charter contracts of which copies must be filed with the Board pursuant to § 372a.22(a)(2), § 373.10(c), or § 378.13 of this chapter.

PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERERS

6. Amend § 373.10 to read in part as follows:

§ 373.10 Study group statement.

(c) The statement shall be filed in duplicate and shall include two copies of each of the following: The charter contract, the rates, fares, charges, and other terms and conditions of which shall conform to the currently effective tariff or tariffs of the direct air carrier governing performance of such services, as identified by specific tariff citation; the contract between the study group charterer and the student participants; an original and one copy of the study group charterer's surety bond (and an additional copy of the surety bond shall be furnished the chartering direct air carrier), and where applicable, two copies of the depository agreement with a bank as provided in § 373.15(b)(2). It shall also contain the following information:

7. Amend § 373.14 to read as follows:

§ 373.14 Tariffs to be filed for charter trips.

No direct air carrier shall perform any charter trips for study group charters unless such carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips, and showing the rules, regulations, practices, and services in connection with such transportation: *Provided, however, That no direct air carrier shall file a tariff which has the effect of increasing the charter price specified in any contract previously filed under § 373.10, and that each direct air carrier's tariffs shall contain a general rule consistent with this proviso.*

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

8. Amend § 378.13 to read in part as follows:

§ 378.13 Tour prospectus.

The prospectus shall be filed in duplicate and include two copies of the following: The charter contract, the rates, fares, charges, and other terms and conditions of which shall conform to the currently effective tariff or tariffs of the supplemental or foreign air carrier governing performance of such services, as identified by specific tariff citation; the contract between the tour operator or foreign tour operator and tour participants; the tour operator's or foreign tour operator's surety bond (an original bond and a copy thereof); and, where applicable, two copies of the depository agreement with a bank as provided in § 378.16(b)(2). It shall also contain the following information:

9. Amend § 378.15 to read as follows:

§ 378.15 Tariffs to be filed for charter trips.

No supplemental air carrier shall perform any charter trips for inclusive tours unless such carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such trips and showing the rules, regulations, practices, and services in connection with such transportation: *Provided, however, That no supplemental air carrier shall file a tariff which has the effect of increasing the charter price specified in any contract previously filed under § 378.13 or tour prospectus previously filed under § 378.19, and each supplemental air carrier's tariffs shall contain a general rule consistent with this proviso.*

10. Amend § 378.19(a) to read in part as follows:

§ 378.19 Inclusive tours operated by U.S. supplemental carriers for foreign tour operators.

(a) ***

(7) Charter price of the aircraft, which price shall conform to the currently effective tariff or tariffs of the supplemental carrier, as identified by specific tariff citation;

[FIR Doc. 73-8272 Filed 4-26-73; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Notice of Opportunity for Public Comment on Proposed Transportation and/or Land-Use Control Strategies

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR part 51, the Administrator approved, with specific exceptions, State

plans for implementation of the national ambient air quality standards. In the preamble to the May 31 approval/disapproval of the implementation plans, the Administrator noted that where the adoption of transportation and/or land-use control schemes were necessary to achieve the national standards for carbon monoxide and photochemical oxidants, submittal of those control strategies could be deferred until February 15, 1973. This was done because of the general lack of information and practical experience necessary to permit the development of meaningful transportation control schemes.

On January 31, 1973, the U.S. Court of Appeals for the District of Columbia Circuit decided the case of *Natural Resources Defense Council, Inc., et al. v. Environmental Protection Agency* (Civil Action No. 72-1522) and seven related cases. The court ordered the Administrator to cancel 2-year extensions which had been granted for the attainment of the carbon monoxide and photochemical oxidants standards where transportation controls would be necessary and to require States to submit transportation control plans on April 15, 1973. States were notified of this court decision by telegram from the Administrator and in the *FEDERAL REGISTER* of March 20, 1973 (38 FR 7323).

In its order, the court also stated that the Administrator shall permit the public to comment on the State transportation control strategies and on the request by the governor of any State, pursuant to section 110(e) of the Clean Air Act, for an extension of the date for attainment of a primary standard. This notice is issued to advise the public that proposed implementation plans for the States listed below have been received by the Environmental Protection Agency and that comments may be submitted on whether those proposed control strategies should be approved or disapproved by the Administrator as required by section 110 of the Clean Air Act. Public comment is also solicited on whether any request for an extension of time for meeting the primary standards should be granted by the Administrator. Because the plans must be approved or disapproved by June 15, time for comment must be limited. Accordingly, only comments received on or before May 18, 1973, will be considered. Notice of opportunity to comment on six other State plans was published on April 24, 1973.

The control strategies for the States listed below are submitted to the EPA pursuant to section 110 of the Clean Air Act which requires States to have implementation plans to achieve the national ambient air quality standards. These control strategies are designed to achieve the ambient air quality standards for carbon monoxide and photochemical oxidants. The Administrator's decision to approve or disapprove the plans is based on whether they meet the requirements of section 110(a)(2)(A)-(H) and EPA regulations in 40 CFR part 51. A more detailed description of the plans received is set forth below.

WASHINGTON

The State of Washington submitted a transportation control strategy for the attainment and maintenance of the national standards for carbon monoxide in the Puget Sound intrastate and eastern Washington-northern Idaho interstate regions to the Administrator on April 16, 1973. The control strategy was adopted by the State of Washington Department of Ecology after public hearings in Seattle, Wash., on April 11, 1973, and Spokane, Wash., on April 12, 1973. The control strategy provides for attainment of the standards by May 31, 1975. The State has determined that no transportation controls, other than the Federal motor vehicle control program, are needed to achieve the photochemical oxidants (hydrocarbons) standard by 1975 in the Puget Sound region.

The control strategy is designed to achieve reductions in carbon monoxide emissions of 41 percent in the Puget Sound region and 36 percent in the eastern Washington-northern Idaho region. It includes vehicle inspection and maintenance requirements, traffic flow improvements, prohibition of operation of heavy duty vehicles during certain hours and limitations on use of gasoline powered motor vehicles during potentially adverse meteorological conditions. Mass transit improvements are also proposed in the eastern Washington-northern Idaho region. Copies of the proposed control strategies are available for public inspection during normal business hours at the Library of the Environmental Protection Agency, Region X Office, 1200 Sixth Avenue, Seattle, Wash. 98101 and at the following locations in the State: Seattle Municipal Building, room 708, 600 Fourth Avenue, Seattle, Wash.; Department of Ecology, Northwest Regional Office, 15234 Northeast 36th, Redmond, Wash.; and the Department of Ecology, Eastern Regional Office, East 103 Indiana Avenue, Spokane, Wash. Copies are also available in the Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Copies of the plan may be obtained by writing the Department of Ecology Headquarters, St. Martins College, Lacey, Wash. All comments should be submitted to the Regional Administrator, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Wash. 98101.

NEW YORK

The State of New York submitted transportation control strategies for the attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the New Jersey-New York-Connecticut Interstate region and the national standards for photochemical oxidants (hydrocarbons) in the Genesee-Finger Lakes Intrastate region to the Administrator on April 18, 1973. The State also submitted information showing that the national standards for carbon monoxide in the central New York intrastate region will be achieved by 1975 without the imposition of transportation controls other than the Federal motor vehicle control program. The control strategies were adopted by the New York Department of Environmental Conservation after public hearings on April 4, 1973 in Syracuse, N.Y.; on April 5, 1973, in Rochester, N.Y.; and on April 9, 1973, in New York City. The State has requested 18 month extensions of time for achieving the primary carbon monoxide standard in the New Jersey-New York-Connecticut region and the photochemical oxidants standard in the Genesee-Finger Lakes region. The State requested a 2-year extension of time for achievement of the primary photochemical oxidants standard in the New Jersey-New York-Connecticut region.

The control strategy for the Genesee-Finger Lakes region is designed to achieve a 45 percent reduction in hydrocarbons emissions. The proposed controls include required retrofitting of all pre-1968 motor vehicles and a motor vehicle inspection and maintenance system. The control strategy for the New York portion of the New Jersey-New York-Connecticut region is designed to achieve a 78 percent reduction in carbon monoxide and a 67 percent reduction in hydrocarbons. The proposed controls include an inspection and maintenance system for all vehicles, required retrofitting of heavy duty vehicles, restrictions on taxi cruising, reductions in parking space, establishment of tolls on bridges, limitations on delivery of goods in the central business district during certain times of the day, and improvements in the city bus system.

Copies of the proposed plan are available for public inspection during normal business hours at the Public Affairs Office, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10007, and at the following locations in the State: New York State Department of Environmental Conservation, Region I Office, 1700 Broadway, New York, N.Y. 10019; New York State Department of Environmental Conservation, Region VII Office, 100 Elwood Davis Road, North Syracuse, N.Y. 13212; and the Monroe County Health Department, 111 Westfall Road, Rochester, N.Y. 14602. Copies are also available in the Environmental Protection Agency, Freedom of Information Center, Room 329, 401 M Street SW., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10007.

ILLINOIS

The State of Illinois submitted a transportation control strategy for the attainment and maintenance of the national standards for carbon monoxide in the Metropolitan Chicago Interstate Region to the Administrator on April 19, 1973. The control strategy was adopted by the Illinois Environmental Protection Agency after public hearings on April 5 and 6, 1973, in Chicago. It provides for achievement of the national standards by May 31, 1975.

The control strategy is designed to achieve a 50 percent reduction in carbon

PROPOSED RULES

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Part 15]

[Docket No. 19722; FCC 73-405]

COMPARABLE TELEVISION TUNING

Notice of Proposed Rulemaking

1. Notice is hereby given that the Commission proposes to amend § 15.68(d)(3) of the comparable television tuning rules to provide two alternative methods for achieving comparable tuning when a 70-position UHF detent tuner is utilized in a receiver. The first method, applicable to all receivers, involves eliminating the need for routine fine tuning of UHF and VHF channels. The second method, applicable only to monochrome receivers, requires that the UHF channel selection controls position the tuner within ± 1 MHz of correct frequency and that UHF and VHF fine tuning speed be the same.

2. The first method of compliance with the comparable tuning rules is a restatement of present § 15.68(d)(3) in terms of the end result required—elimination of the need for routine fine tuning—rather than the means. The word “routine” means that it may be desirable or even necessary to fine tune channels when the receiver is first purchased and to “touch up” the fine tuning occasionally thereafter, but that it should not be necessary or desirable to fine tune any channel when switching from one channel to another on a day-by-day basis. The customary method of eliminating the need for fine tuning is to equip the receiver with automatic frequency control (AFC) circuitry and with channel selection mechanisms capable of positioning the UHF and VHF tuners within the pull-in range of AFC circuitry with which the receiver is equipped. However, any method which eliminates the need for routine fine tuning on all channels would be acceptable.

3. A 70-position UHF detent tuner accurate to ± 1 MHz (as measured by maximum deviation from correct frequency in kilohertz) in combination with AFC circuitry now being utilized is considered to meet this requirement. With this tuning equipment, it is theoretically possible, on a given receiver, in a given community, that one available channel will be off frequency by $+1$ MHz and that a second will be off by -1 MHz. Given this situation and an undesirable setting of the fine tuning control, all available UHF stations would not be within the pull-in range of AFC. However, this combination of factors is very unlikely and is readily correctable by fine tuning adjustment and is therefore not viewed as a reason for rejecting use of this combination of equipment for compliance with the comparable tuning requirement.

4. The second method of compliance is new, providing an alternative to the use of AFC circuitry in monochrome receivers.¹ It is based on a November 7,

1972, letter from a tuner manufacturer advising the Commission that it had developed a 70-position nonmemory UHF detent tuner accurate to ± 1 MHz with a tuning speed of 22 kilohertz per degree of rotation. (A copy of the letter is being entered in the docket file.) Tests of samples from a limited production run show that accuracy on most channels is appreciably better than the outside permissible ± 1 MHz error. Measurements made by receiver manufacturers and the Commission confirm these results. A demonstration of receivers utilizing this tuner shows that it produces a very satisfactory monochrome picture on all 70 UHF channels without fine tuning and that, with AFC, it produces a very satisfactory color picture on all channels.

5. The tuning equipment in question represents a substantial advance in UHF tuning accuracy, and does so in a way which should be fully acceptable to the receiver manufacturing industry; and we think its use should be accommodated. Though this equipment does not produce tuning accuracy which is mathematically equal to VHF tuning accuracy, it does produce essentially equal subjective results. This being the case, no purpose is served by adhering to the principal of abstract equality which would require a more stringent (and currently unobtainable) tuning accuracy standard for UHF or an artificial and essentially meaningless degradation of VHF tuning accuracy.

6. The proposed rule is set out below. Authority for adoption of this rule is contained in sections 4(1), 303 (r), and (s), and 330 of the Communications Act of 1934, as amended, 47 U.S.C. 154(1), 303 (r), and (s), and 330.

7. Pursuant to procedures set out in § 1.415 of the rules and regulations, 47 CFR 1.415, interested persons may file comments on the proposed rule on or before June 1, 1973, and reply comments on or before June 15, 1973. In addition to comment on the proposed rule, comment is requested on the prospect for full compliance with the 1975 requirement. We are interested, for example, in whether an adequate supply of tuning hardware required for compliance with that requirement will be available at a reasonable price from multiple sources. We are also interested in experimental work or new ideas which may contribute to equal and superior tuning accuracy. Comments and reply comments are available for inspection in the Commission's broadcast and dockets reference room at its headquarters in Washington, D.C. All relevant and timely comments and reply comments will be considered by the Commission prior to final action in this proceeding. In reaching its decision, the Commission may take into account other

monochrome receivers to be onerous and disruptive and has reservations concerning its usefulness. The Commission has stated that it would look with favor on alternatives which would be more acceptable to the industry. Memorandum opinion and order in docket No. 19268, adopted Sept. 7, 1972, FCC 72-795, 37 FR 19372, Sept. 20, 1972, at paras. 3-5, 7, and 8.

¹ The television receiver manufacturing industry considers the requirement of AFC in

monoxide emissions. The proposed controls include an idle inspection and maintenance system for all vehicles registered in Chicago and onstreet parking limitations. Copies of the proposed control strategy are available for public inspection during normal business hours at the Office of Public Affairs, Environmental Protection Agency, Region V, 1 North Wacker Drive, Chicago, Ill. 60606 and at the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Ill. 62706. Copies are also available at the Environmental Protection Agency Freedom of Information Center, Room 329, 401 M Street SW., Washington, D.C. 20460. All comments should be submitted to the Regional Administrator, Environmental Protection Agency, Region V, 1 North Wacker Drive, Chicago, Ill. 60606.

OREGON

The State of Oregon submitted a transportation control strategy for the attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Portland interstate region to the Administrator on April 16, 1973. The control strategy was adopted by the State of Oregon Department of Environmental Quality after public hearings on October 25, 1972, in Portland, Oreg. It provides for achievement of the national standards by May 31, 1975.

The control strategy is designed to achieve a 43 percent reduction in carbon monoxide and a 17 percent reduction in hydrocarbons in the Portland interstate region. Proposed controls include a vehicle inspection and maintenance program, traffic flow improvements, improvements in mass transit through the addition of new buses, and limitations on onstreet parking. Copies of the proposed control strategy are available for public inspection during normal working hours at the Environmental Protection Agency Oregon Operations Office, 1234 Southwest Morrison, Portland, Oreg. 97208 and at the following locations in the State: Department of Environmental Quality, Office of the Administrator, Air Quality Division, 1234 Southwest Morrison, Portland, Oreg. 97208; Columbia-Willamette Air Pollution Authority, 1010 Northeast Couch Street, Portland, Oreg. 97232; City of Portland Auditor's Office, City Hall, 1220 Southwest Fifth Avenue, Portland, Oreg. 97204; and the Portland Chamber of Commerce, 824 Southwest Fifth Avenue, Portland, Oreg. 97204. Copies are also available in the Environmental Protection Agency Freedom of Information Center, room 329, 401 M Street SW., Washington, D.C. 20460. All comments should be submitted to the Regional Administrator, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Wash. 98101.

(42 U.S.C. 1857c-5.)

Dated April 24, 1973.

ROBERT L. SANSON,
Assistant Administrator for
Air and Water Programs.

[FR Doc. 73-8303 Filed 4-26-73; 8:45 am]

relevant information before it in addition to the specific comments invited by this notice. In accordance with the provisions of § 1.419 of the rules and regulations, 47 CFR 1.419, an original and 14 copies of all comments, reply comments and other material shall be furnished the Commission.

Adopted April 10, 1973.

Released April 20, 1973.

FEDERAL COMMUNICATIONS
COMMISSION.²

[SEAL] BEN F. WAPLE,
Secretary.

In part 15 of chapter I of title 47 of the Code of Federal Regulations, § 15.68 (d) (3) is revised to read as follows:

§ 15.68 All-channel television broadcast reception: receivers manufactured on or after July 1, 1971.

(d) * * *

(3) On or after July 1, 1975, a 70-position nonmemory UHF detent tuning system may be used to meet the requirements of this section, providing either of the following two conditions is met:

(i) For monochrome and color receivers.—The need for routine fine tuning of UHF and VHF channels is eliminated.

(ii) For monochrome receivers only.—The UHF channel selection controls position the tuner within ± 1 MHz of correct frequency (as measured by maximum deviation from correct frequency in kilohertz, when approached from either direction of rotation); and UHF and VHF fine tuning speed are the same (as measured in kilohertz per degree of rotation).

[FR Doc. 73-8241 Filed 4-26-73; 8:45 am]

[47 CFR Part 97]

[Docket No. 19723; FOC 73-407]

RADIO AMATEUR CIVIL EMERGENCY
SERVICE

Notice of Inquiry

In the matter of inquiry into the provisions of subpart F, Radio Amateur Civil Emergency Service (RACES), in part 97, docket No. 19723, RM-968, RM-1116, RM-1478, RM-2032.

1. In our report and order adopted today on docket 17315, we denied a petition to expand the emission privileges for stations operating in the RACES program because of the expressed opposition to further expansion of privileges for RACES stations, among other reasons. Four other petitions for rulemak-

² Shortly before the Commission completed its consideration of this matter, a petition for rulemaking going in the same direction as the proposed rules was filed by EIA. This notice should not be viewed as disposing of the EIA petition or as determining any matter proposed therein. The petition will be entered in the docket file and considered as comment in this proceeding.

³ Commissioners Robert E. Lee and H. Rex Lee absent; Commissioner Reid concurring in the result.

ing have been filed requesting additional amendments to the provisions in part 97, subpart F, Radio Amateur Civil Emergency Service (RACES).

2. RM-968 was filed by the county of San Diego, and requests amendments permitting RACES stations to be operated by radio remote control through a control link utilizing nonamateur frequencies. Petitioner desires to use the microwave facilities of the Government Emergency Operators Centers for this purpose.

3. RM-1116 was filed by the California Disaster Office. The petition requests extensive rule changes to subpart F, including expansion and revision of frequency allocation for RACES.

4. RM-1478 was filed by the Area "D" Civil Defense and Disaster Board, Pomona, Calif., and requests § 97.193(a) (3) be amended to authorize 40F2 emission for radioteleprinter operation in the frequency bands 145.17-145.71 MHz, 146.79-147.33 MHz, and 220-225 MHz.

5. RM-2032 was filed by Murray Green, and requests amendments to rules to permit technician class licensees to operate in the 50.35-53.75 MHz, 145.17-145.71 MHz, and 220-225 MHz frequency bands in RACES. Petitioner also requests the frequencies 146-147 MHz be authorized for RACES with emissions 0.1A1, 1.1F1, 6A2, 6F2, 6A4, and 40F3.

6. As stated in subpart F, RACES provides for amateur radio operation for civil defense purposes only, during periods of local, regional, or national civil emergencies. It is a radiocommunication service carried on by licensed amateur radio stations while operating on specifically designated segments of the regularly allocated amateur frequency bands, under the direction of authorized local, regional, or Federal civil defense officials pursuant to an approved civil defense communications plan. Persons holding amateur radio operator licenses, and persons holding certain grades of commercial radio operator licenses are eligible to operate RACES stations provided they are enrolled in the civil defense organization as a radio operator.

7. Stations operating in RACES share the allocated frequencies with other amateur radio stations conducting non-RACES amateur radiocommunication. Inasmuch as the privileges of amateur radio operator classes (§ 97.7), do not apply to the operation of RACES stations, except for some limitations for holders of the novice class and technician class, and since nonamateur operators may operate RACES stations, appropriate safeguards are necessary to insure that non-essential RACES radiocommunication is not conducted at the expense of regular amateur radiocommunications.

8. RM-968 is concerned with the control of RACES stations by radio remote control in one particular emergency operations center, San Diego, Calif. Due to radio interference restrictions at that particular site, the frequencies 220-225 MHz available to RACES stations for remote control cannot be used. Petitioner proposed amendments to the rules to permit local government (operational

fixed) microwave equipment to be used for the control link.

9. RM-1478 states that the authorization of 40F2 emission in the frequency bands 145.17-145.71 MHz, 146.79-147.33 MHz, and 220-225 MHz for audio frequency-shift keying in radioteleprinting will " * * * materially benefit the RACES service by allowing the use of the superior characteristics of this mode, e.g., sensitivity, noise, interference, and power ratios."

10. Petitions RM-1116 and RM-2032 request expanded and revised frequency allocations for RACES stations. RM-1116 does not offer any rationale for the extensive frequency and emission authorizations requested. Additionally, petitioner proposes rules changes relating to the organizational and operational phases of the RACES program. RM-2032 claims the potential value of technician class licensees to support the RACES program is lost by the prohibition against such licensees obtaining RACES station authorization for operation as members of RACES. Petitioner states that:

" * * * a large portion, if not the majority of today's FM repeater users, hold technician class licenses", and " * * * the utilization of FM VHF repeaters, together with mobile and portable communications equipment and dedicated amateur radio operators, provides an enormous reserve of emergency communications in support of local civil defense operations."

11. These petitions, like the petition denied in docket 17315, would expand the privileges for stations and operators in the RACES program. Since the same frequencies and emissions are common both to RACES activities and to other amateur radio activities, the allocation of additional privileges to RACES could have an impact upon non-RACES activities. In light of the lack of any positive response to the proposed amendments in docket 17315, and because of the lack of any other substantive information on the general need in the RACES program for the proposed amendments, this notice of inquiry is intended to elicit comments and suggestions from informed persons and organizations familiar with RACES and the amateur radio service.

12. In order to assist the Commission in making determinations in these areas, informed parties are requested to submit comments and suggestions relevant to the following:

I. Is RACES an effective means of providing needed communication services during periods of local, regional, or national emergencies?

II. Is the present licensing system for RACES stations appropriate? Should stations authorized to be operated in RACES be assigned distinctive call signs which could only be used for RACES activities?

III. What abuses, if any, of the rules by RACES stations are commonplace? What are possible solutions to ending these abuses?

IV. Should additional or different privileges, e.g. frequencies, emissions, operators, be authorized for RACES stations?

PROPOSED RULES

What are the most needed additional privileges? What are the consequences to both RACES and the amateur radio service in general, if RACES privileges are expanded? What are the consequences if RACES privileges are not expanded?

V. What additional safeguards, if any, are required to insure that nonessential RACES radiocommunication is not conducted to the detriment of non-RACES amateur radiocommunication?

13. This action is taken pursuant to sections 4(i), 303, and 403 of the Communications Act of 1934, as amended. Comments must be filed on or before July 1, 1973. All relevant and timely comments will be considered.

14. In accordance with provisions of § 1.419 of the rules, an original and 14 copies of all comments, suggestions, pleadings, briefs, or other documents shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's broadcast and docket reference room at its headquarters in Washington, D.C.

Adopted April 18, 1973.

Released April 20, 1973.

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

[FR Doc. 73-8239 Filed 4-26-73; 8:45 am]

[47 CFR Part 97]

[Docket No. 17315; FCC 73-408]

RADIO AMATEUR CIVIL EMERGENCY
SERVICE

Report and Order Terminating Proceeding

In the matter of amendment of part 97 subpart F, regulations for the Radio Amateur Civil Emergency Service (RACES), docket No. 17315, RM-964.

1. On March 22, 1967, 32 FR 8303, the Commission adopted a notice of proposed rulemaking in docket 17315. The notice proposed amendments to subpart F, Radio Amateur Civil Emergency Service (RACES), of the rules and regulations for the amateur radio service, part 97, RM-964 was filed by the New York Civil Defense Commission, and requests that §§ 97.193(a)(1) and 97.195(a) be amended to provide for the use of facsimile, F4 emission, in the 1800-2000 kHz and 3500-4000 kHz amateur frequency bands. Although the time for filing comments was subsequently extended from April 28, 1967, to May 26, 1967, by order adopted on April 27, 1967, only three comments were timely filed. Two comments oppose the proposal and the other one takes exception to the petitioner's basis for the petition. No comments were filed in support of the proposal.

2. The notice was in response to RM-964, in which the petitioner stated a desire for a RACES radio link as a backup capability to the primary wireline link

in a system used to facilitate the collection, interpolation, and dissemination of radiological fallout data gathered at approximately 3,000 monitoring stations throughout New York State. The data is transmitted by facsimile over the wireline circuits. Petitioner justified the need for the radio backup link with the following statement:

Since this portion of our civil defense communications system is essential to the survival of the State's 18 million populace, and since the post-attack wireline survival capability is an unknown, unpredictable link in this vital system, it is evident that a radio backup link is necessary to insure full post-attack radiological defense communications reliability.

3. Due to the radio coverage desired, petitioner requested amendments which would authorize facsimile emissions in the 1800-2000 kHz and 3500-4000 kHz amateur radio bands. Accordingly, our notice proposed to amend §§ 97.193(a)(1) and 97.195(a) to provide for the use of 3A4 emission in the 1800-1825 kHz, 1975-2000 kHz, and 3990-4000 kHz frequency bands and incorporate other related amendments. These frequencies are available on a nonexclusive basis for RACES stations which are operated under the direct supervision of civil defense officials.

4. Comments filed by the New York Telephone Co. state no objection to the proposed rulemaking, but they request that the record be set straight with respect to paragraph 4 of the notice which stated:

Since the post-attack wireline survival capability in New York State is an unknown, petitioner asserts it is evident that a radio backup link is necessary to insure full post-attack radiological defense communication reliability.

The New York Telephone Co. believes this statement misleading and contrary to fact. They feel that the " * * " useful redundancy in the common carrier network in New York State gives this network a high degree of survivability."

5. Comments filed on behalf of the New York State Phone Traffic and Emergency Net stated opposition to the proposal to authorize A4 and F4 emissions in the 160 meter and 75 meter frequency bands. Respondent claims such operation would cause nonessential interference to the New York State group and other amateur traffic handling networks.

6. Comments filed by the American Radio Relay League (ARRL) stated they are unable to support the proposed amendments. ARRL requests adequate safeguards be applied so that RACES will not become a routine nonamateur communications activity. They express concern, " * * * over trends in RACES administration and operations which stray beyond the bounds of both the intent and the rules. These trends concern the use of nonamateur operators in some areas almost to the exclusion of licensed amateurs, often without the necessary authorization of the appropriate civil defense official, and use of RACES facilities for communications not authorized or contemplated by the rules."

7. The radio frequency bands proposed for facsimile emissions by RACES stations are also used extensively by non-RACES amateur radio stations. The 3990-4000 kHz segment in heavily used for radiotelephony. This is in the portion of the 75 meter band which was expanded on November 22, 1972, to help alleviate the severe overcrowded conditions. The other two segments are in the 160 meter band, which is shared on a secondary basis with the LORAN-A radionavigation system. The State in which an amateur radio station is located determines the availability of these frequencies and the power limitations. As a consequence, the full potential of the 160 meter band to the amateur radio service cannot be realized. Only a few stations can operate simultaneously in this frequency band.

8. Therefore in view of (1) the lack of support for the proposal, (2) the expressed opposition to the proposal, (3) the statement of the New York Telephone Co. regarding the survivability capabilities of the wireline system, and (4) the existing overcrowding and shortage of operating frequencies in the 160 meter and 75 meter bands, we are unable to find that adoption of the proposed amendments would be in the public interest convenience or necessity.

9. Accordingly, it is ordered, That the petition for rulemaking, RM-964, filed by the New York Civil Defense Commission, is denied.

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

Adopted April 18, 1973.

Released April 20, 1973.

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

[FR Doc. 73-8240 Filed 4-26-73; 8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-477]

MONTHLY POWER STATEMENT

Notice of Proposed Rulemaking

APRIL 16, 1973.

1. Notice is given pursuant to section 553 of title 5 of the United States Code and section 309 of the Federal Power Act (49 Stat. 858, 16 U.S.C. 825h), that the Commission is proposing to amend § 141.56, part 141, subchapter D, "Approved Forms," Federal Power Act, chapter I, title 18 of the Code of Federal Regulations, so as to prescribe a new Federal Power Commission form No. 12E-1. The present FPC form No. 12E, Monthly Power Statement, as prescribed by Commission order Nos. 141, 12 FR 8461, and 372, 33 FR 15711, would be superseded. The proposed new form (copy attached) would be entitled "Form No. 12E-1, Monthly Power Statement".

¹ Commissioners Robert E. Lee and H. Rex Lee absent.

¹ Commissioners Robert E. Lee and H. Rex Lee absent.

The various schedule pages of the new form would be prescribed in a revised § 141.56 of the Commission's regulations under the Federal Power Act.

2. The proposed new form 12E-1 generally revises the current report form to eliminate the collection of data which no longer serve a useful purpose. It provides for the collection of operating data on load and capacity relative to current and near-term peak period power supply conditions. It clarifies and perfects reporting procedures covering capacity installations and retirements, together with higher voltage transmission line facilities. It identifies the reasons and causes for delays in the scheduling of major generating units and transmission lines.

3. The proposed form 12E-1 is comprised of sections of identification and verification, general instructions and four schedules:

Schedule 1—Peak hour data.

Schedule 2—Generating capacity additions and retirements.

Schedule 3—Transmission line additions, changes, and delays.

Schedule 4—New generating unit delays and scheduled changes in firm power purchases and obligations.

4. The report form would be required from class I, II, IV, and V systems as defined in the Commission's FPC form No. 12. Where several systems are operated under a power pool or common dispatching, a combined statement covering the pool operations may be filed.

Within recent years, developments and occurrences throughout the United States have accentuated Federal Power Commission responsibilities under the Federal Power Act for adequacy and reliability of electric services. One of the major reasons underlying the continuing adequacy and reliability problems is that of delays in the availabilities of new facilities and the resulting failures to attain planned generating and transmission capacities to meet system demands. In many instances, the past failures to attain expected levels of capacity have required various types of actions, including special arrangements for emergency supplemental power, reductions of load and emergency fuel uses under air quality variances in an effort to avoid interruptions. The Commission's regulatory responsibilities and the participation of Commission members and staff in activities of intergovernmental groups requires an availability of current information on the status of new facilities and any delays which affect power supply situations. Among others, these activities include participation in the Energy Subcommittee of the Domestic Council and the Southwest Energy Study, responses to congressional hearings, liaison work with the Atomic Energy Commission, the Environmental Protection Agency and the Council on Environmental Quality, and other related programs involving energy matters.

The Commission currently collects monthly data submitted on FPC form 12E to support analyses of current situations and evaluations of future situa-

tions, including load-supply studies and bulk power system construction delays. Both subjects are of importance in assessing the adequacy and reliability of bulk power systems. Experience indicates that the data, as currently requested on form 12E, are sometimes not of sufficient content to ensure valid analysis without recourse to burdensome telephonic requests to the industry for supplemental information and time-consuming reconciliation with other data sources. Consequently, revisions in the monthly reporting are proposed to alleviate these deficiencies.

The revised capacity data to be requested include items pertinent to the above issues. The data requested regarding the load-supply situation at the time of the monthly peak, and at times of load reductions, are those data that are necessarily kept on an hourly basis by utility personnel responsible for bulk power systems operations. Data of similar types which would be collected covering the summer and winter critical load periods are those normally available to operating personnel as a necessary part of their responsibilities. Monthly energy data, currently requested on form 12E, are not of immediate importance so as to warrant continued collection. They are available in the annual reporting pursuant to form 12. Elimination of such monthly energy data will simplify respondents' reporting task.

The generating facilities construction schedule data, as currently requested on form 12E, are on an exception basis, requiring the respondent to report only changes from prior reported data. This system is inadequate and inadvertent omissions have adversely affected the results obtained from data reported on this basis. Requiring the data to be positively supplied monthly will cause the respondent to appraise its situation on a current basis. This should minimize requests for supplemental information by the Commission staff. The data derived from this reporting will permit the current and timely evaluation of the effects of delays in new generating facilities.

The request for construction schedule data relative to bulk power transmission facilities is not now required on form 12E. These data are pertinent to the extent that delay in bringing transmission facilities into service has an effect on bulk power system operations.

5. To effect this change to FPC form No. 12E, it is proposed to amend § 141.56 of the Commission's regulations under the Federal Power Act to read as follows:

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

§ 141.56 Form No. 12E-1 Monthly Power Statement for Class I, II, IV, and V Systems.

(a) The FPC Form No. 12E-1 "Monthly Power Statement" (class I, II, IV, and V systems), including the identification and verification, instructions and schedules therein contained, be and the same hereby is approved and adopted.

(b) FPC Form No. 12E-1 contains the following schedules:

- (1) Identification and verification and instructions.
- (2) Schedule 1—Peak hour data.
- (3) Schedule 2—Generating capacity additions and retirements.
- (4) Schedule 3—Transmission line additions, changes, and delays.
- (5) Schedule 4—New generating unit delays and scheduled changes in firm power purchases and obligations.

(c) Each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, which operates facilities for the generation or transmission, or distribution of electric energy, and which is in the classification of class I, II, IV, and V systems (as such classes are defined in the FPC Form No. 12) shall hereafter prepare and file monthly with the Commission such report in such form as is required by said instructions and schedules, setting forth the answers to the questions therein stated, and furnishing the information therein called for.

The proposed report form and regulations would be issued pursuant to the authority of the Commission under the Federal Power Act, 49 Stat. 838, 16 U.S.C. 791(a) et seq., particularly sections 4(a), 301(a), 302(b), 303, 304, 309, and 311 (49 Stat. 839, 854, 855, 858, 859; 16 U.S.C. 797(a), 825(a), 825a(b), 825b, 825c, 825h, 825j).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than June 7, 1973, data, views, comments, or suggestions in writing concerning the proposed revised report forms and regulations. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report form pursuant to 44 U.S.C. 3501-3511 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Statistical Policy Division, Office of Management and Budget, Washington, D.C. 20503. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions in the report forms and regulations. The staff, in its discretion, may grant or deny requests for conference.

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

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

PROPOSED RULES

Document No. 10477

Page 6 - Sheet No.
(EBR Doc 73-7304 Filed 4-26-73 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.

TREASURY DEPARTMENT

Bureau of Customs
[T.D. 73-118]

EXCESS COST OF PRECLEARANCE OPERATIONS

Biweekly Reimbursable Services

APRIL 25, 1973.

Notice is hereby given that pursuant to § 24.18(d), Customs regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning April 29, 1973.

Installation:	Biweekly Excess cost
Montreal, Canada	\$4,680
Toronto, Canada	12,311
Kindley Field, Bermuda	1,303
Nassau, Bahama Islands	3,017
Vancouver, Canada	656
Winnipeg, Canada	501

[SEAL] EDWIN F. RAINS,

Acting Commissioner of Customs.

[FR Doc. 73-8352 Filed 4-26-73; 8:45 am]

Office of the Secretary

LOAN TO GOVERNMENT OF ISRAEL GUARANTEED BY U.S. UNDER FOREIGN MILITARY SALES ACT, AS AMENDED

Public Notice of Invitation To Bid by Financial Institutions

I. INVITATION TO BID—CLASSES OF BINDERS

The Secretary of the Treasury, acting for the Secretary of Defense by this notice and under the terms and conditions hereof invites bids on the interest rate on a \$50 million loan to the Government of Israel. The loan is described in section II hereof. Bidding hereunder shall be subject to the "Regulations Governing the Sales of Treasury Bonds Through Competitive Bidding" (31 CFR 340) insofar as applicable.

The purpose of the loan is to provide private financing for the purchase by the Government of Israel of defense articles and services from U.S. sources under the Foreign Military Sales Act, as amended, Public Law 90-626, October 22, 1968, 82 Stat. 1326; 22 U.S.C. 2571-2793 and Executive Order 11501, December 22, 1969, 34 FR 20169.

Bids will be received only from incorporated banks, trust companies, recognized dealers in investment securities, and other financial institutions doing business in the United States. Bids must be submitted to the Federal Reserve

Bank of New York in accordance with the provisions of the last section hereof.

II. DESCRIPTION OF LOAN AGREEMENT—COMMITMENT FEE

(a) The principal features of the loan are as follows:

(1) There will be a commitment period from the "date of execution" of the loan agreement to and including June 30, 1974, or such earlier date as the entire commitment of the lender shall have been utilized. For this purpose, the "date of execution" will be the date on which the loan agreement is signed on behalf of the Government of Israel or the date on which the Department of Defense executes the guaranty agreement, whichever is later.

(2) There will be a commitment fee payable semiannually of one-quarter of 1 percent per annum on the daily average unused amount of the commitment. The commitment fee will be calculated on a 365-day basis and actual days elapsed.

(3) The principal is to be repayable in 10 equal consecutive semiannual installments commencing on April 30, 1974, as indicated in exhibit C attached to the loan agreement. Interest is payable on a fixed semiannual basis beginning on October 31, 1973, and thereafter on April 30 and October 31 of each year until the entire principal has been repaid. Interest is payable with the principal beginning on April 30, 1974.

(b) Bidders should fill in the blanks in the loan agreement and in exhibit C and should sign it in triplicate in submitting the bid. For this purpose, the bidders should make additional copies. Most of the blanks are self-explanatory, but the following guides are to be used for the others:

(1) *Section 1.2.*—The minimum drawdown will be 1/100th of the principal amount bid.

(2) *Section 4.2(a).*—The maximum aggregate liability under the Government guaranty will be 105 percent of the principal amount bid.

(3) *Section 7.1.*—The guaranty fee will be 1/400th of the amount of liability under the guaranty.

(4) *Exhibit C.*—The dollar amount to be inserted will be 1/10th of the principal amount bid.

III. UNITED STATES GOVERNMENT GUARANTY OF LOAN—GUARANTY FEE

The loan agreement provides that the obligation of the lender is to be conditioned upon the issuance by the United States of a guaranty of timely payment of principal and interest by the borrower.

The guaranty will further provide that the United States agrees that any claim which it may now or hereafter have against any beneficiary for any reason whatsoever shall not affect in any way the right of any other beneficiary to receive full and prompt payment of any amount otherwise due under this guaranty.

In addition, the borrower covenants at section 5(b) of the loan agreement that

Any claim which it may now or hereafter have against any person, corporation, firm, or association or other entity (including without limitation, the United States, DOD, any bank, any assignee of any bank, and any supplier of the Defense items) in connection with any transaction, for any reason whatsoever, shall not affect the obligation of the borrower to make the payments required to be made to the undersigned under this loan agreement, or under the notes, and shall not be used or asserted as a defense to the payment of such obligation or as a setoff, counterclaim, or deduction against such payments.

The guaranty, which is authorized by the Foreign Military Sales Act, will be made by the Government of the United States acting through the Department of Defense. The act provides that "any guarantees issued hereunder shall be backed by the full faith and credit of the United States."

IV. TAX EXEMPTIONS

(a) There will be no—

(1) Federal income tax resulting from section 7.1 of the loan agreement which will provide that the borrower shall pay to the lender the guaranty fee charged to the latter by the Department of Defense; (The lender will be acting merely as a conduit).

(2) Federal stamp tax;

(3) Interest equalization tax; or

(4) Tax imposed by the Government of Israel.

(b) The interest paid on the loan by the Government of Israel will constitute income from sources without the United States in the hands of the lender or any holder of the promissory notes or participations in the loan. Since the interest is foreign source income, there will be no U.S. withholding under any circumstances.

V. THE LOAN, PROMISSORY NOTES, PARTICIPATIONS—ELIGIBILITY FOR PURCHASE BY NATIONAL BANKS AS COLLATERAL FOR TREASURY TAX AND LOAN ACCOUNTS, ETC.

(a) Because of the guaranty, the loan, the promissory notes and the participations are deemed to be fully and unconditionally guaranteed obligations of the United States backed by its full faith and

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credit. Accordingly, they will not be subject to the lending limits of national banks or to the limitations and restrictions concerning dealing in, underwriting and purchase of investment securities.

(b) Section 1.4 of the loan agreement authorizes the sale of participations to legal entities doing business in the United States. Such participations will be acceptable from special depositaries of public money at their face amount to secure deposits under Department of the Treasury Circular No. 92, current revision (31 CFR part 203). *Provided*, That they adequately identify the loan and meet the following conditions:

(1) The participation certificate contains the following provision: "Participant may assign or endorse over this participation certificate to the _____

(Name of the

Federal Reserve Bank or Branch of the territory in which the participant is located)

in connection with a pledge of collateral security to protect a Treasury tax and loan account under Treasury regulations published at Title 31, Code of Federal Regulations, part 203. In the event that this participation certificate is assigned to _____, it shall

(Same bank or branch as above)

not be further assigned or subdivided without prior written notice to that bank and the prior written consent of this bank."

(2) The participation certificate is supported by the original or certified copies of the guaranty agreement relating to the basic loan and the necessary power of attorney and resolution in favor of the Reserve bank as prescribed in 31 CFR 203.8(d).

(3) The guaranty agreement provides that the guaranty referred to therein is transferable to any participant or beneficiary.

VI. SUBMISSION OF BIDS—ACCEPTANCE AND OPENING OF BIDS

Each bid shall be submitted in triplicate on the letterhead of the bidder and shall specify a single annual rate of interest which shall apply on a 365-day basis only to the portion of the loan in use. The rate shall be expressed as a percent per annum not to exceed three decimals, for example, 5.125 percent. Each bidder may submit a bid for the entire amount of the loan or portions thereof in multiples of \$5 million.

The bids must be enclosed and sealed in envelopes and must be received in the Securities Department of the Federal Reserve Bank of New York, 33 Liberty Street, New York, N.Y. 10045, not later than 11 a.m., e.d.t., on May 11, 1973.

Bids will be opened at the Federal Reserve Bank at 11 a.m., e.d.t., on May 11, 1973. In determining successful bids, those specifying the lowest rate of interest will be accepted to the extent required to attain the aggregate amount of the loan. Upon the award of bids, the Gov-

ernment of the United States will promptly secure the signature of the borrower to the loan agreement, as well as to necessary copies thereof, and will return one copy.

[SEAL] **GEORGE P. SHULTZ,**
Secretary of the Treasury.

APRIL 23, 1973.

LOAN AGREEMENT

Loan Agreement made and entered into the _____ day of May 1973, between the Government of Israel (hereinafter sometimes referred to as the "Borrower") and _____ (hereinafter sometimes referred to as the "Undersigned").

Whereas by public notice (which notice is incorporated in this agreement as if fully set forth herein) the Secretary of the Treasury has invited the bids on a loan in the amount of \$50 million to the Borrower at the lowest basis cost of money;

Whereas the Undersigned has submitted a bid in the amount of \$_____ for the herein-after more fully described loan at an interest rate of _____ percent per annum;

Now, therefore, in consideration of the premises and of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

SECTION 1. Commitment.—1.1 Subject to the terms and conditions of this Loan Agreement the Undersigned agrees to make loans to the Borrower at any time and from time to time from the date of this Loan Agreement to and including June 30, 1974, or such earlier date as the entire amount of the loan bid by the Undersigned shall have been utilized.

1.2 Each borrowing hereunder shall be made on such date (hereinafter referred to as a "Disbursement Date") as may be designated by the Borrower upon 3 days' concurrent written notice from the Borrower to the Undersigned. The initial borrowing hereunder shall be made prior to September 30, 1973. Except for the last borrowing, each such notice shall request a borrowing aggregating at least (U.S. \$_____). Each notice requesting disbursement (a) shall specify the amount of the loan to be made by the Undersigned on the Disbursement Date; (b) shall be delivered to the Undersigned at its address set forth in section 7.3 hereof; (c) shall specify the account of the Borrower at such bank to which the proceeds of each loan are to be credited; and (d) shall have annexed thereto the documentation set forth in exhibit A (Disbursement Procedures) annexed hereto.

1.3 The Borrower hereby agrees to pay to the Undersigned a commitment fee computed at the rate of one-quarter of 1 percent per annum on the daily average unused amount of the commitment from the date of execution of this Loan Agreement to and including June 30, 1974, or such earlier date as the entire commitment of the Undersigned shall have been utilized. Such commitment fee shall be calculated on a 365-day basis and actual days elapsed.

1.4 The Undersigned may sell participations in the loan to legal entities doing business in the United States.

1.5 At the time at which the Borrower shall send the notices required by section 1.2 above to the Undersigned it shall deliver thereto a promissory note (which shall be substantially in the form of exhibit B annexed hereto (with the blanks appropriately filled in)) evidencing the obligation of the Borrower to repay the amount of the loan from the Undersigned with interest thereon as hereinafter set forth. Upon request by the Undersigned at any time, the Borrower shall deliver to the Undersigned, in place of any

such promissory note, two or more separate promissory notes in such amounts, aggregating not more than the amount of the note such notes shall replace, as shall be specified by the Undersigned. The promissory notes hereinabove referred to are hereinafter referred to as the "Notes" and individually as a "Note."

Sec. 2. Repayment.—2.1 The Borrower hereby agrees:

(a) To pay interest on the outstanding balance of the principal of the loans made under this Loan Agreement on a fixed semi-annual basis, such interest payments to begin October 31, 1973, and thereafter on April 30 and October 31 of each year following, until the entire principal of the loans shall have been repaid; and

(b) To repay the principal of the loans made under this Loan Agreement in accordance with the principal repayment schedule set forth in exhibit C annexed hereto.

(i) If on any installment repayment date set forth in the principal repayment schedule the Borrower shall not have availed itself of the commitment of the Undersigned in an aggregate amount (less repayments previously made) equal to the aggregate installment of principal which is repayable on such date to the Undersigned, the Borrower shall, on such installment repayment date, repay to the Undersigned the full amount (less repayments previously made) to which it has availed itself of the commitment of the Undersigned to such date, together with the interest accrued thereon. If at any time thereafter the Borrower shall avail itself of the commitment of the Undersigned in an amount which would have been payable on a prior installment repayment date but for the provisions of the immediately preceding sentence, such amount, together with interest accrued thereon, shall be repayable on the next succeeding installment date of the principal repayment schedule occurring after the disbursement of such amount and the said aggregate installment of principal repayable under the principal repayment schedule to the Undersigned on that date shall be increased by such amount.

(ii) If by the date specified in paragraph 1.1 above, the Borrower shall not have availed itself of the entire amount of the commitment, the installments of principal repayable to the Undersigned set forth in the principal repayment schedule shall be reduced in the inverse order of the maturity thereof to the extent of the unused balance of the commitment.

2.2 The Undersigned may sell or assign, at any time, in whole or in part, any one or more of the Notes and/or its rights to receive repayments.

2.3 Each Note shall be dated the Disbursement Date of the loan which such Note evidences and shall bear interest at a rate of _____ percent (_____%) per annum on the unpaid principal amount of such Note until such amount shall be paid in full. Such interest on each Note shall be payable with the principal as provided in 2.1. The Notes shall be completed by the Borrower in such a manner that repayment of such loans shall be made in the order of their disbursement, utilizing the principal repayment schedule set forth in exhibit C (as the same may be adjusted in accordance with secs. 2.1(b)(i) and (ii) hereof), and, in determining whether a particular loan is payable in one or more installments, utilizing a particular installment payment date only after the full utilization of the next preceding installment date.

2.4 The Borrower may, with the prior written consent of the Undersigned, which consent will not be unreasonably withheld,

prepay any of the Notes held by the Undersigned, in whole or in part, on any repayment date, with accrued interest to the date of such prepayment on the amount prepaid.

2.5 Whenever any payments hereunder or under any Note shall be due on a Saturday, Sunday, or public holiday under the laws of the District of Columbia, such payment may be made on the next succeeding business day, and such extension of time shall, in such case, be included in computing interest in connection with such payment, but excluded from the next interest period.

2.6 All payments by the Borrower to the Undersigned under this Loan Agreement and on the Notes, including without limitation payments of principal of, and interest on, the Notes and payment of any commitment fees or other fees or expenses hereunder, shall be payable to the Undersigned at the address set forth in section 7.3 hereof in U.S. dollars and in immediately available funds.

Sec. 3. Representations and warranties.—The Undersigned has entered into this Loan Agreement and will make the loans provided for herein on the basis of the following representations and warranties of the Borrower:

3.1 The Borrower has full power, authority, and legal right to incur the indebtedness contemplated in this Loan Agreement on the terms and conditions contained herein, and to execute, deliver, and perform this Loan Agreement and the Notes;

3.2 The execution, delivery, and performance of this Loan Agreement and the Notes will not violate any provisions of, and have been duly and validly authorized under, the laws of the Borrower, and all actions necessary to authorize the borrowings hereunder and the execution, delivery, and performance of this Loan Agreement and the Notes have been duly taken; and

3.3 This Loan Agreement has been, and each of the Notes when issued will be, duly executed and delivered by persons thereunto duly authorized, and this Loan Agreement constitutes, and each of the Notes when issued will constitute, the valid, legally binding, direct, and unconditional general obligation of the Borrower, enforceable in accordance with its respective terms.

Sec. 4. Conditions of lending.—4.1 The obligation of the Undersigned to make the initial loan to be made by it hereunder is subject to the condition precedent that, prior to the first Disbursement Date, it shall have received an opinion in the English language of the Legal Adviser to the Ministry of Defense of the Government of _____, dated the date of

the initial Disbursement date, to the same effect as sections 3.1, 3.2, and 3.3 hereof, and to the further effect that specified officials of the Borrower identified by name and title in such opinion are duly authorized to execute and deliver this Loan Agreement, the Notes and such other documents as may be required hereunder on behalf of the Borrower, to establish and draw upon an account of the Borrower at the bank to which account the Undersigned shall disburse the proceeds of all borrowings hereunder, and to certify to such bank on behalf of the Borrower the identity, names, and titles of any other or additional officials of the Borrower who thereafter may be so authorized.

4.2 The obligation of the Undersigned to make the initial loan to be made by it hereunder is subject to the further conditions precedent that, prior to the first disbursement, it shall have received:

(a) The guaranty of the United States (the "Guaranty"), executed by DOD, guaranteeing it against all political and credit risks of nonpayment of the obligations of the Borrower to the Undersigned

hereunder (including the entire amount of the principal loaned by the Undersigned hereunder and interest thereon at the rate determined as specified herein, but excluding any amounts owing for commitment fees or other fees or expenses), up to a maximum aggregate liability to the Undersigned under the Guaranty on the part of the United States of \$_____, (U.S. \$_____), pursuant to the act; and

(b) An opinion of the General Counsel of DOD, to the effect that (i) DOD has full power, authority, and legal right to execute, deliver, and perform the Guaranty, (ii) the Guaranty has been executed in accordance with and pursuant to the terms and provisions of the act and DOD has not, in issuing the Guaranty, exceeded the maximum amount of guarantees authorized to be issued under the act, (iii) the Guaranty has been duly executed and delivered by a duly authorized representative of DOD, and (iv) the Guaranty constitutes the valid and legally binding obligation of the United States, enforceable in accordance with the terms thereof and backed by the full faith and credit of the United States.

4.3 The obligation of the Undersigned to make any loan to be made by it hereunder, including the initial loan, is subject to the further conditions precedent that:

(a) No event of default within the meaning of section 8 of this Loan Agreement, and no other default with respect to any of the Notes, shall have occurred;

(b) The undersigned shall have received a Note or Notes payable to its order (or to the order of such other person or persons as the Undersigned may specify) in the amount of the particular loan, executed by the duly authorized representatives of the Borrower;

(c) The Undersigned shall have received the documentation specified in exhibit A annexed hereto, executed by the duly authorized representatives of the Borrower; and

(d) All legal matters incident to the Guaranty and the transactions contemplated by this Loan Agreement shall be satisfactory to the counsel of the Undersigned.

Sec. 5. Covenants.—The Borrower covenants and agrees that from and after the date of this Loan Agreement and so long as any amounts remain unpaid on account of the Notes or otherwise under this Loan Agreement:

(a) All payments on account of the principal of, and interest on, the Notes, commitment fees, and other fees and expenses shall be made free and clear of, and without deduction for, any and all taxes, levies, imposts, duties, fees, charges, deductions, withholdings, restrictions, or conditions of any nature whatsoever now or hereafter imposed, levied, collected, or assessed with respect thereto by the Borrower of any central or local authority thereof or therein;

(b) Any claim which it may now or hereafter have against any person, corporation, firm, or association or other entity (including without limitation, the United States, DOD, any bank, any assignee of any bank, and any supplier of the Defense Items), in connection with any transaction, for any reason whatsoever, shall not affect the obligation of the Borrower to make the payments required to be made to the Undersigned under this Loan Agreement, or under the Notes, and shall not be used or asserted as a defense to the payment of such obligation or as a setoff, counterclaim, or deduction against such payments;

(c) It will pay any and all stamp taxes and other taxes of similar character, if any, now or hereafter in effect, imposed with respect to this Loan Agreement or the Notes (includ-

ing, without limitation, any U.S. interest equalization tax or similar future tax), and will save the holder of any Note harmless from any and all losses or liabilities with respect to or resulting from any delay or omission to pay such taxes.

(d) Any legal action or proceeding against it by the Undersigned with respect to this Loan Agreement or the Notes may be brought in the Superior Court of the District of Columbia or in the U.S. District Court for the District of Columbia or in the courts of the Borrower, as the Undersigned may elect, and by execution and delivery of this Loan Agreement, the Borrower submits to each such jurisdiction. In the case of the Superior Court of the District of Columbia or of the U.S. District Court for the District of Columbia, the Borrower consents to the service of process out of said courts by mailing copies of such process by registered U.S. mail, postage paid, to it at its address set forth in section 7.3 hereof; and

(e) All loans made hereunder shall be utilized solely for the procurement of the Defense items pursuant to purchase arrangements authorized by DOD.

Sec. 6. Defaults.—Upon the occurrence of any of the following events or default:

(a) If the Borrower fails for a period of 10 days to make any payment of principal of, or interest on, any Note or of any commitment fee hereunder, when due; or

(b) If any representation or warranty made by the Borrower herein or in any certificate furnished by the Borrower pursuant hereto, proves to be at any time incorrect in any material respect; or

(c) If the Borrower defaults in the performance of any other term, covenant, or agreement contained in this Loan Agreement, and such default shall continue unremedied for 30 days after written notice thereof shall have been given to the Borrower by the Undersigned;

then, and in any such event, the holder of any Note may declare immediately due and payable the unpaid principal of, and accrued interest on, all Notes held by such holder and such amounts shall become immediately due and payable without protest, presentment, notice, or other demand of any kind, all of which are hereby expressly waived by the Borrower, and the Undersigned may terminate its commitment hereunder.

Sec. 7. Miscellaneous.—7.1 Upon the execution of this Loan Agreement, the Borrower shall pay to the Undersigned the aggregate sum of \$_____. In payment of the fee charged by DOD with respect to the Guaranty.

7.2 No failure to exercise and no delay in exercising on the part of the Undersigned, any right, power, or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise thereof, or the exercise of any other power or right. The rights and remedies herein provided are cumulative and not exclusive of any rights or remedies provided in this Loan Agreement.

7.3 Except as otherwise provided in this Loan Agreement, all notices, requests, or demands hereunder shall be deemed to have been given or made upon the mailing of the same by airmail, postage prepaid, or in the case of telegraphic notice, on delivery to the telegraph company, addressed in the case of the Borrower to the Director, Defense Mission, Government of Israel, with a copy to the Treasury Representative of the Government of Israel, both at 850 Third Avenue, New York, N.Y. 10022, and in the case of the Undersigned to _____ or to such other addresses as any party may from time to time hereafter designate in writing to the other.

NOTICES

7.4 This Loan Agreement and the Notes shall be construed and interpreted in accordance with the laws of the District of Columbia, United States of America, unless prior to the execution of this Loan Agreement and the Notes the parties hereto have by written stipulation agreed that the laws of another jurisdiction of the United States shall be applied.

7.5 This Loan Agreement shall be binding upon and inure to the benefit of the Borrower and the Undersigned and their respective successors and assigns, except that the Borrower may not assign its rights hereunder without the prior written consent of the Undersigned. All agreements, covenants, representations, and warranties made herein shall survive the delivery of the Notes and the making of the loans hereunder.

7.6 This Loan Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be an original, but all the counterparts shall together constitute a single instrument. Exhibits A and B attached hereto are, by this reference, made a part of this Loan Agreement.

7.7 In case any one or more of the provisions contained in this Loan Agreement or in any of the Notes should be invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein and therein shall not in any way be affected or impaired thereby.

In witness whereof, the parties hereto have caused this Loan Agreement to be executed and sealed by their duly authorized officers and representatives on the day and year first above written.

[Seal]

[Seal]

EXHIBIT A

DISBURSEMENT PROCEDURE

The following procedures and conditions shall be complied with prior to each disbursement to be made by the Undersigned to the Borrower:

1. The designated representative of the Government of _____ shall execute and deliver each request for disbursement to the Undersigned at its address set forth in section 7.8 of the foregoing Loan Agreement.

2. Each request shall be accompanied by a copy of the written communication from DOD authorizing the Borrower to enter into the purchase arrangement(s) pursuant to which the disbursement is requested.

3. Each request also shall be accompanied by a certification of the Borrower as follows:

"The Government of _____ confirms that the proceeds of this disbursement will be applied entirely to the payment of amounts that have become properly due pursuant to the purchase arrangement(s) authorized by the Department of Defense of the United States of America in the attached written communication. This disbursement is requested by the Government of _____ pursuant to the terms of the Loan Agreement of _____ between the Government of _____ and the Undersigned, and confirms that the said purchase arrangement(s) (was/were) authorized by the Department of Defense of the United States of America pursuant to the aforesaid Loan Agreement. The Government of _____ further confirms that the Borrower to which this certification is addressed is authorized to make this disbursement by crediting the amount thereof to Account No. _____, at

such bank, and that _____ whose signature appears below, is (and, until further written notice, shall continue to be) authorized to draw upon such account on behalf of the Government of

"Signature of the representative of the Government of _____ who is authorized to draw upon its account:

"Government of _____
"By _____
(Name and title, typed.)

EXHIBIT B

PROMISSORY NOTE

New York, N.Y.

(Date)

U.S. \$_____ For value received, the Undersigned, the Government of _____ hereby promises to pay to the order of _____, or its assigns, the principal sum of _____ U.S. dollars (U.S. \$_____ as follows:

(Amounts) (Dates) together with interest on any and all amounts remaining unpaid hereunder from time to time from the date hereof until this Note shall be paid in full, payable semiannually on _____ and _____ of each year from the date hereof, commencing _____, 197_____, at the rate of _____ percent (_____%), per annum. Such interest shall be calculated using a 365-day factor, both principal and interest to be payable in immediately available funds in lawful money of the United States of America at the office of the payee at _____, or at the principal place of business of the assignee. All payments made on account of the principal amount hereunder shall be endorsed by the payee, or its assigns, on the reverse side of this Note.

Whenever any payment to be made shall be due on a Saturday, Sunday, or a public holiday under the laws of the District of Columbia, such payment shall be made on the next succeeding business day, and such extension of time shall in such case be included in computing interest in connection with such payment, but excluded from the next interest period.

This Note is one of the Notes referred to in the Loan Agreement dated _____, 197_____, between the Government of _____ and _____.

It is entitled to the benefits of and may be prepaid on the terms and conditions specified in said Loan Agreement. Prepayments shall be applied to the installments hereof in the inverse order of their maturity.

All payments of principal of, and interest on, this Note are payable free and clear of, and without deduction for, any taxes, levies, imposts, duties, fees, charges, deduction, withholdings, restrictions, or conditions of any nature whatsoever now or hereafter imposed, levied, collected, or assessed with respect thereto by the Government of _____ or any central or local authority thereof or therein.

Upon the occurrence of any event of default specified in said Loan Agreement, the entire unpaid principal hereof and interest hereon to the date of payment may be declared to be forthwith due and payable as provided in said Loan Agreement. The Government of _____ promises to pay all out-of-pocket costs and expenses (including the reasonable fees and out-of-pocket expenses of counsel) in con-

nexion with collection after default of this Note.

Government of _____

By _____ [Seal]
(Name and title typed.)

EXHIBIT C

PRINCIPAL REPAYMENT SCHEDULE

The first \$_____ of disbursements are repayable on April 30, 1974.

The next \$_____ of disbursements are repayable on October 31, 1974.

The next \$_____ of disbursements are repayable on April 30, 1975.

The next \$_____ of disbursements are repayable on October 31, 1975.

The next \$_____ of disbursements are repayable on April 30, 1976.

The next \$_____ of disbursements are repayable on October 31, 1976.

The next \$_____ of disbursements are repayable on April 30, 1977.

The next \$_____ of disbursements are repayable on October 31, 1977.

The next \$_____ of disbursements are repayable on April 30, 1978.

The last \$_____ of disbursements are repayable on October 31, 1978.

GUARANTY AGREEMENT

This Guaranty Agreement, made and entered into on the _____ day of _____ 19_____, (hereinafter called the "Guaranty"), between the _____ organized and existing under the laws of the United States of America (hereinafter called the "Lender(s)"), on the one part, and the Government of the "United States", acting through the Department of Defense of the United States (hereinafter called "DOD"), on the other part;

WITNESSETH:

Whereas, the Government of _____ (hereinafter called the "Borrower") desires to purchase certain defense articles and defense services (hereinafter called "defense items") from U.S. sources; and

Whereas, the Lender(s) has entered into a Loan Agreement dated _____, (hereinafter called the "Loan Agreement"), with the Borrower to provide for the extension of credit to the Borrower of up to U.S. _____ dollars; and

Whereas, the Lender(s) obligation under the Loan Agreement to make the initial loan thereunder is conditioned upon the issuance of a guaranty from the United States against all political and credit risks of nonpayment by the Borrower of its obligations under the Loan Agreement to pay the principal of and interest on all extensions of credit by the Lender(s) under the Loan Agreement; and

Whereas, it is intended that each loan under the Loan Agreement will be repaid by the Borrower in _____ substantially equally consecutive semiannual installments on _____ during the term thereof commencing on the first such date which occurs not less than _____ days after the date of such loan, together with interest on each installment payment at the interest rate set forth in the Notes; and

Whereas, the aforesaid credit will be available only to finance the purchase of defense items from U.S. sources; and

Whereas, the Loan Agreement will provide for the issuance by the Borrower to the Lender(s) of promissory notes evidencing the loans made by the Lender(s) from time to time under the Loan Agreement (herein called the "Notes"); and

Whereas, the Loan Agreement by the Lender(s) will facilitate and will be in furtherance of the purposes of the Foreign Military

Sales Act, Public Law 90-629, as amended (hereinafter called the "Act").

Now, therefore, in consideration of the premises and of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

ARTICLE I

The United States, acting through DOD, in consideration of the fee specified in article IV of this Guaranty Agreement, and except as otherwise specified in this Guaranty Agreement, hereby unconditionally and irrevocably guarantees, under the authority of section 24 of the Act, the due and punctual payment in U.S. dollars of all amounts payable by the Borrower as principal of all loans made by the Lender(s) under the Loan Agreement and as interest at the rate set forth in the Notes whether or not such obligations are evidenced by Notes. Any disbursement by the Lender(s) shall be considered for the purpose of this Guaranty, to be a loan made by the Lender(s) under the Loan Agreement if in fact the funds so disbursed are applied to the purchase of articles or services approved in writing by the Department of Defense for purchase by the Borrower under the Loan Agreement, or if such disbursement is made in accordance with the procedures to be specified in the Loan Agreement and the Lender(s) is in receipt of documents that on their face conform to such requirements and indicate that DOD has approved in writing the purchase by the Borrower for which the disbursement is requested.

This Guaranty is a guaranty of payment covering all political and credit risks of non-payment, including any nonpayments arising out of any claim which the Borrower may now or hereafter have against any person, corporation, firm, or association, or other entity (including, without limitation, the United States, the Lender(s) and any supplier of Defense Items) in connection with any transaction, for any reason whatsoever. This Guaranty shall inure to the benefit of and shall be enforceable by the Lender(s), its respective successors by operation of law, or its respective endorsees, assignees or transferees (the Lender(s) and any such successor by operation of law, endorsee, assignee or transferee being hereinafter individually sometimes called a "Beneficiary" and collectively the "Beneficiaries"). All provisions of this Guaranty shall be severally applicable to any Beneficiary acting in its own right in connection with the Notes, the Loan Agreement or this Guaranty.

The United States hereby waives diligence, demand, protest, presentment, and any requirement that any Beneficiary of this Guaranty exhaust any right or power to take any action against the Borrower and any notice of any kind whatsoever other than the demand for payment required to be given to DOD hereunder in the event of default on a payment due under the Notes.

The United States further agrees that any claim which it may now or hereafter have against any Beneficiary for any reason whatsoever shall not affect in any way the right of any other Beneficiary to receive full and prompt payment of any amount otherwise due under this Guaranty.

The full faith and credit of the United States is pledged to the performance of this Guaranty.

The United States represents and warrants that (a) it has full power, authority, and legal right to execute, deliver, and perform this Guaranty, (b) this Guaranty has been executed in accordance with and pursuant to the terms and provisions of the Act and DOD has not, in issuing this Guaranty, exceeded the maximum amount of guarantees authorized to be issued under the Act, (c)

this Guaranty has been duly executed and delivered by a duly authorized representative of DOD, and (d) this Guaranty constitutes the valid and legally binding obligation of the United States, enforceable in accordance with the terms thereof.

ARTICLE II

Notwithstanding the provisions of article I above, the maximum liability of DOD under this guaranty shall not exceed -----

ARTICLE III

Payment by DOD in the event of a default in the payment of any Note, or any portion thereof, by the Borrower shall be made promptly to the Beneficiary in New York Federal Reserve funds at the address specified by the Beneficiary (which in the case of the Lender(s) shall be its address set forth opposite its signature below) upon demand to DOD by the Beneficiary after such default has continued for more than 15 days. The amount payable under this Guaranty shall be the amount of any principal and interest then in default, together with interest at the rate then applicable to the defaulted note from the date of default to the date of payment by DOD. No interest shall be payable by DOD for any period following 30 days after default if the Beneficiary fails to make such demand within 30 days after default. DOD reserves the right to make payments due to a Beneficiary from the Borrower whether or not demand to DOD by the Beneficiary therefore has been made. Upon payment by DOD to a Beneficiary, such Beneficiary will assign to the United States, without recourse to or warranty by such Beneficiary, the corresponding amount of such Beneficiary's rights to such payment from the Borrower.

ARTICLE IV

DOD acknowledges receipt from the Lender(s) of payment of a guaranty fee of -----

ARTICLE V

So long as this Guaranty Agreement is in effect and the United States is not in default hereunder, in the event of a default under the Loan Agreement or in the payment of any Note, or any portion thereof, by the Borrower

(a) The Lender(s) shall not accelerate or reschedule payment of the principal amount of or interest on any of the Notes except with the written approval of DOD; and

(b) The Lender(s) shall, if so directed by DOD, invoke the default provisions of the Loan Agreement, and shall suspend any further disbursements to, or on behalf of the Borrower until the Lender(s) has been advised by DOD that it may resume payments under its Commitment.

ARTICLE VI

The Lender(s) will not agree to any material amendment of the Loan Agreement or consent to any material deviation from the provisions thereof without the prior written consent of DOD.

ARTICLE VII

Any Beneficiary's rights under this Guaranty may be assigned to any individual, corporation, partnership, or other association doing business in the United States of America. In the event of such assignment DOD shall be promptly notified.

ARTICLE VIII

Any notice, demand, request, or the like on behalf of the United States hereunder will be effective for the purposes hereof if signed by the Director, or Deputy Director, Defense

Security Assistance Agency, or their respective successors in office and delivered to the Lender(s) at its address set forth opposite its signature below. Any notice, demand, request, or the like on behalf of any Beneficiary of this Guaranty will be effective for the purpose hereof if signed by an authorized official of any such Beneficiary and delivered to the Director, Defense Security Assistance Agency.

In witness whereof, the parties hereto have caused this Guaranty to be duly executed and sealed on the date first mentioned above.

Address: -----

GOVERNMENT OF THE UNITED STATES OF AMERICA ACTING THROUGH THE DEPARTMENT OF DEFENSE

By ----- (seal)
(Director, Defense Security Assistance Agency.)

Accepted:

By -----

[FR Doc. 73-8263 Filed 4-26-73; 8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs
[Docket No. 73-6]

RIVER FOREST PHARMACY, INC.

Notice of Hearing

Notice is hereby given that on April 2, 1973, the Bureau of Narcotics and Dangerous Drugs, Department of Justice, issued to River Forest Pharmacy, Inc., River Forest, Ill., an order to show cause as to why the Bureau of Narcotics and Dangerous Drugs Registration No. AR3732662 issued to the respondent pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

A written request for a hearing having been filed with the Director of the Bureau of Narcotics and Dangerous Drugs and an expedited hearing date requested, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on April 27, 1973, at the Chicago Regional Office of the Bureau of Narcotics and Dangerous Drugs, 219 South Dearborn Street, Everett Dirksen Federal Office Building, Chicago, Ill. 60004.

Dated April 24, 1973.

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

[FR Doc. 73-8292 Filed 4-26-73; 8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[Order No. 78]

DIRECTOR, NATIONAL CAPITAL PARKS

Delegation of Authority

SECTION 1—Delegation.—The Director, National Capital Parks, in the administration, operation, and development of areas and offices under his supervision, is authorized to exercise all the authority now or hereafter vested in the Director, National Park Service, except with respect to the following:

(1) Authority to approve changes in policies and to establish new policies.

NOTICES

(2) Authority for final approval of servicewide or regionwide program and financial plans for construction, professional services, land acquisition, park operations, and other programs.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended, except that the responsibilities of the Director under section 106 of title I as head of an undertaking agency are hereby delegated.

(5) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(6) Authority vested in the Secretary of the Interior by the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484) relating to evaluation of the historical significance of surplus Federal property proposed for demolition or transfer and relating to the plans for restoration, rehabilitation, maintenance, operation, and use of transferred historic monuments.

(7) Authority to execute, amend, assign, and terminate concessions contracts and permits in excess of 5 years duration or when anticipated annual gross receipts will amount to \$100,000 or more.

(8) Authority to issue general travel authorizations as defined in 347 DM 2.2c.

(9) Authority to approve the payment of actual subsistence expenses for travel.

(10) Authority to approve attendance at meetings of societies and associations.

(11) Authority to approve acceptance of payment of travel, subsistence and other expenses incident to attendance at meetings by an organization which is tax exempt.

(12) Authority to issue rules or regulations for the Government, conduct, and discipline of the U.S. Park Police, as provided under the act of October 11, 1962 (76 Stat. 907).

(13) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(14) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization, in connection with internal transfer of funds.

(15) Authority to approve the use of a Government-owned or leased motor vehicle between domicile and place of employment.

(16) Authority to approve payment of dues for library memberships in societies or associations.

(17) Authority to approve rates for quarters and related services.

(18) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington office.

Sec. 2—Redelegation.—Subject to the following exceptions, the Director, Na-

tional Capital Parks may, in writing, redelegate to his officers and employees, the authority delegated in this order and may authorize written redelegations of such authority:

(1) Master plan approval authority may not be redelegated.

(2) Procurement and contracting authority may only be redelegated to the Chief, Division of Property Management and General Services, Chief, Office of Programming and Budgeting, and to the Procurement Officer in the National Capital Parks. Procurement authority not to exceed \$2,000 may be redelegated to subordinate organizational units of the National Capital Parks. The limitations in this subsection (2) of section 2 apply only to open market or nonmandatory sources of supply. Employees and officers who are otherwise authorized may continue to issue orders to GSA Centers and sources under established Federal supply schedules of contracts in amounts exceeding \$2,000.

(3) Authority to approve land acquisition priorities may not be redelegated. Authority to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto, may be redelegated only to the Chief, Division of Lands, National Capital Parks, and field land acquisition officers.

(4) Authority to conduct archeological investigations and salvage activities may not be redelegated.

Each redelegation shall be published in the *FEDERAL REGISTER*.

Sec. 3—Revocation.—This order revokes National Park Service Order 68 (36 FR 13802), and amendment No. 1 (37 FR 12854). However, redelegations based thereon are continued in effect to the extent that they are not inconsistent with this order No. 78 (205 DM, as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950).

Dated April 13, 1973.

THOMAS FLYNN,
Acting Director,
National Park Service.

[FR Doc. 73-8206 Filed 4-26-73; 8:45 am]

Office of the Secretary

[INT FES 73-20]

PROPOSED WILDERNESS CLASSIFICATION FOR YOSEMITE NATIONAL PARK, CALIF.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the proposed wilderness classification for Yosemite National Park, Calif.

The final environmental statement considers the designation of 646,700 acres of Yosemite National Park as wilderness, and the designation of 121 acres as potential wilderness addition.

Copies are available from or for inspection at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, P.O. Box 36063, San Francisco, Calif. 94102. Yosemite National Park, P.O. Box 577, Yosemite National Park, Calif. 95389.

Dated April 20, 1973.

LAWRENCE E. LYNN,
Assistant Secretary of the Interior.
[FR Doc. 73-8179 Filed 4-26-73; 8:45 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

GEORGE WASHINGTON UNIVERSITY AND
DEPARTMENT OF PUBLIC HEALTH,
MASSACHUSETTS

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes 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. 20230.

Docket No.: 73-00307-33-46040. Applicant: The George Washington University, Department of Anatomy, 1335 H Street NW, Washington, D.C. 20005. Article: Electron Microscope, model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the detailed study of biomembranes as well as studies employing tracers. The experiments to be conducted consist of:

a. The mechanism of sickle cell at biophysical cellular level in the erythrocyte.
b. Ultrastructural topography of the absorptive cell membrane in the gastrointestinal tract and its relationship to membrane transport of salt, water, sugars, and amino acids.

c. Studies on cell membranes will also be conducted using tracers including the small horseradish molecule, and
d. Studies to determine the "limiting" membrane of lipid droplets.

The article will also be used to train future electron microscopists and to provide other individuals with an investigative tool to be used in situations where the ultrastructure is of value. Application received by Commissioner of Customs: November 2, 1972. Advice submitted by Department of Health, Education, and Welfare on: April 12, 1973.

Docket No.: 73-00312-33-46040. Applicant: Department of Public Health, State Laboratory Institute, 305 South Street, Jamaica Plain, Mass. 02130. Article: Electron Microscope, model EM 300. Manufacturer: Philips Electronic Instruments N.V.D., The Netherlands. Intended use of article: The article is intended to be used for rapid and accurate

diagnosis of selected human and animal viruses diseases. The materials to be studied include specimens which will be examined directly for virus and/or viral antigens in skin lesions; vesicle fluid, tissue from organs including brain, liver, lung, spleen, pancreas, and other organs; exfoliated cells from throat and the reproductive system, biopsy specimens, leucocytes; exudates; and transudates. Applications received by Commissioner of Customs: December 27, 1972. Advice submitted by Department of Health, Education, and Welfare on: April 12, 1973.

Comments: No comments have been received in regard 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: Each foreign article has a specified resolving capability equal to or better than 3.5 Å. The most closely comparable domestic instrument is the model EMU-4C electron microscope which is manufactured by the Forgglo Corp. (Forgglo). The model EMU-4C has a specified resolving capability of 5 Å. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgglo model EMU-4C is not of equivalent scientific value to any of the 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. 73-8202 Filed 4-26-73; 8:45 am]

HARVARD SCHOOL OF DENTAL MEDICINE, ET AL.

Notice of Consolidated Decision On Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 8(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. 20230.

Docket No.: 73-00190-33-46040. Applicant: Harvard School of Dental Medicine, Department of Oral Medicine and Oral Pathology, 188 Longwood Avenue, Boston, Mass. 02115. Article: Electron Microscope, model Corinth 275. Manufacturer: AEI Scientific Industries, United Kingdom. Intended use of article: The article is intended to be used for the fine structural study of a variety of experimental models of human oral carcinoma to learn more about the cause and control and to study basic mechanisms in the following existing four-model systems in hamster oral mucosa currently being used in the laboratory:

(a) Well-differentiated epidermoid carcinoma of hamster buccal pouch induced by painting with DMBA;

(b) Anaplastic epidermoid carcinoma of hamster buccal pouch induced by painting with DMBA and simultaneous systemic administration of methotrexate or fluorouracil;

(c) Regression of anaplastic carcinoma of hamster buccal pouch induced by azathioprine;

(d) Epidermoid carcinoma of hamster gingiva induced by painting with DMBA and adhesion to mucosa with cyanoacrylate.

The article will also be used in the training of graduate students and post-doctoral fellows in the Department. The courses utilizing the article will be graduate oral pathology and experimental oral pathology dealing with the structure and ultrastructure of oral disease in human beings and the structure and ultrastructure of experimental oral disease pattern in animals. Application received by Commissioner of Customs: October 6, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 30, 1973.

Docket No. 73-00319-33-46040. Applicant: U.S. Environmental Protection Agency, Gulf Breeze Environmental Research Laboratory, Gulf Breeze, Fla. 32561. Article: Electron microscope, model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to study the normal and pathologic cells and tissues of estuarine and marine invertebrates and fishes. In addition to experimental studies, the instrument will be used to diagnose possible causes of death in marine organisms from Wild to natural populations. The article will also be used for educational purposes in providing staff members of the immediate laboratory and the surrounding educational institutions limited instruction in the use of the electron microscope. Application received by Commissioner of Customs: January 5, 1973. Advice submitted by Department of Health, Education, and Welfare on: April 12, 1973.

Docket No. 73-00325-99-46040. Applicant: Montclair State College, Valley

Road and Normal Avenue, Upper Montclair, N.J. 07043. Article: Electron microscope, model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used as an instrument for instruction in techniques of electron microscopy. The courses in which the article is to be used include:

(1) Techniques of electron microscopy—Teaching students the basic steps in the preparation, sectioning and examination of tissues for ultrastructure study.

(2) Histology—Familiarizing students with the principles of electron microscopy adding significance to knowledge obtained from books.

(3) Premedical and medical technology programs—Preliminary training in the use of an electron microscope on the undergraduate level for premedical students as well as those planning a career in medical technology.

Other courses that would benefit from the article are cell biology, genetics, microbiology, plant morphology, and marine biology. Application received by Commissioner of Customs: January 9, 1973. Advice submitted by Department of Health, Education, and Welfare on: April 12, 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 applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. Each of the foreign articles to which the foregoing applications relate is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the model EMU-4C electron microscope which is a relatively complex instrument designed primarily for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its respectively cited memoranda, that the relative simplicity of design and ease of operation of the foreign articles described above are pertinent to the applicants' educational purposes. We, therefore, find that the Forgglo Model EMU-4C electron microscope is not of equivalent scientific value to any of the foreign articles described above 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. 73-8204 Filed 4-26-73; 8:45 am]

NOTICES

TEXAS AGRICULTURE EXPERIMENT STATION, 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. 20230.

Docket No. 73-00308-33-46500. Applicant: Texas Agriculture Experiment Station, Animal Science Department, College Station, Tex. 77843. Article: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of muscle tissue and connective tissue with special interest in the interrelationship of collagen fibers, muscle fibers and the surrounding connective tissue as they are situated in the muscle tissues. Muscle tissue as a food will be studied with interest in the postmortem changes that take place in muscle as it is converted to meat. Experiments planned involve sectioning muscle fibers, collagen fibers and surrounding connective tissue together as they are situated in the muscle tissues. Application received by Commissioner of Customs: December 26, 1972. Advice submitted by Department of Health, Education, and Welfare on: April 12, 1973.

Docket No. 73-00309-33-46500. Applicant: Trenton State College, Biology Department, Pennington Road, Trenton, N.J. 08625. Article: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies of biological material, including mammalian tissue, mainly cardiac, and tropical marine red algae and their parasites. The experiments to be conducted involve: (a) The normal ultrastructure of cells in the conduction tissue of the heart as well as structural changes with chemotherapy. (b) Ultrastructure of the apical cells of algae, including studies of the apical cells. Parallel study of the secondary "Pit" initial and correlated differentiation. Parallel study of the apical cell and "Pit" initial in parasites of each species. Study of ultrastructure of the host-parasite connection and influence of apical damage of thallus form and ultrastructural changes in subapical cells.

In addition, the article is to be used in the courses—Cytology and independent study in biology—to obtain the following objectives:

- (a) To introduce students to all types of microscopic procedures,
- (b) To introduce students to all types of cytological interpretations,
- (c) To introduce students to all types of histological interpretations, and
- (d) To instill an understanding of the scientific method in biological research.

Application received by Commissioner of Customs: December 26, 1972. Advice submitted by Department of Health, Education, and Welfare on: April 12, 1973.

Docket No. 73-00310-33-46500. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to study the interrelations of cell "organelles" in a great many cell types. Currently under study are liver (rat, human), small intestine (guinea pig, human, rat, etc.), liver cancers (Novikoff hepatoma, Morris hepatomas), and other tissues. The work is largely cytochemical, wherein embedding media of different degrees of hardness will be used. True three-dimensional configurations of organelles will be investigated. Unfrozen material will be used for cytochemistry, especially for the peroxidase labeled antibody procedure. Application received by Commissioner of Customs: December 26, 1972. Advice submitted by Department of Health, Education, and Welfare on: April 12, 1973.

Docket No. 73-00317-33-46500. Applicant: Veterans' Administration Hospital, 113 Holland Avenue, Albany, N.Y. 12208. Article: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to cut sections of variable thickness of pathological specimens from patients which are to be examined by electron microscopy. The article will also be used to train residents, future investigators at the doctoral level, and also technologists in electron microscopic techniques. In addition, the article will be used for the training of M.D.-Ph. D. scholars in research. Application received by Commissioner of Customs: January 3, 1973. Advice submitted by Department of Health, Education, and Welfare on: April 12, 1973.

Docket No. 73-00318-33-46500. Applicant: University of Michigan, Mental Health Research Institute, 205 North Washtenaw, Ann Arbor, Mich. 48104. 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 biological material, primarily brain tissue or fractions thereof. The primary interest is the biochemistry and ultrastructure of proteins and lipids in the nervous system. The experiments to be conducted involve the technique of electron microscopic radioautography.

The article will also be used to educate scientists with a wide variety of interests in the basic techniques of electron microscopy. Application received by

Commissioner of Customs: January 3, 1973. Advice submitted by Department of Health, Education, and Welfare on: April 12, 1973.

Docket No. 73-00323-33-46500. Applicant: Sloane Kettering Institute for Cancer Research, 410 East 68th Street, New York, N.Y. 10021. Article: Ultramicrotome, model OM U2. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used to examine histochemical and proliferative characteristics of epithelial and specialized cells lining the alimentary canal. Analysis of the incorporation of ³H and ¹⁴C labeled precursors into nucleic acids and proteins of cells of normal and diseased gastrointestinal origin will be conducted. These investigations aim to describe and define normal patterns of cell replacement as well as contrast premalignant and malignant changes in proliferation and differentiation. The article will also be used in the course radioisotopes and cytology designed to teach students the basic aspects of cytology and the use of radioactive isotopes as well as educate them in the use of instruments employed in the study of cell structure, function, and metabolism. Application received by Commissioner of Customs: January 5, 1973. Advice submitted by Department of Health, Education, and Welfare on: April 12, 1973.

Docket No. 73-00330-33-46500. Applicant: Shriners Hospitals for Crippled Children, Burns Institute—Cincinnati Unit, 202 Goodman Street, Cincinnati, Ohio 45219. Article: Ultramicrotome, model OM U2. Manufacturer: C. Reichert Optische Werke, A.G., Austria. Intended use of article: The article is intended to be used for studies of skin from the human body and scalp and the development of nerve tissue in scars formed in burned individuals which includes a detailed study of the collagen and elastic tissue structure in scar tissue. Any modifications in this structure in keloids compared to normal scars will be of special interest. The study will also involve demonstration of nerves in the scars and study of their relationship to the scar tissue. The article will also be used by graduate students in physiology and surgery from the University of Cincinnati College of Medicine. Application received by Commissioner of Customs: January 8, 1973. Advice submitted by Department of Health, Education, and Welfare on: April 12, 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 equal to or less than 0.5 mm/s to equal to or greater than 10 mm/s. 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/s. 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 the geometry of the block. In connection with a prior application (docket No. 69-00118-33-46500) which relates to the duty-free entry of an article in the category of instruments 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] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (docket No. 69-00665-33-46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that, "The range of cutting speeds and a capability for the higher cutting speeds is *** a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with still another prior case (docket No. 70-00077-33-46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin 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 great variation in physical properties is very difficult." Accordingly HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4mm/s 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. 73-8203 Filed 4-26-73; 8:45 am]

UNIVERSITY OF CHICAGO, 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 17, 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. 73-00457-75-46070. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Scanning electron microscope, model stereoscan 600. Manufacturer: Cambridge Scientific Instruments Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of irradiated stainless steel from the experimental breeder reactor with emphasis placed on fracture specimens to determine how fuel element cladding fractures in service and the cause of the fracture. Application received by Commissioner of Customs: March 28, 1973.

Docket No. 73-00458-33-46500. Applicant: University of Texas Medical Branch, UMED 3-17641, Purchasing Department, Galveston, Tex. 77550. Article: Ultramicrotome, model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for studies of mammalian central nervous system (brainstem) tissues derived from both unlesioned and lesioned experimental animals (primarily cats). Specific experiments to be conducted include continued investigation of the normal ultrastructural organization (synaptology) of the cat lateral cuneate nucleus and the morphologic alterations produced in this nucleus by destroying its various inputs (deafferentation). Application received by Commissioner of Customs: March 28, 1973.

Docket No. 73-00459-85-46040. Applicant: University of Illinois at Urbana-Champaign Campus, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Electron microscope, model JEM 200 and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in various research projects involving the following:

(1) Examination of metals containing carbides.

(2) Examination of hydrides in structural materials.

(3) High temperature deformation mechanisms in some intermetallic compounds and ceramic materials.

(4) Precipitation of hydrides in Nb alloys and a TEM study of hydrogen embrittlement in Nb and Nb alloys.

(5) Precipitation and work hardening in V-N alloys.

(6) Examination in situ at high and low temperatures in the following investigations:
a. Martensitic transformation in thin films.

b. Ordering reactions in thin films.
c. Hydride formation in V and Zr.
d. Pretransformation and "streaming" phenomena.

e. Low temperature redistribution of carbon in martensite.
f. Omega-phase transformations.

(7) Study of anodic film growth and pitting.

(8) Projected work on dislocation distributions in the matrix of deformed fiber composites, especially near the fiber-matrix interface.

(9) Study of surface films formed on several alpha-phase copper alloys (Cu-Zn, Cu-Ni, Cu-Al, etc.) by exposure to ammoniacal solutions.

(10) Study of the microstructure of the hydration products of calcium silicates constituents, of Portland Cement, and

(11) Study of wear processes in cemented carbides.

Application received by Commissioner of Customs: March 28, 1973.

Docket No. 73-00460-01-11000. Applicant: Indiana State Department of Mental Health, 1315 West 10th Street, Indianapolis, Ind. 46202. Article: Gas chromatograph-mass spectrometer, LKB 9000. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to provide a mass-spectrometry resource in the following research:

(a) Study of urine, blood, and other physiological fluids, and tissue and tissue cultures from children with mental retardation neurological disorders, recurrent ketoacidosis, failure to thrive, early death, and other problems known or suspected to be caused by an abnormality in metabolism.

(b) Study of Tay-Sach's and Sandhoff's disorders.

(c) Investigation of jaundice in the newborn and metabolism of bilirubin, and

(d) Study of the neurochemistry and therapy of seizure disorders.

The article will also be used for education at the graduate level. Students preparing themselves for careers in analytical biochemistry with emphasis on intermediary metabolism or on drug metabolism will use the article in carrying out their major research projects.

In addition, the article will be used by research fellows, graduate students, and a number of medical students for various phases of work in mass-spectrometry.

Application received by Commissioner of Customs: April 2, 1973.

Docket No. 73-00461-33-46040. Applicant: Boston University School of Medicine, 80 East Concord Street, Boston, Mass. 02118. Article: Electron microscope, model Corinth 275. Manufacturer: AEI Scientific Apparatus LTD., United Kingdom. Intended use of article: The article is intended to be used to examine

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ultrathin sections of materials from the brain and inner ear. It will serve as the electron microscope used to study the process of aging in the nervous system and will be employed in three subprojects: (1) Age-related changes in the auditory cortex, (2) aging in the olfactory-bulb, and (3) aging in the microcirculation of the auditory system. Application received by Commissioner of Customs: March 29, 1973.

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

[FR Doc. 73-8201 Filed 4-26-73; 8:45 am]

YALE UNIVERSITY

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

The following is a design 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. 20230.

Docket No. 73-00292-98-34040. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Conn. 06520. Article: "Carcinotron" Backward Wave Oscillator. Manufacturer: Thomson-CFS Electronic Tubes Inc., France. Intended use of article: The article will be used in the development and operation of a polarized proton target. Microwave power supplied by the article polarizes the protons in the target material. The polarized proton target will be used to investigate the structure of the proton in a series of deep inelastic polarized electron-polarized proton scattering experiments.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides an output power of 0.2 to 3 W over the frequency range of 128 to 136 gigahertz (GHz).

The National Bureau of Standards (NBS) advised in its memorandum dated April 9, 1973 that the capability described above is pertinent to the applicant's intended use. NBS also advises that it knows of no comparable domestically manufactured instrument which is scientifically equivalent to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article

is intended to be used, which is being manufactured in the United States.

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

[FR Doc. 73-8200 Filed 4-26-73; 8:45 am]

Office of the Secretary

FLAMMABILITY STANDARD FOR MATTRESSES, DOC FF 4-72

Notice of Approval of Alternate Sampling Plan

On June 7, 1972, there was published in the *FEDERAL REGISTER* (37 FR 11362) the "Flammability Standard for Mattresses," DOC FF 4-72. Included in the standard is a sampling plan for the selection and testing of mattresses and mattress pads. Paragraph 4(b) (1) of the standard contains a provision that allows alternate sampling plans to be used provided they are approved by the Department of Commerce. Such plans must provide at least the equivalent level of fire safety to the consumer as that provided by the sampling plan in the standard.

The appended alternate sampling plan for mattresses or mattress pads was submitted for approval in accordance with the provision in the standard. It has been reviewed and determined to offer an equivalent level of fire safety to the consumer and to meet all technical requirements of the standard. The alternate sampling plan has operating characteristics such that the probability of unit acceptance at any percentage defective does not exceed the corresponding probability of unit acceptance of the basic sampling plan in the region of the operating characteristic curve that lies between 5 and 95 percent acceptance probability. It is hereby approved.

Use of this alternate sampling plan, which may be cited as Alternate Sampling Plan No. 1 to DOC FF 4-72, is applicable to mattresses and mattress pads, and the plan may be used by any mattress or mattress pad manufacturer. Records of the use of this plan shall be maintained by the manufacturer, in accordance with rules and regulations established by the Federal Trade Commission.

All provisions of the "Flammability Standard for Mattresses," DOC FF 4-72, are applicable under this alternate sampling plan except as specified herein.

Issued April 25, 1973.

BETSY ANCKER-JOHNSON,
Assistant Secretary
for Science and Technology.

ALTERNATE SAMPLING PLAN NO. 1 TO DOC FF 4-72

The following substitutes for section 4(b), Specimens and Sampling, of DOC FF 4-72:

4 Test procedure.

• • • •
(b) Specimens and sampling.—(1) General.—(a) The test criterion of 3(b)

shall be used in conjunction with the following alternate mattress sampling plan.

(b) The use of this alternate sampling plan is applicable to both mattresses and mattress pads. The plan may be used by any mattress or mattress pad manufacturer. Use of this alternate sampling plan in conjunction with any other sampling plan is permitted only if the latter is (a) an approved alternate sampling plan and (b) contains explicit provisions for such use. It is permissible to employ differing options or sampling plans with respect to differing mattress types and/or production units. However, any sampling plan employed with respect to a specific production unit shall be employed in its entirety.

(c) For the purposes of this alternate sampling plan, "Initial Production Quantity" means a quantity of mattresses equaling or exceeding a specified fraction, k , of the quantity to be contained in the production unit to be accepted upon successful completion of the sampling requirements. Each prototype to be included in the production unit shall be represented in the initial production quantity. For each production unit, one of the following four options shall be selected:

Option 1. The specified fraction, k , shall be one-thirtieth. The quantity limit shall be 450 mattresses for normal sampling and 450 mattresses for reduced sampling unless a smaller limit is imposed under the provisions of 4(b) (2) a.

Option 2. The specified fraction, k , shall be one-twentieth. The quantity limit shall be 550 mattresses for normal sampling and 1,050 mattresses for reduced sampling unless a smaller limit is imposed under the provisions of 4(b) (2) a.

Option 3. The specified fraction, k , shall be one-tenth. The quantity limit shall be 1,050 mattresses for normal sampling and 1,700 for reduced sampling unless a smaller limit is imposed under the provisions of 4(b) (2) a.

Option 4. The specified fraction, k , shall be one-fifth. The quantity limit shall be 7,500 mattresses for normal sampling and 7,500 mattresses for reduced sampling unless a smaller limit is imposed under the provisions of 4(b) (2) a.

(2) *Mattress sampling.*—The basic mattress sampling plan is made up of two parts: (1) Prototype qualification, and (2) production testing. In addition, a batch sampling plan is given which may be used for small production quantities, when shipping requirements prohibit the use of the basic plan, or for other reasons at the discretion of the manufacturer.

(a) *Basic sampling plan.*—A production unit in the basic sampling plan shall consist of not more than 250 mattresses of a mattress type in normal sampling nor more than 500 mattresses of a mattress type in reduced sampling, or the quantity produced in $1\frac{1}{2}$ consecutive calendar months, whichever is smaller.

This unit size may be increased to the quantity produced in 1½ consecutive calendar months or less: *Provided*, That it is either documented that each of the materials contributing to the cigarette ignition characteristics of all the mattresses in the unit and the preceding or the following unit came from a single manufacturing lot of such material or 50 consecutive production units, at least 20,000 mattresses, have all been accepted in production testing as set forth in 4(b)(2)a2. In no event shall the unit size exceed quantity limits imposed by the option selected.

(1) *Prototype qualification*.—For prototype qualification, the term "manufacturer" shall mean: (a) With respect to a company having one manufacturing facility, that company; (b) with respect to a company having two or more manufacturing facilities, either that company or one or more of its manufacturing facilities as it elects; and (c) with respect to a company that is part of a group of companies that normally sell mattresses under a group name, either that group of companies or a portion of that group or (a) or (b) above, as that company elects.

Select enough mattress prototypes from preproduction or current production to provide six surfaces for test (three mattresses if both sides can be tested or six mattresses if only one side can be tested). Test each of the six surfaces according to 4(d) testing. If all the cigarette test locations on all six surfaces satisfy the test criterion of 3(b), accept the mattress prototype. If one or more of the cigarette test locations on the six surfaces fail the test criterion of 3(b), reject the mattress prototype.

In addition, if it has been elected to include more than one company or more than one manufacturing facility in the term "manufacturer" for purposes of prototype qualification, each such company and each such manufacturing facility shall select enough mattress prototypes from its preproduction or current production to provide two surfaces for test. Test each of the two surfaces according to 4(d) testing. If all the cigarette test locations on both surfaces satisfy the test criterion of 3(b), accept the mattress prototype for that company or manufacturing facility. If one or more of the cigarette test locations on the two surfaces fail the test criterion of 3(b), reject the mattress prototype from that company or manufacturing facility.

Mattress prototype qualification may be repeated after the manufacturer has taken action to improve the resistance of the mattress prototype to ignition by cigarettes through mattress design, production, or materials selection. When mattress prototype qualification is repeated, whether as a result of prototype rejection or of subsequent unit rejection, such qualification shall be conducted in accordance with the requirements applicable to manufacturers and not those applicable to one company or manufacturing facility of a manufacturer.

Each mattress prototype must be accepted in prototype qualification prior to shipping any mattresses to customers and prior to producing significant quantities of mattresses. If the manufacturer is one manufacturing facility, the first production unit manufactured immediately after successful prototype qualification or the production unit from which the mattresses were selected for the successful prototype qualification, not to exceed 500 mattresses, may be accepted and shipped to customers without further testing if all mattresses in the production unit are the same as the prototype except for size. No provision for production unit acceptance based on prototype qualification applies if the manufacturer is more than one manufacturing facility or company.

(2) *Production testing*.—For production testing, the term "manufacturer" shall mean each manufacturing facility. Random selection for production testing shall be accomplished by use of random number tables or equivalent means as determined by the Federal Trade Commission. If it is desired to use only mattresses of a specified size (e.g., "twin") for testing, the drawing may be repeated until sufficient mattresses of that size have been selected. A production unit, except for the first production unit following successful prototype qualification as specified in 4(b)(2)a1, is either accepted or rejected according to the following plan:

(a) *Normal sampling*.—From the initial production quantity, randomly select enough mattresses to provide two surfaces for test (one mattress if both sides can be tested or two mattresses if only one side can be tested). Test each of the two surfaces according to 4(d) testing. If all the cigarette test locations on both surfaces meet the test criterion of 3(b), accept the unit. If one or more of the cigarette test locations fail the test criterion of 3(b), reject the unit. Unit rejection shall include all mattresses in the particular unit under test. Unit rejection also results in the loss of prototype qualification for all prototypes included in the unit under test. The loss of prototype qualification applies to the company or manufacturing facility that produced the rejected unit if it was elected to include more than one company or more than one manufacturing facility in the term "manufacturer" for purposes of prototype qualification, and to the manufacturer otherwise.

(b) *Reduced sampling*.—The level of sampling required for mattress production may be reduced provided that the preceding 15 consecutive units of mattresses, at least 500 mattresses, have all been accepted using the normal sampling plan of this alternate sampling plan or that of the standard. The production quantity for reduced sampling under this alternate sampling plan shall consist of one production unit as defined in 4(b)(2)a above.

From the initial production quantity, randomly select enough mattresses to provide two surfaces for test. Test each

of the two surfaces according to 4(d) testing. If all the cigarette test locations on both surfaces meet the test criterion of 3(b), accept the unit. If two or more individual cigarette test locations fail the test criterion of the 3(b), reject the unit. If only one individual cigarette test location fails the test criterion of 3(b), select enough additional mattresses to provide two additional surfaces for test. Test each of the two additional surfaces according to 4(d) testing. If all the cigarette test locations on both surfaces meet the test criterion of 3(b), accept the unit. If one or more of the individual cigarette test locations on the two additional surfaces fail the test criterion of 3(b), reject the unit. Unit rejection shall include all mattresses in the particular unit under test. Unit rejection also results in the loss of prototype qualification for all prototypes included in the unit under test. The loss of prototype qualification applies to the company or manufacturing facility that produced the rejected unit if it was elected to include more than one company or more than one manufacturing facility in the term "manufacturer" for purposes of prototype qualification, and to the manufacturer otherwise.

(c) *Batch sampling plan*.—For the batch sampling plan, the term "manufacturer" shall mean each manufacturing facility.

A production unit in the batch sampling plan shall consist of not more than 250 mattresses or the quantity produced in one period of 30 consecutive calendar days, whichever is smaller.

(1) *Batch unit qualification and acceptance*.—Select enough mattresses from the initial production of the unit to provide four surfaces for test (two mattresses if both sides can be tested or four mattresses if only one side can be tested). Test each of the four surfaces according to 4(d) testing. If all the cigarette test locations on the four surfaces meet the test criterion of 3(b), accept the unit. If one or more of the cigarette test locations on the four surfaces fail the test criterion of 3(b), reject the unit. After rejection, unit qualification and acceptance under this batch sampling plan may be repeated after the resistance of the mattress to ignition by cigarettes is improved by the manufacturer taking corrective action in mattress design, production, or materials selection. Acceptance of any production unit under this batch sampling plan shall not have any effect on prototype qualification or unit acceptance of any other production unit.

(2) *Disposition of rejected units*.—Rejected units shall not be retested, offered for sale, sold, or promoted for use as a mattress as defined in 1(a) except after reworking to improve the resistance to ignition by cigarettes and subsequent retesting in accordance with the procedures set forth in 4(b)(2)a basic sampling plan.

(4) *Records*.—Records of all unit sizes, test results, and the disposition of rejected units shall be maintained by the

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manufacturer, in accordance with rules and regulations established by the Federal Trade Commission.

(5) *Preparation of mattress samples.*—The mattress surface shall be divided laterally into two sections (see fig. 1), one section for the bare mattress tests and the other for the two-sheet tests.

(6) *Sheet selection.*—The sheets shall be white, 100 percent combed cotton percale, not treated with a chemical finish which imparts a characteristic such as permanent press or flame resistance, with 170 to 200 threads per square inch and a fabric weight of $115 \pm 14 \text{ gm/m}^2$ ($3.4 \pm 0.4 \text{ oz/yd}^2$). Size of sheet shall be appropriate for the mattress being tested.

(7) *Sheet preparation.*—The sheets shall be laundered once before use in an automatic home washer using the hot water setting and longest normal cycle with the manufacturer's recommended quantity of a commercial detergent, and dried in an automatic home tumble dryer. The sheet shall be cut across the width into two equal parts after washing.

(8) *Cigarettes.*—Unopened packages of cigarettes shall be selected for each series of tests.

[FR Doc. 73-8264 Filed 4-26-73; 8:45 am]

National Oceanic and Atmospheric Administration

WILLIAM A. GALSTER

Application for Economic Hardship Exemption for Marine Mammals

Notice is hereby given that the following applicant has filed an application for an economic hardship exemption pursuant to section 101(c) of the Marine Mammal Protection Act of 1972 (Public Law 92-522), and § 216.13 of the interim regulations governing the taking and importing of marine mammals (37 FR 28177).

William A. Galster, Coordinator for Analytical Services and Assistant Zoophysiologist, University of Alaska, College, Alaska, to take by shooting, 10 harbor seals (*Phoca vitulina richardii*) in the Alexander Archipelago region of southeastern Alaska between mid-April and October 21, 1973.

The applicant states:

(1) The objective of the research is the determination of heavy metal accumulation in seals that are food for Alaskan Native peoples and evaluation of the potential health hazard involved;

(2) The contemplated taking of the seals represents a strategic sampling in the final phases of a survey of Alaskan marine mammals for accumulations of heavy metals;

(3) The seals will be taken by shooting and the carcasses returned to his laboratory for determining the mercury, lead, cadmium, and arsenic levels in seven tissues, plus evaluation of the potential hazard of any large accumulations by observations of absorption in mink;

(4) It is imperative that the exemption be granted promptly since he has an unusual opportunity to make use of re-

search vessel time beginning late in April and has only enough support funds to conduct the research through October 1973.

(5) That the applicant will suffer undue economic hardship if the exemption is not granted in that he will lose his support funds for the research and will lose the opportunity to use research vessel time which otherwise would cost much money;

(6) That failure to obtain the exemption will result in the inability to conduct research beneficial to the health of the Native peoples of Alaska.

Documents submitted in connection with this application are available for inspection in the Office of the Director, National Marine Fisheries Service.

All factual statements and opinions contained in this notice, with respect to the application, are those supplied by the applicant and do not necessarily reflect the findings or opinions of the National Marine Fisheries Service.

Dated April 24, 1973.

ROBERT W. SCHONING,

Acting Director,

National Marine Fisheries Service.

[FR Doc. 73-8273 Filed 4-26-73; 8:45 am]

MARINE MAMMAL PROTECTION ACT OF 1972

Instructions for Filing for Exemption

These instructions are offered for the guidance of applicants, in order to facilitate the processing of requests for exemption from the moratorium imposed under the Marine Mammal Protection Act of 1972 on grounds of undue economic hardship. This format is adapted from the requirements of § 216.13 of the Department of Commerce interim regulations (37 FR 28177, Dec. 21, 1972), promulgated under the authority of the act. Ambiguous statements or insufficient information will only lead to delay since no applications will be considered until the Director, National Marine Fisheries Service, has received sufficient information upon which to render a decision.

I. GENERAL INSTRUCTIONS

All applications should be filed in triplicate. Applications should be addressed to the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235. It is expected that applicants will retain at least one full copy of the application as subsequent correspondence from the National Marine Fisheries Service will relate to the filed application.

II. FORMAT FOR APPLICATIONS

All applications should contain the following:

1. Title: "Application for Economic Hardship Exemption Under the Marine Mammal Protection Act of 1972";

2. Name and address of applicant;

3. Description of marine mammal(s) or marine mammal product(s) to be taken or imported, including, where appropriate:

(a) The species or subspecies involved;
(b) The population stock, when known;

(c) The number of specimens or products (or the weight thereof, when appropriate); and

(d) The anticipated age, size, sex, and condition (i.e., whether pregnant or nursing) of the animals involved;

4. A statement of the purpose for which the marine mammal(s) is to be imported, such as for scientific research, public display, resale, or other purpose;

5. A complete description of the location, date, and manner of any importation or taking planned under the exemption sought;

6. If the marine mammal is to be taken and transported alive and held for public display, a complete description of the manner of transportation, care, and maintenance, including:

(a) The type, size, and construction of the container or artificial environment;

(b) Arrangements for feeding and sanitation;

(c) A statement of the applicant's qualifications and previous experience in caring for and handling captive mammals;

(d) A like statement as to qualifications of any common carrier or agent to be employed by the applicant to transport the animal; and

(e) A written statement of a licensed veterinarian knowledgeable in the field of marine mammals that he has personally reviewed the arrangements for transporting and maintaining the animal and that in his opinion they are adequate to provide for the well-being of the animal.

7. A full statement of the facts, circumstances, and reasons why failure to grant an exemption would lead to undue economic hardship, together with:

(a) All supporting documents, including certified copies of all relevant corporate minutes and resolutions, contracts and agreements, financial commitments, and current and historical financial data;

(b) Copies of all contracts, agreements, or other arrangements entered into prior to the enactment of the act necessitating the taking or importation of marine mammal(s) or marine mammal product(s); and

(c) Documents showing the dollar amount of anticipated loss or economic hardship anticipated.

8. If the exemption sought relates to scientific research:

(a) A detailed description of the scientific research project or program in which the marine mammal(s) or marine mammal product(s) is to be used;

(b) A copy of the research proposal relating to such program or project; and

(c) Names and addresses of the sponsoring or cooperating institutions and the scientists involved.

9. If the exemption sought relates to scientific research, and if the marine mammal proposed to be taken or imported is listed as an endangered species pursuant to the Endangered Species Act

of 1969, or has been designated by the Secretary of Commerce as depleted:

- (a) A detailed justification of the need for such marine mammal; and
- (b) A discussion of possible alternatives, whether or not under the control of the applicant.

10. If the exemption sought relates to public display:

- (a) A detailed description of the proposed use to which the marine mammal(s) or marine mammal product(s) is to be put;

(b) A description of the manner, location, and time of display;

(c) A statement of whether such display is for profit;

(d) An estimate of the numbers and types of persons who should benefit from such display;

(e) A statement on whether and to what extent the display is connected with educational or scientific programs; and

(f) A complete description of the enterprise seeking the display permit and its educational, scientific, medical, or governmental connections, if any.

11. Identification of materials which the applicant wishes to have treated as confidential or privileged, such as trade secrets, or business information which would be advantageous to competitors and reasons for desiring such material to be so considered. If in the opinion of the Director, there is not sufficient justification for treating a document as confidential, it will be returned to the applicant and will not be considered as part of the application unless the applicant makes it available to the public.

12. A certification in the following language:

I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining an economic hardship exemption under the Marine Mammal Protection Act of 1972 (16 U.S.C.) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties under the Marine Mammal Protection Act of 1972.

13. Signature of applicant.

Dated April 24, 1973.

ROBERT W. SCHONING,
Acting Director,

National Marine Fisheries Service.

[FR Doc.73-8274 Filed 4-26-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 3B2859]

BASF WYANDOTTE CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52, Withdrawal of petitions without prejudice of the procedural food additive regulations (21 CFR 121.52), BASF Wyandotte Corp., 1609 Biddle Avenue, Wyandotte, Mich. 48192, has withdrawn its petition (FAP 3B2859), notice of which was published in the *FEDERAL REGISTER* of December 28, 1972 (37 FR 28642), proposing that § 121.2506, Industrial starch-modified (21 CFR 121.2506), be amended in paragraph (b) to provide for the safe use of α -hydro-*omega* - hydroxy - poly(oxypropylene) poly(oxyethylene) (12-15 moles) poly(oxypropylene) block copolymer, average molecular weight 3,100, as a surface-active agent in the processing of industrial starch-modified.

Dated April 18, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-8229 Filed 4-26-73;8:45 am]

[Docket No. FDC-D-494; NADA Nos. 10-964V, etc.]

DIETHYLSTILBESTROL

Order Denying a Hearing and Withdrawing Approval of New Animal Drug Applications for Diethylstilbestrol Implants

In the *FEDERAL REGISTER* of June 21, 1972 (37 FR 12251), the Commissioner of Food and Drugs published a notice of opportunity for a hearing on a proposal to withdraw approval of new animal drug applications (NADA's) for use of diethylstilbestrol (DES) in liquid and dry premixes and in implants. Objections and requests for a hearing were submitted by the NADA holders in response to this notice.

In the *FEDERAL REGISTER* of August 4, 1972 (37 FR 15747), the Commissioner announced his findings and conclusions with respect to use of DES in liquid and dry premixes, by denying a hearing and withdrawing approval of the NADA's for these uses, and deferred a ruling on use of DES in implants. The notice stated that a ruling on the use of DES in implants for cattle and sheep would be deferred pending receipt of the results of research undertaken by the U.S. Department of Agriculture (USDA) utilizing radioactive-tagged DES implants to determine the absence or presence of detectable residues of DES.

The results of the USDA research that has been completed were transmitted to the Commissioner on April 16, 1973. This order rules on the objections and requests for a hearing with respect to the use of DES in implants.

I. THE OBJECTIONS AND REQUESTS FOR A HEARING

The following NADA's for DES implants for cattle and sheep were covered by the June 21, 1972 notice of opportunity for a hearing:

1. Pfizer, Inc., NADA 9-783V, approved June 17, 1957 and NADA 11-356V approved October 23, 1959.

2. Vineland Laboratories, Inc., NADA 10-964V, approved June 30, 1958.

3. Hess & Clark, NADA 12-553V, approved October 12, 1961.

4. Franklin Laboratories, NADA 15-274V, approved June 5, 1964.

5. Fort Dodge Laboratories, NADA 31-446V, approved February 17, 1966.

6. E. R. Squibb & Sons, Inc., NADA 11-365V, approved April 5, 1967.

Objections and requests for a hearing were received from Pfizer, Vineland, Hess & Clark, Squibb, and American Home Products Corp. on behalf of its subsidiaries Franklin Laboratories and Fort Dodge Laboratories.

A. American Home Products Corp. objected to grouping DES implants with DES feed on the ground that no information available at the time implicated DES implants as causing residues in edible products. It requested that implants be the subject of a separate hearing at which the following issues would be discussed:

1. That DES will result in faster weight gains, less feed consumption, improved protein to fat ratios, and reduced cost to producer and consumer.

2. The use of DES does not adversely affect the public health. The method of analysis used for the determination of residues in tissues by the USDA has not been published as official nor has it been validated, and low levels of the drug in liver do not constitute a health hazard but are in fact de minimis.

3. Use of a drug need not be withdrawn to control the presence of illegal residues. Residues could only be present from deliberate misuse of the drug. Where residues in liver may be suspected, the livers should be destroyed.

4. Use of DES pellet implants is controlled and superior to DES in feed.

5. Recent advances in DES implants have decreased the possibility of residues.

B. E. R. Squibb & Sons described its product not as a DES implant but as an injectable paste which contains 120 milligrams of testosterone in combination with 24 milligrams of diethylstilbestrol. No residues are found by the mouse uterine method of assay, nor is the company aware of data which establish the presence of residues from diethylstilbestrol injectable paste or implant.

C. Vineland Laboratories stated that the proposed withdrawal for implants should be canceled because there is no present evidence that there is any detectable residue of DES in an animal carcass when an implant has been administered in accordance with the approved conditions specified in the labeling.

D. Hess & Clark stated that over 15 years of testing has conclusively demonstrated that when DES is administered according to directions, no residue remains in edible tissue.

E. Pfizer, Inc. requested that the June 21, 1972, order be revoked with regard to its implant formulations on the ground that no residues have ever been found or reported from the use of diethylstilbestrol implants. Studies were cited in which up to five times the recommended level of drug were administered

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by implant and no residues were found by the mouse uterine method of analysis.

II. THE BASIS FOR INITIAL APPROVAL OF DES IMPLANTS

DES was initially approved for use in animal feed in 1954. Studies at that time, using the mouse uterine assay, showed no detectable residues in animal liver 48 hours after administration. A later study, using the radioactive tracers, showed no detectable residues in the bile after 48 hours and even in waste after 132 hours. Those earlier findings have now been superseded by the more recent USDA data, obtained by using even more sensitive research methodology, which showed DES residues in animal liver even 7 days after withdrawal. These data formed the basis for the August 4, 1972 order.

DES was approved for implant use based upon research showing no detectable residues at various times post implantation, using the mouse uterine assay method. A review of the NADA's for DES implants shows that no study was ever done using radioactive tracers or any other similarly sensitive research tool to determine whether detectable residues result from DES implants. The only scientific studies reported at that time relied solely upon the standard mouse uterine assay, which is sensitive to about 2 parts per billion.

The discovery in July 1972 of DES residues as a result of the use of DES in animal feed, even after withdrawal for 7 days, demonstrated that previously used analytical methodology was incapable of detecting residues at these levels, and showed the possibility that detectable residues just below the level of sensitivity of the current regulatory methodology might also result from use of DES implants. The new USDA study using radioactive-tagged DES implants was therefore necessary to determine whether approval of the NADA's for DES implants could be continued.

III. RECENT DES IMPLANT DATA USING THE GLC METHOD

Three interim reports on DES implant studies using the gas liquid chromatography (GLC) detection method have been submitted to the Food and Drug Administration since August 1972 by Pfizer, Inc., Hess & Clark, and the USDA Agricultural Research Service.

A. The Pfizer study involved 32 steers, average initial weight 600 lb, which were implanted in the ear with three 12 mg implants each. Four steers were sacrificed at each of the following days after implantation: 1, 2, 4, 8, 16, 32, and 64. Liver samples were taken from all steers as well as four control steers for DES residue analysis utilizing the GLC techniques. Fat, muscle and kidney tissues were also collected from steers sacrificed at 4 and 32 days postimplantation. The GLC techniques used were similar to those used by USDA in monitoring DES residues. No detectable DES residues were found in any of the livers or muscle

tested at any time after implantation. Results from fat and kidney tissues have to date not been reported.

B. The Hess & Clark study involved 24 steers, average initial weight 547 lb, which were implanted in the ear with two 15-mg implants each. Three treated steers and at least one control steer were slaughtered at the following days after implantation: 0.5, 2, 28, 63, 90, and 120. Six treated steers were slaughtered at 14 days following implantation. Liver and muscle samples were taken from all steers for DES residue analysis utilizing GLC techniques similar to those used by USDA and Pfizer. Liver samples from four steers slaughtered 14 days postimplantation were assayed utilizing the mouse uterine test. The interim report contained only the results from steers slaughtered at 0.5, 2, 14, 28, and 90 days postimplantation. One liver from one four steers slaughtered 14 days postimplantation contained about 1.2 p/b DES. No DES was found in muscle. No DES residues were detected in the livers tested by the mouse uterine test.

C. The USDA DES implant feedlot study involved 64 steers, average initial weight 628 lb, implanted in the ear with two 15 mg DES implants each. The trial lasted 120 days. Four steers were slaughtered at 14 days postimplantation. The implants were retrieved from the ears, and samples of liver, kidney and rib muscle were obtained. Five steers were slaughtered at 30 days and the implants removed from another 5 steers. The same procedure was followed at 60, 90, and 120 days postimplantation. Tissue analyses were conducted utilizing GLC techniques by the Ruminant Nutrition Laboratory and the Animal and Plant Health Inspection Service Laboratory. All liver samples have been analyzed but not all muscle samples have yet been analyzed. Neither laboratory detected DES residues in liver at 60, 90, and 120 days. One liver from a steer slaughtered at 14 days postimplantation and two steer livers at 30 days postimplantation appeared to contain DES but the results could not be verified in both laboratories. No DES residue has been detected in the muscle samples analyzed thus far. DES was recovered from the ears of steers slaughtered up to and including 120 days after implantation.

As an additional aspect of this study, two steers were implanted with a double dose (60 mg) and two steers with a quadruple dose (120 mg). DES was detected by one laboratory in the liver (.7 p/b) of one of the two steers implanted with 60 mg DES and by both laboratories in the liver (.7 p/b) of one of the two steers implanted with 120 mg DES.

IV. THE USDA RADIOACTIVE-TAGGED IMPLANT STUDY

Twelve steers were implanted in the USDA experiment which was conducted at the Chemical Metabolism Laboratory at Fargo, N. Dak., and the Ruminant Nutrition Laboratory at Beltsville, Md. All steers were fed ad libitum a con-

ventional finishing diet during the experiment. At Beltsville, eight steers were administered ¹⁴C-DES ear implants. Two steers were slaughtered at the end of each of 4 time periods (30, 60, 90, and 120 days after administration of the implants). Four untreated steers were maintained in the same facilities as controls, one control steer being slaughtered at each time period. At Fargo, four steers were administered ¹⁴C-DES ear implants, and one steer was slaughtered at the end of each of the same time periods. Four untreated steers were also slaughtered at Fargo as controls. In all cases, the control steers were used to establish background levels of radioactivity.

The implants used in this study contained monethyl-¹⁴C-diethylstilbestrol and were formulated into implant pellets using the same procedures as for normal implants.

The following table contains the radioactivity analysis of liver above background radioactivity at the time of slaughter. A significant ($P < 0.025$) amount of radioactivity above controls was measured in the liver. Quantitative amounts of radioactivity above controls were not found in muscle tissues.

ANALYSIS OF LIVER OBTAINED AT SLAUGHTER FROM ¹⁴C-DES IMPLANTED STEERS¹

Time after administering of implant, days	Steer No. ²	Net dpm/g of dry sample ³	ppb DES equivalent, wet tissue basis
30	312	884	.51
	591	539	.49
	047	524	.40
Mean.....		649	.47
60	445	727	.42
	595	766	.57
	045	622	.45
Mean.....		705	.48
90	565	865	.69
	559	663	.52
	044	608	.44
Mean.....		712	.55
120	477	391	.24
	536	402	.32
	046	569	.70
Mean.....		587	.42

¹ Specific activity of ¹⁴C-DES was 50 mCi/mMole for steers 312, 445, and 477 and 49 mCi/mMole for steers 591, 595, and 047.

² Steer Nos. 047, 045, 044, and 046 were run at the Fargo, N. Dak., Laboratory; all others were run at the Beltsville, Md., Laboratory.

³ Net cpm in tissue samples was more than 2 standard deviations above samples from control steers.

⁴ One 15 mg implant administered. All other steers were administered two 15 mg implants.

Liver samples from the Beltsville steers were made available to Dr. Kenneth L. Williams of the Worcester Foundation for Experimental Biology, Inc. under contract agreement with the Food and Drug Administration for evaluation using isotope dilution with recrystallization techniques. The results of these tests confirm that DES and/or its conjugates was in fact in the liver samples. The values reported below are minimum values for the true amount of DES and/or its conjugates.

CONFIRMATORY ANALYSIS OF THE RADIOISOTOPIC RESIDUES

Time after administration of implant, days	Steer No. confirmed, wet	ppb DES tissue basis ¹
30	312	.19
	591	.20
60	445	.15
	595	.30
70	565	.42
	559	.14
120	477	.04
	536	.12

¹ The confirmed DES was free DES and/or its conjugates.

² One 15 mg implant administered. All other steers were administered two 15 mg implants.

DES and/or its conjugates was confirmed in the liver samples at all post implant times tested. A diacetate derivative of the DES from livers Nos. 477, 536, and 591 was formed and recrystallized to a constant specific activity. There was less than a 2 percent loss in specific activity, which further substantiates the presence of DES and/or its conjugates. The confirmed DES shown is a measurement of glusulase enzyme hydrolyzed DES plus free DES in all cases. Free DES could not be positively confirmed in the livers of these cattle, but apparent traces were detected.

V. FINDINGS

The data obtained from the USDA radioactive-tagged DES implant study clearly establish the presence of residues of DES and/or its conjugates 120 days after implantation. No known data utilizing comparably sensitive methodology shows the absence of DES residues. The Commissioner and USDA are unaware of any valid basis for rejecting the results of this study as erroneous.

Data known or submitted to the Food and Drug Administration do not establish any period after which such residues are completely depleted. Thus, it is not possible to set any preslaughter interval following which it could be said with certainty that no residues of the drug are present or would not be found. Further radioactive tracer studies would be necessary to establish such a time interval. Data based upon use trials would also be necessary to show that adequate controls can be maintained in order to assure that such a preslaughter interval would be reasonably certain to be followed in practice. Such information is properly obtained through investigational new animal drug plans and submitted for approval in an NADA.

Even if the results of this study were not to be considered, the data now available in the NADA's for DES implants are insufficient to permit continued approval of these implants. The data now available in the NADA's demonstrate no residues only when tested by the mouse uterine and GLC methods, neither of which is sufficiently sensitive to permit a finding that no residue of DES exists 120 days after implantation. Thus, the NADA's lack data on the basis of which it can be concluded that section 512(d) (1) (H) of the act does not apply.

A review of the existing NADA's also shows that none contains a practicable regulatory method that permits the assurance of safe use of DES in implants, even if the other requirements were to be satisfied. The only method contained in these NADA's, the mouse uterine assay, has proved to be unacceptable as a regulatory assay method and is not sufficiently sensitive to detect what has now been shown to be consistent DES residues in all implanted cattle.

Cattle and sheep are biologically similar. The Commissioner is unaware of data demonstrating differences in residues in sheep as compared to cattle, nor are there data generated with a sufficiently sensitive method demonstrating the absence of DES residues in sheep at any time after implantation. Accordingly, although the USDA radioactive-tagged DES implant study was conducted only on cattle, the Commissioner finds that there is no basis for distinguishing between these species with respect to the use of DES implants.

The objections filed by the NADA holders pursuant to the June 21, 1973, notice related primarily to the contention that no residue has been found by USDA in its surveillance program from the use solely of a DES implant. Once the Commissioner has found that DES residues in fact occur from the use of implants, however, the fact that the current regulatory methodology fails to pick up those residues is irrelevant. The act requires that no residues be detectable by analytical methods approved by the Secretary. The radioactive tracer methodology used in the USDA study has unquestionably detected DES residues in every test animal in the study, and under the law can without challenge be approved by the Secretary. It would be pointless to go through the formality of such approval when the result is foreordained. Accordingly, in view of the new USDA findings, this objection cannot be sustained. No submission has suggested the existence of data that would refute the new USDA data and accordingly a hearing would serve no purpose whatever on this issue.

Two companies stated that their implants are safer than other implants and less likely to result in DES residues. Neither company submitted scientific data to support this contention. The Commissioner is unaware of any data demonstrating differences in the residues resulting from use of different types of DES implants or data sufficient to show the lack of residues from any type of implant. These assertions, without supporting data, are inadequate to justify a hearing.

Other objections suggested the destruction of livers from DES-treated animals, since no data have yet shown a residue in muscle tissue. No evidence has been submitted with the objections or is otherwise known to the Commissioner, however, that would permit a conclusion that a requirement that the liver and kidneys of animals implanted with DES must be destroyed would be reasonably

certain to be followed in practice. The maintenance of identification and records to differentiate between animals implanted with DES and animals not implanted with DES would be extremely difficult. Such a control system would require a significant change in the method of handling cattle and sheep in this country, the complexity of which does not permit such institution hurriedly or on the basis of conjecture. If any such system is to be developed, it must be the subject of pilot programs conducted through investigational new animal drug plans that will demonstrate its feasibility.

Several objections relate to the advantage of DES implants over DES in animal feed. These objections state that, whereas residues may occur from misuse of DES in animal feed, they do not occur from use of DES in implants. The new USDA data squarely refute any such contention, nor is that contention supported by any proffered data comparable to the new USDA data.

Some objections contended that conjugate DES is different in effect from DES, but no supporting scientific data were submitted. The published literature shows that the conjugate forms of DES that are hydrolyzed by glusulase exhibit a physiological activity similar to free DES when ingested by rats and mice. "Relative Uterotrophic Potency of Diethylstilbestrol and Diethylstilbestrol Monoglucuronide in Rats and Mice," by Ernest J. Umberger, *Endocrinology*, 75:650, 1963. No data have been submitted or are known to the Commissioner which show that conjugate DES is safe or is not a carcinogen or is different in its biologic effect from free DES. Thus, no distinction can be made between free DES residues and conjugate DES residues. Mere conjecture on this matter is insufficient to justify a public hearing.

The remaining objections relate to the effectiveness of DES implants and their importance to the animal husbandry industry. The Commissioner does not question the effectiveness and importance of DES implants. Since evidence relating to these points is irrelevant to the safety of DES implants, however, no hearing is justified on these grounds.

The Commissioner is taking this action because of a lack of proof of safety, not because of proof of a public health hazard. No human harm has been demonstrated as a result of the use of DES implants. Because the new USDA test clearly shows DES residues in cattle liver, the law requires that use of the drug must be discontinued.

The Commissioner is aware of public concern about increased meat prices. Because there are alternative growth promotant implants that are of equivalent effectiveness, this action need have no impact on meat prices.

Finally, the Commissioner has reviewed the potential environmental impact of this action. It has been suggested that there might be a substantial increase in animal waste and in available nitrogen if DES implants were to be

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withdrawn from use as an animal growth promotant. In view of the fact that other alternative implant drugs are available, however, the clear requirements of the act outweigh any potential environmental aspects of the matter. Pursuant to 21 CFR 6.3(c) (38 FR 7001), the Commissioner finds that the Federal Food, Drug, and Cosmetic Act requires immediate action on this matter without preparation and filing of a draft or final environmental impact statement. By publication of this order, the Council on Environmental Quality and the public are so informed.

VI. CONCLUSIONS

Accordingly, the Commissioner finds that the objections fail to demonstrate the existence of a genuine and substantial issue of fact. The requests for a hearing are therefore denied and the NADA's for the use of DES implants for administration to cattle and sheep are hereby withdrawn.

This order shall be effective April 27, 1973. Thereafter, no cattle or sheep may be implanted with DES. In view of the fact that the Commissioner has no reason to believe that the use of DES implants has presented a public health hazard, however, already-implanted cattle or sheep may be slaughtered and marketed in accordance with the existing NADA's and meat from already-slaughtered cattle or sheep previously implanted with DES may lawfully be marketed without disruption.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), the requests for hearings with respect to the above-listed new animal drug applications for DES implants for cattle and sheep are denied and approval of the applications, including all amendments and supplements thereto, is hereby withdrawn. This order shall be effective on April 27, 1973.

Dated April 24, 1973.

SHERWIN GARDNER,
Acting Commissioner of
Food and Drugs.

[FR Doc. 73-8298 Filed 4-26-73; 8:45 am]

**STATUS OF BIOLOGICAL SUBSTANCES
USED FOR IN VITRO DIAGNOSTIC
TESTS FOR CANCER**

**Notice to Manufacturers, Distributors,
and Investigators**

The Commissioner of Food and Drugs published in the *FEDERAL REGISTER* of March 15, 1973 (38 FR 7096), a final order establishing a new part 167 containing labeling requirements and procedures for the development of standards for in vitro diagnostic products for human use. Section 167.6 of these regulations exempts an in vitro biological product from the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (which prohibits interstate shipment of a new drug without Food

and Drug Administration approval) and section 351 of the Public Health Service Act (which prohibits the sale, barter, or exchange in interstate or foreign commerce or within the District of Columbia, of any such product without a license) if it meets all the requirements of part 167, unless the Commissioner finds that additional requirements should be imposed pursuant to section 505 or 351 in order to protect the public health.

It has come to the attention of the Commissioner that certain biological substances prepared from the tissues or blood of humans or animals may have value as in vitro diagnostic reagents and as prognostic tools for the detection and treatment of cancer in man. One of these substances is an antiserum which will react against carcinoembryonic antigen (CEA), which is sometimes present in the serum of individuals with some types of carcinoma. Another such antiserum will react against alpha-feto-protein which is sometimes present in the serum of individuals with cancer. Such products may also have application as in vitro tests to monitor the level of circulating antigen in individuals after tumor removal, thereby serving as an aid in detecting recurrence. It is further anticipated by the Commissioner that other such biological substances may be developed which will have value in the detection and treatment of malignancies of man.

In view of the life-threatening circumstances in which such products will be used and in light of the potential for abuse of a product which has not yet been demonstrated to be a safe and effective cancer diagnostic, the Commissioner hereby concludes that the public health requires that such products be marketed only under the strict regulatory controls of section 505 of the Federal Food, Drug, and Cosmetic Act and section 351 of the Public Health Service Act. Pursuant to 21 CFR 130.3(g), current investigation of these products requires a "Notice of Claimed Investigational Exemption for a New Drug" to be submitted to the Bureau of Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852. Such products may not lawfully be marketed until they are licensed pursuant to section 351 of the Public Health Service Act. Such licenses will not be issued until such time as sufficient information is submitted, as required by section 505 of the Federal Food, Drug, and Cosmetic Act, to insure that the products do in fact perform effectively as cancer diagnostics. This notice will remain in effect until a standard for such products is promulgated pursuant to 21 CFR part 167.

This notice is issued in accordance with § 167.6 (21 CFR 167.6) pursuant to the Federal Food, Drug, and Cosmetic Act (secs. 201, 501, 502, 505, 508, 510, 701, 52 Stat. 1040-1042, as amended, 1049-1051, as amended, 1052, as amended, 1055, as amended, 1056, as amended; 21 U.S.C. 321, 351, 352, 355, 358, 360, 371), the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and

under authority delegated to the Commissioner (21 CFR 2.120).

Dated April 23, 1973.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc. 73-8297 Filed 4-26-73; 8:45 am]

[FAP 2B2807]

SYBORN CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52, Withdrawal of petitions without prejudice of the procedural food additive regulations (21 CFR 121.52), Taylor Instrument Process Control Division, Sybron Corp., 95 Ames Street, Rochester, N.Y. 14601, has withdrawn its petition (FAP 2B2807), notice of which was published in the *FEDERAL REGISTER* of July 25, 1972 (37 FR 14825), proposing the issuance of a food additive regulation (21 CFR part 121) to provide for the safe use of an antimony electrode control device for measuring pH in the processing of liquid or semiliquid food products.

Dated April 18, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc. 73-8228 Filed 4-26-73; 8:45 am]

National Institutes of Health

**AD HOC COMMITTEE ON TESTING FOR
ENVIRONMENTAL CHEMICAL CARCINOGENS**

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Ad Hoc Committee on Testing for Environmental Chemical Carcinogens, National Cancer Institute, May 31-June 1, 1973, 9 a.m., National Institutes of Health, building 37, conference room 1B04. This meeting will be open to the public from 9 a.m. to adjournment each day, to discuss problems arising out of overlapping responsibilities of several agencies in the area of testing of environmental chemicals for carcinogenicity. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, building 31, room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301-496-1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Harold Stewart, Executive Secretary, building 37 (ERF), room 202, National Institutes of Health, Bethesda, Md. 20014 (301-496-6047) will provide substantive program information.

Dated April 17, 1973.

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

[FR Doc. 73-8156 Filed 4-26-73; 8:45 am]

AD HOC COMMITTEE FOR REVIEW OF THE SPECIAL VIRUS CANCER PROGRAM

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Ad Hoc Committee for Review of the Special Virus Cancer Program, May 2, 1973, 9 a.m., National Institutes of Health, Building 37, Conference Room 1B04. This meeting will be open to the public from 9 a.m. to 9:30 a.m., May 2, 1973, to discuss the research activities of the Special Virus Cancer Program, and closed to the public from 9:30 a.m. to adjournment, May 2, 1973, to review contracts in accordance with the provisions set forth in section 552(b)4 of Title 5, United States Code, and section 10(d) of Public Law 92-463. Attendance by the public at the open portion of the meeting will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301-496-1911) will furnish summaries of the open/closed meeting and roster of committee members.

Mr. Maurice L. Guss, Executive Secretary, Building 37, Room 1B12, National Institutes of Health, Bethesda, Md. 20014 (301-496-3323) will provide substantive program information.

Dated April 17, 1973.

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

[FR Doc.73-8181 Filed 4-26-73;8:45 am]

ADULT DEVELOPMENT AND AGING RESEARCH AND TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Adult Development and Aging Research and Training Committee, National Institute of Child Health and Human Development, May 10-11, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9 a.m. to 10 a.m., May 10, to discuss reviewing policy and closed to the public from 10 a.m. to 5 p.m., May 10 and 9 a.m. to 4 p.m., May 11, to review grants in accordance with the provisions set forth in section 552(b)4 of Title 5, United States Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A-804B, National Institutes of Health, 496-5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Walter Spieth, Executive Secretary of the Committee,

Room 2A-51, Building 31, National Institutes of Health, 496-1033.

Dated April 17, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.
[FR Doc.73-8165 Filed 4-26-73;8:45 am]

ALLERGY AND IMMUNOLOGY RESEARCH COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Allergy and Immunology Research Committee, National Institute of Allergy and Infectious Diseases, May 9, 1973, 9 a.m., National Institutes of Health, Building 31C, Conference Room 9. This meeting will be open to the public from 9 a.m. to 9:45 a.m., May 9, 1973, to discuss administrative matters relating to the allergy and immunology research programs of the Institute, and closed to the public from 9:45 a.m. to 5 p.m., May 9, 1973, to review, discuss, evaluate and/or rank grant applications in accordance with the provisions set forth in section 552(b)4 of Title 5, United States Code for grants and contracts, and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Robert Schreiber, NIAID Information Officer, National Institutes of Health, building 31, room 7A34, telephone 496-5717, will furnish a summary of the meeting and a roster of the committee members.

Dr. Luz A. Froehlich, Executive Secretary of the Allergy and Immunology Research Committee, NIAID National Institutes of Health, Westwood Building, room 703, telephone 496-7131, will furnish substantive program information.

Dated April 17, 1973.

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

[FR Doc.73-8176 Filed 4-26-73;8:45 am]

ANIMAL RESOURCES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Animal Resources Advisory Committee, Division of Research Resources, May 3-4, 1973, 9 a.m., National Institutes of Health, building 31, conference room 4. This meeting will be open to the public from 9 a.m. to 10:30 a.m., May 3, during which time there will be a brief staff presentation on the current status of the animal resources program and selection of future meeting dates, and closed to the public from 10:30 a.m. to 5 p.m., May 3, and from 9 a.m. to 5 p.m., May 4, to review grant applications in accordance with provisions set forth in section

552(d) of title 5, United States Code for grants and contracts and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

The Information Officer who will furnish summaries of the meeting and rosters of Committee members is Mr. James Augustine, Division of Research Resources, building 31, room 4B03, Bethesda, Md. 20014, 496-5545.

The Executive Secretary from whom substantive program information may be obtained is Dr. John E. Holman, building 31, room 5B35, Bethesda, Md. 20014, 496-5507.

Dated April 17, 1973.

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

[FR Doc.73-8172 Filed 4-26-73;8:45 am]

ARTERIOSCLEROSIS RESEARCH CENTERS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Arteriosclerosis Research Centers Advisory Committee, National Heart and Lung Institute, May 7-10, 1973, 8:30 a.m., El Tropicano Motor Hotel (Terrace Ball Room), 110 Lexington Avenue, San Antonio, Tex. This meeting will be open to the public from 8:30 a.m., Monday, May 7, to 5:30 p.m., Wednesday, May 9, to discuss recent scientific findings and scientific directions within the specialized centers of research in arteriosclerosis and closed to the public from 9 a.m. to 12 noon, Thursday, May 10, to review grants, in accordance with the provisions set forth in section 552(b)4 of title 5, United States Code, and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, room 5A18, phone 496-7416, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from the Executive Secretary, Dr. Gardner C. McMillan, NHLI, NIH Landow Building, room C808A, phone 496-1978.

Dated April 17, 1973.

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

[FR Doc.73-8175 Filed 4-26-73;8:45 am]

ARTIFICIAL HEART ASSESSMENT PANEL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Artificial Heart Assessment Panel, National Heart and Lung Institute, May 17 and 18, 1973, 9 a.m., National Institutes of Health, building 31, conference room

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7. This meeting will be open to the public from 9 a.m. to 5 p.m. on May 17 and 18, to discuss the Artificial Heart Assessment Panel final report. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Landow Building, room C918, phone 496-4236, will furnish summaries of the meeting and rosters of the panel members. Substantive information may be obtained from Constance Foshay Row, NHLI, NIH building 31, room A31, phone 496-6331.

Dated April 17, 1973.

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

[FR Doc.73-8159 Filed 4-26-73;8:45 am]

AUTOMATION IN THE MEDICAL LABORATORY SCIENCES REVIEW COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Automation in the Medical Laboratory Sciences Review Committee, National Institute of General Medical Sciences, May 1-3, 1973, 9 a.m., National Institutes of Health, building 31, conference room 6. There will be a symposium on thermochemistry, May 1, 1973, from 9 a.m. to 4 p.m., which will be open to the public with attendance limited to space available. The Committee will convene on May 2, 1973, 9 a.m., National Institutes of Health, building 31, conference room 6. This meeting will be open to the public from 9 a.m. to 10:30 a.m., May 2, 1973, for opening remarks and general discussion, and closed to the public from 10:30 a.m., May 2, 1973, through 5 p.m., May 3, 1973, to review grants/contracts in accordance with the provisions set forth in section 552(b) 4 of title 5, United States Code for grants and contracts and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Paul Deming, Information Officer NIGMS, building 31, room 4A46, Bethesda, Md. 20014, telephone: 301-496-5876, will furnish a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Robert S. Melville, Executive Secretary, Westwood Building, room 938, telephone: 301-496-7081.

Dated April 17, 1973.

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

[FR Doc.73-8163 Filed 4-26-73;8:45 am]

CANCER CONTROL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Control Advisory Committee, May 9, 1973, at 9 a.m., National Institutes

of Health, building 31, C wing, conference room 7. This meeting will be open to the public from 9 a.m. to 3:30 p.m., May 9, 1973, to review and advise the cancer control staff on the scope and development of three conferences for cancer control, to advise on the development of a staff position on comprehensive cancer control programs, to review the breast cancer detection program, and advise on policy procedures for its implementation, and to advise on the selection of certain program areas for development by the cancer control program. The meeting will be closed to the public from 3:30 p.m. until adjournment, May 9, 1973, for the purpose of reviewing contract proposals, in accordance with the provisions set forth in section 10(d) of Public Law 92-463 and 552(b) 4 of title 5 of the United States Code. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, building 31, room 10A31, National Institutes of Health, Bethesda, Md. 20014, 301-496-1911, will furnish summaries of the open/closed meeting and a roster of committee members.

Dr. Robert L. Woolridge, Executive Secretary, building 31, room 10A19, National Institutes of Health, Bethesda, Md. 20014, 301-496-1946, will provide substantive program information.

Dated April 17, 1973.

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

[FR Doc.73-8162 Filed 4-26-73;8:45 am]

CANCER RESEARCH CENTER REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Research Center Review Committee, National Cancer Institute, May 10, 1973, 8 p.m., National Institutes of Health, building 31, conference rooms 6 and 7. This meeting will be closed to the public to review grant applications in accordance with the provisions set forth in section 552(b) 4 of title 5, United States Code, and section 10(d) of Public Law 92-463.

Mr. Frank Karel, Associate Director for Public Affairs, National Cancer Institute, building 31, room 10A31, National Institute of Health, Bethesda, Md. 20014, 301-496-1911 will furnish summaries of the meeting and roster of committee members.

Dr. Kenneth C. Potter, Executive Secretary, Westwood Building, room 848, National Institutes of Health, Bethesda, Md. 20014, 301-496-7565 will provide substantive program information.

Dated April 17, 1973.

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

[FR Doc.73-8151 Filed 4-26-73;8:45 am]

COLON-RECTUM CANCER ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Colon-Rectum Cancer Advisory Committee, National Cancer Institute, May 2, 1973, at 1:30 p.m., Atlantic City, N.J., Chalfonte-Haddon Hall Hotel, Bakewell Conference Room. This meeting will be open to the public from 1:30 to 2:30 p.m., May 2, 1973, to discuss the progress of the national large bowel cancer project and closed to the public for discussion and review of a headquarters grant in the field of large bowel cancer from 2:30 p.m. until adjournment, in accordance with the provisions set forth in section 10(d) of Public Law 92-463 and 552(b) 4 of title 5, United States Code. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, building 31, room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301-496-1911), will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Samuel Price, Executive Secretary, NCI, Westwood Building, room 853, National Institutes of Health, Bethesda, Md. 20014 (301-496-7195), will provide substantive program information.

Dated April 17, 1973.

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

[FR Doc.73-8178 Filed 4-26-73;8:45 am]

GENERAL CLINICAL RESEARCH CENTERS COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the General Clinical Research Centers Committee, Division of Research Resources, May 2-4, 1973, 7:00 p.m. May 2, National Institutes of Health, Building 31, conference room 7. This meeting will be open to the public from 7 p.m. to 7:30 p.m., May 2, to discuss the status of program evaluation and closed to the public from 7:30 p.m. to 9:30 p.m., May 2, and 9 a.m. to 5 p.m., May 3 and 4 to review grant applications in accordance with provisions set forth in section 552(b) 4, title 5, United States Code for grants and contracts and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

The Information Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. James Augustine, Division of Research Resources, Building 31, Room 4B03, Bethesda, Md. 20014, 496-5545.

The Executive Secretary from whom substantive program information may be

obtained is Dr. William DeCesare, Building 31, Room 4B13, Bethesda, Md. 20014, 496-6595.

Dated April 17, 1973.

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

[FR Doc. 73-8174 Filed 4-26-73; 8:45 am]

GENERAL RESEARCH SUPPORT PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the General Research Support Program Advisory Committee, Division of Research Resources, May 4, 1973, 8:30 a.m., National Institutes of Health, building 31, conference room 5. The meeting will be open to the public from 8:30 a.m. to 5 p.m., May 4, 1973, to discuss new program initiatives under the general research support authority. Attendance by the public will be limited to space available.

The Information Officer who will furnish summaries of the meeting and rosters of Committee members is Mr. James Augustine, Division of Research Resources, Building 31, Room 4B03, Bethesda, Md. 20014, 496-5545.

The Executive Secretary from whom substantive program information may be obtained is Dr. George M. Willis, Building 31, Room 4B03, Bethesda, Md. 20014, 496-6743.

Dated April 17, 1973.

JOHN F. SHERMAN,
Deputy Director,
Division of Research Resources.

[FR Doc. 73-8158 Filed 4-26-73; 8:45 am]

HEART AND LUNG PROGRAM-PROJECT COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Heart and Lung Program-Project Committee, National Heart and Lung Institute, May 4 and 5, 1973, 8:30 a.m., National Institutes of Health, building 31, conference room 9. This meeting will be open to the public from 8:30 a.m. to 10:30 a.m., May 4, 1973, to discuss the current state of (1) the National Heart and Lung Institute; (2) Division of Lung Diseases, and (3) Review Branch, Division of Extramural Affairs. The remaining sessions will be closed to the public to review grants, in accordance with the provisions set forth in section 552(b) 4 of title 5, United States Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, Room 5A18, phone 496-7416, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from the Executive Secretary, Dr. Arthur W. Merrick, NHLI,

NIH Westwood Building, Room 6A05, phone 496-7486.

Dated April 17, 1973.

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

[FR Doc. 73-8171 Filed 4-26-73; 8:45 am]

MEDICAL DEVICES APPLICATIONS COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Medical Devices Applications Committee, National Heart and Lung Institute, May 30, 1973, at 9 a.m., National Institutes of Health, building 31, conference room 10. This meeting will be open to the public from 9 a.m. to 5 p.m., May 30, 1973, to discuss current status of selected National Heart and Lung Institute and Division of Technological Applications activities, plans for future Institute and Division programs, and the role of the Advisory Committee. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Landow Building, room C918, phone 496-4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may be obtained from the Executive Secretary, Mr. Philip Janus, NHLI, NIH Westwood Building, room 6A16, phone 496-7306.

Dated April 17, 1973.

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

[FR Doc. 73-8154 Filed 4-26-73; 8:45 am]

MENTAL RETARDATION RESEARCH AND TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Mental Retardation Research and Training Committee, National Institute of Child Health and Human Development, May 13-15, 1973, at 8 p.m., National Institutes of Health, building 31, conference room 7. This meeting will be open to the public from 8 p.m. to 10 p.m., May 13, to discuss items relative to the committee's activities including announcements by the Associate Director for NICHD, the head of the Mental Retardation Branch, and the Executive Secretary of the Committee. The meeting will be closed to the public from 9 a.m. to 5 p.m., May 14, and 9 a.m. to 4 p.m., May 15, to review grants in accordance with the provisions set forth in section 552(b) 4 of Title 5, United States Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, room A-804B, National Institutes of Health, 496-5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may

also be obtained from Dr. Lyle Lloyd, Executive Secretary of the Committee, room C-704A, Landow Building, National Institutes of Health, 496-1383.

Dated April 17, 1973.

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

[FR Doc. 73-8166 Filed 4-26-73; 8:45 am]

NATIONAL ADVISORY COMMISSION ON MULTIPLE SCLEROSIS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Commission on Multiple Sclerosis on May 2, 1973, at the National Press Club, National Press Building, 529 14th Street NW, Washington, D.C. This meeting will be open to the public from 9:15 a.m. to 2:30 p.m. and will continue the investigation into the most promising avenues for research leading to causes of and preventives and treatments for multiple sclerosis. Attendance by the public will be limited to space available.

Mrs. Ruth Dudley, Information Officer, NINDS, building 31, room 8A03, telephone 496-5751, will furnish summaries of the meeting, rosters of the Commission members and Dr. Harry M. Weaver, building 31, room 8A34, telephone 496-3523, will give Commission activities information.

Dated April 17, 1973.

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

[FR Doc. 73-8153 Filed 4-26-73; 8:45 am]

NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Council on Health Professions Education, Bureau of Health Manpower Education, May 14, 1973, at 8:30 a.m., National Institutes of Health, building 31, conference room 6. This meeting will be only for the purpose of reviewing grant applications and will be closed to the public in accordance with the provisions set forth in section 552(b) 4 of title 5, United States Code and section 10(d) of Public Law 92-463.

The Executive Secretary who will furnish summaries of the meeting, rosters of Council members, and substantive program information is:

Ms. Lynn Stevens, Division of Physician and Health Professions Education, National Institutes of Health, Bethesda, Md. 20014, Building 31, Room 4008, Phone 496-5353.

Dated April 17, 1973.

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

[FR Doc. 73-8152 Filed 4-26-73; 8:45 am]

NOTICES

NATIONAL ADVISORY COUNCIL ON NURSE TRAINING

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Council on Nurse Training, May 1-2, 1973, at 10 a.m., National Institutes of Health, building 31, conference room 9. This meeting will be open to the public from 10 a.m. to 11 a.m., May 1, 1973, to discuss general information of interest to the Council regarding the Division of Nursing. Miss Jessie M. Scott, Director of the Division of Nursing, will cover announcements, procedure for conduct of the meeting, and the current status of program activity. The meeting will be closed to the public for the review of grant applications from 11 a.m., May 1, 1973, through 5 p.m., May 2, 1973, in accordance with the provisions set forth in section 552(b) 4 of title 5 U.S. Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mrs. Norma Columbic, information officer, room 508, Federal Building, Bethesda, Md., telephone 496-1143, will furnish summaries of the meetings and rosters of committee members.

Substantive program information may be obtained from Mary S. Hill, Ph. D., Executive Secretary of the National Advisory Council on Nurse Training, room 6C08, Federal Building, Bethesda, Md., telephone 496-6985.

Dated April 17, 1973.

JOHN F. SHERMAN,

Deputy Director,

National Institutes of Health.

[FR Doc.73-8169 Filed 4-26-73;8:45 am]

NATIONAL ADVISORY PUBLIC HEALTH TRAINING COUNCIL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Public Health Training Council, Bureau of Health Manpower Education, May 21, 1973, 9 a.m., National Institutes of Health, building 31, conference room 7. This meeting will be open to the public from 9 a.m. to 2 p.m., May 21 to discuss status of current legislation and budget, presentation by Division of Dental Health, to review public health training authorities, to review committee resolution on behavioral objectives, and for presentation of progress reports on ongoing contracts, and closed to the public from 2 p.m. to adjournment, May 21 to review grants in accordance with the provisions set forth in section 552(b) 4 of title 5 United States Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

The Executive Secretary of the National Advisory Public Health Training Council will furnish summaries of the meetings, rosters of council members, and substantive program information. He is:

Mr. Thomas D. Hatch, Director, Division of Allied Health Manpower, Bureau of Health Manpower Education, National Institutes of Health, PHS, Room 416, Federal Building, 9000 Rockville Pike, Bethesda, Md. 20014, Telephone: 496-6975.

Dated April 17, 1973.

JOHN F. SHERMAN,

Deputy Director,

National Institutes of Health.

[FR Doc.73-8168 Filed 4-26-73;8:45 am]

NATIONAL EYE INSTITUTE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Vision Research and Training Committee of the National Eye Institute on May 8, 1973, 9 a.m., Sheraton Sandcastle Motel, Lido Beach, Sarasota, Fla. This meeting will be open to the public from 9 a.m. to 9:45 a.m., May 8, 1973, to discuss highlights of the National Advisory Eye Council meeting, the NEI training programs, the NIH Program Mechanisms Committee Report and administrative matters, and closed to the public from 9:45 a.m., May 8, 1973, to review grant applications in accordance with the provisions set forth in section 552(b) 4 of title 5, United States Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Julian Morris, Information Officer, NEI, building 31, room 6A-27, National Institutes of Health, 496-5248, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may also be obtained from Dr. Samuel Schwartz, Chief, Scientific Programs Branch, NEI, building 31, room 6A-47, National Institutes of Health, 496-5301.

Dated April 17, 1973.

JOHN F. SHERMAN,

Deputy Director,

National Institutes of Health.

[FR Doc.73-8170 Filed 4-26-73; 8:45 am]

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Environmental Health Sciences, May 31-June 1, 1973, at 9 a.m., Research Triangle Park, N.C., Building 1 Conference Room. This meeting will be open to the public from 9 a.m. to 12 noon, May 31, 1973, to discuss recent legislative developments, congressional hearings, and other items of interest to NIH and NIEHS, and to present an overview of recent research at NIEHS, and closed to the public from 1 p.m., May 31, 1973, to 5 p.m., June 1, 1973, for the critique and evaluation of the Animal Science and Technology Branch and related programs by the Board of Scientific Counselors in accordance with the provisions set forth

in section 552(b) (6) of title 5, United States Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Dr. David P. Rall, Director, NIEHS, Research Triangle Park, N.C., 919-549-8411, extension 3201, will furnish summaries of the meeting and rosters of the committee members, as well as any substantive information.

Dated April 17, 1973.

JOHN F. SHERMAN,

Deputy Director,

National Institutes of Health.

[FR Doc.73-8173 Filed 4-26-73;8:45 am]

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, May 4-5, 1973, at 9 a.m., in parliament A room, Wellington Hotel, Washington, D.C. This meeting will be open to the public from 9 a.m. until 10 a.m. on May 4 to discuss program planning and program accomplishments and closed to the public from 10 a.m. until the conclusion of the meeting, to review, discuss, and evaluate and/or rank program project grant applications in accordance with the provisions set forth in section 552(b) 4 of title 5 United States Code and section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

The institute information officer who will furnish summaries of the meeting and rosters of committee members is:

Mrs. Ruth Dudley, information officer, NINDS, building 31, room 8A03, Bethesda, Md., telephone 496-5751.

The Executive Secretary from whom substantive program information may be obtained is:

Dr. Leon J. Greenbaum, Jr., room 7A03A, Westwood Building, Bethesda, Md., telephone 496-7003.

Dated April 17, 1973.

JOHN F. SHERMAN,

Deputy Director,

National Institutes of Health.

[FR Doc.73-8177 Filed 4-26-73;8:45 a.m.]

NATIONAL LIBRARY OF MEDICINE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Biomedical Library Review Committee, National Library of Medicine, May 2-3, 1973, 8:30 a.m. to 5 p.m. each day, in the Board Room of the National Library of Medicine. This meeting will be open to the public from 8:30 to 11 a.m. on May 2, to discuss administrative reports, and closed to the public from 11 a.m. to 5 p.m. on May 2, and all day May 3 to

review grants, in accordance with the provisions set forth in section 552(b) 4 of title 5 United States Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

The Executive Secretary who will furnish summaries of both the open and closed meeting portions, a roster of committee members, and substantive program information, is: Dr. Roger W. Dahlén, chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, room 1012, 8600 Rockville Pike, Bethesda, Md. 20014, Telephone 301-496-4191.

Dated April 17, 1973.

JOHN F. SHERMAN,
Deputy Director

National Institutes of Health.

[FR Doc.73-8167 Filed 4-26-73;8:45 am]

PHARMACOLOGY-TOXICOLOGY PROGRAM COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Pharmacology-Toxicology Program Committee, National Institute of General Medical Sciences, May 7-8, 1973, 9 a.m., National Institutes of Health, building 31, conference room 6. This meeting will be open to the public from 9 to 11 a.m., May 7, 1973, for opening remarks and general discussion, and closed to the public from 11 a.m., May 7, 1973, through 12 p.m., May 8, 1973, to review grants/contracts in accordance with the provisions set forth in section 552(b) 4 of title 5 United States Code for grants and contracts and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Paul Deming, information officer, NIGMS, building 31, room 4A46 Bethesda, Md. 20014, telephone: 301-496-5676, will furnish a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. George J. Cosmides, Executive Secretary, Westwood Building, room 9A03, telephone: 301-496-7707.

Dated April 17, 1973.

JOHN F. SHERMAN,
Deputy Director

National Institutes of Health.

[FR Doc.73-8164 Filed 4-26-73;8:45 am]

PULMONARY DISEASES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart and Lung Institute, May 19 and 20, 1973, 8:30 a.m., at the Statler Hilton Hotel (conference room to be assigned), New York, N.Y. This meeting will be open to the public from 8:30 a.m., May 19, until its adjournment on May 20. The main focus of the meeting will be on reports by subcommittees of the advisory committee and discuss-

sion of the pulmonary specialized centers of research program. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, information officer, NHLI, NIH Landow Building, room C918, phone 496-4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from the Executive Secretary, Dr. Malvina Schweizer, NHLI, NIH Building 31, room 5A08, phone 496-1187.

Dated April 17, 1973.

JOHN F. SHERMAN,
Deputy Director,

National Institutes of Health.

[FR Doc.73-8155 Filed 4-26-73;8:45 am]

TRANSPLANTATION AND IMMUNOLOGY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Transplantation and Immunology Committee, National Institute of Allergy and Infectious Diseases, May 24, 1973, 9 a.m. to 4:30 p.m., National Institutes of Health, Building 31, room 7A-24. This meeting will be open to the public from 9 a.m. until 3 p.m., May 24, 1973, to discuss reports of 1973 activities and possible new programs for fiscal year 1974 and closed to the public from 3 p.m. until 4:30 p.m., May 24, 1973, to review contracts in accordance with the provisions set forth in section 552(b) 4 of title 5, United States Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Robert Schreiber, information officer, National Institute of Allergy and Infectious Diseases, Building 31, room 7A-34, phone 496-5717, will furnish summaries of the meeting and rosters of committee members.

Dr. Robert Byrne, Assistant Scientific Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health, building 31, room 7A-03, phone 496-5368, will furnish substantive program information.

Dated April 17, 1973.

JOHN F. SHERMAN,
Deputy Director,

National Institutes of Health.

[FR Doc.73-8160 Filed 4-26-73;8:45 am]

ULTRAVIOLET RADIATION AND SKIN CANCER WORKING GROUP

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Ultraviolet Radiation and Skin Cancer Working Group, National Cancer Institute, May 3-4, 1973, at 9 a.m., National Institutes of Health, building 31, conference room 8. This meeting will be open to the public from 9 a.m. to 5 p.m. on May 3 and 4 to discuss current epidemiological findings of skin cancer incidence in man in relationship to solar ultraviolet radiation. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, building 31, room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301-496-1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Gio B. Gori, Executive Secretary, building 31, room 11A03, National Institutes of Health, Bethesda, Md. 20014 (301-496-6616) will provide substantive program information.

Dated April 17, 1973.

JOHN F. SHERMAN,
Deputy Director,

National Institutes of Health.

[FR Doc.73-8157 Filed 4-26-73;8:45 am]

Office of Education

APPLICATIONS FOR SCHOOL CONSTRUCTION ASSISTANCE

Notice of Cutoff Date

Pursuant to the authority contained in section 3 of Public Law 81-815 (school construction assistance in areas affected by Federal activities; 72 Stat. 548, 20 U.S.C. 633) notice is hereby given that the U.S. Commissioner of Education has established a cutoff date for receipt of fiscal year 1973 applications for assistance under sections 5, 8, 9, and 14 of Public Law 81-815. Such applications must be postmarked on or before June 29, 1973, from the State educational agencies.

Dated April 18, 1973.

DUANE J. MATTHEIS,
Acting U.S. Commissioner
of Education.

[FR Doc.73-7881 Filed 4-26-73;8:45 am]

NATIONAL ADVISORY COMMITTEE ON EDUCATION OF THE DEAF

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the National Advisory Committee on Education of the Deaf will be held on May 10-11, 1973, at 9 a.m., e.d.s.t., at the Lexington School for the Deaf, 26-26 75th Street, Jackson Heights, N.Y. 11370.

The National Advisory Committee on Education of the Deaf was established under section 5 of Public Law 89-258. The committee was established to advise the Secretary of HEW concerning the carrying out of existing and the formulating of new or modified programs with respect to the education of the deaf.

The meeting of the committee will be open to the public. The proposed agenda includes discussion of the needs of education for the deaf in New York City. Records will be kept of all committee proceedings (and shall be available for public inspection at the office of the committee's executive secretary, located in room 2604, Regional Office Building 3, Seventh and D Streets SW., Washington, D.C. 20202).

NOTICES

Signed at Washington, D.C., on April 18, 1973.

FRANK B. WITHROW,
Executive Secretary, National
Advisory Committee on Education of the Deaf.

[FR Doc. 73-8225 Filed 4-26-73; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration
WOMEN'S ADVISORY COMMITTEE ON AVIATION

Notice of Meeting

Pursuant to section 10(a)(2) of Public Law 92-463, notice is hereby given that the Women's Advisory Committee on Aviation will hold a meeting on May 23-25, 1973, at the Federal Aviation Administration Southwest Regional Office, Fort Worth, Tex. The following agenda items are scheduled for this meeting:

1. *Discussion*.—Briefings and study of the following agenda items to appraise the effectiveness from the standpoint of the user:

- a. Safety in general aviation.
- b. Pilot Certification, FAR part 61; Pilot Schools, FAR part 141.
- c. Need for Community Airport Planning and Development.

2. *Briefing*.—Status report and tour of the Dallas/Fort Worth International Airport.

3. *Discussion*.—Discussion of recommendations to advance FAA's role in encouraging and developing civil aviation; summarize findings and submit recommendations in writing to the Administrator.

All those interested in attending the meeting should contact Mrs. Nona Quarles, Women's Aviation Activities, Office of General Aviation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, D.C. 20591, Telephone 202-426-8785. The meeting will be open to the public.

Issued in Washington, D.C., on April 20, 1973.

NONA QUARLES,
Coordinator, Women's Advisory Committee on Aviation.

[FR Doc. 73-8183 Filed 4-26-73; 8:45 am]

ARMY AND AIR FORCE EXCHANGE AND MOTION PICTURE SERVICES

CIVILIAN ADVISORY COMMITTEE

Notice of Meeting

APRIL 23, 1973.

The Civilian Advisory Committee to the Board of Directors, Army and Air Force Exchange and Motion Picture Services, will hold a closed meeting on May 23, 1973, at Headquarters, Army and Air Force Exchange Service, Dallas, Tex. 75222.

The purpose of the meeting is to furnish commercial and financial information and advice of a privileged or confidential nature to the Board of Directors on one or more matters under consideration by the Board.

Any persons desiring information about the committee may telephone (202-697-3336) or write the Executive

Secretary, Board of Directors, Army and Air Force Exchange and Motion Picture Services, room 5E-483, the Pentagon, Washington, D.C. 20310.

CHARLES F. O'DONNELL, Jr.,
Colonel, USA,
Executive Secretary, AAFEMPS.

[FR Doc. 73-8205 Filed 4-26-73; 8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

APRIL 24, 1973.

In accordance with the provisions of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on May 10-12, 1973, in room 1046-H, at 1717 H Street NW, Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

(1) Thursday, May 12, 1973, 10 a.m. to 12:30 p.m.; 1:30 p.m. to 2:30 p.m.; and 3 p.m. to 3:30 p.m.—Application for operating license—Zion Station Units 1 and 2 (presentations by AEC Regulatory Staff and the Applicant).

In addition to the above agenda items, the Committee will hold sessions not open to the public, under the authority of section 10(d) of Public Law 92-463 (the Federal Advisory Committee Act), to consider the above application and other matters.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items listed above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked no later than May 3, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written comments shall be based on materials related to the above agenda item, which materials are contained in the application for an operating license and related documents, on file, and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW, Washington, D.C. 20545 and the Waukegan Public Library, 128 North County Street, Waukegan, Ill. 60085.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting

permits, the Committee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman, between the hours of 11 a.m. and 2 p.m. on each day.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on May 9, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m. e.d.t.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) Seating for the public will be available on a first-come first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, in accordance with the Federal Advisory Committee Act, on or after July 11, 1973, at the Atomic Energy Commission's Public Document Room, 1717 H Street NW, Washington, D.C., upon payment of all charges required by law.

JOHN V. VINCIGUERRA,
Advisory Committee Management Officer.

[FR Doc. 73-8307 Filed 4-26-73; 8:45 am]

[Docket No. 50-286]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Notice of Special Prehearing Conference on May 21, 1973

On October 19, 1972, the Atomic Energy Commission issued a notice of opportunity for hearing in the above entitled proceeding, which notice was published in the *FEDERAL REGISTER* on October 25, 1972 (37 FR 22,816). This notice provided an opportunity for participation by the public in the consideration and determination of the application filed by Consolidated Edison Co. of New York, Inc. for a license to operate a nuclear power facility which is being constructed and nears completion, and which is designated the Indian Point Nuclear Generating Unit 3, and is located in the Village of Buchanan, Westchester County, N.Y.

Petitions to intervene have been filed in this proceeding and, after a consideration thereof, the Licensing Board appointed to consider such petitions has determined that the following designated petitioners shall be made and are parties to this proceeding:

State of New York, Hudson River Fishermen's Association, Save Our Striper.

The rules of practice of the Commission provide for a special prehearing conference to consider procedural matters, including requests for discovery of data, schedules for presentation of interrogatories, that will aid in the presentation

of evidence and expedite the proceeding. Such a prehearing conference does not receive any evidence, but the conference is open to attendance by the public.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, a special prehearing conference shall convene at 2 p.m. on Monday, May 21, 1973, in the all-purpose room of the Springvale Inn, 500 Albany Post Road, Croton-on-Hudson, N.Y. 10520.

Issued April 23, 1973, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[PR Doc.73-8149 Filed 4-26-73;8:45 am]

[Dockets Nos. 50-424, 50-425, 50-426, 50-427]

GEORGIA POWER CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report: Time for Submission of Views on Antitrust Matter

Georgia Power Co. (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed February 13, 1973, for authorization to construct and operate four generating units utilizing pressurized water reactors at its site, located on the Savannah River in Burke County, Ga.

The proposed nuclear facilities, designated by the applicant as the Alvin W. Vogtle Nuclear Plant, units 1, 2, 3, and 4, are designed for initial operation at approximately 3,411 MW (thermal) each, with a net electrical output of approximately 1,100 MW each.

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 on or before June 27, 1973.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. 20545, and at the Burke County Library, Fourth Street, Waynesboro, Ga. 30830.

The applicant has 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, "Applicant's Environmental Report", volumes I and II, dated August 1, 1972. 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 Alvin W. Vogtle Nuclear Plant, units 1, 2, 3, and 4, is also being made available at the Bureau of State Planning and Community Affairs, room 611, 270 Washington Street SW, Atlanta, Ga. 30303, and at the Central Savannah River APDC, 630 Ellis Street, Augusta, Ga. 30902.

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 19th day of April 1973.

For the Atomic Energy Commission.

KARL KNIEL,

Chief, Pressurized Water Reactors Branch No. 2, Directorate of Licensing.

[PR Doc.73-8311 Filed 4-26-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24488; Order 73-4-96]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger-Fare Matters in Western Hemisphere

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of April 1973.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreements encompass the overall fare structure in the United States-Central (including Mexico) and South American areas, are intended for effectiveness from May 1, 1973, through March 31, 1974, and were adopted at the Reconvened TC1 Passenger Traffic Conference (Caribbean) and the Special 49th Meeting of Traffic Conference 1 held in Miami, November 1972 and January 1973, respectively, and by mail vote.¹

Normal first-class and economy fares between the United States and Mexico/Central America would be increased in amounts averaging 6.1 percent and 6.4 percent, respectively. First-class and economy excursion fares and GIT fares are likewise to be increased, generally in lesser percentage amounts, and a seasonal differential would be introduced for excursion fare travel in certain Central American markets. GIT fares be-

¹ The agreements relating to United States-Central/South America fares do not reflect adjustments stemming from the recent devaluation of the dollar, which will be dealt with by subsequent order. No currency adjustment is proposed in the case of Mexico.

tween the United States and Mexico are to be extended to year-round validity with the exception of a period from December 15 to January 10 inclusive. One free stopover is permitted whereas none was previously allowed. Additionally the time limits for submission of documentation, reservations, full payment, and collection of cancellation charges applicable to GIT fares between the United States and Central America are reduced. (Appendixes A and B² set forth a comparison of present and proposed fares in principal markets.)

Finally, the carriers propose to introduce a group APEX fare for United States-Mexico travel. The fares are set at levels approximately 20 percent below GIT fares in this market, will be available only on flights departing Tuesday through Friday, and will be blacked out for travel from December 16 to January 10 inclusive. Travel is limited to groups of at least 40 persons, is subject to a minimum/maximum stay of 7/30 days, and no stopovers are to be permitted. Application by the group organizer, with a 25-percent nonrefundable deposit from each passenger, will be required at least 90 days in advance with full payment required at least 60 days prior to departure.

In long-haul South American markets, the carriers propose to increase normal first-class and economy fares by amounts which average approximately 4.6 percent and 2.2 percent, respectively. GIT fares are generally to remain at current levels, and excursion and affinity-group fares would be increased by less than 1 percent. (Appendix C³ sets forth a comparison of present and proposed fares in the principal markets.) A new GIT fare is proposed from Argentina/Paraguay/Uruguay to various U.S. points for travel in groups of ten or more. This fare is valid year round, is subject to a minimum/maximum stay of 7/21 days, and one stopover each way in North America would be permitted. The minimum tour price add-on is \$100 for the minimum stay, and \$10 for each additional day. Reservations are required at least 14 days prior to departure, with full payment 7 days thereafter. Finally, amendments are proposed in the case of other existing GIT fares which would reduce the time limits for submission of documentation, reservations, full payment, and collection of cancellation charges.

The U.S. carriers generally maintain that their earnings from operations in the Western Hemisphere are not satisfactory and that a revenue increase is necessary. Pan American, Eastern, and American have provided detailed forecasts of revenues, expenses, investment, and rate of return on the basis of present and proposed fares.⁴ The forecasts, all

² Pan American does not state its forecast separately for its Mexico and Central/South America markets. Braniff does not forecast specific traffic and dollar figures and limits its justification to alleged increased costs within certain Central and South American countries which are said to create a need for increased revenues.

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of which show a substantial improvement over results assuming no change in fares, are set forth in appendix D.⁵

In summary, Pan American anticipates a return on investment of 4.86 percent in its overall Central and South America markets, under the new fare package. With respect to United States-Mexico services, American forecasts a rate of return of 11.6 percent, and our adjusted forecast for Eastern in this market shows a return on investment of 13.2 percent. We have examined the data submitted and conclude that they are reliable for purposes of evaluating the agreements before us.

Turning first to long-haul services to Central and South America, operations in this area have for a number of years been subjected to a considerable amount of competition from non-IATA carriers, and thus a certain amount of fare and revenue instability. Consequently, the carriers' earnings have fluctuated from one year to the next. Earnings have generally been substandard in recent years, although Braniff reached a return level of 12 percent in 1972. Pan American, on the other hand, has been in a negative return position in each of the past 4 years. (See appendix D-1.) We view the proposed fare increases against this background and conclude that they are not unreasonable. It is likely that Braniff's earnings under the new fare package will exceed those realized last year. However, we do not consider this inappropriate in light of its cumulative experience over the past 5 years. Moreover, as indicated, Pan American will continue to realize a return well below the standard of 12 percent generally considered reasonable by the Board.

The proposed increases in United States-Mexico fares pose a closer question. Here, both American and Eastern project very favorable returns on investment of 11.6 percent and 13.2 percent, respectively. American anticipates a comparable return from its Caribbean services under the new fare package we have recently approved,⁶ with the result that earnings from its overall operations in the Western Hemisphere are expected to fall somewhat short of the 13.4 percent realized last year. Eastern, on the other hand, has had very low earnings in its combined Caribbean and Mexico services during the past 2 years, and forecasts a return of only 5.5 percent from Caribbean service under the new fares to be introduced in that area. In this light, we are unable to conclude that the return which it projects to result from the increased fares to Mexico would be excessive, or will result in an unduly high rate of return from its overall operations in the Western Hemisphere. Finally, while we doubt that the new APEX fare will have a significant impact on the market, and the carriers appear to share this view, it is comparable to similar fares in other areas which have

been approved by the Board, and is approved here for the same reasons.⁴

Having taken into account the considerations discussed above, and in light of all available information, the Board concludes that the passenger fares agreed to by IATA for United States-Central/South America service are not unreasonable in terms of level or structure and that the agreement should be approved.

The Board, acting pursuant to sections 102, 204(a), and 412 of the act, makes the following findings:

1. It is not found that those resolutions set forth in appendix E⁷ are adverse to the public interest or in violation of the act;

2. It is not found that those resolutions set forth in appendix F⁸ are adverse to the public interest or in violation of the act, provided approval is subject to conditions previously imposed by the Board;

3. It is not found that those resolutions set forth in appendix G⁹ are adverse to the public interest or in violation of the act: *Provided*, That approval is subject to the conditions stated therein;

4. It is not found that those resolutions set forth in appendix H¹⁰ and which do not directly affect air transportation within the meaning of the act, are adverse to the public interest or in violation of the act; and

5. It is not found that those resolutions set forth in appendix I¹¹ affect air transportation within the meaning of the act.

Accordingly, it is ordered, That:

1. Those portions of agreement CAB 23543, set forth in appendixes E and H, be and hereby are approved;

2. Those portions of agreements CAB 23543 and 23572, as well as agreement CAB 23546, set forth in appendix F, be and hereby are approved subject to previous conditions imposed by the Board;

3. Those portions of agreements CAB 23543, 23459, 23570, and 23572 set forth in appendix G, be and hereby are approved subject to the conditions stated therein; and

4. Jurisdiction is disclaimed with respect to those portions of agreements CAB 23543, 23570, and 23572 set forth in appendix I.

5. Tariffs implementing the agreements shall be marked to expire on March 31, 1974.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-8271 Filed 4-26-73;8:45 am]

⁴ In approving the Caribbean fare package, the Board expressed its doubt about the economic justification for first-class excursion fares in any market. However, such fares are here limited to points in Panama and Columbia, and the yields do not appear unduly low. On this basis they will be approved.

⁵ Appendixes A through I filed as part of the original document.

CIVIL SERVICE COMMISSION

CIVIL AERONAUTICS BOARD

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 Civil Aeronautics Board to fill by noncareer executive assignment in the excepted service the position of Director, Community and Congressional Relations, Office of Managing Director.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.73-8278 Filed 4-26-73;8:45 am]

DEPARTMENT OF COMMERCE

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 Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Office of Minority Business Enterprise.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.73-8280 Filed 4-26-73;8:45 am]

DEPARTMENT OF DEFENSE

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 Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Intelligence and Warning Systems), Office of the Assistant Secretary (Intelligence), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.73-8279 Filed 4-26-73;8:45 am]

DEPARTMENT OF JUSTICE

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 Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Evaluation

⁶ Order 73-4-77.

Section, Antitrust Division, Office of Director of Policy Planning.

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

[FR Doc.73-8275 Filed 4-26-73;8:45 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Director of Policy Planning, Antitrust Division, Office of Director of Policy Planning.

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

[FR Doc.73-8276 Filed 4-26-73;8:45 am]

DEPARTMENT OF LABOR

Notice of Title Change In Noncareer Executive Assignment; Correction

By notice of April 12, 1973, FR Doc. 73-7077 the Civil Service Commission authorized the Department of Labor to fill by noncareer executive assignment the position of Special Assistant to the Secretary, Office of the Secretary of Labor. This is notice that the title of this position is now being changed to Executive Assistant to the Secretary of Labor, Office of the Secretary of Labor.

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

[FR Doc.73-8281 Filed 4-26-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

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 Transportation to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary (Special Projects), Office of the Secretary.

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

[FR Doc.73-8277 Filed 4-26-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19651, 19652; FCC 73R-139]

DUNCAN BROADCASTING CO., INC., AND WILLIAM S. HAGARA

Memorandum Opinion and Order Enlarging Issues

In re applications of Duncan Broadcasting Co., Inc., Duncan, Okla., docket No. 19651, file No. BPH-7747; William S. Hagara, Duncan, Okla., docket No. 19652, file No. BPH-7820, for construction permits.

1. The above-captioned mutually exclusive applications for a new FM broadcast station at Duncan, Okla., were designated for hearing by Commission order, FCC 72-1082, released December 5, 1972, 37 FR 237, published December 8, 1972, under an adequacy of staff issue as to William S. Hagara (Hagara) and a standard comparative issue. Duncan Broadcasting Co., Inc. (Duncan), has now petitioned to enlarge to add the issues inquiring into Hagara's financial qualifications and comparative coverage.¹

2. In support of the requested financial issues, Duncan notes that Hagara relies upon two commitments to lend money to him. The first is a letter from the First Bank & Trust Co. of Duncan, Okla., offering to lend \$10,000 to be secured by furniture and fixtures and accounts receivable, and the second is a letter from James L. Labrie offering to lend Hagara \$5,000 without security and with all payments deferred until after the first year of operation. As to the bank loan, Duncan contends that, since Hagara has neither furniture and fixtures, nor accounts receivable, the loan cannot be relied on. Petitioner notes that Labrie furnished no balance sheet or other indicia of his ability to lend the money and contends that, since form 301 instructions require such supporting information concerning persons, other than banks or other financial institutions who propose to lend money to broadcasters, this loan cannot be considered to be available to Hagara. Thus, Duncan concludes, since Hagara must have this money to construct and operate his station, an issue must be included. Both the Bureau and Hagara oppose the addition of an issue concerning the availability of the bank loan. They contend that the bank is fully aware that until the station is constructed and in operation, there will be neither furniture and fixtures nor accounts receivable, but that the bank has indicated its willingness to advance the money and accept an interest in the assets which the station will acquire

¹ Duncan's petition was filed on Dec. 22, 1972. The Board also has before it: Comments, filed Jan. 9, 1973, by the Broadcast Bureau; an opposition, filed Jan. 29, 1973, by Hagara; and Duncan's reply, filed Feb. 5, 1973.

in the future as security for its loan. The Bureau, however, agrees that, in the absence of the necessary supporting documents, the loan from Labrie may not be relied upon. The review board agrees that Hagara has provided reasonable assurance that the bank loan will be available to it; however, since Hagara has provided no evidence of Labrie's ability to make the \$5,000 loan, an issue inquiring into the availability of this loan will be included in the proceeding.

3. Duncan also requests an issue to determine the basis of Hagara's estimated costs of construction and first year's operating costs. Petitioner contends that the \$7,600 Hagara has budgeted for the first year is unbelievable, since it amounts to a total operating cost of only \$1.16 per hour. Duncan further alleges that in the operation of its AM station in Duncan, Okla., it has 22 different items of expense, many of which are unavoidable and amount to more than Hagara's entire operating budget. Duncan also observes that Hagara has proposed to lease his equipment and that, after payment for the cost of this equipment there will be only \$0.44 per hour left to meet all other operating expenses. Furthermore, petitioner points out that Hagara made no allowance for the cost of this hearing in his proposal. In his opposition, Hagara contends that he will devote his full time to the station as general manager and chief engineer without salary and that most of his other employees will work either for commission on sales or as independent contractors, and they will be compensated solely by income from sales in the time block they program. To support this contention, Hagara submits affidavits of three prospective independent contractors, each of whom specifies the hours during which he will be available to work at the station and indicates the time period during which he can work without any income from the station. Hagara also submits an affidavit of his wife, to the effect that the income from her business is sufficient to support the Hagara family, and an affidavit of Dick Gilbert, president and treasurer of Arizona Communications Corp., licensee of station KXTG, Glendale, Ariz., to the effect that he has operated numerous stations, that at all of them air personalities were independent contractors, compensated by sale of time on their program, and that salesmen worked strictly on commission. Hagara also notes that he has simultaneously filed an amendment to increase his estimated first year's operating costs to \$20,000,² and providing \$4,000 to accommodate the cost of hearing and other unspecified miscellaneous expenses. Thus, the total estimated funds required have been

² Hagara's amendment, filed Jan. 29, 1973, was granted by order, FCC 73M-314, released Mar. 8, 1973, and his amendment amending the Jan. 29 amendment, filed Feb. 9, 1973, was granted by order, FCC 73M-265, released Feb. 23, 1973.

increased from \$14,997 to \$30,000. In view of Hagara's construction and first-year affidavits, an issue concerning the validity of Hagara's construction and first-year operating costs is not required. The application as amended makes provisions for hearing costs, provides a surplus of funds of several thousand dollars for miscellaneous operating costs and petitioner has supplied no affidavits of persons with personal knowledge alleging that the amended figures are inadequate. In these circumstances, the requested issue will be denied.

4. Duncan also questions the validity of letters filed by Hagara in support of his reliance on estimated revenues during the first year of operation in the amount of \$9,440. As amended, Hagara's application reflects that his estimated construction and first year's operating costs will be \$30,000. To meet this cash requirement, Hagara proposes to rely upon \$10,000 in cash on hand, loans netting \$12,567, and advertising revenue of \$9,440 for a total of \$32,000. Thus, even assuming that both loans are available to Hagara, without the anticipated revenue he would fall \$7,433 short of the sum required. If we give Hagara credit for the \$15,500 shown as cash on deposit in response to question 3(a) in his February 9 amendment, he would still need at least an additional \$1,943. The commitment letters merely express an intent to advertise in a certain amount on Hagara's proposed new FM station and, in the absence of an evidentiary hearing, we cannot conclude with reasonable assurance that those commitments will actually produce the necessary revenue. See "Erwin O'Conner Broadcasting Co.", 37 F.C.C. 2d 983, 25 R.R. 2d 782 (1972). See also "Radio Geneva, Inc.", F.C.C. 73-295, released March 21, 1973 — F.C.C. 2d — — R.R. 2d — —. Accordingly, an issue to determine whether the expected revenue will in fact be available to Hagara will be added to the proceeding.

5. Duncan has also requested addition of an issue concerning comparative coverage of the two proposals. The Review Board has held that questions concerning comparative coverage are encompassed within the standard comparative issue, and, as such, the appropriate procedure is to initially make a threshold showing of substantial difference to the Presiding Judge. "Jaco Inc.", 18 F.C.C. 2d 677, 16 R.R. 2d 894 (1969). We will therefore deny the request for a comparative coverage issue.

6. Accordingly, it is ordered, That the petition to enlarge issues, filed December 22, 1972, by Duncan Broadcasting Co., Inc. is granted to the extent indicated herein, and is denied in all other respects; and

7. It is further ordered, That the issues in this proceeding are enlarged as follows:

(a) To determine whether an unsecured loan from James L. Labrie will be available to William S. Hagara to finance the construction and first year's operating expenses of his proposed new FM broadcast station at Duncan, Okla.

(b) To determine whether William S.

Hagara may reasonably expect revenues from advertising in the amount of \$9,440 during the first year's operation of his proposed new FM broadcast station at Duncan, Okla., and, if not, whether he has available other sources of funds to meet his requirement.

(c) To determine in light of the foregoing whether William S. Hagara is financially qualified.

8. It is further ordered, That the burdens of proceeding with the introduction of evidence and proof on these issues shall be on William S. Hagara.

Adopted March 30, 1973.

Released April 3, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 73-8238 Filed 4-26-73; 8:45 am]

[Dockets Nos. 19601-19604; FCC 73R-140]

GUY S. ERWAY ET AL.

Memorandum Opinion and Order Enlarging
Issues

In re applications of Guy S. Erway, West Palm Beach, Fla., docket No. 19601, file No. BPH-7137; Sandpiper Broadcasting Co., Inc., West Palm Beach, Fla., docket No. 19602, file No. BPH-7532; Sun, Sand, and Sea, Inc., West Palm Beach, Fla., docket No. 19603, file No. BPH-7809; Marshall W. Rowland, West Palm Beach, Fla., docket No. 19604, file No. BPH-7843, for construction permits.

1. Before the Review Board for consideration is a petition to enlarge issues, filed November 10, 1972, by Sun, Sand, and Sea, Inc. (Sun)³ directed against the application of Guy S. Erway.⁴ Although petitioner requests a miscellany of issues, some requests, particularly those relating to allegations of misrepresentation and related issues, are based on the same sets of factual allegations. The Review Board will therefore, deal initially with the more narrowly drawn requests, and then proceed to an examination of those requests which are broader in scope.

² Board Member Kessler dissenting as to addition of issue (6).

³ Other related pleadings before the Board for consideration are: (1) Opposition filed Dec. 22, 1972, by Erway; (2) Broadcast Bureau's comments, filed Dec. 22, 1972; and (3) reply, filed Jan. 26, 1973, by Sun.

⁴ Petitioner seeks the addition of the following issues against Erway:

A. To determine whether Guy S. Erway has misrepresented material facts to the Commission including the following:

1. The availability, acceptability and estimated costs of his proposed antenna tower;

2. The overall estimated costs of his equipment;

3. Mr. Erway's availability to participate in the operation of the proposed West Palm Beach station in light of his conflicting proposal in his application for an FM station in Watkins Glen-Montour Falls, N.Y.;

4. The accuracy and completeness of his financial statements in light of his undisclosed commitment to the undisclosed FM application in Watkins Glen-Montour Falls,

2. On November 11, 1971, Erway submitted a predesignation amendment to reflect changes in its engineering proposal; specifically, the applicant proposes, *inter alia*, to utilize a self-supporting monopole antenna with an overall height of 313 feet above ground.⁵ In a corollary predesignation amendment, dated November 30, 1971, the applicant stated that its total revised equipment costs estimate of \$30,000 includes \$10,000 as the cost of the monopole antenna.⁶ This estimate is challenged as deficient by Sun. As related by petitioner, in a letter response to its inquiry, an engineering sales representative of Union Metal indicated that a monopole antenna of 330 feet specification would cost between \$18,000 and \$25,000, plus shipping charges of \$3,000; therefore, Sun contends that nearly all of the funds Erway

N.Y., and sale of assets in Erway Broadcasting Corp., without reduction in stated value;

5. Whether the application generally contains false or misleading statements or omissions of material facts or was lacking in candor in connection with relevant facts;

6. Whether, in light of evidence adduced pursuant to each of the above subissues the applicant should be disqualified as failing to possess the requisite qualifications to be a Commission licensee or in the event he is found not disqualified on any subissue whether he should be accorded a comparative element on any such subissue.

B. To determine whether Guy S. Erway has failed to completely disclose material information to the Commission in his application as required by section 1.514 of the Commission's rules and, if so, the effect of such conduct on his requisite and/or comparative qualifications to be a Commission licensee.

C. To determine whether Guy S. Erway has failed to comply with the provisions of section 1.65 of the Commission's rules and, if so, the effect of such conduct on his requisite and/or comparative qualifications to be a Commission licensee.

D. Whether in light of the evidence adduced in issue A(1) above Erway's proposed antenna and antenna site is sufficient to meet the Commission's technical requirements.

E. Whether in light of the evidence adduced in issues A (1) and (2) and issue 4 above, Guy S. Erway is financially qualified to construct and operate the proposed station.

F. Whether in light of the evidence adduced in the above issues, Guy S. Erway has demonstrated ineptness and the effect of that ineptness upon his requisite and/or comparative qualifications to be a Commission licensee.

G. To determine whether Guy S. Erway has engaged in "trafficking" in broadcast licenses, and whether, in light of the evidence adduced, Erway has the requisite qualifications to be a licensee of the Commission and, if so, the effect of such matters upon his comparative qualifications.

H. To determine, on a comparative basis, whether the horizontal radiation proposed by Erway is inferior in reception characteristics to the circular polarized radiation proposed by the other applicants in this proceeding.

⁵ Erway indicated that this type of structure is currently manufactured by the Union Metal Manufacturing Co. (Union Metal).

⁶ This estimate, according to Erway, was based upon the advice of its consulting engineer; an affidavit to this effect, executed by the engineer, is attached to Erway's opposition.

has allocated for equipment costs could be required for the purchase of its proposed antenna alone. Sun's request, however, insofar as it challenges Erway's cost estimates, has been effectively mooted as a result of a recent financial amendment, which was accepted by order, FCC 73M-258, released February 26, 1973. Thus, Erway has increased its total equipment costs estimate from \$30,000 to \$50,000; and, according to an equipment lease agreement, its first-year equipment costs for the antenna will amount to \$16,000. Sun's request for a financial issue will therefore be denied.

3. In the letter relied upon and submitted as a supporting affidavit by Sun, the Union Metal sales representative states that, although its existing line of monopole towers reaches 250 feet in maximum height, the company believes that it would be possible to design and build a self-supporting tower of 330 feet in height.⁸ The sales representative notes further that the predicted deflection of the existing line of poles is approximately 25 percent of its height under a maximum load of 170 miles per hour; that this figure could be reduced somewhat by constructing a pole of larger diameter and/or increased wall thickness; but that absent more information (relating to maximum sway figure allowable) he could not predict how much the sway factor could be reduced. Based upon this letter, Sun alleges: (1) That there is no assurance that the proposed monopole structure could be constructed in such a manner as to provide for an acceptable base for an FM antenna; (2) that if that were the case, Erway's site would be unacceptable since it is too small for the location of guyed supports, and (3) that the deflection of a monopole antenna of 330 feet could be so severe under predictable conditions that an FM signal would be substantially degraded, particularly in light of the fact that Erway proposes horizontal radiation only. Sun's blunderbuss request for an issue inquiring variously into the adequacy of Erway's antenna system and site will be denied, because of insufficient allegations. Sun not only predicated its request on incorrect and incomplete specifications which lack the specificity required by the rules (§ 1.229(c)),⁹ but in some instances (most notably arguments 2 and 3 above) its allegations are purely conclusory and speculative in nature. Moreover, the reliability of Sun's supporting letter in this regard is open to question, because petitioner has not represented that the affiant is qualified to address himself to matters of considerable engineering complexity.

⁸The height used by petitioner is the proposed height of the Erway tower above mean sea level, rather than the actual proposed height above ground, which is 313 feet with obstruction lighting, or 310 feet without such lighting.

⁹In this connection, the Board is constrained to point out that a scrupulous attention to factual accuracy on the part of petitioners would facilitate a more expeditious resolution of matters before the Board.

4. In support of a requested trafficking issue, Sun alleges that during the period of time between October 1966, and January 1972, Erway sold two FM stations, both held for less than 3 years, and two AM stations, both held for slightly over 3 years.¹⁰ These transactions, according to petitioner, have resulted in enormous profits; the total purchase price for all stations was \$30,000; the total sale price was \$268,000, representing allegedly over a 500-percent profit on the original investment, giving allowance for lease or construction expenses. Sun contends further that Erway's conduct constitutes an on-going pattern, noting in this connection that, while Erway was selling a station and a CP for an unbuilt FM station in one community, he was simultaneously seeking a CP in West Palm Beach, Fla. Sun further alleges that it was Erway's obvious intention to

¹⁰The following chart indicates the buying and selling pattern of Erway, according to petitioner:

Station and location	Acquisition date and purchase price	Date assignment sought or accomplished and purchase price	Time held
1. AM station WAYE, Baltimore, Md.	1965	Sold September 1967.... 12 years.	
2. AM station WSEB, Sebring, Fla.	1966, \$30,000 ¹	Sold June 1970, \$112,000 ² . Approx. 3½ years.	
3. FM station WSEB, Sebring, Fla.	1966, \$30,000 ¹	Sold June 1970, \$112,000 ² . 2 years 11 months from date of program test authorization.	
4. AM station WGMF, Watkins Glen, N.Y.	CP-November 1967....	Sought January 1972, 3½ years.	
5. FM station WXXY, Montour Falls, N.Y.	CP-December 1970....	Sought January 1972, \$1,000 (cost). ³	More than 1 year unbuilt.
6. Proposed FM, West Palm Beach, Fla.	Sought May 1970....		

¹Bought as combination for \$30,000.

²Sold as combination for \$112,000.

³Sold as combination for \$150,000.

5. According to Erway, its capital expenditures for the four stations in question amounted to \$93,740, in addition to its original investment of \$30,000; given these figures, the applicant asserts, its profits cannot be characterized as extraordinary. These expenditures were of particular importance to the Sebring stations, Erway explains, since at the time of purchase the AM was silent and the FM was as yet unbuilt and both required completely new equipment. Erway also alleges that WGMF was not a profitable operation, requiring loans from the Erway Broadcasting Corp. which were ultimately repaid upon transfer. Erway explains that the failure to report his interests in WXXY, Montour Falls, was inadvertent, and that for all practical purpose the reference to the WGMF corporate name¹¹ in the instant application indicates that Watkins Glen-Montour Falls constitute one market in any event. Finally, Erway maintains that he did not make inconsistent statements with respect to his proposed integration in his various applications; on the contrary, he states, while he did propose to be a full-time manager in the West Palm Beach application, he in no way

sell the unbuilt Montour Falls FM station from the time of acquisition of the construction permit. This intention is indicated, petitioner explains, by several factors: (1) Applications for Montour Falls and West Palm Beach¹² were filed almost concurrently; (2) Erway represented in its Montour Falls application that he would devote as much time as necessary to that proposal, while, at the same time, he was proposed as a full-time employee in the West Palm Beach application; and (3) after holding the Montour Falls CP for over a year, he requested an extension of time, indicating that his construction progress consisted of the single act of purchasing land.

¹¹As a related matter, Sun notes that Erway failed to report the existence of its Montour Falls application in the instant application, as well as in several subsequent amendments; the first mention of the Montour Falls was in an amendment, filed June 21, 1972, in which Erway indicated that he had disposed of WXXY.

indicated that he would move to Montour Falls from West Palm Beach, or that his participation would be more than part time in the WXXY application.

6. Whether or not a trafficking issue is warranted turns on the showing made by a petitioner with respect to three elements—time, price, and intention to profit from the sale of broadcast properties. The Board is of the view that Sun has raised sufficient question concerning all three elements to warrant the addition of an issue. During a period of approximately 5½ years, Erway both acquired and relinquished interests in four broadcast facilities, none of which was held for more than 3½ years and one of which was never constructed. Second, even though capital expenditures were made for improvements in three of these facilities, the assignor nevertheless realized a clear and substantial profit from the sale of both AM-FM combinations, over and above these investments.¹³ Aside from the above discussed elements of time and price, there are several factors which may either bear on or

¹²The assignor cleared, according to Erway's figures, approximately \$28,000 from the sale of the Sebring, Fla., AM-FM combination and approximately \$116,000 from the sale of the Watkins Glen-Montour Falls combination.

¹³That is Watkins Glen-Montour Falls Broadcasting Corp.

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arguably be relevant to Erway's alleged intent and, as a consequence, merit further examination. One is Erway's acknowledged failure, both in the instant application and in subsequent amendments, to reflect his interest in an almost concurrently filed application for an FM facility in Montour Falls, until such time as he had sold that interest. Second, the Board is of the view that there is some question as to the precise value of the Montour Falls CP in the WGMF-WXXY "package" sale, even though its ascribed value is asserted to be \$1,000 by Erway. And third, Erway has not adequately explained his reasons for relinquishing his broadcast interest in the two markets involved.¹¹ In these respects, Erway has failed to allay the doubts raised by Sun's allegations as to intent. An issue will therefore be added.

7. Sun's request for a comparative engineering issue is based upon alleged differences in the radiation efficiency attributable to the various antenna polarization techniques proposed in this proceeding; according to petitioner, a circular polarized FM transmission, such as the one it proposes,¹² results in reception which is clearly and demonstrably superior to that achieved by a horizontal polarized FM system, which Erway proposes to utilize. As pointed out by the Broadcast Bureau, the Commission has indicated that differences in antenna polarization techniques can result in differences in radiation efficiency, and, moreover, that advantages can be achieved by utilization of circular or elliptical polarization. See "Report and Order in the Matter of Amendment of § 73.316," 4 R.R. 2d 1582 (1965). The Board is therefore of the view that the differences alleged are an appropriate subject for comparison of the applicants. However, we agree with Sun and the Bureau that this comparison is properly encompassed within the efficient use of frequency criterion of the standard comparative issue;¹³ therefore, a separate issue is not required. Rather, as when seeking comparative evaluation of areas and populations under the same criterion, an applicant, as an initial matter, should make a *prima facie* showing of engineering differences before the administrative law judge.¹⁴

¹¹ We believe that the cursory explanations given in the two assignment applications—the need to obtain special schooling for his son and the intention to pursue business interests (including broadcast interests) elsewhere—need further elaboration.

¹² Two other applicants in the proceeding also propose circular radiation.

¹³ See par. 5 of the *Policy Statement on Comparative Broadcast Hearings*, 1 F.C.C. 2d 393, 398, 5 R.R. 2d 1901, 1913 (1965).

¹⁴ At a prehearing conference held November 6, 1972, the administrative law judge indicated that, in his view, a separate engineering issue would be required in order to examine these alleged differences. In light of our determination herein, petitioner should renew its request before the presiding judge.

8. Sun's requests for the related issues of misrepresentation, sections 1.514 and 1.65, lack of candor and general ineptness are based on various sets of allegations, which we shall now consider.¹⁵ Prior to the most recent financial amendment (see par. 2, *supra*), Erway had represented to the Commission that his cost estimates were more than adequate to finance his complete equipment costs. As noted by Sun, there is some doubt as to whether or not the cost estimates were, in fact, adequate; however, even if this were found to be the case, we do not believe that this would constitute an adequate basis for a misrepresentation issue. Although there may be some question as to whether or not Erway exercised sufficient care in designing all aspects of his proposal,¹⁶ there is no indication that there was any attempt to misrepresent the facts, and petitioner's argument in this regard is sheer speculation. Nor do we find that Erway's representation as to his proposed roles in the Montour Falls and West Palm Beach operations are inconsistent. As explained by Erway, his proposed full-time participation in the West Palm Beach application would not have precluded the more limited participation which had been proposed in connection with the Montour Falls operation. Petitioner's contention that Erway's March 1, 1970, evaluation of the assets of Erway Broadcasting Corp., should have been altered because of the sale of the two AM-FM combinations discussed above is unsubstantiated; petitioner has not advanced any basis, whatsoever, for assuming that the conversion of assets resulted in the diminution in the value of the corporation.¹⁷

9. In contrast, Erway's failure to disclose the existence of his interest in the then-pending Montour Falls FM application when he filed this application for

¹⁵ As a preface to these requests, petitioner asserts that Erway, as a former licensee of WAYE, Baltimore, Md., had been found guilty of violation of Commission rules and that this past misconduct magnifies the gravity of currently alleged violations. However, upon reconsideration of that action, the Commission noted that Erway had never been given official notice of the two violations on the part of its employee during the time it was licensee of that station. (See FCC 69-1156, adopted Nov. 22, 1969.) Given this explanation, the Board is of the view that this past conduct cannot fairly be held to substantially reflect on Erway as an applicant in this proceeding.

¹⁶ In this connection, the Board notes that Sun has advanced insufficient allegations to warrant the addition of an ineptness issue.

¹⁷ The valuation of the corporation was increased from \$650,000 to \$707,000 in an Oct. 31, 1971 financial statement. As Sun correctly notes, Erway was unable to explain precisely how this appreciated value had been ascertained, but speculated that it may have represented a change in the fair market value of an asset or reflected the addition of interest on notes due the corporation. In any event, petitioner's allegations do not indicate that the appreciated valuation is inaccurate or overvalued.

West Palm Beach, Fla., clearly warrants the addition of a § 1.514 issue; the requisite application form 301 requires disclosure of the existence of any application pending before the Commission. Although Erway subsequently amended the West Palm Beach application a number of times, he did not disclose the existence of the Montour Falls application in any of these, even though two of the amendments dealt specifically with his broadcast interests. Significantly, he did not amend the application in this respect until June 21, 1972, in order to report the sale of the Montour Falls construction permit even though the application was granted on December 23, 1970, an application for call letters was filed on August 16, 1971, and an application to transfer the construction permit was filed on January 18, 1972 and granted on April 20, 1972. Accordingly, a § 1.65 issue will also be added to determine whether the application was maintained in current status. Finally, since the question of intent, together with other surrounding circumstances, may be explored under the rule 1.514 and 1.65 issues being added herein, addition of a separate misrepresentation issue is unnecessary.

10. *Accordingly, it is ordered*, That the petition to enlarge issues, filed November 10, 1972, by Sun, Sand and Sea, Inc., is granted to the extent indicated herein, and is denied in all other respects; and

11. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether Guy S. Erway has engaged in trafficking in broadcast licenses; and, if so, to determine the effect of such misconduct on the basic or comparative qualifications of the applicant to be a broadcast licensee; and

(b) To determine whether Guy S. Erway has violated the provisions of sections 1.514 and/or 1.65 of the Commission's rules by failure to report the existence of his application, filed January 23, 1970, for an FM station in Montour Falls, N.Y., and subsequent changes in the status of that application; and, if so, to determine the effect of such violation on the applicant's basic or comparative qualifications to be a Commission licensee; and

12. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issues added herein shall be on Sun Sand and Sea, Inc., and the burden of proof shall be on Guy S. Erway.

Adopted April 2, 1973.

Released April 4, 1973.

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

[FR Doc.73-8237 Filed 4-26-73; 8:45 am]

¹⁸ Board Member Nelson concurring; Board Member Kessler absent.

FEDERAL MARITIME COMMISSION
AMERICAN SAFE SYSTEM, INC., ET AL.
Independent Ocean Freight Forwarder
License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

American Safe System, Inc., 147-38, 182d Street, Jamaica, N.Y. 11413.

OFFICERS AND DIRECTORS

Herbert Braunagel, president.

Christoph Mertz, director.

Alfred Eisele, director.

Harry K. D. Schulten, director.

Karl H. Roessner, executive vice president.

James N. Jannello, vice president.

Joseph F. Ryan, vice president.

Henry S. Conston, secretary.

Woodrow W. De Witt, doing business as De Witt Freight Forwarding, 6060 North Figueroa Street, Los Angeles, Calif. 90042.

Ray-Mar Expedition Corp., 170 Broadway, room 1008, New York, N.Y. 10038.

OFFICERS

Raymond C. Quinonas, president.

Margaret D. Frank, secretary/treasurer.

Dated April 20, 1973.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 73-8285 Filed 4-26-73; 8:45 am]

ATLANTIC LINES, LTD., AND PAN AMERICAN MAIL LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW, room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 17, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a vi-

olation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. S. Doolos, general traffic manager, Chester, Blackburn & Roder, Inc., One World Trade Center, suite 1035, New York, N.Y. 10048.

Agreement No. 9864-2, between Atlantic Lines, Ltd. (initial carrier) and Pan American Mail Line, Inc. (delivering carrier), modifies the basic agreement which covers a through billing arrangement for the movement of general cargo from U.S. Atlantic and Gulf Ports with transshipment at Kingston, Jamaica, St. Croix, and St. Thomas, U.S. Virgin Islands to ports in Aruba, Bonaire, Curacao, and St. Maarten, Netherlands Antilles by amending article 1 thereof to include Tortola, B.V.I. only as an additional port of transhipment for the discharge of cargo at St. Maarten, Netherlands Antilles.

Dated: April 20, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 73-8289 Filed 4-26-73; 8:45 am]

[Docket No. 73-20]

CARGO LINES, LTD.

Order To Show Cause Regarding in the Transportation of Cargo by Water From a Foreign Port to a U.S. Port Without an Appropriate Tariff on File

On April 10, 1972, Cargo Lines, Ltd., of Chiasso, Switzerland, filed with the Commission an initial Continental West-bound Tariff FMC-1, naming commodity rates from ports in the Hamburg/Bordeaux range of continental Europe to U.S. ports in the Boston/Hampton Roads range with effective date of May 11, 1972. Subsequent to this filing on April 12, 1972, Cargo Lines requested permission from the Commission to advance the effective date of the tariff from May 11, 1972, to April 14, 1972. This request was denied by the Commission's Managing Director for failure to show good cause as required by section 18(b) (2) of the Shipping Act, 1916. Cargo Lines was so notified by letter dated April 13, 1972.

On April 13, 1972, the *Ida Blumenthal* (*Ida*), a vessel chartered by Cargo Lines, sailed from Hamburg bound for New York with all of its cargo destined for consignees in the United States, predominantly in the New York area. Since permission to advance the effective date of the tariff was denied, the master of the *Ida* was instructed by cable on April 25, 1972, to proceed to St. John, New Brunswick, Canada for discharge of her cargo.

On April 27, 1972, the *IDA* arrived at St. John, discharged her cargo and sailed for Antwerp that same day. This diversion to Canada was stated by Cargo Lines' general agent to be for the purpose of precluding any violation of the Shipping Act, 1916, since the vessel would have serviced only foreign ports.

The cargo discharged was subsequently trucked in bond to Port Newark, the inland freight charges paid by Cargo Lines. The *IDA* carried 22 containers of general cargo on 19 bills of lading which were all written for New York discharge. Thirteen of the containers on 11 bills of lading were destined for Verona—division of Baychem Corp.; apparently no inland freight charges were paid for the transportation from St. John to Port Newark. One container on one bill of lading destined for Plavtec Corp. was similarly delivered with no inland transportation charges paid by the consignee. Pertinent information from 12 of the bills of lading is excerpted in appendix A attached hereto. Copies of those bills of lading are on file with the Federal Maritime Commission.

It appearing that the above-described transportation of cargo by water from a foreign port to a U.S. port via Canada constitutes nothing more than a device by which to preclude application of U.S. shipping laws;

Now therefore, it is ordered, Pursuant to section 22 of the Shipping Act, 1916, that respondents Cargo Lines, Ltd., and its general agent International Transport and Logistics Services, Inc., show cause why they should not be found in violation of sections 18(b) (1) and (2) of the Shipping Act, 1916, by their transportation of cargo by water in foreign commerce of the United States without an appropriate tariff on file with the Federal Maritime Commission:

It is further ordered, That there appearing to be no material issues of fact in dispute that this proceeding shall be limited to the submission of affidavits and memoranda of law and replies thereto. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before May 21, 1973. Affidavits of fact and memoranda of law shall be filed by respondents, and any interested intervenor on behalf of respondents and served upon all parties no later than the close of business May 21, 1973. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and other intervenors, if any, no later than close of business June 4, 1973. An original and 15 copies of affidavits of fact, memoranda of law, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20473. Copies of any papers filed with the Secretary should also be served upon all parties thereto. Time and

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date of oral argument if requested and/or deemed necessary by the Commission will be announced at a later date:

It is further ordered, That Cargo Lines, Ltd., and International Transport and Logistics Services, Inc., be made respondents in this proceeding;

It is further ordered, That notice of this order be published in the **FEDERAL REGISTER** and a copy thereof be served upon respondents;

It is further ordered, That any person other than those named as respondents herein who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure;

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] **FRANCIS C. HURNEY,**
Secretary.

[FR Doc.73-8287 Filed 4-26-73;8:45 am]

GLOBAL TERMINAL AND CONTAINER SERVICES, INC. AND ATLANTICA, S.P.A.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW, room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 17, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edwin Longcope, Esq., Hill, Betts & Nash, One World Trade Center, Suite 5215, New York, N.Y. 10048.

Agreement No. T-2653-1, between Global Terminal & Container Services,

(Global) and Atlantica, S.p.A. (Atlantica), modifies the basic agreement between the parties, which is a 1-year terminal services arrangement whereby Global provides Atlantica container, terminal, and stevedoring services at its New York Harbor facility. The purpose of the modification is to extend the term of the agreement to December 31, 1973, cancellable by Atlantica on 90 days' notice after September 30, 1973.

Dated April 24, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-8290 Filed 4-26-73;8:45 am]

GLOBAL TERMINAL & CONTAINER SERVICES, INC. AND ATLANTICA, S.P.A.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW, room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 17, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edwin Longcope, Esq., Hill, Betts & Nash, One World Trade Center, Suite 5215, New York, N.Y. 10048.

Agreement No. T-2654-1, between Global Terminal & Container Services, Inc. (Global) and Atlantica, S.p.A. (Atlantica), modifies the basic agreement between the parties which provides for the 1-year operation of a container chassis management service by Global at its New York Harbor facility. The purpose of the modification is to extend the term of the agreement to December 31, 1973, can-

cellable by Atlantica on 90 days' notice after September 30, 1973.

Dated April 24, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-8291 Filed 4-26-73;8:45 am]

[Docket No. 73-21]

HAWAII RATE AGREEMENT

Order of Investigation and Hearing

On December 7, 1972, an agreement (agreement No. DC-57) was filed for Commission action pursuant to section 15 of the Shipping Act, 1916, on behalf of Matson Navigation Co. (Matson), Seatrain Lines, California (Seatrain), and United States Lines, Inc. (USL). The agreement is entitled "Hawaii Rate Agreement."

Each of the parties to the agreement operates vessels as common carriers in the Pacific Coast/Hawaii trade and offers through intermodal service. Each has tariffs on file with both the Federal Maritime Commission (FMC) and the Interstate Commerce Commission (ICC).

The agreement purports to authorize its signatories to confer with one another with respect to any and all matters contained in the individual FMC tariffs of the parties in the Hawaii trade, including equalization, transshipment, and charges relating to land transportation and interchange between land and ocean carriers.

Agreement No. DC-57 was noticed in the **FEDERAL REGISTER** on January 3, 1973 (38 FR 79). In response to the notice, comments were received from the State of Hawaii (State) and Sears, Roebuck & Co. (Sears), both of whom opposed Commission approval of the agreement.

These protests assert that the proponents of the agreement have failed to demonstrate that the public interest would be benefited by it, or it is necessitated by serious transportation needs. Furthermore, it is argued that such an agreement to "fix prices" is inherently dangerous and should not be approved without some guarantee of protection for the shipping public. Both protestants request that the Commission order an investigation and hearing on the matter of the approval of the agreement.

The proponents of the agreement, who also urge that a hearing be held, assert that the agreement is justified and that there is a need for such an agreement in order to maintain a stable rate structure.

The Commission has considered proponents' comments and the comments filed in opposition to the agreement and is of the opinion that the agreement should be made the subject of a formal investigation to determine whether it should be approved, disapproved, or modified pursuant to section 15 of the Shipping Act, 1916.

Now, therefore, it is ordered, That the Commission enter upon an investigation and hearing pursuant to section 22 of the Shipping Act, 1916, to determine whether agreement No. DC-57 should be approved,

disapproved, or modified pursuant to section 15 of the Shipping Act, 1916; the proceeding shall determine whether: (1) An agreement between carriers in the Hawaii Trade to discuss, *inter alia*, rates and practices, is required to satisfy a transportation need; (2) agreement No. DC-57 is detrimental to the commerce of the United States; (3) contrary to the public interest; or (4) otherwise in violation of the Shipping Act, 1916;

It is further ordered, That the parties signatory to agreement No. DC-57, Matson Navigation Co. (Matson), Seatrain Lines, Calif. (Seatrain), and United States Lines, Inc. (USL), shall be respondents in this proceeding; and the State of Hawaii and Sears, Roebuck & Co. are hereby designated petitioners;

It is further ordered, That in the event any modification of this agreement is filed with the Commission, such agreement shall be made subject to this investigation for approval, disapproval, or modification under the standards of section 15 of the Shipping Act, 1916;

It is further ordered, That the proceeding herein ordered be assigned for hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined and announced by the Administrative Law Judge;

It is further ordered, That notice of this order and notice of hearing be published in the *FEDERAL REGISTER* and copy of such order and notice of hearing be served upon respondents and petitioners;

It is further ordered, That persons other than respondents, petitioners, and hearing counsel who desire to become parties in this proceeding and to participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72), with a copy to all parties; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc. 73-8288 Filed 4-26-73; 8:45 am]

[Docket No. 73-22]

MATSON NAVIGATION CO.

Order of Investigation and Suspension Proposed Changes in Rates Between the U.S. Pacific Coast and Hawaii

On April 21, 1973, Matson Navigation Co. (Matson) proposes to put into effect various revisions to its existing tariff schedules, plus two entirely new tariffs all applicable to the trade between the U.S. Pacific Coast and Hawaii. Generally, with certain exceptions, the new and revised materials will: (a) Increase all rates except those on lumber and building materials by 12.5 percent and (b)

reduce the rates on lumber and building materials by amounts ranging from 4 to 47 percent of the current applicable rates.

At present, lumber and building materials are carried largely by barge operators in this trade, such as Northland Marine Lines, Inc. (Northland), Pacific Inland Navigation Co., Inc. (PAC) and Sause Bros. Ocean Towing Co., Inc. (Sause). Matson's proposed reductions on these commodities would create approximate rate parity with the barge operators. However, Matson's one-way service is accomplished in approximately 6-7 days as compared with 12-14 days for some of the barge operators.

Eleven protests were received from shippers, barge operators, and the State of Hawaii. Most of the protestants seek suspension and investigation of all or part of the revisions. Some of the reasons stated therefor are:

(a) The proposed increases are patently unreasonable in view of Matson's recent general rate increase (docket No. 71-18);

(b) The combination of a general increase coupled with a decrease on commodities carried by barge operators is an attempt to subsidize destructive competition;

(c) The inflationary effects of the proposed increases are contrary to the guidelines set forth by the Cost of Living Council and implemented by the Commission in amendment 3 to General Order No. 28 (46 CFR 548.8);

(d) The operating period upon which Matson bases its need for a rate increase contains 77 days of idle time due to strikes; and

(e) The impending acquisition of two new roll-on, roll-off (Ro/Ro) vessels will increase Matson's efficiency and reduce or eliminate the need for the proposed rate increase.

In connection with the proposed changes, Matson filed financial data pursuant to amendment 1 to General Order No. 11 (46 CFR 512.3(d)). A review of that data by the Commission's staff supports the carrier's need for immediate rate relief.

Upon consideration of the above matters the Commission is of the opinion that both Matson's proposed increases and its proposed reductions should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916 and/or section 4 of the Intercoastal Shipping Act, 1933. The Commission is of the further opinion that the reduction proposed by Matson on lumber and building materials may constitute unfair competition and that the reductions should be suspended and made the subject of a public investigation and hearing under section 3 of the Intercoastal Shipping Act, 1933, and good cause appearing, therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the tariff matter listed in

appendix A for the purpose of making such findings as the facts and circumstances warrant. In the event the tariff matter is further changed, amended, or reissued, such changes are hereby ordered to be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Matson Navigation Co.'s tariff FMC-F No. 149 is hereby suspended and the use thereof deferred to and including August 20, 1973, unless otherwise ordered by the Commission.

It is further ordered, That there shall be filed immediately by Matson Navigation Co. a consecutively numbered supplement to the aforesaid tariffs, which supplement shall bear no effective date, shall reproduce the portion of this order wherein that carrier's suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until August 21, 1973, and that the suspended matter may not be changed until this proceeding has been disposed of or until the period of suspension has expired, and that the rates, fares, charges, classifications, rules, regulations, or practices therefore in effect and which were to be changed by the suspended publication, or part or parts thereof, shall remain in effect during the period of suspension, unless otherwise ordered by the Commission;

It is further ordered, That, as part of this investigation a determination shall be made as to whether Matson's proposed changes in rates (appendix A) are unreasonable under section 18(a) of the Shipping Act, 1916, and section 4 of the Intercoastal Shipping Act, 1933;

It is further ordered, That copies of this order shall be filed with the appropriate tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That Matson Navigation Co. be named as respondent in this proceeding;

It is further ordered, That the following persons be named as complainants in accordance with the Commission's rules of practice and procedure:

State of Hawaii.
Rowwest Baking Co.
J. C. Penney Co., Inc.
General Foods Corp.
Geo. A. Hormel & Co.
Oscar Mayer & Co.
Pacific Inland Navigation Co., Inc. (PAC).
Northland Marine Lines, Inc.
Household Goods Forwarders Association of America, Inc.
The Pineapple Growers Association of Hawaii (PGAH).
American Home Products.
The National Small Shipments Traffic Conference, Inc.
Drug and Toilet Preparation Traffic Conference.
Kraft Foods.

It is further ordered, That this proceeding be assigned for public hearing before an administrative law judge of this Commission's Office of Administrative Law Judges and that the hearing(s) be held at a date and place to be determined by the presiding administrative law judge;

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It is further ordered. That, (D) a copy of this order be served upon each respondent and complainant herein and upon this Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (II) the respondent, complainants, and Hearing Counsel be duly served with notice of time and place of hearing(s);

It is further ordered. That the provisions of rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

PMC-F No. 130—Revised Pages 11, 12A, 15A, 20, 21, 26, 27, 28, 29, 30, 32, 33, 34, 35, 35A, 35B, 36, 37, 37A, 37B, 38, 39, 40, 42, 43, 43A, 44, 44A, 45, 47, 49.
PMC-F No. 143—Revised Pages 7, 9.
PMC-F No. 145—Revised Pages 4, 8, 9, 10, 11, 12, 13, 14.
PMC-F No. 149—Entire Tariff (Forest Products).
PMC-F No. 150—Entire Tariff.*

[FED. Doc. 73-8286 Filed 4-26-73; 8:45 am]

FEDERAL POWER COMMISSION

[Dockets Nos. R173-269, etc.]

RATE CHANGES

Order Providing for Hearing on and Suspension of Proposed Changes and Allowing Changes to Become Effective Subject to Refund¹

APRIL 18, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

*So much of tariff PMC-F No. 146 which contains matter also contained in suspended tariff PMC-F No. 149 shall remain in effect during the suspension period and is not canceled by tariff PMC-F No. 150.

¹Does not consolidate for hearing or dispose of the several matters herein.

The Commission finds

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate sched. 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	
R173-269.. Texaco, Inc.....		179	9	West Texas Gathering Co. (Emperor and South Kermit Field, Winkler County, Tex.) (Permian Basin).	\$513,678	3-21-73	.....	9-21-73	¹ 21.0	28.165	
R173-270.. Skelly Oil Co.....		257	4	Natural Gas Pipeline Co. of America (Haley Unit, Loving and Winkler Counties, Tex.) (Permian Basin).	321	3-22-73	.....	11-12-73	¹ 27.40	27.80	
R173-271.. Getty Oil Co.....		194	2	El Paso Natural Gas Co. (Cotton Draw Field, Eddy County, N. Mex.) (Permian Basin).	837	3-23-73	.....	10-7-73	¹ 27.00	14.30.35	
R173-272.. Sun Oil Co.....		65	12	El Paso Natural Gas Co. (Northeast Noelle Field, Crockett County, Tex.) (Permian Basin).	(9)	3-23-73	.....	5-24-73	13,8241	16.785	R173-407.
..... do.....		80	26	El Paso Natural Gas Co. (Jameson Field, Nolan County, Tex.) (Permian Basin).	7,629	3-23-73	.....	5-24-73	¹ 16.7846	¹ 19.3278	R169-213.
R173-273.. Exxon Corp.....		475	4	Natural Gas Pipeline Co. of America (Evets Area, Loving and Winkler Counties, Tex.) (Permian Basin).	10,140	3-25-73	.....	10-21-73	¹ 27.40	27.80	R173-28.
R173-274.. Phillips Petroleum Co.....		407	1	El Paso Natural Gas Co. (Goldsmit Plant, Ector County, Tex.) (Permian Basin).	256,560	3-25-73	.....	9-26-73	¹ 28.563	¹ 33.139	
..... do.....		408	1	El Paso Natural Gas Co. (Eunice Plant, Lea County, N. Mex.) (Permian Basin).	71,332	3-25-73	.....	9-26-73	¹ 28.323	¹ 32.519	
..... do.....		409	1	El Paso Natural Gas Co. (Lea Plant, Lea County, N. Mex.) (Permian Basin).	24,790	3-25-73	.....	9-26-73	¹ 28.468	¹ 32.574	
R173-274..... do.....		500	1	El Paso Natural Gas Co. (Bobbs Plant, Lea County, N. Mex.) (Permian Basin).	50,478	3-25-73	.....	9-26-73	¹ 27.567	¹ 31.651	
..... do.....		501	1	El Paso Natural Gas Co. (Lusk Plant, Lea County, N. Mex.) (Permian Basin).	4,600	3-25-73	.....	9-26-73	¹ 27.00	¹ 31.0	
..... do.....		503	1	El Paso Natural Gas Co. (Crane Plant, Crane County, Tex.) (Permian Basin).	108	3-25-73	.....	9-26-73	¹ 30.429	¹ 34.937	

*Unless otherwise stated, the pressure base is 14.65 lb/in².

¹ Rate suspended in docket No. R173-224 to become effective Mar. 2, 1973.

² Subject to British thermal unit adjustment.

³ Initial rate of 27 c/M ft³ subject to British thermal unit adjustment.

⁴ Filling up to contract rate of 30 c/M ft³ plus periodic increase of 0.35 c/M ft³.

⁵ No gas currently available for delivery.

⁶ Filling up to contract rate of 19 c/M ft³ plus tax reimbursement of 0.3278 c/M ft³.

⁷ Applicable to Nolan County properties.

⁸ Rate suspended in docket No. R173-129 to become effective May 7, 1973.

⁹ Rate adjusted proportionately for British thermal unit content above or below 100 Btu/ft³.

¹⁰ Increase to present contract rate.

¹¹ As amended by filing of Apr. 9, 1973.

The proposed increases of Sun Oil Co. do not exceed the rate limit for 1 day suspension and are therefore suspended for 1 day after termination of the required 60-day notice period.

All the remaining increases exceed the rate limit for 1 day suspension and are suspended for 5 months from termination of the 30-day statutory notice period or from the contractual effective date, whichever is later.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's "Statement of General Policy No. 61-1," as amended (18 CFR, § 2.56).

The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization Act of 1970, as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FPR Doc.73-8003 Filed 4-26-73;8:45 am]

[Rate Schedule No. 51, etc.]

RATE CHANGE FILINGS

APRIL 17, 1973.

Take notice that the producers listed in the appendix attached hereto have

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate schedule No.	Buyer	Area
Mar. 29, 1973...	Warren Petroleum Co., Operator, P.O. Box 1589, Tulsa, Okla. 74102.	51	Transwestern Pipeline Co....	Texas R.R. District No. 10, Hugoton-Anadarko.
Do.....	The Hunter Co., Inc., P.O. Box 532, Shreveport, La. 71130.	5	Tennessee Gas Pipeline Co....	Panola Co., Texas, R.R. No. 6, other southwest area.
Mar. 30, 1973...	A. H. Wadsworth, Jr., 1068 C & I Bldg., Houston, Tex. 77002.	2	.....do.....	Texas Gulf Coast.
Apr. 2, 1973....	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	378	.....do.....	Do.
Apr. 4, 1973....	J. M. Huber Corp., 200 West Loop South, Houston, Tex. 77027.	20	.....do.....	Do.
Apr. 6, 1973....	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	105	Texas Gas Transmission Corp.	Carthage Field, Panola County, Tex., R.R. No. 6, other southwest area.

[FPR Doc.73-8007 Filed 4-26-73;8:45 am]

NATIONAL GAS SURVEY COORDINATING COMMITTEE

Order Renewing

APRIL 16, 1973.

This order renews the National Gas Survey Coordinating Committee for the term from and after May 10, 1973, to a date not later than December 31, 1973. As presently constituted, the Coordinating Committee terminates May 10, 1973. The Commission contemplates that the work of all advisory committees participating in the National Gas Survey will be completed within the calendar year 1973. Hence, there will be no need or purpose of these committees beyond December 31, 1973.

This Committee was established pursuant to the Commission's order of May 10, 1971, 36 FR 8910, "Order Establishing National Gas Survey Coordinating Committee and Designating Its Membership and Chairmanship." That order reflects terms and conditions as set forth in the Commission's "Order Authorizing the

Establishment of National Gas Survey Advisory Committees and Prescribing Procedures," issued February 23, 1971, 36 FR 3851. The Committee is affected by subsequent Commission orders amending prior orders, issued April 25, 1972, 37 FR 8578, June 27, 1972, 37 FR 13306, and December 19, 1972, 37 FR 28658.

As so constituted, the Coordinating Committee is in accord with the provisions of applicable statutory and Executive order requirements.

By notice published March 20, 1973, 38 FR 7362, the Chairman of the Commission has determined and certified that the renewal of the Coordinating Committee for the period set forth herein is necessary in the public interest in connection with the performance of duties imposed on the Commission by law. The Office of Management and Budget, Committee Management Secretariat, has ascertained that the renewal of the Committee is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat. 770, 773-4.

The Federal Power Commission hereby

determines that the continued establishment of the National Gas Survey Coordinating Committee is in the public interest in connection with the performance of duties imposed on the Commission by law. The Commission establishes and continues this Committee in accordance with the provisions of this order, and provisions of an order of the Commission issued February 23, 1973, 38 FR 5940, which restates, for convenience purposes, the content of the Commission's February 23, 1971, order so as to reflect, in one order format, provisions of succeeding orders of this Commission which have changed portions of the February 23, 1971, order as necessary from time-to-time by reason of Commission determinations and subsequently enacted Executive orders and the Federal Advisory Committee Act.

1. *Purpose.*—The Coordinating Committee shall perform a liaison function between the National Gas Survey, as constituted by Commission staff members, and advisory committees which are now established or may hereafter be established. In this capacity, the Coordinating Committee shall (a) assist in the implementation of requests for information or studies recommended by the National Gas Survey, the Executive Advisory Committee, the various Technical Advisory Committees and such other committees as may be established, (b) establish such work schedule priorities as it considers necessary for the implementation of such requests, (c) initiate assignments to the various committee or committees for the collection of information and (d) assist in such other ways as it may from time to time be called upon to act in a liaison capacity.

Neither the Executive Advisory Committee, the respective Technical Advisory Committees, the Coordinating Committee, nor such other committee or committees as may be established shall be permitted to receive, compile or discuss data or reports showing the current or projected nonpublic commercial operations of identified business enterprises. Data or reports of a nonpublic nature that are requested from identified business enterprises shall be submitted directly to the Director of the National Gas Survey, or to such person on his staff as designated by the Director, and such data or reports will be composited with that submitted by other identified business enterprises and reported on a composite basis and the provisions of section 8(b) of the Natural Gas Act (15 U.S.C. 717(g)) and the Freedom of Information Act (5 U.S.C. 552(b)(4)) shall apply.

2. *Membership.*—The Chairman, Secretary and other members of the Coordinating Committee, as currently constituted, as selected by the Chairman of the Commission with the approval of the Commission, are designated in the appendix hereto.

3. The following paragraphs of the aforementioned order issued February 23, 1973, 38 FR 5940, "Restatement of Order Authorizing the Establishment of National Gas Survey Advisory Committees and Prescribing Procedures," are hereby incorporated by reference:

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- (2) Selection of Committee members.
- (3) Conduct of meetings.
- (4) Minutes and records.
- (5) Secretary of the Committee.
- (6) Location and time of meetings.
- (7) Advice and recommendations offered by the Committee.

4. The National Gas Survey Coordinating Committee, as established and continued by this order, shall terminate not later than December 31, 1973.

The Secretary of the Commission shall file with the Chairman, Committee on Commerce, U.S. Senate, Chairman, Interstate and Foreign Commerce Committee, House of Representatives, and Librarian, Library of Congress, copies of this order together with the Commission's "Restatement of Order Authorizing the Establishment of National Gas Survey Advisory Committees and Prescribing Procedures," as constituting the charter of the National Gas Survey Coordinating Committee.

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

By the Commission.

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

NATIONAL GAS SURVEY
COORDINATING COMMITTEE

Chairman, Thomas H. Jenkins, Director, National Gas Survey, Federal Power Commission.

Secretary, D. Jane Nix, Special Assistant to the General Counsel, Federal Power Commission.

FPC Representative, Gordon K. Zareski, Chief, Planning and Development Division, Bureau of Natural Gas, Federal Power Commission.

Members:

William M. Elmer, Chairman, EAC.

Ferdinand L. Gagne, Deputy to Mr. Strauss, Thomas H. Jenkins, Acting FPC Survey Coordinating Representative and Secretary, Transmission—TAC.²

Charles A. Gallagher, FPC Survey Coordinating Representative and Secretary, Distribution—TAC.²

Ralbem H. Murray, Deputy to Mr. Tankersley.

Dr. Paul J. Root, FPC Survey Coordinating Representative and Secretary, Supply—TAC.²

William T. Slick, Jr., Deputy to Mr. Wright, Willis A. Strauss, member—EAC,¹ Vice Chairman—Transmission—TAC.²

G. J. Tankersley, member—EAC,¹ Vice Chairman—Distribution—TAC.²

Myron A. Wright, member—EAC,¹ Vice Chairman—Supply—TAC.²

Richard C. Young, Deputy to Mr. Elmer.

[FPR Doc. 73-8261 Filed 4-26-73; 8:45 am.]

[Docket No. R-395]

REVISIONS IN UNIFORM SYSTEMS OF ACCOUNTS, AND ANNUAL REPORT FORMS NO. 1, AND NO. 2

Order Denying Rehearing

APRIL 20, 1973.

Revisions in uniform systems of accounts, and annual report forms No. 1

¹ Executive Advisory Committee

² Technical Advisory Committee

and No. 2 to adopt the equity method of accounting for long-term investments in subsidiaries.

The Montana Power Co. filed on March 2, 1973, a petition for rehearing of our order No. 469 issued on February 1, 1973, in the above captioned proceedings.

Petitioner, who owns a subsidiary engaged in the mining and sale of coal, states that the earnings of subsidiaries engaged in competitive marketing should not be reported as required by order No. 469 and alleges that such reporting may be in conflict with the antitrust laws because nonutility parent companies are not required to disclose the operating results of their subsidiary coal companies. The petitioner also alleges that the order is in conflict with Commission Opinion No. 641, Duke Power Co., docket No. E-7557, issued December 18, 1972,¹ wherein petitioner says the Commission disavowed jurisdiction over nonutility operations. Petitioner states that it would appear that the Commission failed to give any consideration as to whether the information required by order No. 469 from nonutility subsidiaries in competitive fields should be given confidential treatment under section 301(b) of the Federal Power Act and section 3 of the Freedom of Information Act. The petitioner requests that order No. 469 be modified to eliminate the reporting and accounting requirements for subsidiaries engaged in competitive marketing or, in the alternative, that the order be modified to keep the operating results of nonutility subsidiaries engaged in competitive marketing confidential by the Commission.

With respect to the jurisdictional question raised by Montana, in opinion No. 641, we held that customers have no rights in property or revenues from nonutility operations. We did not hold that we have no jurisdiction over the accounting for and reporting of nonutility operations. Our accounting regulations are applicable to the utility entity.²

With respect to competitive factors, we stated in order No. 469 that:

We are not persuaded by the arguments made on this issue and believe that it is important that the Commission and the public have information on the results of operations of individual subsidiary companies as such operations may have a significant impact on the utility's financial position.³

Nothing in petitioner's request for modification of order No. 469 convinces us that we should alter our position on the matter. We believe that information on the operations of a company vested with a public interest should be reported and open to public inspection.

We do not believe that disclosure of this information will have anticompetitive effects. In any event, the dominant public interest in full disclosure outweighs the potential for granting an ostensible competitive advantage to non-

¹ 48 FPC

² Northwestern Electric Co. 2 FPC 327, 331 aff. 321 U.S. 119.

³ 49 FPC —————, 38 FR 4246, February 12, 1973.

regulated companies who are not compelled to reveal their operating results.

With respect to petitioner's claim that the Commission failed to give any consideration as to whether the information required from nonutility subsidiaries in competitive fields should be given confidential treatment under section 301(b) of the Federal Power Act (16 U.S.C. 825) and section 3 of the Freedom of Information Act (5 U.S.C. 552(b)) we find that order No. 469 is consistent with those provisions. We stated at page 6 of the order that our action was taken pursuant to section 301 as well as other designated sections of the Federal Power Act. Section 301(b) specifically provides that the Commission may require the divulgence of any fact or information contained in the books or other accounts of a licensee or public utility. While section 3 of the Freedom of Information Act exempts from agency disclosure to the public privileged or confidential commercial or financial information a "bare claim of confidentiality" does not immunize an agency's files from scrutiny. *Bristol-Myers Co. v. F.T.C.*, 138 U.S. App. D.C. 22, 25, 424 F. 2d 935 (D.C. Cir., 1970). Disclosure will not undermine the competitive positions of utilities. Moreover, inasmuch as electric utilities perform a public service, any determination of the need for confidentiality must recognize that distinction from the nonregulated sector. In our view petitioner has not made a sufficient showing of a requirement for confidential treatment to override the public's need for the information in question as set out in order No. 469.

The Commission finds

The grounds for rehearing set forth in the petition filed by Montana Power Co. present no facts or legal principles which warrant any change or modification of the Commission's order No. 469, issued on February 1, 1973.

The Commission orders

Montana Power Co.'s petition for rehearing of the Commission's order No. 469 is denied.

By the Commission.

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

[FPR Doc. 73-8248 Filed 4-26-73; 8:45 am]

[Docket No. CP73-275]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

APRIL 20, 1973.

Take notice that on April 10, 1973, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in docket No. CP73-275 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Northern Natural Gas Co. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Northern proposes to deliver to Applicant at existing facilities in Mills County, Iowa, up to 40,000 M ft³ of natural gas per day during April and May 1973 and up to 100,000 M ft³ of natural gas per day thereafter until November 1, 1973; and Applicant in the instant application proposes to deliver at existing facilities near Troy Grove, Ill., equivalent volumes of natural gas to Northern Illinois Gas Co. for the account of Northern. Applicant's total transportation obligation is limited to 10,800,000 M ft³ of gas. Applicant states that it will charge 7.5c/M ft³ of gas transported.

The application states that Applicant commenced the transportation service on April 1, 1973, within the contemplation of § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22). Applicant indicates that it will have system capacity available to transport gas for Northern because the availability of Applicant's gas supply is not sufficient to utilize fully the capacity of its Amarillo main transmission line.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 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.73-8259 Filed 4-26-73;8:45 am]

[Docket No. RP71-107 (Phase I)]

NORTHERN NATURAL GAS CO.

Notice of Further Extension of Time and Postponement of Hearing

APRIL 18, 1973.

On April 11, 1973, Producers Gas Equities, Inc., filed a motion for an additional extension of the procedural dates as set by notice issued March 13, 1973, in the above matter. The motion states that Northern Natural Gas Co., Farmland Industries, Inc., Terra Chemical International Inc., Iowa Power & Light Co., and the staff have no objection to the request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of producers' testimony and exhibits, May 17, 1973.

Service of testimony and exhibits by all parties including the staff, May 24, 1973.

Service of rebuttal, testimony by producers, May 31, 1973.

Hearing, July 17, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8260 Filed 4-26-73;8:45 am]

TENNESSEE GAS PIPELINE CO.

Notice of Exchange Agreement

APRIL 20, 1973.

Take notice that on April 6, 1973, Tennessee Gas Pipeline Co. (Tennessee) tendered for filing original sheet Nos. 587-589 of the sixth revised volume No. 2 of the FPC gas tariff of Tennessee. Tennessee states that said tariff sheets comprise rate schedule X-37, and provide for the emergency exchange of natural gas between Tennessee and Transcontinental Gas Pipe Line Corp. under their exchange agreement dated January 8, 1973. Tennessee requests that the 30-day notice be waived so that the enclosed tariff sheets may become effective on March 20, 1973. Tennessee states further that a copy of this letter together with enclosures has been mailed to Transcontinental Gas Pipe Line Corp.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 May 8, 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.73-8257 Filed 4-26-73;8:45 am]

TEXAS GAS TRANSMISSION CORP.

Notice of Cancellation

APRIL 20, 1973.

Take notice that on March 28, 1973, Texas Gas Transmission Corp. (Texas) tendered for filing first revised sheet No. 293 superseding original sheets Nos. 293 through 298, constituting notice of cancellation of rate schedule X-23 of its FPC gas tariff, original volume No. 2. The proposed effective date of the revised tariff sheet is May 1, 1973. Texas states that a copy of this filing has been mailed to Texas Eastern.

Any person desiring to be heard or to protest said applications should file a petition to intervene or protest with the Federal Power Commission, 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 27, 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.73-8256 Filed 4-26-73;8:45 am]

[Project 618]

ALABAMA POWER CO.

Notice of Application for New Major License

APRIL 23, 1973.

Public notice is hereby given that application for a new major license was filed September 8, 1972, under the Federal Power Act by the Alabama Power Co. (correspondence to: Joseph M. Farley, president, Alabama Power Co., P.O. Box 2641, Birmingham, Ala. 35291) licensee for Jordan Dam project 618 which is located on the Coosa River in Elmore, Chilton, and Coosa Counties, Ala., near the cities of Wetumpka and Elmore.

The present license is due to expire November 6, 1975.

The project, which affects navigable waters and government lands of the United States, has an installed capacity of 100,000 kW (144,000 hp). It consists of: (1) A concrete gravity dam and integral powerhouse having an aggregate length of 2,066 feet and a maximum height of 125 feet, including a spillway section 1,274 feet long having 35 bays, 17 of which are equipped with 30 foot by 18 foot vertical lift gates and 18 of which are equipped with 34 foot by 8 foot radial gates; (2) a powerhouse having four 25,000 kW generating units; (3) a reservoir extending 18.4 miles upstream to Mitchell Dam (FPC project No. 82) having a surface area of 5,560 acres and a

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storage capacity of approximately 235,000 acre-feet; and (4) seven 115 kV transmission lines and appurtenant facilities.

The estimated net investment and fair market value of the project as of November 6, 1975 are \$5.575 million and \$28.2 million, respectively. In the event the project is taken over applicant estimates severance damages to be \$35,334,845. No estimate of State and local taxes attributable to the project was provided in the application.

Applicant states that the project's recreational features include: 17 boat ramps; 9 bathing areas; 2 marinas; 8 picnic areas; 3 group camping areas; 4 tenting areas; 3 trailer areas; 2 visitor centers; 14 comfort stations; 23 parking areas having a capacity of 660 spaces; 17 drinking areas; 435 recreational cottage sites of which 330 are held by the general public; hunting; fishing; and boating. Applicant states it has reserved considerable acreage within the boundaries for future recreational development.

The power produced from this project is integrated into applicant's electric system.

Any person desiring to be heard or to make protest with reference to said application should on or before June 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's "Rules of Practice and Procedure" (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FPR Doc.73-8254 Filed 4-26-73;8:45 am]

[Docket No. E-7918]

CAROLINA POWER & LIGHT CO.

Notice Changing Date of Hearing

APRIL 19, 1973.

On April 18, 1973, Carolina Power & Light Co. filed a motion for rescheduling of hearing date established by the order issued March 12, 1973. The motion states that neither staff nor interveners have any objection to the change of the hearing date.

Upon consideration, notice is hereby given that the date of hearing has been changed to May 2, 1973, at 10 a.m. in a hearing room of the Federal Power Commission, Washington, D.C.

KENNETH F. PLUMB,
Secretary.

[FPR Doc.73-8250 Filed 4-26-73;8:45 am]

[Docket No. E-7743]

CONNECTICUT LIGHT & POWER CO.

Notice of Further Extension of Time and Postponement of Hearing

APRIL 19, 1973.

On April 13, 1973, the Connecticut Light & Power Co. filed a motion for a further extension of the procedural dates as established by notice issued February 28, 1973. The motion states that the Connecticut Municipal Group and American Cyanamid Co. consent to the motion for an extension of time.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are further modified as follows:

Service of Rebuttal Testimony and Exhibits by Connecticut Light & Power Co., May 21, 1973.

Hearing, June 5, 1973 (10 a.m., e.d.t.). The new address of the Federal Power Commission will be 825 North Capitol Street NE, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FPR Doc.73-8252 Filed 4-26-73;8:45 am]

[Dockets Nos. CP71-222, CP71-223]

GREAT LAKES GAS TRANSMISSION CO.
Order Setting Date for Formal Hearing,
Prescribing Procedures, Permitting Intervention, and Consolidating Proceedings

APRIL 23, 1973.

On September 12, 1972, Great Lakes Gas Transmission Co. (Great Lakes) filed in dockets Nos. CP71-222 and CP71-223 a petition, pursuant to sections 3 and 7(c) of the Natural Gas Act, to amend the authorizations issued in those dockets. Specifically Great Lakes seeks authorization to reduce, by 85,000 M ft³ per day, the firm volumes of natural gas imported, transported, and exported for TransCanada Pipelines, Ltd. (Trans-Canada). Notice of the petition to amend was issued October 4, 1972, and published in the FEDERAL REGISTER on October 13, 1972 (37 FR 21667). That notice set October 27, 1972, as the final date for filing protests or petitions to intervene.

Pursuant to Commission orders issued concurrently on June 1, 1971, in Dockets Nos. CP71-222 and CP71-223, Great

Lakes was authorized to import, transport, and export for TransCanada a firm volume of natural gas in the amount of 900,000 M ft³ per day and any overrun volumes on a capability basis in accordance with the terms of Great Lakes' rate schedule T-4. Great Lakes states that the portion of its pipeline system used for such service has not been able to achieve the flow efficiency assumed in its design and that certain of its compressor units have not performed as expected, resulting in a smaller than planned system capability. These two docket numbers, because they are interrelated, should be consolidated for purposes of the hearing ordered herein.

On July 14, 1972, Great Lakes and TransCanada entered into an agreement to reduce the firm daily transportation volume by 85,000 M ft³ per day, subject to the approval of the National Energy Board of Canada (NEBC). By letter dated October 27, 1972, the NEBC approved that reduction agreement.

On February 2, 1973, Great Lakes submitted tariff sheets reflecting the authorizations pending determination in the certificate proceedings consolidated herein. In response to those tariff sheets, TransCanada filed, on February 27, 1973, a protest and petition to intervene. Since there was no authorization to perform the services set forth in the tendered tariff sheets, they were rejected without prejudice to resubmittal. That rejection rendered TransCanada's protest and petition to intervene a nullity.

A timely petition to intervene in dockets Nos. CP71-222 and CP71-223 was filed by Union Gas Co. of Canada, Ltd. (Union) on October 26, 1972. An untimely petition to intervene was filed by Northern and Central Gas Corp., Ltd. (Northern) on February 15, 1973.

Only Northern specifically requests a hearing. In its petition to intervene it raised questions concerning the exact capacity of Great Lakes' line, the causes of and possible solutions to the problem, and the overall public convenience and necessity of the certificate amendment. Northern states that the inability of Northern, Union, and Great Lakes to arrive at an amicable resolution of this matter delayed the filing of its petition.

The interest of Union in this proceeding is based on its dependence for its gas supply on TransCanada, with whom Union has a long-term contract for substantial volumes of gas which are furnished through the facilities of Great Lakes.

The Commission finds

(1) Although the petition of Northern was not timely filed, good cause exists for permitting such intervention.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) 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 above-mentioned matters.

(4) The expeditious disposition of these proceedings will be furthered by the submission of Great Lakes' case-in-chief on or before May 21, 1973.

(5) Good cause exists to consolidate the proceedings in dockets Nos. CP71-222 and CP71-223.

The Commission orders

(A) The above-named petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 3, 4, 7, 15, and 16 thereof, the Commission's "Rules of Practice and Procedure," and regulations under the Natural Gas Act (18 CFR Ch. 1) a public hearing on the issues presented by Great Lakes Gas Transmission Co.'s application in dockets Nos. CP71-222 and CP71-223 will be held in a hearing room of the Federal Power Commission, Washington, D.C., commencing at 10 a.m. on June 12, 1973.

(C) Pursuant to § 2.62(c) of the Commission's "Rules of Practice and Procedure," Great Lakes shall serve copies of its filings upon all interveners promptly, unless such service has already been effected pursuant to part 157 of the Commission's regulations under the Natural Gas Act.

(D) The proceedings in dockets Nos. CP71-222 and CP71-223 are consolidated.

(E) On or before May 21, 1973, Great Lakes and any supporting intervenor shall file its direct testimony and evidence in support of the application. All testimony and evidence filed herein shall

be served upon the Presiding Administrative Law Judge, Commission staff, and all other parties to the proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FPR Doc.73-8253 Filed 4-26-73;8:45 am]

[Docket No. E-7740]

INDIANA & MICHIGAN ELECTRIC CO.

Order Denying Application for Rehearing and Motion for Change in Dates

APRIL 19, 1973.

On March 23, 1973, Richmond Power & Light of the city of Richmond, Ind. (R.P. & L.), and the city of Anderson, Ind., filed a joint motion requesting that the dates for filing evidence and hearing in the proceeding, postponed by the Commission's order of March 19, 1973, be rescheduled to the dates established by the Presiding Administrative Law Judge by his ruling issued March 5, 1973. The Indiana & Michigan Municipal Distributors Association supports this motion, but the motion is opposed by the Indiana & Michigan Electric Co. On March 26, 1973, R.P. & L. asked for rehearing of the Commission's order of March 19, 1973, and a declaratory order modifying Indiana & Michigan Electric Co.'s (I. & M.) rate schedule No. 58.

As set forth in our order of March 19, 1973, R.P. & L. petitioned the Commission for an order to show cause against I. & M. asking that I. & M. be directed to show cause why its rate schedule No. 58, including its proposed tariff WS (supp. No. 5), which became effective subject to refund on January 13, 1973, should not be modified with respect to R.P. & L.'s new 60-megawatt plant. We denied the petition to show cause because we could not make a change in I. & M.'s tariff without consideration of numerous and complex factual considerations. We had already scheduled a hearing to deal with the issues raised by I. & M.'s tariff filing, and we were of the opinion that it would not be equitable to treat R.P. & L.'s problems separately from I. & M.'s numerous other customers. We postponed the date for filing the intervenors' evidence from March 14, 1973, until April 2, 1973, I. & M.'s rebuttal evidence from April 12, 1973, to May 2, 1973, and the hearing from April 24, 1973, to May 22, 1973, subject to adjustment, if necessary, by the Administrative Law Judge, in order to give R.P. & L. opportunity to present evidence on its contention made in the petition.

R.P. & L. now says that its evidence was served on March 14, 1973 (except for certain exhibits which were served on March 19, 1973), that it has presented its full evidence on the issues raised by its show cause petition, and that the hearing has been unjustifiably postponed by 4 weeks. In our opinion it would not now be equitable to shorten the time for I. & M. to file its rebuttal evidence or the time for preparing for the hearing. We will therefore retain the schedule set forth in our order of March 19, 1973, subject to adjustment by the Administrative Law Judge.

The gist of R.P. & L.'s argument in its application for rehearing is that under I. & M.'s proposed tariff it will be unable to make full use of its facilities and that this is inconsistent with the Commission's concern over the potential impact of fuel oil shortages since R.P. & L.'s generating units (including the planned new unit) use coal for boiler fuel. By denying interim relief, R.P. & L. says, the Commission is encouraging R.P. & L. to let I. & M. carry the base load and use its own generation largely for peaking. This would come about because of the large demand payments required of R.P. & L. under I. & M.'s tariff WS and the low energy charges under that tariff. It believes the Commission can declare without hearing that R.P. & L. is entitled to an interconnection arrangement on an equalized reserve basis, and can prescribe changes in I. & M.'s tariff on an interim basis that fall short of full relief. It adds that I. & M. has proposed a drastic restructuring of its wholesale rates which has the effect of penalizing one of its customers for operating a new generating unit, and the public interest requires immediate Commission action.

In our opinion we can no more deal with R.P. & L.'s alleged difficulties on the basis of its argument on rehearing than we could on the basis of its original petition. I. & M. tendered a revised tariff on June 13, 1972. The Commission, after objection by R.P. & L., on August 11, 1972, accepted the tariff subject to a 5-month statutory suspension period. The rates went into effect subject to refund on January 13, 1973; we could not under the statute suspend them longer. The proceeding, after the exchange of the written evidence, will go to hearing on or about May 22, 1973. If I. & M. has made errors in its cost computations or rate design it may be subject to refunds and the obligation to file revised rate schedules. As we said in our prior orders we cannot determine the complicated questions raised by I. & M.'s rate filing in relation to the requirements of all of

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its customers without a full evidentiary hearing. It would be inequitable to prescribe arrangements between R.P. & L. and I. & M. except in relation to the operations of the I. & M. system as a whole and arrangements with all of its other customers.

The Commission further finds

The assignments of error and grounds for rehearing set forth in R.P. & L.'s application for rehearing present no facts or legal principles which would warrant any change in or modification of the Commission's order issued March 19, 1973.

The Commission orders

(A) The motion of R.P. & L. and Anderson for change in dates for filing evidence and hearing is denied.

(B) R.P. & L.'s application for rehearing of the Commission's order of March 19, 1973, is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8249 Filed 4-26-73;8:45 am]

UNITED GAS PIPE LINE CO.*Notice of Exchange Agreement*

APRIL 20, 1973.

Take notice that on April 9, 1973, United Gas Pipe Line Co. (United) tendered for filing as a part of its FPC gas tariff, original volume No. 2, second revised sheets Nos. 426 and 428, comprising a part of rate schedule X-40, being an exchange agreement, dated September 10, 1970, as amended, with Southern Natural Gas Co. United states that this filing deletes the Bienville Parish point of interconnection in the exchange agreement between United and Southern Natural Gas Co. United requests that the enclosed tariff sheets be accepted and made effective May 15, 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, 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 May 8, 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 Commiss-

ion and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8255 Filed 4-26-73;8:45 am]

[Docket No. E-8026]

VIRGINIA ELECTRIC & POWER CO.*Notice of Extension of Time and Postponement of Hearing*

APRIL 19, 1973.

On April 13 and April 19, 1973, Electric Cities of North Carolina, and Virginia Electric & Power Co. respectively, filed motions for extension of the procedural dates as established by the order issued April 6, 1973, in the above designated matter. The motions state that there are no objections to the request.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are modified as follows:

Service of evidence in support of moratorium, May 28, 1973.

Service of evidence in opposition to moratorium, June 4, 1973.

Service of rebuttal evidence by supporting parties, June 15, 1973.

Hearing and cross examination, June 26, 1973 (10 a.m., ed.t.). The new address of the Federal Power Commission will be 825 North Capitol Street NE, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8251 Filed 4-26-73;8:45 am]

TEXAS GAS TRANSMISSION CORP.*Notice of Exchange Agreement*

APRIL 24, 1973.

Take notice that on March 28, 1973, Texas Gas Transmission Corp. (Texas) tendered for filing rate schedule X-44, consisting of the original sheets Nos. 496 through 501 to its FPC gas tariff, original volume No. 2. Texas states that this new exchange agreement supersedes Texas' rate schedule X-23, which contained six exchange points. The proposed effective date of rate schedule X-44 is May 1, 1973. Texas states further that a copy of this filing has been mailed to Texas Eastern.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of prac-

tice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 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.73-8384 Filed 4-26-73;10:32 am]

OFFICE OF TELECOMMUNICATIONS POLICY**FREQUENCY MANAGEMENT ADVISORY COUNCIL***Notice of Cancellation of Meeting*

The Frequency Management Advisory Council meeting previously scheduled for 10 a.m., Thursday, May 3, 1973, in room 712, 1800 G Street NW, Washington, D.C. (38 FR 9867 (1973)), has been canceled, and tentatively rescheduled for Wednesday, July 18, 1973. Details regarding this meeting will be announced and published in the *FEDERAL REGISTER* at a later date.

Dated April 24, 1973.

BRYAN M. EAGLE,
Advisory Committee
Management Officer.

[FR Doc.73-8262 Filed 4-26-73;8:45 am]

VETERANS ADMINISTRATION**CENTRAL OFFICE EDUCATION AND TRAINING REVIEW PANEL***Continuation*

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), the Veterans Administration has determined that the continuation of the Veterans Administration Central Office Education and Training Review Panel is in the public interest in connection with the performance of duties imposed on the Veterans Administration by law.

Signed at Washington, D.C., this 20th day of April 1973.

[SEAL] DONALD E. JOHNSON,
Administrator.

[FR Doc.73-8244 Filed 4-26-73;8:45 am]

FEDERAL RESERVE SYSTEM
CENTRAL BANCSHARES OF THE SOUTH,
INC.

Order Approving Acquisition of Banks

Central Bancshares of the South, Inc., Birmingham, Ala. (formerly Central and State National Corp. of Alabama, Birmingham, Ala.), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire not less than 80 percent of the voting shares of the First National Bank of Auburn, Auburn, Ala. (Auburn Bank); and to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the Deposit National Bank of Mobile County, Prichard, Ala. (Prichard Bank). The bank into which Prichard Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Prichard Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Prichard Bank.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls four banks with aggregate deposits of approximately \$549 million, representing 9 percent of total deposits in commercial banks in Alabama and is the third largest banking organization and bank holding company in the State. (All banking data are as of June 30, 1972, adjusted to reflect holding company formations and acquisitions approved by the Board through Mar. 31, 1973.) The acquisition of Auburn Bank (\$18 million deposits) and Prichard Bank (\$10 million deposits) would increase applicant's share of State deposits by five-tenths of a percentage point.

Auburn Bank is the third largest of the six commercial banks located in the Lee County banking market, all of which are unaffiliated at the present time. It holds approximately 19 percent of total market deposits, and the largest, second, fourth, and fifth largest banks hold 24 percent, 23 percent, 19 percent, and 14 percent, respectively, of such total deposits. Applicant's closest subsidiary office is located 57 miles from Auburn.

Prichard Bank is located in the Mobile banking market where it controls approximately 1 percent of total deposits as the 10th largest of the market's 13 banks. The two largest market banks control approximately 71 percent of total deposits. Applicant's closest subsidiary banking office is located 198 miles northeast of Prichard Bank.

Applicant is not presently represented in either the Lee County or the Mobile banking markets, and there is no signifi-

cant present competition between any of its subsidiaries and the Auburn and Prichard Banks. In view of the distances separating the banks and State laws restricting branching, it appears unlikely that any meaningful competition would develop between these offices in the future. It is the Board's opinion that the acquisition of Auburn and Prichard Banks by applicant would have no adverse effect on existing or potential competition, and would not tend to create a monopoly or in any manner be in restraint of trade in the relevant areas.

The financial condition and managerial resources of applicant and its present subsidiaries are considered to be satisfactory, in view of applicant's commitment to increase the capital position of its subsidiaries. These same conditions are also deemed to be satisfactory as pertain to the Auburn and Prichard Banks. The future prospects for each appear favorable. Considerations relating to the banking factors are consistent with approval of the applications. The banking needs of the relevant areas are being met at the present time. However, affiliation with applicant would enable both Auburn and Prichard Banks to increase their lending capabilities and both banks would benefit from applicant's expertise and assistance in such services as marketing, trust, computer services, and advertising. Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the applications. It is the Board's judgment that consummation of the proposed transactions would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before May 19, 1973, or (b) later than June 19, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,¹ effective April 19, 1973.

[SEAL] **TYNAN SMITH,**
Secretary of the Board.
 [FR Doc.73-8232 Filed 4-26-73;8:45 am]

FIRST BANCSHARES OF FLORIDA, INC.
Acquisition of Bank

First Bancshares of Florida, Inc., Boca Raton, Fla., has applied for the board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank of West Boynton Beach, Boynton Beach, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

¹ Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than May 16, 1973.

Board of Governors of the Federal Reserve System, April 20, 1973.

[SEAL] **CHESTER B. FELDBERG,**
Assistant Secretary of the Board.
 [FR Doc.73-8233 Filed 4-26-73;8:45 am]

FIRST NATIONAL BANKSHARES OF FLORIDA, INC.

Order Approving Acquisition of Two Banks and Denying Acquisition of Two Banks

First National Bankshares of Florida, Inc., Pompano Beach, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of the following four Florida banks: (1) The Indian River Citrus Bank, Vero Beach (Indian River Bank); (2) the Westside Bank of Vero Beach, Vero Beach (Westside Bank), a newly chartered bank; (3) the Beach Bank of Vero Beach, Vero Beach (Beach Bank); and (4) the Sebastian River Bank, Sebastian (Sebastian Bank).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Although each of the applications has been separately considered by the Board, because of the facts and circumstances common to the four applications, this order contains the Board's findings and conclusions with respect to all four applications.

Applicant controls four banks with aggregate deposits of approximately \$145 million, representing 0.8 percent of total deposits in commercial banks in Florida and it is the 21st largest banking organization in the State.¹ Applicant's acquisition of Indian River Bank (deposits of \$52 million), Westside Bank (a newly chartered bank), Beach Bank (deposits of \$13 million), and Sebastian Bank (deposits of \$4.4 million) would increase its share of statewide deposits to slightly more than 1 percent and change its rank among banking organizations in Florida to 18th. Applicant's acquisition of only Indian River Bank and Westside Bank would increase its share of statewide deposits to approximately 1 percent and it would rank 19th among Florida banking organizations. Approval of all the proposed acquisitions would not result in any

¹ Banking data are as of June 30, 1972, adjusted to reflect holding company acquisitions and formations approved through Dec. 31, 1972.

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significant increase in the concentration of banking resources in Florida.

The four banks involved are located in and serve the Indian River County banking market. Applicant's closest existing subsidiary bank is located approximately 100 miles from the market area involved and none of applicant's present subsidiary banks compete to any significant extent with any of the proposed subsidiary banks. Due to the distances separating the institutions, the number of banks in the intervening area, and Florida's restrictions on branch banking, it is unlikely that any significant competition between applicant's existing subsidiary banks and the proposed subsidiaries would develop in the future.

Beach Bank, controlling 14.4 percent of deposits in the relevant market, and Sebastian Bank, controlling approximately 5 percent of deposits in the relevant market, are, respectively, the third and fourth largest of four existing banks in that market. Beach Bank, Sebastian Bank, and Westside Bank were all organized under the auspices of Indian River Bank, which is the largest of the four existing banks in the relevant market, controlling approximately 58 percent of deposits. Due to common share ownership, common management, and interlocking director relationships among Indian River Bank, Beach Bank, and Sebastian Bank, there is little competition among the three banks. Indian River Bank and its affiliates are the dominant banking organization in the market which is highly concentrated. Together, they control approximately 77 percent of deposits in the market. There is only one other bank in the market.

In addition to the four existing banks in the relevant market and Westside Bank, another holding company has received approval to establish a *de novo* bank in the market. Two applications by holding companies to charter *de novo* national banks in the market have recently been denied by the Comptroller of the Currency. Accordingly, *de novo* entry into the market by other banking organizations seems foreclosed at present. Therefore, applicant's acquisition of all four banks would preclude entry by other banking organizations into the Indian River County banking market, would make permanent the near monopoly that the Indian River Bank and its affiliates enjoy in the market, and would foreclose the possibility of potential competition developing among any one or more of the four banks involved. Under these circumstances, the Board does not believe that approval of all four of the proposed acquisitions would be justified, under the standards of the act, absent compelling considerations bearing upon the convenience and needs of the communities involved.

Although applicant's acquisition of Indian River Bank would result in applicant controlling the largest bank in the market, such acquisition would also break the existing affiliation among the four banks and result in a deconcentration of banking resources in the market. Since applicant is presently the 21st largest of 25 existing holding companies

in Florida, it would appear preferable, from a competitive standpoint, to permit a relatively small bank holding company to acquire Indian River Bank and thereby foster competition in the market and on a statewide basis. Further, applicant has committed that it will increase Indian River Bank's capital by \$1 million within 6 months from consummation of the proposed acquisition and, therefore, banking factors lend weight toward approval of such acquisition.

Applicant's acquisition of Beach Bank and Sebastian Bank, in addition to its acquisition of Indian River Bank, would have significant anticompetitive consequences. The existing affiliation among the banks would become more permanent within a holding company structure, deconcentration of banking resources in the relevant market would become very unlikely, since it appears that there are significant barriers for entry into the market by other banking organizations, and the possibility of significant competition developing among the three banks would be foreclosed. The acquisition by applicant of Westside Bank, in addition to Indian River Bank, would not involve significant anticompetitive effects, since Westside Bank is a recently chartered bank that has not yet competed in the market.

The financial and managerial resources of applicant, its existing subsidiary banks, and Banks are consistent with approval of all four applications, particularly in view of applicant's commitment to increase Indian River Bank's capital by \$1 million within 6 months from consummation of such acquisition. However, financial and managerial considerations do not outweigh the anticompetitive effects involved in applicant's proposals to acquire Beach Bank and Sebastian Bank. Considerations relating to the convenience and needs of the communities to be served are also consistent with approval of all four applications, but do not outweigh the previously cited adverse effects with respect to Beach Bank and Sebastian Bank.

In summary, it is the Board's conclusion that approval of all four applications would have the effect of substantially foreclosing future competition in the Indian River County banking market. However, acquisition of Indian River Bank and Westside Bank would be in the public interest since it would result in disaffiliation of a near monopoly in the market and promote deconcentration of banking resources in the market. Accordingly, it is the Board's judgment that consummation of the proposed acquisitions of Indian River Bank and Westside Bank would be in the public interest and that those two applications should be approved; and that consummation of the proposed acquisitions of Beach Bank and Sebastian Bank would not be in the public interest and that those two applications should be denied.

On the basis of the record, the applications to acquire Beach Bank and Sebastian Bank are denied and the applications to acquire Indian River Bank and Westside Bank are approved for the

reasons summarized above. The transactions involving Indian River Bank and Westside Bank shall not be consummated (a) before May 19, 1973, or (b) later than June 19, 1973 and (c) The Westside Bank of Vero Beach, Vero Beach, Fla., shall be opened for business not later than September 19, 1973. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,² effective April 19, 1973.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-8230 Filed 4-26-73;8:45 am]

PANNATIONAL GROUP INC.

Acquisition of Bank

PanNational Group Inc., El Paso, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Citizens National Bank of Austin, Austin, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 17, 1973.

Board of Governors of the Federal Reserve System, April 20, 1973.

[SEAL]

CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-8234 Filed 4-26-73;8:45 am]

SOUTH CAROLINA NATIONAL CORP.

Proposed Acquisition of Provident Financial Corp.

South Carolina National Corp., Columbia, S.C., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y, for permission to acquire voting shares of Provident Financial Corp., Sanford, N.C. Notice of the application was published on March 8 and 9, 1973, in 12 newspapers circulated in the communities in North Carolina, South Carolina, and Virginia in which Provident Financial Corp., or its operating subsidiaries are engaged in business.

Applicant states that the proposed subsidiary would engage in the following activities: (1) Consumer finance activities through wholly owned subsidiaries licensed in North Carolina and

² Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

South Carolina; and in connection therewith acting as agent or broker (a) in the sale of credit life and credit accident and health insurance and (b) the sale of casualty insurance protecting property securing the subsidiaries' extensions of credit; (2) reinsuring credit life and credit accident and health insurance sold by the operating subsidiaries as agent or broker; (3) financing second mortgages and sale of monthly reducing term life insurance related thereto; and (4) financing insurance premiums for individuals on policies issued by unaffiliated insurance companies. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

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

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

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 14, 1973.

Board of Governors of the Federal Reserve System, April 17, 1973.

[SEAL] **CHESTER B. FELDBERG,**
Assistant Secretary of the Board.

[FIR Doc.73-8231 Filed 4-26-73;8:45 am]

CITIZENS BANCORP

Acquisition of Bank

Citizens Bancorp, Vineland, N.J., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Citizens National Bank of Wildwood, Wildwood, N.J., a proposed new bank. The factors that are considered in acting on the application are set forth in § 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit his views

in writing to the Reserve Bank to be received not later than May 14, 1973.

Board of Governors of the Federal Reserve System, April 20, 1973.

[SEAL] **CHESTER B. FELDBERG,**
Assistant Secretary of the Board.

[FIR Doc.73-8208 Filed 4-26-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.
Temporary Reg. D-38]

U.S. ATTORNEY GENERAL

Delegation of Authority

1. *Purpose.*—This regulation delegates authority to the Attorney General of the United States to perform all functions in connection with the leasing of a new correctional facility in Adams County, Wis., for use by the Bureau of Prisons.

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

3. *Delegation.*—a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Attorney General of the United States to perform all functions in connection with leasing the correctional facility in Adams County, Wis.

b. This delegation shall extend to leasing space under authority contained in section 210(h)(1) of the above-cited act for a firm period not to exceed 20 years with suitable renewal options for use by the Bureau of Prisons.

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

d. The Attorney General may redelegate this authority to any official or employee of the Department of Justice (40 U.S.C. 486(d)).

ARTHUR F. SAMPSON,
Acting Administrator of
General Services.

APRIL 19, 1973.

[FIR Doc.73-8207 Filed 4-26-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

EASTERN COAL CORP.

Notice of Opportunity for Public Hearing Regarding Application for Renewal Permit

Application for renewal permit for noncompliance with the interim mandatory dust standard (2.0 mg/m³) has been received as follows:

ICP docket No. 20019, Eastern Coal Corp., Stone No. 7 Mine, USBM Identification No. 15 04315 0, Stone, Ky.:
Section Identification No. 006 (sec. No. 25).
Section Identification No. 007 (sec. No. 27).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, room 800, 1730 K Street NW., Washington D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

APRIL 24, 1973.

[FIR Doc.73-8198 Filed 4-26-73;8:45 am]

CHAIRMAN AND VICE CHAIRMAN OF THE PANEL

Notice of Appointment of Certifying Officer and Fee Schedule

Notice is given that the Interim Compliance Panel, established by the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; 30 U.S.C. 804), has appointed the chairman and vice chairman of the panel as the certifying officers of the panel. Either of these officers may authenticate records or written instruments of the Interim Compliance Panel and may attest to the genuineness and correctness of copies of Interim Compliance Panel records by his signature and by affixing the seal of the Interim Compliance Panel to such documents or records.

The fee schedule for processing or copying of such records is:

a. Reproduction, duplication, or copying of records—10 cents per page; however, no charge will be made where the total amount does not exceed \$1.

b. Certification or authentication of records—\$3 per certification or authentication.

c. Special handling—overtime search for records, special delivery, certified, or airmail postage or other nonroutine costs will be charged on an actual cost basis.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

APRIL 23, 1973.

[FIR Doc.73-8199 Filed 4-26-73;8:45 am]

NATIONAL COMMISSION ON MATERIALS POLICY

NOTICE OF MEETING

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 30, 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 review-

NOTICES

[File No. 500-1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

APRIL 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units and all other securities of Beneficial Laboratories, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 24, 1973, through May 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-8213 Filed 4-26-73;8:45 am]

[File No. 500-1]

ELECTRONIC CONCEPTS LABORATORIES CORP.

Order Suspending Trading

APRIL 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Electronic Concepts Laboratories Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 23, 1973, through May 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-8221 Filed 4-26-73;8:45 am]

[70-533]

GEORGIA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

APRIL 23, 1973.

Notice is hereby given that Georgia Power Co. (Georgia), 270 Peachtree Street NW, Atlanta, Ga. 30303, an electric utility subsidiary company of the Southern Co. (Southern), a registered holding company, has filed an applica-

tion with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Georgia proposes to issue and sell, subject to the competitive bidding requirements of rule 50 under the Act, up to \$115 million principal amount of its first mortgage bonds, ____ percent series due _____. The proposed series of bonds will bear a single maturity date within the range of 5 to 30 years, such maturity date to be determined prior to the filing of the registration statement relating to the bonds. The interest rate (which will be a multiple of one-eighth percent and the price, exclusive of accrued interest, to be paid to Georgia (which will be not less than 99 percent nor more than 102 1/4 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an indenture, dated as of March 1, 1941, between Georgia and Chemical Bank, as trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated as of June 1, 1973, which includes a prohibition until June 1, 1978, against refunding the bonds with or in anticipation of the proceeds from borrowings at a lower effective interest cost.

Georgia will apply the proceeds from the sale of the bonds, together with cash contributions to capital of \$124 million by Southern during 1973 (file No. 70-5261), proceeds from the anticipated sale of additional first mortgage bonds and preferred stock referred to below, and any excess cash on hand (1) to finance in part its 1973 construction program (estimated at \$513,760,000), (2) to pay notes payable in the form of banknotes and commercial paper notes incurred for construction purposes and (3) for other lawful purposes.

Georgia states that later in 1973, it expects to issue \$150 million principal amount of first mortgage bonds and 250,000 shares (\$25 million) of preferred stock and that, to the extent necessary, these financings will be the subject of future filings with this Commission. Beyond that, Georgia estimates that it will not be necessary to sell any additional securities in 1973 for construction purposes except for short-term notes estimated to be outstanding in the amount of \$55 million on December 31, 1973.

It is stated that the Georgia Public Service Commission has authorized the proposed issuance and sale of the bonds by Georgia. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees and expenses to be incurred in connection with

[FR Doc.73-8411 Filed 4-26-73;10:33 am]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-4380-4389]

AIRBORNE FREIGHT CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 23, 1973.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

File No.

Airborne Freight Corp.	7-4380
American Building Maintenance Industries	7-4381
American Medicorp, Inc.	7-4382
Belco Petroleum Corp.	7-4383
Broadway-Hale Stores, Inc.	7-4384
Dr. Pepper Co.	7-4385
Great Western United Corp.	7-4386
Health-Tex, Inc.	7-4388
Houghton Mifflin Co.	7-4389

Upon receipt of a request on or before May 9, 1973, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-8220 Filed 4-26-73;8:45 am]

the transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than May 18, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[PR Doc.73-8212 Filed 4-26-73;8:45 am]

[File No. 7-4387]

GREAT WESTERN UNITED CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 23, 1973.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the preferred stock of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Great Western United Corp., \$1.88 Cum. Pfd.,
file No. 7-4387.

Upon receipt of a request, on or before May 9, 1973, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[PR Doc.73-8222 Filed 4-26-73;8:45 am]

[File Nos. 7-4390-4398]

HUGHES TOOL CO., ETC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 23, 1973.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

FILE NO.	
Hughes Tool Co.	7-4390
Interstate Brands Corp.	7-4391
Marion Laboratories, Inc.	7-4392
Pubco Petroleum Corp.	7-4393
Rite Aid Corp.	7-4394
A. H. Robins Co., Inc.	7-4395
Rohm & Haas Co.	7-4396
Simplicity Pattern Co., Inc.	7-4397
Southwestern Investment Co.	7-4398

Upon receipt of a request, on or before May 9, 1973, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[PR Doc.73-8223 Filed 4-26-73;8:45 am]

[70-5330]

LOUISIANA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

Notice is hereby given that Louisiana Power & Light Co. (Louisiana), 142 Delaronde Street, New Orleans, La. 70174, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 and rule 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Louisiana proposes to issue and sell, subject to the competitive bidding requirements of rule 50 under the Act, \$45 million principal amount of first mortgage bonds, ---- percent series, due June 1, 2003. The interest rate of the bonds (which shall be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest, to be paid to Louisiana (which shall be not less than 100 percent nor more than 102 1/4 of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under Louisiana's Mortgage and Deed of Trust dated as of April 1, 1944, to the Chase Manhattan Bank (National Association) and Charles F. Ruge, successor trustees, as heretofore supplemented by various indentures and as to be further supplemented by an 18th supplemental indenture to be dated June 1, 1973, which contains a prohibition until June 1, 1978, against refunding the issue with the proceeds of funds borrowed at a lower effective interest cost.

Louisiana will apply the net proceeds derived from the issue and sale of the bonds: (1) To finance in part its 1973 construction program (estimated at \$174,600,000), (2) to the payment of outstanding short-term borrowings (estimated on Feb. 28, 1973, to be \$7,941,500) and, (3) for other lawful purposes.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the transactions are estimated at \$125,000, including \$17,000 for charges of the trustees and \$36,000 for counsel fees. Fees of counsel for the underwriters, to be paid by the successful bidders, are estimated at \$12,000.

Notice is further given that any interested person may, not later than May 18, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy

NOTICES

of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.73-8218 Filed 4-26-73;8:45 am]

[File No. 500-1]

PROOF LOCK INTERNATIONAL CORP.
Order Suspending Trading

APRIL 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, and all other securities of Proof Lock International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered. Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 24, 1973, through May 3, 1973.

By the Commission.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.73-8218 Filed 4-26-73;8:45 am]

[37-59]

SOUTHERN SERVICES, INC.

Notice of Posteffective Amendment Regarding Issue and Sale of Long-Term Notes to Parent Holding Company by Subsidiary Service Co.

Notice is hereby given that Southern Services, Inc. (Services) P.O. Box 18877, Atlanta, Ga. 30326, a wholly owned subsidiary service company of The Southern Co. (Southern), a registered holding company, has filed with this Commission a posteffective amendment to the application-declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, and 13 of the Act and rules promulgated under the Act as being ap-

40(b), 42(b)(2), 43(b)(3), and 50(a)(3) plicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended by the posteffective amendment, which is summarized below, for a complete statement of the proposed transactions.

By orders dated September 10, 1971, and July 1, 1968 (Holding Company Act Release Nos. 17261 and 16104) the Commission, among other things, authorized Services to issue and sell its long-term unsecured notes and capital stock to Southern for cash, during a 5-year period extending until June 30, 1973, of up to \$11 million aggregate principal amount to be outstanding at any one time, such notes bearing interest at the prime rate in effect in Atlanta, Ga.

Services' presently outstanding capital stock amounts to \$725,000, all held by Southern and its unsecured notes in an aggregate principal amount of \$8,150,000 were issued and outstanding on March 31, 1973.

Services performs professional and technical services at cost for associate companies in the Southern holding company system. Expansion of said services in recent years has resulted in a substantial increase in the amount of necessary working capital, and further expansion is anticipated in general services, engineering, power pool operations, and data processing.

In the current filing, Services states that its working capital requirements will increase to approximately \$15 million in 1973, to \$19 million by June 30, 1975, and to approximately \$24 million by June 30, 1978. Underlying these working capital estimates is Services' expectation that by the end of 1977, its personnel required to provide the aforementioned expanded services will increase over the totals at December 31, 1972, as follows: General services, from 190 to 279; engineering, from 680 to 1,426; power pool, from 68 to 85; and data processing, from 332 to 404.

To obtain additional working capital, Services now proposes, from time to time until June 30, 1975, to issue, reissue, and sell to Southern its unsecured notes so that the total of all of its unsecured notes held by Southern (including those heretofore authorized) shall at no time exceed \$19 million at any one time outstanding. Services indicates that it anticipates, during a 5-year period succeeding the date of the order of the Commission herein, that it will seek authority by further posteffective amendment, to increase the amount of such unsecured notes to \$24 million aggregate principal amount outstanding at any one time.

The additional unsecured notes to be issued to Southern will bear the same terms as those relating to the notes heretofore authorized—i.e., they will mature December 31, 1999, will be prepayable at any time without penalty, and will bear interest at the prime rate prevailing on the date of issue at a bank in Atlanta, Ga., to be designated by Services for that purpose. Southern will acquire said notes at the principal amount thereof.

Within the above limitation, the notes issued and sold to Southern will be in an amount which, when added to Serv-

ices' outstanding capital stock, will not exceed Services' approximate working capital requirements from time to time, consisting of 2 months' operating expenses plus prepayments and petty cash working funds, plus the depreciated cost of fixed assets, less unpaid indebtedness for funds borrowed from non-Southern system sources. Such third-party indebtedness, incurred for the purpose of financing capital assets, was heretofore authorized by the Commission in the amount of \$21 million, of which \$14,157,144 was outstanding at March 31, 1973 (Holding Company Act Release 17789, issued Nov. 27, 1972).

The fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed \$2,500, including counsel fees and expenses of \$2,000. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 14, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.73-8219 Filed 4-26-73;8:45 am]

[File No. 7-4399-4402]

TIDEWATER MARINE SERVICE, INC.

Notice of Applications for Unlisted Trading Privileges and Opportunity for Hearing

APRIL 23, 1973.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading

privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

File No.

Tidewater Marine Service, Inc.	7-4399
Valle's Steak House	7-4400
Wesco Financial Corp.	7-4401
Wrather Corp.	7-4402

Upon receipt of a request, on or before May 9, 1973, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

RONALD F. HUNT,
Secretary.

[FR Doc.73-8224 Filed 4-26-73;8:45 am]

[File No. 500-1]

TOPPER CORP.

Order Suspending Trading

APRIL 23, 1973.

The common stock, \$1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 24, 1973, through May 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-8217 Filed 4-26-73;8:45 am]

[File No. 500-1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

APRIL 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 24, 1973 through May 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-8214 Filed 4-26-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Order Suspending Trading

APRIL 23, 1973.

The common stock, \$2.50 par value, of U.S. Financial Inc. being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 24, 1973, through May 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-8215 Filed 4-26-73;8:45 am]

INTERSTATE COMMERCE
COMMISSION

[Notice 230]

ASSIGNMENT OF HEARINGS

APRIL 24, 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.

CORRECTION

MC-52858 sub 109, Convoy Co., now being assigned hearing June 6, 1973 (3 days), at Denver, Colo., in a hearing room to be later designated, instead of June 8, 1973.

MC-5930, Crouse Cartage Co., V. Victor Grothaus, doing business as Grothaus Express, and Wade W. Mohr, now being assigned oral argument, May 22, 1973 (1 day), in room 812, Federal Building, 106 South 15th Street, Omaha, Nebr., instead of now being assigned hearing.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-8265 Filed 4-26-73;8:45 am]

[Ex Parte No. 295]

INCREASED FREIGHT RATES AND
CHARGES, NATIONWIDE, 1973

APRIL 20, 1973.

Notice is hereby given that the Nation's railroads have today filed a petition with the Interstate Commerce Commission for a general increase in freight rates and charges in this proceeding.

Replies to the above-mentioned petition will be due on or before May 21, 1973. Ample time has been afforded for filing replies to preclude the necessity for any extensions.

Replies should be served on the following:

The Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

One copy of each reply shall be served upon the petitioners. Such service shall be made upon Mr. James L. Tapley, 527 American Railroads Building, 1920 L Street NW, Washington, D.C. 20036.

In all cases, where service is made by mail, the document shall be mailed in time to be received May 21, 1973.

Each reply thereto shall contain a certificate of service stating that it has been timely served on the Commission and the rail carriers as herein provided; and replies not so served will not be considered.

A copy of this notice will be served upon the petitioner and all parties to ex parte No. 292. Notice of the filing of the petition will be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission, at Washington, D.C., and by delivering a copy hereof to the Director, Office of the Federal Register, for publication in the **FEDERAL REGISTER**.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-8268 Filed 4-26-73;8:45 am]

NOTICES

[Notice 260]

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 17, 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-74236. By order of April 20, 1973, the Motor Carrier Board approved the transfer to Raymond Rae Trucking Co., Inc., 1609 Pine Street, Box 1152, Abilene, Tex. 79604, of the operating rights in certificate No. MC-117430 (sub-No. 1), issued April 24, 1959, to Homer M. Connel, 1609 Pine Street, Box 1152, Abilene, Tex. 79604, authorizing the transportation of quarried stone, from points in Williamson, Burnet, and Travis Counties, Tex., to points in California.

No. MC-FC-74248. By order of April 12, 1973, the Motor Carrier Board approved the transfer to Cargo Transport, Inc., Carson City, Nev., of a portion of the operating rights in certificates Nos. MC-129631 and MC-129631 (sub-No. 3), issued May 10, 1968, and October 14, 1969, respectively to Pack Transport, Inc., Salt Lake City, Utah, authorizing the transportation of salt from, to, and between specified points and areas in Nevada and Utah. Max D. Eliason, P.O. Box 2602, Salt Lake City, Utah 84110, attorney for applicants.

No. MC-FC-74358. By order of April 20, 1973, the Motor Carrier Board approved the transfer to C.O.P. Transport, Inc., Greenville, Pa., of the operating rights in permits Nos. MC-128735 (sub-No. 6), and MC-128735 (sub-No. 7), issued November 19, 1970, and August 14, 1972, respectively, to Alvin E. Golnik, doing business as Golnik Trucking, Koppel, Pa., authorizing the transportation of copper and copper alloys, between the plantsites of Hussey Metals Division, Copper Range Co., at Leetsdale, Pa., Anderson, Ind., and Eminence, Ky., restricted to the transportation of shipments originating at and destined to the above-named plantsites; from the plantsite at Leetsdale, Pa., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Texas, Oklahoma, Michigan, Wisconsin, Illinois, and Missouri (excluding transportation in bulk in dump vehicles to points in various specified

counties in New Jersey), and materials used in the manufacture of copper and copper alloys, from Carteret, N.J., Perth Amboy, N.J., and White Pine, Mich., to the above-named plantsite at Leetsdale, Pa. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with Hussey Metals Division/Copper Range Co. Warren R. Keck III, 47 Clinton Street, Greenville, Pa. 16125, attorney for applicants.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-8266 Filed 4-26-73;8:45 am]

[Notice 52]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 20, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex parte No. MC-67 (49 CFR Part 1131), published in the *FEDERAL REGISTER*, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the *FEDERAL REGISTER* publication, on or before May 14, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (sub-No. 288 TA), filed April 13, 1973. Applicant: YOUNGER BROTHERS, INC., P.O. Box 14048, 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Midland, Mich., to points in California, for 180 days. Supporting shipper: Dow Chemical U.S.A., Midland Division, Midland, Mich. 48640. Send protests to: John C. Redus, district supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 61212, Houston, Tex. 77061.

No. MC 31600 (sub-No. 663 TA), filed April 12, 1973. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: David F. McAllister (same address as above). Author-

ity sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation fuel*, in bulk, in tank vehicles, from Melville, R.I., to Lakehurst, N.J., for 90 days. Supporting shipper: Department of the Army, Washington, D.C. Send protests to: Darrell W. Hammons, district supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, fifth floor, Boston, Mass. 02114.

No. MC 31799 (sub-No. 7 TA), filed April 12, 1973. Applicant: HELLMAN TRUCKING CO., INC., Pilot Grove, Iowa 52648. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts, components, accessories, and attachments*, for grain storage and drying systems, from Assumption, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Mississippi, Missouri, Ohio, and Tennessee, for 180 days. Supporting shipper: Mid America Products, Inc., Assumption, Ill. 62510. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 69281 (sub-No. 43 TA), filed April 11, 1973. Applicant: THE DAVIDSON TRANSFER & STORAGE CO., 698 Fairmount Avenue, Towson Plaza, Baltimore, Md. 21204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Paper and paper products*, from the plantsite of the Union Camp Corp., at or near Franklin, Va., as an off-route point in conjunction with applicant's authorized regular route, between Richmond, Va., and Norfolk, Va., for 180 days.

NOTE.—Applicant intends to serve the plantsite of Union Camp Corp., at or near Franklin, Va., as an off-route point in conjunction with its authorized regular route between Richmond and Norfolk, Va., in order to perform service from shipper's plant to all points served by applicant under its authority in MC-69281.

Supporting shipper: Mr. Roger L. Schoening, Union Camp Corp., 1600 Valley Road, Wayne, N.J. 07470. Send protests to: William L. Hughes, district supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 69833 (sub-No. 107 TA), filed April 13, 1973. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Harry Pohl (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), serving Midland, Mich., as an off-route point in connection with its presently authorized regular route operations, between Bay City and Saginaw over U.S. Highway 23, for 180 days.

NOTE.—Applicant does intend to tack the authority and to interline with other carriers.

Supporting shippers: Thomas J. Depcik, transportation manager, Johnson & Johnson, Argonne, Ill.; George M. Hedick, purchasing agent, Midland Hospital Association, 4005 Orchard Drive, Midland, Mich. 48640; Richard Broxton, vice president and Midland division manager, Harrison Piping Supply Co., Midland, Mich.; Edmund C. Wurtzel, supervisor of corporate transportation, Dow Corning Corp., Midland, Mich.; Barry L. Moyer, Dow Chemical Co., U.S.A., Midland, Mich.; James J. Oldani, purchasing agent, 4-D Builders Supply, Midland, Mich.; Raymond F. Saylor, owner, Saylor Bike Shop, 1631 North Eastman, Midland, Mich.; and Wiley H. Brooks, president, Alken Midwest Corp., 3131 South Saginaw Road, Saginaw, Mich. Send protests to: C. R. Flemming, district supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 94201 (sub-No. 112 TA) (correction), filed March 6, 1973, published in the *FEDERAL REGISTER* issue of March 22, 1973, and republished as corrected this issue. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, 1500 Cedar Grove Road, Atlanta, Ga. 30316. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought iron casting, (tractor and agricultural implement parts)* from the plantsite and warehouse facilities of Central Foundry Co. at or near Holt, Ala., to the plantsite and warehouse facilities of John Deere Tractor Co. at or near East Moline and Moline, Ill., for 180 days. Supporting shipper: Central Foundry Co., P.O. Box 188, Holt, Ala. 35401. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

NOTE.—The purpose of this republication is to add Moline, Ill. as a destination point.

No. MC 107064 (sub-No. 94 TA), filed April 11, 1973. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers and liquid fertilizer ingredients*, from Gray, Kans., to points in Colorado, New Mexico, Oklahoma, and Texas.

NOTE.—Carrier does not intend to tack authority, for 180 days.

Supporting shipper: Swift Chemical Co., Agricultural Products Division, 111 West Jackson Boulevard, Chicago, Ill. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 112989 (sub-No. 29 TA), filed April 12, 1973. Applicant: WEST COAST TRUCK LINES, INC., P.O. Box 668, Coos Bay, Oreg. 97420. Applicant's representative: Jerry R. Woods, 100 SW. Market Street, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products, particle board, pressboard and flakeboard*, from points in Klamath County, Oreg. and points in Oregon west of Highway 97, to points in Utah, for 180 days. Supporting shippers: Forest Products Sales, 331 East 33d South, Salt Lake City, Utah 84115, Georgia Pacific Corp. 900 SW. Fifth Avenue Portland, Oreg. 97204, Kaibab, P.O. Box 7, Midvale, Utah 84047, Publishers Forest Products, 6637 SE. 100th Avenue, Portland, Oreg. 97266, and Weyerhaeuser Co., Tacoma, Wash. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 SW. Pine Street, Portland, Oreg. 97204.

No. MC 113908 (sub-No. 262 TA), filed April 13, 1973. Applicant: ERICKSON TRANSPORT CORP., 2105 E. Dale Street, P.O. Box 3180 Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit concentrate*, in bulk, in tank vehicles, between Brocton and Westfield, N.Y. and North East, Pa., on the one hand, and, on the other hand, Lawton, Mich., for 180 days. Supporting shipper: Welch Foods, Inc., Westfield, N.Y. 14787. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114552 (sub-No. 77 TA), filed April 11, 1973. Applicant: SENN TRUCKING CO., P.O. Box 330, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 18th Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition boards, insulation materials, urethane and urethane products and related materials, supplies and accessories, incidental thereto* (except commodities in bulk), from the plantsite and warehouse facilities of the Celotex Corp. located at Wayne County, N.C., to points in South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, West Virginia, Virginia, Pennsylvania, Maryland, Delaware, New Jersey, Kentucky, Tennessee, and the District of Columbia, for 180 days. Supporting shipper: Celotex Corp., 1500 North Dale Mabry Highway, Tampa, Fla. Send protests to: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 116230 (sub-No. 1 TA), filed April 12, 1973. Applicant: HERBERT F. JAUQUET, doing business as HERB JAUQUET TRUCKING, Box 107, Channing, Mich. 49815. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chip rocks, in bags, from Felch and Randville, Mich., to Waukegan, Rockford, Springfield, Hinsdale, Lyons, Itasca, Worth, Lake Bluff, Des Plaines, Skokie, Robinson, and Chicago, Ill.; St. Louis, Mo.; Cleveland, Columbus, Cincinnati, Dayton, and Akron, Ohio; Terre Haute, Indianapolis, and Princeton, Ind.; Neenah, Eden, Oak Creek, Ashland, Oak Field, Milwaukee, and Rheineland, Wis.; Minneapolis, St. Paul, Rochester, Bloomington, and Cloquet, Minn.* for 180 days. Supporting shipper: Victor Schinelli, Vice President and Secretary-Treasurer, Caspian Construction Co., Caspian, Mich. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 116763 (sub-No. 249 TA), filed April 5, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal food* (except in bulk), from the plantsite and warehouse facilities of Lipton Pet Foods, Inc., at Golden Meadow, La., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, and the District of Columbia, for 180 days. Supporting shipper: Lipton Pet Foods, Inc., Box 89-209, New Boston Street, Woburn, Mass. 01801. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 119670 (sub-No. 22 TA), filed April 3, 1973. Applicant: THE VICTOR TRANSIT CORP., P.O. Box 32115, 5250 East Avenue, Cincinnati, Ohio 45232. Applicant's representative: Robert E. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, packed in corrugated boxes, from the plant and warehouse facilities of Owens-Illinois, Inc., at Huntington, W. Va., to the plant and warehouse facilities of Joseph Schlitz Brewing Co., at Winston-Salem, N.C., with *wood pallets and refused or rejected glass containers* on return, for 180 days. Supporting shipper: Owen-Illinois, Inc., 405 Madison Avenue, Toledo, Ohio 43606. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 119808 (sub-No. 7 TA), filed April 13, 1973. Applicant: DuBOIS TRUCKING, INC., P.O. Box 502, Montpelier, Vt. 05602. Applicant's representative: John P. Monte, 61 Summer Street,

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Barre, Vt. 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk and in bags, from ports of entry in the United States-Canadian border at or near Roosevelttown, N.Y., to points in New Hampshire and Vermont, for 180 days. Supporting shipper: Agency Inc., Box 1333, Syracuse, N.Y. 13201. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 52 State Street, Montpelier, Vt. 05602.

No. MC 119815 (sub-No. 13 TA), filed April 12, 1973. Applicant: INTERSTATE HIGHWAY EXPRESS, INC., P.O. Box 579, 814 Norton Avenue, Bedford, Ind. 47421. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated metal sheets, corrugated metal pipe, supplies and fittings* for the installation thereof, from the plantsite of the Kaiser Aluminum & Chemical Sales, Inc., Bedford, Ind., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Utah, Washington, Oregon, and Wyoming, under a continuing contract or contracts with Kaiser Aluminum & Chemical Sales, Inc., Bedford, Ind., and (2) *Equipment materials and supplies* used in the manufacture and processing of corrugated metal sheets and corrugated metal pipe, from points in California and Washington, to the plantsite of the Kaiser Aluminum & Chemical Sales, Inc., Bedford, Ind., for 180 days. Restrictions: (1) Restricted against the transportation of commodities in bulk and commodities which because of size or weight require the use of special equipment and special handling, and (2) restricted to service under contract with the Kaiser Aluminum & Chemical Sales, Inc., Bedford, Ind. Supporting shipper: Kaiser Aluminum & Chemical Corp., Bedford, Ind. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 126736 (sub-No. 67 TA), filed April 11, 1973. Applicant: PETROLEUM CARRIER CORP. OF FLORIDA, 737 May Street, P.O. Box 1559, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulp Mill Waste*, in bulk, in tank vehicles, from Clyattville, Ga., to Jacksonville, Fla., for 180 days. Supporting shipper: Owens Illinois, Inc., Clyattville, Ga. (General Offices Toledo, Ohio 43601). Send protests to: G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 127476 (sub-No. 3 TA), filed April 11, 1973. Applicant: J. D. McCLYMONDS, INC., Walnut Street, Sandy Lake, Pa. 16145, and mailing: P.O. Box

72, Stoneboro, Pa. 16153. Applicant's representative: George McCandless (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Silicon carbide and scrap*, from plantsites of Satellite Alloy Corp., Springdale, Pa., to points in Alabama, Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) *Mixed petroleum coke, silicon carbide aluminum oxide, and scrap*, from points in Alabama, Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (3) *Rare earth metals, silicon carbide and scrap*, from the plantsite of American Metallurgical Products Co., New Castle, Lawrence County, Pa., to all points in Alabama, Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (4) *Mixed rare earth chlorides, petroleum coke, silicon carbide, aluminum oxide and scrap*, from all points in Alabama, Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to plantsite of American Metallurgical Products Co., New Castle, Lawrence County, Pa.;

(5) *Aluminum oxide, silicon carbide, abrasive grains, and scrap abrasives*, to and from all points in New York, Massachusetts, Pennsylvania, Ohio, New Jersey, Michigan, and Maryland, to and from plantsites of Bothen Corp., Moorestown, N.J.; (6) *Scrap abrasives and carbon*, to and from all points in Pennsylvania, Ohio, Michigan, Maryland, and Massachusetts, to and from the plantsite of R. W. Elliott & Sons, Ellwood City, Pa.; (7) *Abrasive grains*, from the plantsite of Detroit Abrasives Co., Chelsea, Mich., to all points in Michigan, Ohio, Pennsylvania, Maryland, and New Jersey; and (8) *Scrap abrasive grains*, from all points in Ohio, Michigan, Pennsylvania, Maryland, and New Jersey, to the plantsite of Detroit Abrasives Co., Chelsea, Mich., for 180 days.

NOTE.—Applicant states that it would tack with MC-127478.

Supporting shippers: (1) Detroit Abrasives Co., 11910 Dexter-Chelsea Road, Chelsea, Mich. 48118; (2) Bothen

Corp., 214 West Main Street, Moorestown, N.J. 08057; (3) R. W. Elliott & Sons, Rural Delivery No. 1, Box 242, Ellwood City, Pa. 16177; (4) American Metallurgical Products Co. (Ammet), 9800 McKnight Road, Pittsburgh, Pa. 15237; and (5) Satellite Alloy Corp., 9800 McKnight Road, Pittsburgh, Pa. 15237. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 135982 (sub-No. 5 TA), filed April 12, 1973. Applicant: S. L. HARRIS, doing business as P. B. I., P.O. Box 7130, Longview, Tex. 75601. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semitrailers, trailer chassis* (other than those designed to be drawn by passenger automobiles), *dollies, containers, parts, and equipment and accessories*, therefor, in or attached to the transported trailer, in initial movements, in truckaway or driveaway service, from the plantsite of Trailmobile Division of Pullman, Inc., Longview, Gregg County, Tex., to points in Alabama, Arizona, Arkansas, Colorado, Florida, Ohio, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, South Carolina, Oklahoma, Tennessee, and Texas, for 180 days.

NOTE.—Carrier does not intend to tack authority.

Supporting shipper: Trailmobile Division of Pullman, Inc., 200 South Michigan Avenue, Chicago, Ill. 60604. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, room 13C12, Dallas, Tex. 75202.

No. MC 136066 (sub-No. 6 TA), filed April 11, 1973. Applicant: G. P. SULLIVAN CO., 1808 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*, for General Electric Co. and Zayre of Illinois, Inc., between Chicago and its commercial zone on the one hand, and on the other, points in Lake, Porter, La Porte, Starke, Pulaski, Newton, and Jasper Counties, Ind., under continuing contracts with General Electric Co. and Zayre of Illinois, for 180 days. Supporting shippers: (1) J. R. Berry, manager, Order Service Department, General Electric Co., 5600 West 73d Street, Chicago, Ill. 60638, and (2) Zayre of Illinois, 11535 South Central Avenue, Worth, Ill. 60482. Send protests to: Richard K. Shullaw, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

No. MC 136821 (sub-No. 2 TA), filed April 12, 1973. Applicant: SMERBER TRANSPORTATION, INC., Space Center Building 504, Mira Loma, Calif. 91752. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, Calif. 90621. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fluorescent light fixtures* weighing less than 7 lb/ft², from Gardena, Calif., to points in Arizona and Nevada, for 180 days. Supporting shipper: Globe Illumination Co., 1515 West 17th Street, Gardena, Calif. Send protests to: John E. Nance, officer-in-charge, Interstate Commerce Commission, Bureau of Operations, room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 136897 (sub-No. 7 TA), filed April 11, 1973. Applicant: SWIFT TRANSPORTATION CO., INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printing paper*, other than newsprint and (2) *printing paper*, other than newsprint and printed matter, (1) from Zee, La., to Brookfield and New Berlin, Wis. and (2) from Wisconsin Rapids, Wis., to Phoenix, Ariz., for 180 days. Supporting shipper: W. A. Krueger Co., 2802 West Palm Lane, Phoenix, Ariz. 85009. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 3427 Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 138178 (sub-No. 3 TA), filed April 11, 1973. Applicant: HEFLIN INDUSTRIES, INC., 1111 West Maricopa Freeway, Phoenix, Ariz. 85007. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, 3350 North Central Avenue, Phoenix Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles*, from points in New York, North Carolina, South Carolina, Pennsylvania, Tennessee, Mississippi, and Alabama, to points in Casa Grande, Ariz., for 180 days. Supporting shipper: Arizona Textile Corp., 595 West Cottonwood Lane, Casa Grande, Ariz. 85222. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 3427 Federal Building, 230 First Avenue, Phoenix, Ariz. 85025.

No. MC 138313 (sub-No. 1 TA), filed April 12, 1973. Applicant: MACK E. BURGESS, doing business as BUILDERS TRANSPORT, 409 14th Street SW, Great Falls, Mont. 59404. Applicant's representative: Irene Warr, Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, in bags and in bulk, from Lovell, Wyo., to points in Montana, Idaho, Oregon, and Washington, for 180 days. Supporting shipper: Volcay, American Colloid Co.

5100 Suffield Court, Skokie, Ill. 60076. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 222, United States Post Office Building, Billings, Mont. 59101.

No. MC 138555 (sub-No. 1 TA), filed April 11, 1973. Applicant: ROBERT H. COWEN, doing business as COWEN TRUCK LINE, Route No. 2, Perrysville, Ohio 44864. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, materials, and equipment* used in the manufacture of household appliances, between North Canton, Ohio, on the one hand, and, on the other, Holly Springs, Miss., under continuing contract with the Hoover Co., for 180 days. Supporting shipper: The Hoover Co., North Canton, Ohio 44720. Send protests to: Franklin D. Ball, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 138585 (sub-No. 1 TA), filed March 11, 1973. Applicant: RONALD RALPH AND BLANCHE RALPH, 22803 Fraser Highway, Langley, British Columbia, Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum, Vancouver, British Columbia, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Petroleum products*, in cases, cans, or drums, from Richmond Beach, Wash., to Burnaby, British Columbia, and *return of empty drums* to Richmond Beach, Wash., over Interstate Highway No. 5 and 244th Street, Highway No. 99 and 185th Street, for 180 days. Supporting shipper: Standard Oil Co. of British Columbia Ltd., 833 Marine Building, 355 Burrard Street, Vancouver 1, British Columbia, Canada. Send protests to: L. D. Boone, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 138594 (sub 1 TA), filed March 13, 1973. Applicant: DONNA EXPRESS TRUCKING CO., 1700 Southeast 15th Street, Fort Lauderdale, Fla. 33316. Applicant's representative: Gerard J. Hughes (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, raw and finished, *plywood and building materials* (except in bulk), from Fort Lauderdale and Tampa, Fla., to points in Florida, having a prior water or rail movement, for 180 days. Supporting shipper: Blanchard Lumber Co., Walpole, Mass. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, room 105, Miami, Fla. 33155.

No. MC 138604 TA, filed April 10, 1973. Applicant: WILLIAM THOMAS WHITE, doing business as QUICK DELIVERY SERVICE, 251 West 39th Street, New

York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Finished piece goods*, between Westbury and Long Island, N.Y., on the one hand, and, on the other, points in Hoboken and North Bergen, N.J., and in the New York, N.Y. commercial zone, as defined by the Commission, for 180 days. Supporting shipper: Nat Bassin Textiles, Inc., 101 Frost Street, Westbury, N.Y. 11590. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 138605 TA, filed April 13, 1973. Applicant: HOWARD LANE, 138 Evelyn Drive, Anaheim, Calif. 92805. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 16517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile internal combustion engines*, from Tonawanda, N.Y., and Flint and Lansing, Mich., to Placentia, Calif., for 150 days. Supporting shipper: Guardian Marine, 761 Monroe Way, Placentia, Calif. 92670. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, room 7708, Los Angeles, Calif. 90012.

No. MC 138606 TA, filed April 11, 1973. Applicant: MIDWEST VAN AND STORAGE, 6400 Central Avenue NE, Fridley, Minn. 55432. Applicant's representative: Will Harris (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Anoka, Carver, Chisago, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, Minn., for 180 days. Supporting shipper: Department of Defense (Army), Washington, D.C. 20310. Send protests to: District Supervisor Raymond T. Jones, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 138607 TA, filed March 12, 1973. Applicant: P & N TRUCK SERVICE, INC., 2821 Orindale Road, Klamath Falls, Oreg. 97601. Applicant's representative: Paul L. Neal, Klamath Falls, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer, wine, empty bottles, cases, pallets, and kegs*, in related industry, from eastern and southwestern Oregon, to central and southern California and return, for 180 days. Supported by: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, Oreg. 97204.

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No. MC 138608 TA, filed March 12, 1973. Applicant: BAY TRUCKING & LEASING LTD., 79 North Court Street, Thunder Bay, "P", Ontario, Canada. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 57703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber and treated lumber*, from points of entry at Canadian-American boundaries at Grand Portage and International Falls, Minn., and Sault Ste. Marie, Mich., to points in Wisconsin, Minnesota, Iowa, Illinois, Indiana, Michigan, North Dakota, and South Dakota, and *return of lath*, from said destinations to said origins, from Great West Timber, Ltd., Thunder Bay, Ontario, Canada, for 180 days. Restriction: Restricted to service to be performed under contract or continuing contracts with Great West Timber, Ltd., Thunder Bay, Ontario. Supporting Shipper: Great West Timber Ltd., Lakeshore Drive, Thunder Bay P, Ontario, Canada. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 138609 TA, filed March 13, 1973. Applicant: ROBERT L. ARNOLD, doing business as Plantation Transport Co., 2007 Trowbridge Road, Albany, Ga. 31701. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree Street NW, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and wooden pallets*, between points in Randolph and Stewart Counties, Ga., on the one hand, and, on the other, points in Alabama, Florida, and Tennessee; and (2) *materials and supplies* used in the manufacture of wooden pallets, from points in Alabama, Florida, and Tennessee, to points in Randolph and Stewart Counties, Ga., for 180 days. Supporting shippers: Dudley Pallet & Box Co., Richland, Ga.; Arlington Box Co., Inc., Box 179, Cuthbert, Ga. 31740. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 138610 TA, filed April 12, 1973. Applicant: DARRELL J. RISEN, doing business as CITY DELIVERY SERVICE, P.O. Box 481, 2411 Northwest 11th Street, Corvallis, Oreg. 97330. Applicant's representative: Darrell J. Risen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air freight*, from Mahlon-Sweet Airport, Eugene, Lane County, Oreg., to any points in Benton, Linn, and Polk Counties, Oreg., to Mahlon-Sweet Airport, Eugene, Lane County, Oreg., for 180 days. Supporting shippers: Oregon Freeze Dry Foods, Inc., 770 West 29th Avenue, P.O. Box 1048, Albany, Oreg. 97321; REM Metals Corp., P.O. Box 829,

Albany, Oreg. 97321; and U.S. Environmental Protection Agency, 200 Southwest 35th Street, Corvallis, Oreg. 97330. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 319 Southwest Pine Street, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 138612 TA, filed April 12, 1973. Applicant: E. B. HILL EXCAVATORS LTD., 431 Roble Street, Truro, Nova Scotia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Ashland, Maine, to port of entry on the United States/Canada border at or near Houlton, Maine, for 180 days. Supporting shipper: Amherst Woodworking (Maritimes), Ltd., 82 Park Street, Amherst, Nova Scotia, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission Bureau of Operations, room 307, 76 Pearl Street, P.O. Box 167, PSS, Portland, Maine 04112.

No. MC 138615 TA, filed April 16, 1973. Applicant: DORSEY L. HANCOCK, Route 2, Norman Park, Ga. 31771. Applicant's representative: Sam J. Gardner, Jr., P.O. Box 68, Moultrie, Ga. 31768. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and inedible tallow*, from Moultrie, Ga., to points in Georgia, Florida, and Alabama, under continuing contract or contracts with Cope Rendering Co., Inc., for 180 days. Supporting shipper: Cope Rendering Co., Inc., P.O. Box 827, Moultrie, Ga. 31768. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

MOTOR CARRIERS OF PASSENGERS

No. MC 123577 (sub-No. 14 TA), filed April 13, 1973. Applicant: WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC., 419 Anderson Avenue, Fairview, N.J. 07022. Applicant's representative: J. Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Ringwood, N.J., and New York, N.Y., serving no intermediate points, from junction of Margaret King Avenue and Greenwood Lake Turnpike in Ringwood, N.J., then traveling over Margaret King Avenue to Sloatsburg Road, then over Sloatsburg Road, also known as Manor Road, to Eagle Valley Road, thence over Eagle Valley Road to New York Highway 17, then over New York Highway 17 to Interstate Highway 80, then over Interstate Highway 80 to Interstate Highway 95, also known as the New Jersey Turnpike, then over access roads to New Jersey Highway 3 and Interstate Highway 495, and then via New Jersey Highway 3 and Interstate Highway 495 through the Lincoln Tun-

nel to the New York and New Jersey Port Authority Terminal in midtown New York, N.Y., returning over the same routes, serving only Warwick and Greenwood Lake, N.Y., Greenwood Lake, West Milford, and Ringwood, N.J., and New York N.Y., for 180 days.

NOTE.—Applicant states it would tack at point of joiner in Ringwood, N.J., in docket No. MC 123577 (sub-No. 1). Supporting shipper: Applicant's own statement. Send protests to: District Supervisor Joel Morris, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 138348 (sub-1 TA), filed March 12, 1973. Applicant: ATLAS TRAVEL TOURS LTD., Yukon Electrical Building, P.O. Box 4206, Whitehorse, Yukon, Canada. Applicant's representative: S. Harrison Kahn, suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at ports of entry on the United States-Canada (Yukon Territory) boundary line, and extending to points in Alaska: (1) from the port of entry on the United States-Canada (Yukon) boundary line at Alaska Highway 5 (Taylor Highway), and thence via Alaska Highway 5 to its intersection with Alaska Highway 2; and thence via Alaska Highway 2 to its intersection with the United States-Canada (Yukon Territory) boundary line. *Passengers and their baggage*, in special operations, in one-way sightseeing and pleasure tours, (1) from the port of entry on the United States-Canada (Yukon Territory) boundary line to Fairbanks, Alaska; from the port of entry on the United States-Canada (Yukon Territory) boundary line with Alaska Highway 5, thence via Alaska Highway 5 to its intersection with Alaska Highway 2 and thence via Alaska Highway 2 to Fairbanks, Alaska; (2) from the port of entry on the United States-Canada (Yukon Territory) boundary line with Alaska Highway 7 to Haines, Alaska, via Alaska Highway 7; (3) from Haines, Alaska, to the United States-Canada (Yukon Territory) boundary line with its intersection with Alaska Highway 7, via Alaska Highway 7; (4) from Fairbanks, Alaska, to ports of entry along the United States-Canada (Yukon Territory) boundary line and its intersection with Alaska Highways 5 and 2; via Alaska Highways 2 and 5. *Passengers and their baggage*, in the same vehicle, with passengers, in round-trip charter operations: (1) from ports of entry on that portion of the United States-Canada boundary line, extending from the Alaska State line and the Yukon Territory to points in Alaska, and return. *Passengers and their baggage*, in the same vehicle, with passengers in one-way charter operations: (1) from ports of entry on that portion of the United States-Canada (Yukon Territory) boundary line

from the Alaska State line and the Yukon Territory to points in Alaska; from points and places in Alaska to ports of entry on that portion of the United States-Canada (Yukon Territory) boundary line, extending from the Alaska-Yukon Territory State line to points in Canada (Yukon Territory). Service at all intermediate points on the regular routes for sightseeing and pleasure tour purpose. Restriction: The transportation authorized herein is restricted to foreign commerce only, for 180 days. Supported by: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 1532, Anchorage, Alaska 99510.

No. MC 138611 TA, filed April 10, 1973. Applicant: J. MICHAEL COTTINGHAM, doing business as WILDERNESS EX-

PERIENCE, 8560 Concord Hills Circle, Cincinnati, Ohio 45243. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ten high school age people and their baggage on a vacation*, from Cincinnati, Ohio, to points in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Missouri, Montana, Nebraska, Ohio, Oregon, South Dakota, Utah, Washington, and Wyoming and return with sightseeing at the following national parks: Grand Teton National Park, Sawtooth Wilderness, Deschute River area, Olympic National Park, Glacier Peak Wilderness, and Wind River Mountains, for 65 days. Supporting shipper: J. Michael Cottingham, 8560 Concord Hills Circle, Cincinnati, Ohio 45234. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

By The Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-8269 Filed 4-26-73; 8:45 am]

[Notice 261]

**MOTOR CARRIER TRANSFER
PROCEEDINGS**

APRIL 24, 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-74446. By application filed April 18, 1973, TRECHO TRANSPORT, INC., Rural Delivery No. 2, Hornell, N.Y. 14843, seeks temporary authority to lease the operating rights of L. E. HILTON TRUCKING CO., INC., INTERNAL REVENUE SERVICE, Successor-In-Interest, 14 Clover Street, Geneva, N.Y. 14456, under section 210a(b). The transfer to TRECHO TRANSPORT, INC., of the operating rights of L. E. HILTON TRUCKING CO., INC., INTERNAL REVENUE SERVICE, Successor-In-Interest, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-8267 Filed 4-26-73; 8:45 am]

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PART II



ENVIRONMENTAL PROTECTION AGENCY

■

SOLID WASTE DISPOSAL

Proposed Guidelines for
Thermal Processing and Land
Disposal of Solid Wastes

PROPOSED RULES

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 240, 241]

SOLID WASTE DISPOSAL PROGRAMS

Proposed Solid Waste Management Guidelines for Thermal Processing and Land Disposal of Solid Wastes

Background.—The Solid Waste Disposal Act of 1965 (Public Law 89-272) was amended in October 1970 by the Resource Recovery Act (Public Law 91-512). In amending the act (sec. 209), the Congress charged the Administrator of the U.S. Environmental Protection Agency (EPA), " * * * in cooperation with appropriate State, Federal, interstate, regional, and local agencies, and allowing for public comment by other interested parties. * * * to recommend to appropriate agencies and to publish in the *FEDERAL REGISTER* guidelines for solid waste management systems (sec. 209(a) Public Law 91-512). These guidelines were to be consistent with public health and welfare, air and water quality standards, and adaptable to appropriate land use plans.

The EPA began development of the guidelines shortly after the passage of the Resource Recovery Act in 1970. However, efforts had begun much earlier with the predecessor agencies of EPA in developing state-of-the-art documents on which sound guidelines could be based and supported. These efforts resulted in two initial documents, "Sanitary Landfill Design and Operation" and "Municipal Scale Incinerator Design and Operation." Both of these documents are published and available for use and application in the field of solid waste management.

In developing the above documents, the EPA and its predecessor agencies utilized the knowledge and skills of individuals recognized as national and international experts in the field of solid waste management. In addition, during the draft stages, these documents were reviewed and critiqued by a variety of Federal agencies, all State solid waste agencies were solicited for comment, and a variety of professional organizations and societies was also requested to review, critique, and comment on the draft documents. Such rigorous reviews resulted in two documents which comprise detailed sources of information for sanitary landfilling and municipal-scale incineration practices.

Introduction to guidelines.—This issuance is the first indication of the intent of the Administrator to promulgate guidelines for land disposal and thermal processing operations. Both guidelines are written to establish requirements for the land disposal and thermal processing of municipal-type solid waste materials, whereas the recommended procedures are based on sanitary landfilling and municipal-scale incineration practices. These guidelines do not deal with other process and unit operations of solid waste management or with special waste materials such as hazardous, agricultural, and mining wastes. EPA guid-

ance on the specific practice of land disposal of milled solid waste is contained in a position statement issued in November 1972.

Both guidelines are recommended to State, interstate, regional, and local government agencies and are mandatory for Federal agencies. The final promulgation of the guidelines will therefore serve two basic purposes, namely: (1) Establish EPA recommended guidelines for adoption by State and local governmental agencies; and (2) establish mandatory guidelines for direct implementation by Federal agencies (see subsequent discussion of Federal agency compliance).

The draft guidelines now being issued by EPA for comment preparatory to promulgation have been reviewed by Federal, State, and local agencies, as well as by appropriate professional organizations and societies. They represent, in their present form, the judgments on the part of EPA regarding what is necessary to assure both environmental protection and satisfactory and acceptable design and operation of land disposal and thermal processing facilities. They represent objectives that are achievable using today's technology, while providing flexibility for unique and specific climatological, geological, geographical, and related conditions.

Land disposal guidelines.—The most widely applied environmentally acceptable solid waste land disposal method available today is sanitary landfilling. A sanitary landfill is an engineered land disposal facility at which solid waste is spread in thin layers, compacted to the smallest practical volume, and covered with soil each operating day in a manner that minimizes environmental hazards. The sanitary landfill constitutes the basic goal to be achieved in the land disposal guidelines.

The prescribed land disposal guidelines are intended to provide for operations that will have minimum impact on the environment and they will apply to both existing and future facilities. The guidelines do not establish new standards, but set forth requirements to insure that the design, construction, and operation of land disposal sites meet the health and environmental standards for the area in which they are located. Land disposal facility operations are expected to conform to the most stringent Federal, State, or local standards that are legally applicable to the operation of such facilities.

The requirements section of the guidelines delineate minimum levels of performance required at land disposal facilities. While it is impossible to delineate all the techniques required at every potential site, the recommended procedures that support each basic requirement are intended to emphasize specific items of concern. Owners and operators of land disposal sites are expected to employ the most efficient techniques and operating practices to satisfy the requirements. The recommended procedures represent such methods and techniques based on current knowledge for meeting the requirements. If techniques other than

those specified are used, it is the obligation of the proposed facility's owner and operator to demonstrate to the responsible agency in advance that such techniques will, in fact, meet the requirements.

Thermal processing guidelines.—The prescribed thermal processing guidelines are applicable to facilities that are designed to process or are processing 50 tons or more solid waste per 24-hour day (40 CFR parts 60 and 76). The application of this capacity criterion will be interpreted to mean any facility that is designed to process or is processing 50/24 tons or more of solid waste per hour. Guidance for facilities processing less than 50/24 tons of solid waste per hour will be provided by EPA at a later date. The prescribed guidelines are intended to provide for thermal processing with minimum adverse impact on the environment and apply to both existing and future facilities. Thermal processing facility operations are expected to conform to the most stringent Federal, State, or local standards that are legally applicable to the operation of such facilities.

The requirements section of the guidelines delineate minimum levels of performance required at thermal processing facilities. Although it is impossible to delineate all the techniques needed to meet the requirements, the recommended procedures are intended to emphasize specific items of concern. Owners and operators of facilities are expected to employ the most efficient techniques and operating practices to satisfy the requirements. The recommended procedures represent such methods and techniques based on current knowledge for meeting the requirements. If techniques other than those specified are used, it is the obligation of the owner of the proposed facility to demonstrate to the responsible agency in advance that such techniques will, in fact, meet the requirement.

Federal agency compliance.—Section 211 of the Solid Waste Disposal Act, as amended, requires that all Federal executive agencies (as defined in section 105 of Title 5, United States Code) comply with any guidelines developed by the EPA. Compliance with guidelines issued under the authority of section 211 is required of each Federal agency:

1. Having jurisdiction over any real property or facility which involves it in solid waste disposal activities;
2. That enters into a contract with any person for the operation of any Federal property or facility, and where contract performance involves solid waste disposal activities;
3. That permits the use of Federal property for the disposal of solid waste;
4. That issues licenses or permits for disposal of solid waste or conducts activities which generate solid waste and which, if conducted by someone other than the agency, would require a license or permit from such agency for the disposal of such waste.

The management of solid waste generated by Federal agencies was first subject to Federal control in 1966 with the

issuance of Executive Order 11282—Prevention, Control, and Abatement of Air Pollution by Federal Activities and regulations to implement the order (40 CFR 76.8). These documents generally prohibited the open burning of solid waste in urban areas and the use of open dumps. The thrust of these documents was to control air pollution, not to control solid waste practices. Executive Order 11507—Prevention, Control, and Abatement of Air and Water Pollution at Federal Facilities was issued in 1970, but again it did not specifically address the management of solid waste practices by Federal activities. It is the intent of EPA to seek revision of Executive Order 11507 constituting the basic compliance system for the guidelines and to proceed with the subsequent development of an OMB circular to formally establish procedures to be followed by Federal agencies.

Response requested.—The EPA recognizes several factors on which it is soliciting comment and advice via this notification in the *FEDERAL REGISTER*. EPA invites particular comments from Federal agencies, non-Federal agencies and particularly agencies utilizing Federal land for solid waste management purposes on:

1. The probable range of annual costs of Federal agency compliance with the guidelines.

2. The likely impact, particularly on communities disposing of their solid waste on Federal lands.

3. Planning for Federal agency compliance with the guidelines.

In addition, the EPA invites public comments, reviews, and critiques of the guidelines. Interested parties may submit written comments in triplicate to the Deputy Assistant Administrator for Solid Waste Management Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460. All comments received on or before June 26, 1973, will be considered.

Receipt of comments will be acknowledged, but the Deputy Assistant Administrator for Solid Waste Management Programs will not provide substantive responses to individual comments. All comments will be available for public inspection during normal business hours of the EPA headquarters in Washington, D.C.

This notice of proposed guidelines is issued under the authority of section 209(a) of the Solid Waste Disposal Act of 1965 (Public Law 89-272), as amended by the Resource Recovery Act of 1970 (PL-512).

WILLIAM D. RUCKELSHAUS,
Administrator.

APRIL 23, 1973.

PART 240—GUIDELINES FOR THE THERMAL PROCESSING OF SOLID WASTES

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APPENDIX—RECOMMENDED BIBLIOGRAPHY

AUTHORITY.—Sec. 209(a) of the Solid Waste Disposal Act of 1965 (Public Law 89-272) as amended by the Resource Recovery Act of 1970 (Public Law-512).

Subpart A—General Provisions

§ 240.100 Scope.

(a) A thermal processing facility for solid wastes must be operated in conjunc-

tion with a final land disposal facility. Land disposal is required in accordance with the Environmental Protection Agency's guidelines for the land disposal of solid wastes for both residues from the thermal processing operation and those nonhazardous wastes which cannot be thermally processed for reasons of health, safety, or technological limitation.

(b) The prescribed guidelines are applicable to thermal processing facilities designed to process or which are processing 50 tons or more per day of municipal-type solid wastes. The application of this capacity criterion will be interpreted to mean any facility designed to process or actually processing 50/24 tons or more per hour. These guidelines reflect concern with protection of the total environment, are consistent with public health and welfare, air and water quality standards, and are adaptable to appropriate land-use plans. The prescribed guidelines are intended to provide for proper thermal processing with minimum adverse impact on the environment. They incorporate the concept that the operator of a facility must meet the most stringent standards that are legally applicable to the operation of the facility. Pursuant to section 211 of the Solid Waste Disposal Act, as amended, these guidelines are mandatory for Federal agencies. In addition they are recommended to State, interstate, regional, and local government agencies for use in their activities.

(c) The requirement sections contained herein delineate minimum levels of performance required of any solid waste thermal processing operation. The recommended procedures sections are presented to suggest preferred methods by which the objectives of the requirements can be realized. The recommended procedures are based on the practice of incineration of large facilities (50 tons per day or more) processing municipal solid waste. If techniques other than the recommended procedures are used or wastes other than municipal wastes are processed, it is the obligation of the facility's owner and operator to demonstrate to the responsible agency in advance that techniques employed will satisfy the requirements.

(d) The guideline requirements are considered to be generally applicable to the thermal processing of all solid waste materials. However, the guidelines do not apply to hazardous, agricultural, and mining wastes because of the lack of sufficient information upon which to base recommended procedures.

§ 240.101 Definitions.

As used in these guidelines:

(a) "Air": "Overfire air" means air, under control as to quantity and direction, introduced above or beyond a fuel bed by a natural, induced, or forced draft. "Underfire air" means any forced or induced air, under control as to quantity and direction, that is supplied from beneath and which passes through the solid wastes fuel bed.

(b) "Bottom ash" means the solid material that remains on a hearth or

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falls off the grate after thermal processing is complete.

(c) "Combustibles" means materials that can be ignited at a specific temperature in the presence of air to release heat energy.

(d) "Design capacity" means the weight of solid waste of a specified gross calorific value that a thermal processing facility is designed to process in 24 hours of continuous operation; usually expressed in tons per day.

(e) "Facility" means all thermal processing equipment, buildings, and grounds at a specific site.

(f) "Fly ash" means suspended particles, charred paper, dust, soot, and other partially oxidized matter carried in the products of combustion.

(g) "Free moisture" means liquid that will drain freely by gravity from solid materials.

(h) "Furnace" means the chambers of the combustion train where drying, ignition, and combustion of waste material and evolved gases occur.

(i) "Grate siftings" means the materials that fall from the solid waste fuel bed through the grate openings.

(j) "Gross calorific value" means heat liberated when waste is burned completely and the products of combustion are cooled to the initial temperature of the waste. Usually expressed in British thermal units per pound.

(k) "Hazardous waste" means waste materials that are: (1) Toxic or poisonous; (2) corrosive; (3) irritating or sensitizing; (4) radioactive; (5) biologically infectious; (6) explosive; or (7) flammable and that present a significant hazard to human health and the environment. They include, but are not limited to, those materials and concentrations of materials that are determined to be toxic by the Secretary of Health, Education, and Welfare pursuant to section 20(6) of the Occupational Safety and Health Act of 1970 (Public Law 91-596).

(l) "Incineration" means the controlled process by which solid, liquid, or gaseous combustible wastes are burned and changed into noncombustible gases.

(m) "Incinerator" means a facility consisting of one or more furnaces in which wastes are burned.

(n) "Infectious waste" means: (1) Equipment, instruments, utensils, and fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies; (2) laboratory wastes, including pathological specimens (i.e., all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto; (3) surgical operating room pathologic specimens and disposable fomites attendant thereto and similar disposable materials from outpatient areas and emergency rooms.

(o) "Municipal solid wastes" means, normally, residential and commercial solid wastes generated within a community.

(p) "Open burning" means burning of solid wastes in the open, such as in an open dump.

(q) "Open dump" means a land disposal site at which solid wastes are disposed of in a manner that does not protect the environment, are susceptible to open burning, and are exposed to the elements, vectors, and scavengers.

(r) "Plans" means reports and drawings, including a narrative operating description, prepared to describe the facility and its proposed operation.

(s) "Residue" means all the solids that remain after completion of thermal processing, including bottom ash, fly ash, and grate siftings.

(t) "Responsible agency" means the organizational element that has the legal duty to insure that owners, operators, or users of facilities comply with these guidelines.

(u) "Sanitary landfill" means a land disposal site employing an engineered method of disposing of solid wastes on land in a manner that minimizes environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying cover materials at the end of each operating day.

(v) "Sludge" means the accumulated semiliquid suspension of settled solids, deposited from waste waters or other fluids in tanks or basins.

(w) "Solid wastes" means garbage, refuse, sludges, and other discarded solid materials resulting from industrial, commercial, and agricultural operations and from community activities. It does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

(x) "Special wastes" means non-hazardous solid wastes requiring handling other than normally used for municipal solid waste.

(y) "Thermal processing" means processing of waste material by means of heat.

(z) "Vector" means a carrier, usually an arthropod, that is capable of transmitting a pathogen from one organism to another.

Subpart B—Requirements and Recommended Procedures

§ 240.200 Solid wastes accepted.

§ 240.200-1 Requirement.

In consultation with the responsible agencies, the designer and owner/operator shall determine what wastes shall be accepted and shall identify any special handling required. Only wastes for which the facility has been specifically designed shall be accepted.

§ 240.200-2 Recommended procedures: Design.

(a) In addition to the residential and commercial wastes normally processed at municipal-scale incinerators, certain special wastes might be considered for processing. These include: Certain bulky wastes (e.g., demolition and construction debris, tree stumps, large timbers, furniture, and major appliances), digested and dewatered sludges from waste water treatment facilities, raw sewage sludges, and septic tank pumpings.

(b) If the facility is designed to handle special wastes, special areas should be provided for storage while they await processing.

§ 240.200-3 Recommended procedures: Operations.

(a) Storage areas for special wastes should be clearly marked.

(b) Facility personnel should be thoroughly trained in any unusual handling required by acceptance of special wastes.

§ 240.201 Solid wastes excluded.

§ 240.201-1 Requirement.

Using information provided to them by the waste generator/owners, the responsible agency, the facility owner/operator, and the designer shall jointly determine specific wastes to be excluded and shall identify them in the plans. The generator/owner of excluded wastes and the responsible agency shall jointly determine an alternative method of disposal for excluded wastes. The criteria used to determine whether a waste is unacceptable shall include the facility's capabilities, the chemical and biological characteristics of the waste, and the safety of personnel. Disposal of pesticides and pesticide containers shall be consistent with the Federal Environmental Pesticides Control Act of 1972 (Public Law 92-516) and recommended procedures promulgated thereunder.

§ 240.201-2 Recommended procedures: Design.

(a) Provision for storing, handling, and removing hazardous or excluded wastes inadvertently left at the facility should be considered in design.

(b) Examples of wastes which should be considered for exclusion from the facility include: Hazardous wastes, very large carcasses, automobile bodies, dewatered sludges from water treatment plants, and industrial process wastes.

§ 240.201-3 Recommended procedures: Operations.

(a) Regular users of the facility should be given a list of excluded materials, and it should also be displayed prominently at the facility entrance. If a regular user persists in making unacceptable deliveries, he should be barred from the installation and reported to the responsible agency.

(b) The operating plan should specify the procedures and precautions to be taken if unacceptable wastes are delivered to the facility or are improperly left

there. Operating personnel should be thoroughly trained in such procedures.

§ 240.202 Site selection.

§ 240.202-1 Requirement.

Site selection and utilization shall comply with appropriate Federal, State, or local health, environmental, planning, and solid wastes management agency requirements and plans.

§ 240.202-2 Recommended procedures: Design.

(a) Whenever possible, thermal processing facilities should be located in areas zoned for industrial use and having adequate utilities to serve the facility.

(b) The site should be accessible by permanent roads leading from the public road system.

(c) Environmental factors, climatological conditions, and socioeconomic factors should be given full consideration as selection criteria.

§ 240.202-3 Recommended procedures: Operations.

Not applicable.

§ 240.203 General design.

§ 240.203-1 Requirement.

A plan for the design of the facility shall be prepared or approved by a professional engineer. A list of major considerations and the rationale for the decision on each consideration shall be approved by the responsible agency prior to authorizations for construction. This information shall remain available for review.

§ 240.203-2 Recommended procedures: Design.

(a) The types, amounts (by weight and volume), and characteristics of all solid wastes expected to be processed should be determined by survey and analysis. The gross calorific value of the solid wastes to be processed should be determined to serve as a basis for design.

(b) Resource recovery in the form of heat utilization or direct recovery of materials should be considered in the design.

(c) The facility should be designed to be compatible with the surrounding area, easy to maintain, and consistent with the land use of the area.

(d) Employee convenience facilities and plant maintenance facilities should be provided. Adequate lighting throughout the facility should be provided.

(e) The corrosive and erosive action of recirculated process waters should be controlled either by treating them or by using materials capable of withstanding the adverse effects of the waters.

(f) Facility design capacity should consider such items as variations in waste generation, equipment downtime, and an alternate disposal capability.

(g) Facility systems and subsystems should be designed to assure standby capability in the event of breakdown. Provision for standby water and power should also be considered.

(h) Instrumentation should be provided to determine such factors as: The

weight of incoming and outgoing materials (the same scale system may be used for both); total combustion airflow rates; underfire and overfire airflows and the quantitative distribution of each; selected temperatures and pressures in the furnace, along gas passages, in the particulate collection device, and in the stack; electrical power and water consumption of critical units; and rate of operation. The smoke density, the concentration of carbon monoxide, or the concentration of hydrocarbons in the stack gases should be monitored. Measurement of the pH should be considered for effluent waters. Continuously recording instrumentation should be used as much as possible.

(i) Audible signals should be provided to alert operating personnel of critical operating unit malfunctions.

(j) Sampling capability should be designed into the facility so that each process stream can be sampled, and the utilities required to do so should be close at hand. The sampling sites should be so designed that personnel can safely sample without interfering with normal plant operations.

(k) A laboratory should be included in the design.

§ 240.203-3 Recommended procedures: Operations.

Not applicable.

§ 240.204 Water quality.

§ 240.204-1 Requirement.

All waters discharged from the facility shall be sufficiently treated to meet the most stringent of applicable water quality standards, including those established under the authority of the Federal Water Pollution Control Act, as amended, and in existing State or local standards.

§ 240.204-2 Recommended procedures: Design.

(a) Effluent waters should not be discharged indiscriminately. Consideration should be given to onsite treatment of process and waste waters before discharge.

(b) Recirculation of process waters should be considered.

§ 240.204-3 Recommended procedures: Operations.

(a) When monitoring instrumentation indicates excessive discharge contamination, appropriate adjustments should be made to lower the concentrations to acceptable levels.

(b) In the event of an accidental spill, the local regulatory agency should be notified immediately.

§ 240.205 Air quality.

§ 240.205-1 Requirement.

Emissions shall not exceed existing air quality or emission standards established by the U.S. Environmental Protection Agency (as published in parts 60 and 76 of this chapter for new and existing installations, respectively) under the authority of the Clean Air Act, as amended, or State or local air quality or emission standards, if the latter are more stringent.

§ 240.205-2 Recommended procedures: Design.

(a) These requirements should be met by using appropriate air pollution control technology.

(b) All emissions, including dust from vents, should be controlled.

§ 240.205-3 Recommended procedures: Operations.

When monitoring instrumentation indicates excessive emissions, appropriate adjustments should be made to lower the emission to acceptable levels.

§ 240.206 Vectors.

§ 240.206-1 Requirement.

Conditions shall be maintained that are unfavorable for the harboring, feeding, and breeding of vectors.

§ 240.206-2 Recommended procedures: Design.

Thermal processing facilities should be designed for ease of cleaning. Areas favorable for breeding of vectors should be avoided.

§ 240.206-3 Recommended procedures: Operations.

(a) A housekeeping schedule should be established and maintained. As a minimum the schedule should provide for cleaning the tipping and residue areas as spillages occur, emptying the solid waste storage area at least weekly, and routinely cleaning the remainder of the facility.

(b) Solid waste and residue should not be allowed to accumulate at the facility for more than 1 week.

§ 240.207 Aesthetics.

§ 240.207-1 Requirement.

The incinerator facility shall be designed and operated at all times in an aesthetically acceptable manner.

§ 240.207-2 Recommended procedures: Design.

The facility should be designed so that it is physically attractive. The tipping area should be screened from public view and the grounds should be landscaped.

§ 240.207-3 Recommended procedures: Operations.

(a) A routine housekeeping and litter removal schedule should be established and implemented so that the facility regularly presents a neat and clean appearance.

(b) Solid wastes that cannot be processed by the facility should be removed from the facility at least weekly. Open burning or open dumping of this material should be prohibited.

§ 240.208 Residue.

§ 240.208-1 Requirement.

Residue and other solid waste products resulting from a thermal process shall be disposed of in an environmentally acceptable manner, in conformance with the U.S. Environmental Protection Agency's guidelines for the land disposal of solid wastes or State or local regulations if the latter are more stringent.

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Systems to recover resources in the residue may be used, but the systems must be designed and operated in a manner that protects the environment. Unwanted residue materials remaining after the recovery operation shall be disposed of on land as required by the guidelines for the land disposal of solid wastes.

§ 240.208-2 Recommended procedures: Design.

Thermal processing facilities should be so designed as to allow for removal from the site of residue or other solids in a manner that protects the environment.

§ 240.208-3 Recommended procedures: Operations.

(a) The furnace operator should visually observe the quality of the bottom ash at least twice per shift and record in the operating log the estimated percentage of unburned combustibles.

(b) If residue or fly ash is collected in a wet condition, it should be drained of free moisture. Transportation of these materials, and also of dry ones, should be by means that prevent the loads from sifting, falling, leaking, or blowing from the container.

§ 240.209 Safety.

§ 240.209-1 Requirement.

Incinerators shall be designed, operated, and maintained in a manner to protect the health and safety of personnel associated with the operation. Pertinent provisions of the Occupational Safety and Health Act of 1970 (Public Law 91-596) and regulations promulgated thereunder shall apply.

§ 240.209-2 Recommended procedures: Design.

(a) Attention should be given to the safety of operators and vehicles through the provision of safety devices.

(b) Fire control equipment should be provided.

(c) Methods and/or equipment for removal of an injured person from the storage pit should be available.

§ 240.209-3 Recommended procedures: Operations.

(a) Detailed procedures should be developed for operation during such emergency situations as power failure, air or water supply failure, equipment breakdowns, and fire. These procedures should be posted in prominent locations, implemented by the staff as required, and upgraded and revised periodically.

(b) Oxygen masks should be available at convenient locations and their use reviewed periodically with facility personnel.

(c) Training in first aid practices and emergency procedures should be given all personnel.

(d) Personal safety devices such as hard hats and safety glasses and shoes should be provided for plant personnel and visitors.

(e) If a regular user persistently poses a safety hazard, he should be barred

from the facility and reported to the responsible agency.

§ 240.210 General operations.

§ 240.210-1 Requirement.

The thermal processing facility shall be operated and maintained in a manner that assures it will meet the design requirements. An operations manual describing the various tasks to be performed, operating procedures, and safety precautions for various areas of the facility shall be developed and shall be readily available for reference by plant personnel.

§ 240.210-2 Recommended procedures: Design.

Not applicable.

§ 240.210-3 Recommended procedures: Operations.

(a) The facility supervisor should be experienced in the operation of the type of facility designed.

(b) Alternate and standby disposal and operating procedures should be established for implementation during emergencies, air pollution episodes, and shutdown periods.

(c) Upon completion of construction of the facility, provision should be made for instruction of the staff in proper operation and maintenance procedures.

(d) A routine maintenance schedule should be established and followed.

(e) As-built engineering drawings of the facility should be provided at the conclusion of construction of the facility. These should be continuously updated to show modifications by the owner and should be readily available. A schematic showing the relationships of the various subsystems should also be available.

(f) Key operations should be prominently posted.

(g) Equipment manuals, catalogs, and spare parts lists should be readily available at the facility.

(h) A continuing, on-going training program for facility operating personnel should be provided.

§ 240.211 Records.

§ 240.211-1 Requirement.

The owner/operator of the thermal processing facility shall provide records and monitoring data as required by the responsible agency.

§ 240.211-2 Recommended procedures: Design.

Continuously recording instrumentation should be used as much as possible.

§ 240.211-3 Recommended procedures: Operations.

(a) Operating records should be kept in a daily log and should include as a minimum:

(1) The total weight of solid waste received during each shift, including the number of loads received, the ownership or specific identity of delivery vehicles, the source and nature of the solid wastes accepted, and any charges levied.

(2) Furnace and combustion chamber temperatures, including explanations for

prolonged, abnormally high and low temperatures.

(3) Rate of operation such as grate speed.

(4) Overfire and underfire air volumes and pressure and distribution recorded at least every 60 minutes and as changes are made.

(5) Weights of bottom ash, grate siftings, and fly ash.

(6) Estimated percentages of unburned material in the bottom ash.

(7) Water used on each shift for bottom ash quenching and scrubber operation. Representative samples of process waters should be taken at least once per shift and analyzed as recommended by the responsible agency.

(8) Power produced and utilized each shift. If steam is produced, production totals and consumption rates should be recorded.

(9) Auxiliary fuel used each shift.

(10) Gross calorific value of daily representative samples of bottom ash, grate siftings, and fly ash. (Sampling time should be varied so that all shifts are monitored on a weekly basis.)

(11) Emission measurements and laboratory analyses required by the responsible agency.

(12) Continuous records of monitoring instruments.

(13) Problems encountered and methods of solution.

(b) An annual report should be prepared which includes at least the following information:

(1) Minimum, average, and maximum daily volume and weight of waste received and processed, summarized on a monthly basis.

(2) A summary of the laboratory analyses including at least monthly averages.

(3) Number and qualifications of personnel in each job category, total man-hours per week, number of State certified or licensed personnel, staffing deficiencies, and serious injuries and their causes.

(4) An identification and brief discussion of major operational problems and solutions.

(5) Adequacy of operation and performance with regard to environmental requirements, the general level of housekeeping and maintenance, testing and reporting proficiency, and recommendations for corrective actions.

(c) Methodology for evaluating the facility's performance should be developed. Evaluation procedures recommended by the U.S. Environmental Protection Agency such as "Testing Manual for Solid Waste Incinerators," Office of Solid Waste Management Programs, should be used whenever possible.

APPENDIX—RECOMMENDED BIBLIOGRAPHY

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PART 241—GUIDELINES FOR THE LAND DISPOSAL OF SOLID WASTES

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APPENDIX—RECOMMENDED BIBLIOGRAPHY

AUTHORITY.—Sec. 209(a) of the Solid Waste Disposal Act of 1965 (Public Law 89-272) as amended by the Resource Recovery Act of 1970 (Public Law 91-512).

Subpart A—General Provisions

§ 241.100 Scope.

(a) These guidelines are intended to provide for land disposal site operations that will have minimal impact on the environment. The guidelines do not establish new standards but set forth requirements and recommended procedures to ensure that the design, construction, and operation of both existing and future land disposal sites meet the health and environmental standards for the area in which they are located. They incorporate the concept that the operator of a land disposal site must meet the most stringent standards that are legally applicable to the operation of the site. Pursuant to section 211 of the Solid Waste Disposal Act, as amended, these guidelines are mandatory for Federal agencies. In addition they are recommended to State, interstate, regional, and local government agencies for use in their activities.

(b) The requirement sections contained herein delineate minimum levels of performance required of any solid waste land disposal site operation. The recommended procedures sections are presented to suggest preferred methods by which the objectives of the requirements can be realized. The recommended procedures are based on the practice of sanitary landfilling municipal solid waste; normally, residential, and commercial solid waste generated within a community. Sanitary landfilling is the most widely applied environmentally acceptable land disposal method. If techniques other than the recommended procedures are used, or wastes other than municipal solid wastes are disposed, it is the obligation of the proposed facility's owner and operator to demonstrate to the responsible agency in advance that the techniques employed will satisfy the requirements.

(c) The guidelines are considered to be generally applicable to the land disposal of all solid waste materials. How-

ever the guidelines do not apply to hazardous, agricultural, and mining wastes because of the lack of sufficient information upon which to base recommended procedures. Concerning the specific practice of land disposal of milled solid waste EPA guidance is contained in a position statement issued in November 1972.

§ 241.101 Definitions.

As used in these guidelines:

(a) "Cell" means compacted solid wastes that are enclosed by natural soil or cover material in a land disposal site.

(b) "Cover material" means soil or other suitable material that is used to cover compacted solid waste in a land disposal site.

(c) "Daily cover" means cover material that is spread and compacted on the top and side slopes of compacted solid waste at least at the end of each operating day in order to control vectors, fire, moisture, and erosion and to assure an aesthetic appearance.

(d) "Final cover" means cover material that serves the same functions as daily cover but, in addition, may be permanently exposed on the surface.

(e) "Free moisture" means liquid that will drain freely by gravity from solid materials.

(f) "Ground water" means water present in the saturated zone of an aquifer.

(g) "Hazardous wastes" means waste materials that are: (1) Toxic or poisonous; (2) corrosive; (3) irritating or sensitizing; (4) radioactive; (5) biologically infectious; (6) explosive; or (7) flammable and that present a significant hazard to human health and the environment. They include, but are not limited to, those materials and concentrations of materials that are determined to be toxic by the Secretary of Health, Education, and Welfare pursuant to section 20(6) of the Occupational Safety and Health Act of 1970 (Public Law 91-596).

(h) "Infectious waste" means: (1) Equipment, instruments, utensils, and fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies; (2) laboratory wastes, including pathological specimens (i.e., all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto; (3) surgical operating room pathologic specimens and disposable fomites attendant thereto and similar disposable materials from out-patient areas and emergency rooms.

(i) "Intermediate cover" means cover material that serves the same functions as daily cover, but must resist erosion for a longer period of time, because it is applied on areas where additional cells are not to be constructed for extended periods of time.

(j) "Leachate" means liquid that has percolated through solid waste and has

¹ Further guidance may be found in the EPA publication, "Sanitary Landfill Design and Operation," which served as a basis for the development of these guidelines.

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extracted dissolved or suspended materials from it.

(k) "Municipal solid wastes" means normally, residential, and commercial solid waste generated within a community.

(l) "Open burning" means burning of solid wastes in the open, such as in an open dump.

(m) "Open dump" means a land disposal site at which solid wastes are disposed of in a manner that does not protect the environment, is susceptible to open burning, and is exposed to the elements, vectors, and scavengers.

(n) "Plans" means reports and drawings, including a narrative operating description, prepared to describe the land disposal site and its proposed operation.

(o) "Residue" means all the solids that remain after completion of thermal processing, including bottom ash, fly ash, and grate siftings.

(p) "Responsible agency" means the organizational element that has the legal duty to ensure that owners, operators, or users of land disposal sites comply with these guidelines.

(q) "Runoff" means the portion of precipitation that drains from an area as surface flow.

(r) "Salvaging" means the controlled removal of waste materials for utilization.

(s) "Sanitary landfill" means a land disposal site employing an engineered method of disposing of solid wastes on land in a manner that minimizes environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying cover material at the end of each operating day.

(t) "Scavenging" means uncontrolled removal of solid waste materials.

(u) "Sludge" means the accumulated semiliquid suspension of settled solids deposited from waste waters or other fluids in tanks or basins.

(v) "Solid wastes" means garbage, refuse, sludges, and other discarded solid materials resulting from industrial, commercial, and agricultural operations and from community activities. It does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

(w) "Vector" means a carrier, usually an arthropod, that is capable of transmitting a pathogen from one organism to another.

(x) "Water table" means the upper water level of a body of ground water.

(y) "Working face" means that portion of the land disposal site where solid wastes are discharged and are spread and compacted prior to the placement of cover material.

Subpart B—Requirements and Recommended Procedures

§ 241.200 Solid wastes accepted.

§ 241.200-1 Requirement.

In consultation with the responsible agencies, the designer and owner/operator shall determine what wastes shall be accepted and shall identify any special handling required. Only wastes for which the facility has been specifically designed shall be accepted.

§ 241.200-2 Recommended procedures: Design.

The plans should specify the procedures to be employed for wastes requiring special handling.

§ 241.200-3 Recommended procedures: Operations.

(a) Routine sanitary landfill techniques of spreading and compacting solid wastes and placing cover material at the end of each operating day should be used to dispose of municipal solid wastes.

(b) Certain bulky wastes, such as automobile bodies, furniture, and appliances, should be crushed on solid ground and then pushed onto the working face near the bottom of the cell. Other bulky items, such as demolition and construction debris; tree stumps, and large timbers, should be pushed onto the working face near the bottom of the cell.

(c) Procedures for disposing of dead animals have been established by law in most States, and the operation should comply accordingly. In most cases, small carcasses should be placed on the working face with other municipal solid wastes and covered immediately. In the absence of applicable State laws, large carcasses should be placed in a pit and provided with a cover of compacted soil or other suitable material.

(d) Water treatment plant sludges containing no free moisture and digested waste water treatment plant sludges containing no free moisture should be placed on the working face along with municipal solid wastes and covered with soil or municipal solid wastes. The quantities accepted should be determined by operational problems encountered at the working face.

(e) Incinerator and air pollution control residues should be incorporated into the working face and covered at such intervals as necessary to prevent them from becoming airborne.

§ 241.201 Solid waste excluded.

§ 241.201-1 Requirement.

Using information supplied by the waste generator/owner, the responsible agency, the disposal site owner/operator and designer shall jointly determine specific wastes to be excluded and shall identify them in the plans. The generator/owner of excluded wastes and the responsible agency shall jointly determine an alternative method of disposal for excluded wastes. The criteria used to

determine whether a waste is unacceptable shall include the hydrogeology of the site, the chemical and biological characteristics of the waste, and the safety of personnel. Disposal of pesticides and pesticide containers shall be consistent with the Federal Environmental Pesticides Control Act of 1972 (Public Law 92-516) and recommended procedures and regulations promulgated thereunder.

§ 241.201-2 Recommended procedures: Design.

Under certain circumstances it may be necessary to accept special wastes at land disposal sites. The following special wastes require specific approval for acceptance at the site by the responsible agency: Hazardous wastes, infectious institutional wastes, bulk liquids and semi-liquids, sludges containing free moisture, highly flammable or volatile substances, raw animal manure, septic tank pumpings, raw sewage sludge, and certain industrial process wastes. Where the use of the disposal site for such wastes is planned, a special assessment is required of the following items: The site characteristics, nature and quantities of the waste, and special design and operations precautions to be implemented to ensure environmentally safe disposal.

§ 241.201-3 Recommended procedures: Operations.

Regular users of the land disposal site should be provided with a list of the materials to be excluded. The list should also be displayed prominently at the site entrance. If a regular user persists in making unacceptable deliveries, he should be barred from the site and reported to the responsible agency.

§ 241.202 Site selection.

§ 241.202-1 Requirement.

Site selection and utilization shall comply with appropriate Federal, State, or local health, environmental, planning, and solid waste management agency requirements and plans.

§ 241.202-2 Recommended procedures: Design.

(a) Site development plans should be prepared or approved by a professional engineer and should include:

(1) Initial and final topographies at contour intervals of 5 feet or less.

(2) Land use and zoning within one-quarter mile of the site including location of all residences, buildings, wells, water courses, arroyos, rock outcrops, roads, and soil or rock borings. All airports within 5 miles of the site should be identified to aid in assessing the potential hazard of birds to aircraft.

(b) Plans should describe the projected use of the completed land disposal site. In addition to maintenance programs and provisions, where necessary, for monitoring and controlling decomposition gases and leachate, the plans should address the following ultimate use criteria:

(1) *Cultivated area.*—The major concern if the completed site is to be cultivated is that the integrity of the final cover not be disturbed by agricultural cultivation activities. In this regard, a sufficient depth of cover material to allow cultivation and to support vegetation should be applied in addition to that recommended for final cover.

(2) *Structures.*—It is not recommended practice to construct major structures on a completed land disposal site. If major structures are to be built near a completed land disposal site, a professional engineer should approve their design and construction including provision for protection against potential hazards of solid waste decomposition gases.

(e) The hydrogeology of the site should be evaluated in order to design site development in a manner to protect or minimize the impact on ground water resources. Unacceptable hydrogeologic conditions may be altered to render the site acceptable, but all alterations should be detailed in the plans. Precipitation, evapotranspiration, and other climatological conditions should be considered in site selection and design.

(d) Characteristics of on-site soil should be evaluated with respect to their effects on site operations, such as vehicle maneuverability.

(e) Environmental factors, climatological conditions, and socioeconomic factors should be given full consideration as selection criteria.

§ 241.202-3 Recommended procedures: Operations.

(a) The site should be accessible to vehicles which the site is designed to serve by all-weather roads leading from the public road system; temporary roads should be provided as needed to deliver wastes to the working face.

(b) The site should not be located in an area where the attraction of birds would pose a hazard to low-flying aircraft.

§ 241.203 Design.

§ 241.203-1 Requirement.

Plans for the design, construction, and operation of the site shall be prepared or approved by a professional engineer. The plans shall be submitted to the responsible agency for review and, if warranted, approval.

§ 241.203-2 Recommended procedures: Design.

Not applicable.

§ 241.203-3 Recommended procedures: Operations.

Not applicable.

§ 241.204 Water quality.

§ 241.204-1 Requirement.

The location, design, construction, and operation of the land disposal site shall minimize environmental hazards and shall conform to the most stringent of applicable ground and surface water quality standards and requirements. Ap-

plicable standards are existing Federal, State, or local standards that are legally enforceable.

§ 241.204-2 Recommended procedures: Design.

(a) Plans should include:

(1) Current and projected use of water resources in the potential zone of influence of the land disposal site.

(2) Ground water elevation and movement and proposed separation between the lowest point of the lowest cell and the predicted maximum water table elevation.

(3) Potential interrelationship of the land disposal site, local aquifers, and surface waters based on historical records or other sources of information.

(4) Background and initial quality of water resources in the potential zone of influence of the land disposal site.

(5) Proposed location of observation wells, sampling stations, and testing program planned, when appropriate.

(6) Description of soil and other geologic material to a depth adequate to allow evaluation of the water quality protection provided by the soil and other geologic material.

(7) Provision for surface water runoff control to minimize infiltration and erosion of cover material.

(8) Potential of leachate generation and proposed control systems, where necessary, for the protection of ground and surface water resources.

(b) If a land disposal site is located in a flood plain, it should be protected against at least the 50-year design flood by impervious dikes and other appropriate means to prevent the floodwaters from contacting municipal solid waste.

§ 241.204-3 Recommended procedures: Operations.

(a) Surface water courses and runoff should be diverted from the land disposal site (especially from the working face) by devices such as trenches, conduits, and proper grading. The land disposal site should be constructed and graded so as to promote rapid surface water runoff without excessive erosion. Regrading should be done as required during construction and after completion to avoid ponding of precipitation and to maintain cover material integrity.

(b) Leachate collection and treatment systems should be used where necessary to protect ground and surface water resources.

(c) Municipal solid wastes and leachate therefrom should not be allowed to contact ground or surface water so as to impair the water's use.

§ 241.205 Air quality.

§ 241.205-1 Requirement.

The design, construction, and operation of the land disposal site shall minimize environmental hazards and shall conform to the most stringent of applicable ambient air quality standards and source control regulations.

§ 241.205-2 Recommended procedures: Design.

Plans should include an effective dust control program.

§ 241.205-3 Recommended procedures: Operations.

Open burning of municipal solid waste should be prohibited.

§ 241.206 Gas control.

§ 241.206-1 Requirement.

Decomposition gases generated within the land disposal site shall be controlled on site, as necessary, to avoid posing a hazard to occupants of adjacent property.

§ 241.206-2 Recommended procedures: Design.

Plans should assess the need for gas control and indicate the location and design of any vents, barriers, or other control measures to be provided.

§ 241.206-3 Recommended procedures: Operations.

(a) Decomposition gases should not be allowed to migrate laterally from the land disposal site to endanger occupants of adjacent properties. They should be vented to the atmosphere directly through the cover material, cutoff trenches, or ventilation systems in such a way that they do not accumulate in explosive or toxic concentrations, especially within structures. (Information on the limits of flammability of gases is available in such references as the "Handbook of Chemistry and Physics" 44th ed. Cleveland, Chemical Rubber Publishing Co., 1962, 3604 pp.)

(b) Decomposition gases should not be allowed to concentrate in a manner that will pose an explosion or toxicity hazard.

§ 241.207 Vectors.

§ 241.207-1 Requirement.

Conditions shall be maintained that are unfavorable for the harboring, feeding, and breeding of vectors.

§ 241.207-2 Recommended procedures: Design.

Plans should include contingency programs for vector control, and the operator should be prepared at all times to implement those procedures.

§ 241.207-3 Recommended procedures: Operations.

Vector control contingency programs should be implemented when necessary to prevent or rectify vector problems.

§ 241.208 Esthetics.

§ 241.208-1 Requirement.

The land disposal site shall be designed and operated at all times in an esthetically acceptable manner.

§ 241.208-2 Recommended procedures: Design.

Plans should include an effective litter control program.

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§ 241.208-3 Recommended procedures: Operations.

(a) Portable litter fences or other devices should be used in the immediate vicinity of the working face and at other appropriate locations to control blowing litter. At the end of each operating day, or more often as required, litter should be removed from the fences and incorporated into the cell being used. Alternatively, the litter may be containerized for disposal on the next operating day.

(b) Wastes that are easily moved by wind should be covered, as necessary, to prevent their becoming airborne and scattered.

(c) On-site vegetation should be cleared only as necessary. Natural windbreaks, such as green belts, should be maintained where they will improve the appearance and operation of the land disposal site.

(d) Salvage operations should be conducted in such a manner as to not detract from the appearance of the land disposal site. Salvaged material should be removed from the land disposal site frequently enough to maintain aesthetic acceptability.

§ 241.209 Cover material.**§ 241.209-1 Requirement.**

Cover material shall be applied as necessary to minimize fire hazards, infiltration of precipitation, odors, and blow litter; control gas venting and vectors; discourage scavenging; and provide a pleasing appearance.

§ 241.209-2 Recommended procedures: Design.

Plans should specify:

(a) Cover material sources and soil classifications (Unified Soil Classification System or U.S. Department of Agriculture Classification System).

(b) Surface grades and side slopes needed to promote maximum runoff, without excessive erosion, to minimize infiltration.

(c) Procedures to promote vegetative growth as promptly as possible to combat erosion and improve appearance of idle and completed areas.

(d) Procedures to maintain cover material integrity, e.g., regrading and re-covering.

§ 241.209-3 Recommended procedures: Operations.

(a) Daily cover should be applied regardless of weather; sources of cover material should, therefore, be accessible on all operating days. The thickness of the compacted daily cover should not be less than 6 inches.

(a) Intermediate cover should be applied on areas where additional cells are not to be constructed for extended periods of time. The thickness of the compacted intermediate cover should not be less than 1 foot.

(c) Final cover should be applied on each area as it is completed. The thickness of the compacted final cover should not be less than 2 feet.

§ 241.210 Compaction.**§ 241.210-1 Requirement.**

In order to conserve land disposal site capacity, thereby preserving land resources, and to minimize moisture infiltration and settlement, municipal solid waste and cover material shall be compacted to the smallest practicable volume.

§ 241.210-2 Recommended procedures: Design.

(a) Arrangements should be made and indicated in the plans whereby substitute equipment will be available to provide uninterrupted service during routine maintenance periods or equipment breakdowns.

(b) An equipment maintenance facility should be provided onsite or appropriate contract arrangements should be made to receive such service.

(c) Equipment manuals, catalogs, and space parts lists should be compiled and readily available onsite.

§ 241.210-3 Recommended procedures: Operations.

(a) Municipal solid waste handling equipment should, on any operating day, be capable of performing the following functions on a slope not flatter than one (vertical) to three (horizontal):

(1) Spread the solid wastes accepted in layers no more than 2 feet thick while confining it to the smallest practicable area;

(2) Compact the spread solid wastes to the smallest practicable volume; and

(3) Place, spread, and compact the cover material.

(b) A preventive maintenance program should be employed to maintain equipment in operating order.

(c) An operating manual describing the various tasks that must be performed during a typical shift should be available to employees for reference.

§ 241.211 Safety.**§ 241.211-1 Requirement.**

The land disposal site shall be designed, constructed, and operated in such a manner as to protect the health and safety of personnel associated with the operation. Pertinent provisions of the Occupational Safety and Health Act of 1970 (Public Law 91-596) and regulations promulgated thereunder shall apply.

§ 241.211-2 Recommended procedures: Design.

A manual describing safety precautions and procedures to be employed should be developed.

§ 241.211-3 Recommended procedures: Operations.

(a) A safety manual should be available for use by employees, and they should be instructed in application of its procedures.

(b) Safety devices, including but not limited to, rollover protective structures, seatbelts, audible reverse warning devices, and fire extinguishers should be provided on all solid waste handling equipment.

(c) Provision should be made to extinguish any fires in wastes being delivered to the site or which occur at the working face or within equipment or personnel facilities.

(d) Communications equipment should be available on site for emergency situations.

(e) Scavenging should be prohibited at all times to avoid injury and to prevent interference with site operations.

(f) Access to the site should be controlled and should be by established roadways only. The site should be accessible only when operating personnel are on duty. Large containers may be placed at the site entrance so that users can conveniently deposit waste after hours. The containers and the areas around them should be maintained in a sanitary and litter-free condition.

(g) Traffic signs or markers should be provided to promote an orderly traffic pattern to and from the discharge area and, if necessary, to restrict access to hazardous areas or to maintain efficient operating conditions. Drivers of manually discharging vehicles should not hinder operation of mechanically discharging vehicles. Vehicles should not be left unattended at the working face or along traffic routes. If a regular user persistently poses a safety hazard, he should be barred from the site and reported to the responsible agency.

§ 241.212 Records.**§ 241.212-1 Requirement.**

The owner/operator of the land disposal site shall maintain records and monitoring data to be provided, as required, to the responsible agency.

§ 241.212-2 Recommended procedures: Design.

Where necessary, plans should prescribe methods to be used in maintaining records and monitoring the environmental impact of the land disposal site. Information on recording and monitoring requirements should be obtained from the responsible agency.

§ 241.212-3 Recommended procedures: Operations.

(a) Records should be maintained covering at least the following:

(1) Major operational problems, complaints, or difficulties.

(2) Qualitative and quantitative evaluation of the environmental impact of the land disposal site with regard to the effectiveness of gas and leachate control, including results of: (i) Leachate sampling and analyses; (ii) gas sampling and analyses; (iii) ground and surface water quality sampling and analyses upstream and downstream of the site.

(3) Vector control efforts.

(4) Dust and litter control efforts.

(5) Quantitative measurements of the solid wastes handled. This should be accomplished through routine or periodic utilization of scales and topographic surveys.

(6) Description of solid waste materials received, identified by source of material.

(b) Upon completion of the site, a detailed, description, including a plat, should be recorded with the area's land recording authority. The description should include general types and locations of wastes, depth of fill, and other information of interest to potential landowners.

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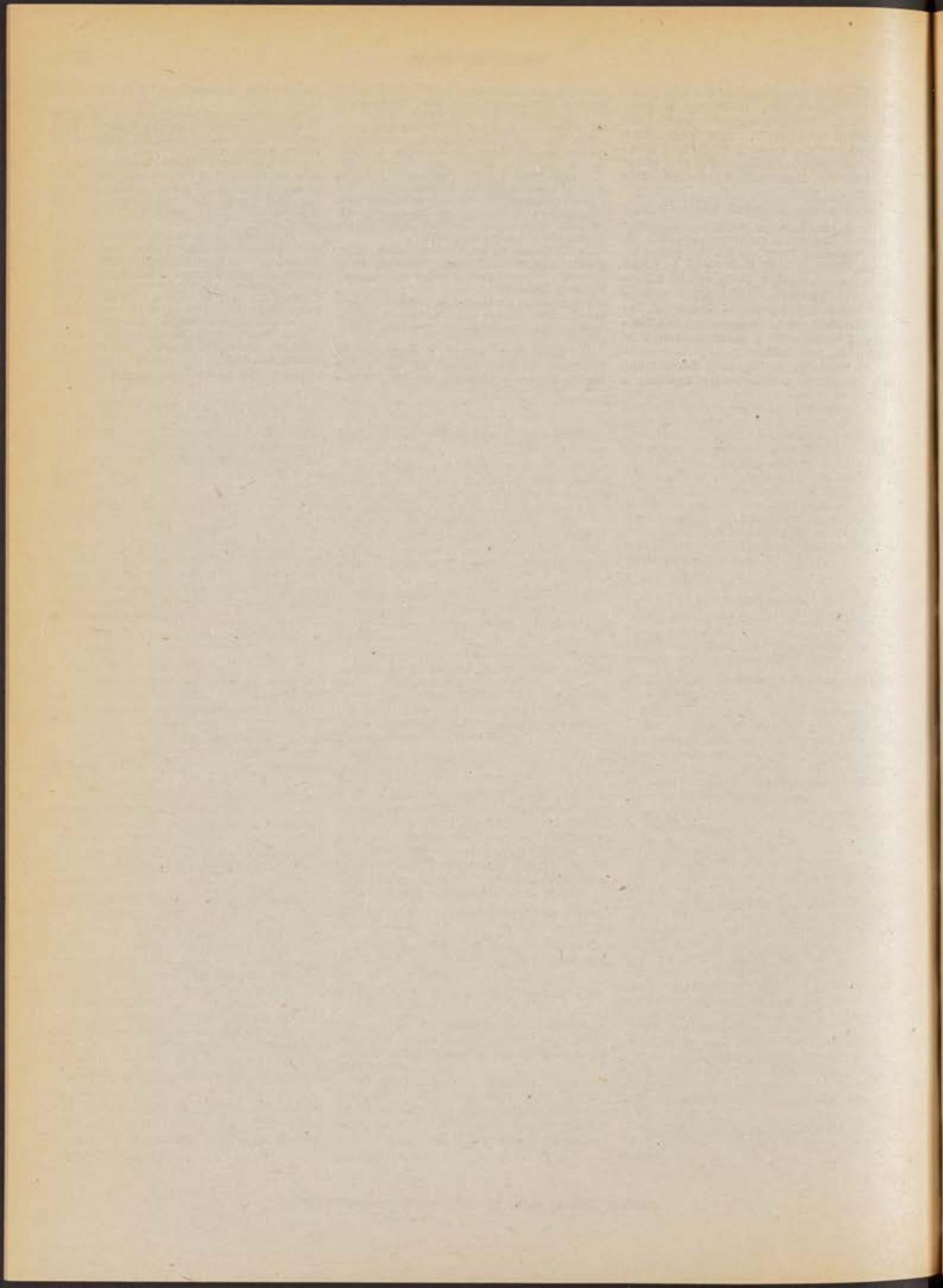
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PART III



DEPARTMENT OF LABOR

Employment Standards
Administration

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Minimum Wages for Federal
and Federally Assisted
Construction

Area Wage Determination Decisions,
Modifications, and Supersedeas
Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions, Modifications and Supersedeas Decisions

Area wage determination decisions.—Area wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, "Procedure for Predetermination of Wage Rates" (37 FR 21138) and of Secretary of Labor's orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area wage determination decisions are effective from their date of publication in the *FEDERAL REGISTER* without limitation as to time and are to be used in accordance with the provisions of 29 CFR, parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, part 5. The wage rates contained therein shall be

the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to area wage determination decisions.—Modifications and supersedeas decisions to area wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, "Procedure for Predetermination of Wage Rates" (37 FR 21138), and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing area wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the *FEDERAL REGISTER* without limitation as to time and are to be used in accordance with the provisions of 29 CFR, parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original area wage determination decision.

Set forth below in this document are the following.—New area wage determination decisions Nos. AP-297 and AP-396 for the States of Arizona and Colorado, respectively.

Modifications to area wage determination decisions for the following States (the numbers of the decisions being modified and their dates of publication in

the *FEDERAL REGISTER* are listed with each State):

California:	AP-287; AP-288	Apr. 6, 1973.
Florida:	AP-128	Nov. 17, 1972.
	AP-129	Dec. 8, 1972.
	AP-131	Dec. 22, 1972.
	AP-172	Mar. 23, 1973.
Georgia:	AP-160	Feb. 23, 1973.
Indiana:	AP-634	Feb. 9, 1973.
Massachusetts:	AP-456; AP-457; AP-458; AP-459; AP-460; AP-461.	Jan. 19, 1973.
New Mexico:	AP-700	Feb. 9, 1973.
Ohio:	AP-46	Nov. 17, 1972.
Oklahoma:	AP-702	Feb. 9, 1973.
Pennsylvania:	AP-422	Sept. 9, 1972.
	AP-430	Oct. 6, 1972.
	AP-454	Jan. 5, 1973.
	AP-464; AP-465; AP-466; AP-467.	Jan. 26, 1973.
	AP-480	Mar. 2, 1973.
	AP-481; AP-482	Mar. 23, 1973.
	AP-490	Mar. 9, 1973.
	AP-495	Mar. 23, 1973.

Texas:	AP-353; AP-354	Nov. 3, 1972.
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Supersedeas decisions to area wage determination decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the *FEDERAL REGISTER* are listed with each State: supersedeas decision numbers are in parentheses following the number of the decision being superseded):

Connecticut:	AM-9322(AP-803)	May 26, 1972.
Delaware:	AM-9322(AP-803)	May 26, 1972.
Florida:	AP-121(AP-175)	Nov. 25, 1972.
Maine:	AM-9322(AP-803)	May 26, 1972.
Maryland:	AM-9322(AP-803)	May 26, 1972.
Massachusetts:	AM-9322(AP-803)	May 26, 1972.
Mississippi:	AM-8597(AP-174)	Mar. 17, 1972.
New Hampshire:	AM-9322(AP-803)	May 26, 1972.
New Jersey:	AM-9322(AP-803)	May 26, 1972.
New York:	AM-9322(AP-803)	May 26, 1972.
Pennsylvania:	AM-9322(AP-803)	May 26, 1972.
Rhode Island:	AM-9322(AP-803)	May 26, 1972.
Texas:	AP-388(AP-725); AP-289 (AP-724); AP-390(AP-727); AP-391(AP-723); AP-392(AP-728); AP-393 (AP-721); AP-394(AP-726); AP-395(AP-722); AP-399(AP-729)	Jan. 26, 1973. Feb. 2, 1973.

Signed at Washington, D.C., this 20th day of April 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage and Hour Division.

Basic Hourly Rate	Fringe Benefits Payments					Other
	H & W	Pensions	Vacation	App. To.		
\$10.21	*.58	*.625	*.58	*.04		
\$8.58	*.58	*.625	*.58	*.04		
IRONWORKERS (Northern Area)						
IRONWORKERS (Central and Southern Area)						
PAINTERS:						
Zone A (From Flagstaff Court House to 20 miles):						
Brush						
Brush (steel and bridge)						
Spray						
Zone B (20-35 miles from Flagstaff Court House):						
Brush						
Brush (steel and bridge)						
Spray						
Zone C (35-100 miles from Flagstaff Court House):						
Brush						
Brush (steel and bridge)						
Spray						
Zone D (Remaining Area):						
Brush (steel and bridge)						
Spray						
PLUMBERS:						
(Base zone Flagstaff Main Post Office):						
Zone I (0-15 miles)						
Zone II (15-30 miles)						
Zone III (30-45 miles)						
Zone IV (45 miles and beyond)						
ROOFERS						
SHEET METAL WORKERS:						
(Base zone Flagstaff City Hall or Administration Building):						
Zone I (0-25 miles)						
Zone II (25-50 miles)						
Zone III (50 miles and over)						
LINE CONSTRUCTION:						
Flagstaff and 10 mile radius:						
Groundman						
Equipment operator						
Linemen						
Cable splicers						
Other Areas:						
Groundman						
Equipment operator						
Linemen						
Cable splicers						
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 Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day;						
F-Christmas Day.						
STATE: Arizona DECISION NO.: AP-597 DATE: Date of Publication						
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden style apartments up to and including 4 stories).						
Establish a point 35 miles due north from the city hall of the City of Kingman, establish another point 35 miles due north from the city hall of the City of Holbrook, then draw a straight line from the first point to the second point and extend that same line to the intersection of the Arizona-Nevada State Line. Establish a third point 35 miles due north of the city hall of the City of Holbrook and draw a straight line from the first point to the third point and from the third point extend a line due east to the intersection of the Arizona-New Mexico State Line.						
Basic Hourly Rate	H & W	Pensions	Vacation	App. To.		
\$8.48	*.50	*.65	*.01			
7.45	*.60	*.00	*.02			
ASBESTOS WORKERS						
BOILERMAKERS						
BRICKLAYERS: Stonemasons:						
Zone A (0-25 miles from the City Hall of Flagstaff, Phoenix and Yuma)						
8.85	*.35	*.20	*.03			
Zone B (25-60 miles from City Hall of Phoenix)						
9.74	*.35	*.30	*.03			
Zone C (40-70 miles from City Hall of Phoenix)						
10.18	*.35	*.30	*.03			
Zone D (70-100 miles from City Hall of Phoenix)						
10.62	*.35	*.30	*.03			
Zone E (100-200 miles from City Hall of Phoenix)						
11.06	*.35	*.30	*.03			
Zone F (200 miles and over from City Hall of Phoenix)						
11.51	*.35	*.30	*.03			
CARPENTERS (Northern Area):						
Carpenters						
Pitidivers						
Millwrights						
Carpenters (Central and Southern Area):						
7.00	*.35	*.60	*.025			
7.75	*.35	*.60	*.025			
8.00	*.33	*.60	*.025			
8.125	*.35	*.60	*.025			
CEMENT MASON (Northern Area)						
7.51	*.35	*.65	*.025			
ELECTRICIANS (Flagstaff Area):						
Zone A (In Flagstaff, which shall cover that area lying in a square extending 20 miles North-South, East and West of the Post Office) Williams, and Sedona						
Covering a square extending 3 miles North-South, East and West of the Post Offices of each town):						
Electricians						
Cable splicers						
Zone B (Remaining Area):						
Electricians						
Cable splicers						
ELEVATOR CONSTRUCTORS, HELPS						
ELEVATOR CONSTRUCTORS, HELPS						

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		Fringe Benefits Payments				Fringe Benefits Payments						
		Basic Hourly Rate	H & R	Pensions	Vacation	App. To	Basic Hourly Rate	H & R	Pensions	Vacation	App. To	Co
<u>LABORERS:</u>												
<u>GROUP I</u>												
ALL HELPERS NOT HEREIN SEPARATELY CLASSIFIED: Gesso pool Diggers and Installers; Chat Box Man; Checker, Tool Dispatcher; Concrete Dump Man- sult, Pipe and/or Hoseman; Pumpman and/or Spotter; Fence Builder, Guard Rail Builder Bay; Form Strippers; Labor, General or Construction; Landscape Gardener & Nurseryman; Packing Rod Steel and Pans; Rip Rap Stone man	\$ 7.155	.35	.60									
<u>GROUP II</u>												
CONCRETE FINISHER TENDER; Concrete cutter (operations membrane); Cutting Torch Operator; Flue Grader (Highway, Engineering and Sewer Work only); Kettlemen - Taraman; Power Type Con- crete Buggy	7.265	.35	.60									
<u>GROUP III</u>												
BANGER; CHUCKENZA (except Tunnel); Crescote Tiesen; Guinea Chaser; Pooderman Helper; Rip-Rip Stone Paver; Sandblaster (Pot Tender); Spikers & Wrenchers	7.375	.35	.60									
<u>GROUP IV</u>												
CONCRETE DROPPERS (Skip-type mixer or handling bulk cement); Chain Saw Machines (on clearing and grubbing); Concrete Vibrating Machines; Cribber and Storer (except Tunnel); Floor Sanders - Concrete; Hydraulic Jacks, and similar mechanical tools not separately herein classified; Operators and Tenders of Pneumatic and electric tools; Pipe Caulker and/or Backup Man (pipeline); Pipe Wrappers; Pneumatic Copers; Riggers/signalmans (pipeline)	7.465	.35	.60									
<u>GROUP V</u>												
AIR AND WATER WASH-OUT NOZZLEMAN; As- phalt Bakers and Lovers; Drillers; Grade Setter (pipeline); Hand Guided Trencher and Similar Operated Equip- ment; Jackhammers and/or Pneumatic Break- ers; Pipe Layer (Including, but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and con- duit); Rock Slinger; Scaler (using Bos 'n Chair or Safety Belt); Tamers (mechanical - all types)	\$7.595	.35	.60									
<u>GROUP VI</u>												
CONCRETE CUTTING TORCH; CONCRETE SAW (Hand Guided); Drillers (Core, Diamond, Wagon or Air Track); Drill Doctor and/ or Air Tool Repairman; Gamma and Kizerman (Committee); Sandblaster (Nozzles)	7.90	.35	.60									
<u>GROUP VII</u>												
CONCRETE ROAD FORM SETTER; Committee Nozzlesman or Rodman; Drillers, Joy Mustang, PB 143, 2300 Gardner-Denver, Hydrostatic; Powder Man; Scaler (Drillers); Welders and/or Pipe Layers installing process piping	8.14	.35	.60									
<u>GROUP VIII</u>												
MASON TENDERS PLASTERERS' TENDERS	7.21 7.525	.30 .30	.30 .30									
Employees working underground shall receive twenty cents (20c) per hour additional above the regular rate, ex- cept where herein specifically covered. Laborers employed where they may have a free fall over thirty (30) feet or on construction scaffolds above thirty (30) feet, or where Bos 'n Chair above thirty (30) feet, or where gas masks are necessary, shall receive fifty cents (50c) per hour in addition to their regular rate, except where inherent in classifications.												

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LABORERS: CONT'D		Fringe Benefits Payments				Central & Southern Area					
TUNNEL AND SHOT WORKERS		Basic Hourly Rates	H & R	Franchise	Yieldmen	App. To Cob	Basic Hourly Rates	H & R	Franchise	Yieldmen	App. To Cob
<u>GROUP I</u>											
BULL GANG, MUCKERS, TRUCKMAN; DOWNGANG, Concrete Crew (Includes Rammers and Spreaders); Grount Crew; Swamp Drakeman and Switchmen on Tunnel Work)	\$7.35	.35	.60								
<u>GROUP II</u>											
NIFER; CRUCKENDER, CABLEENDER; Vibratorman, Jackhammer, Pneumatic Tools (except Driller)	7.485	.35	.60								
<u>GROUP III</u>											
CRUOT GUNMAN	7.585	.35	.60								
<u>GROUP IV</u>											
TINSMAN, RETINSMAN - wood or steel Blaster, Driller; Powderman; Cherry Steel Form Raiser and Setter; Komper and other Pneumatic Concrete Placer Operator; Miner - Finisher	7.685	.35	.60								
<u>GROUP IV - A</u>											
MINES - Tunnel (Lland or Machine)	7.685	.35	.60								
<u>GROUP V</u>											
DIAMOND DRILL	8.02	.35	.60								
<u>GROUP V - A</u>											
SHANT AND RAISE MINER WELDER	8.22	.35	.60								

Central & Southern Area

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ALL HEAVIES NOT HEAVIES SEPARATELY
CLASSIFIED: Cables; Drills and
Installers; Gnat; Eat Man; Checker,
Tool Dispatchers; Concrete Drag Man-
belt, Pipe and/or Hoseman; Dumper
and/or Spotter; Pence Builder; Guard
Rail Builder; Hoist; Form Strippers;
Labor, General or Construction;
Landscape Gardener & Nurseryman;
Packing Rod Steel and Pans; Rip Rap
Stoneman

GROUP I

CONCRETE FINISHER; TROWER; Concrete Curver
(Impervious membrane); Cutting Torch
Operator; Fine Grader (Highway,
Engineering and Soiler Work only);
Engineering and Soiler Work only;
Kattleman - Tarmant; Power Type Con-
crete Buggy

GROUP II

BAUMER; CHUCKENDER (except Tunnel);
Concrete Trower; Gmina Glasser;
Powderman Helper; Rip-Rap Stone
Paver; Sandblaster (Pot Tender);
Spikes & Wrenchers

GROUP III

CONCRETE DUMPER'S (Skip-type mixer or
handling bulk cement); Chain Saw
Machines (on clearing and grubbing);
Concrete Vibrating Machines; Cribber
and Shorer (except Tunnel); Floor
Sanders - Concrete; Hydraulic Jacks,
and similar mechanical tools not
separately herein classified;
Operators and Tenders of Pneumatic
and electric tools; Pipe Caulker and/
or Backup Man (pipeline); Pipe
Wrappers; Pneumatic Sopher; Rigger/
signalmen (pipeline)

GROUP IV

\$5.53 .35 .60 .05

5.64 .35 .60 .05

5.75 .35 .60 .05

5.83 .35 .60 .05

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Basic Hourly Rates	Fringe Benefits Payments					Dif.
	H.S.W.	Passover	Vacation	Apn. Ta.		
\$5.97	.35	.60			.05	
6.275	.35	.60			.05	
6.75	.35	.60			.05	
6.135	.35	.60			.05	
6.15	.35	.60			.05	

Fringe Benefits Payments						
Basic Hourly Rate	H.E.W.	Franchise	Violation	App. To:	Chg.	
\$5.725	.35	.60	.05			
5.85	.35	.60	.05			
5.95	.35	.60	.05			
6.05	.35	.60	.05			
6.25	.35	.60	.05			
6.355	.35	.60	.05			
6.555	.35	.60	.05			

NOTICES

POWER EQUIPMENT OPERATORS:		POWER EQUIPMENT OPERATORS: (Cont'd)					
Costs Hourly Rates		Fringe Benefits Payments		Fringe Benefits Payments			
		H. & W.	Frances	Variation	H. & W.	Frances	Variation
<u>Group I</u>							
Air Compressor Operator; Field Equipment Serviceman Helper; Heavy Duty Repair Helper; Heavy Duty Welder Helper; Oilers; Pump Operator	\$8.06	.15	.50		.02		
<u>Group II</u>							
Conveyor Operator; Generator Operator-Portable; Power Grizzly Operator; Self-Propelled Chip Spreading Machine; Conveyor Operator; Watch Fireman; Welding Machine Operator - Gasoline and Diesel Power	8.35	.15	.50		.02		
<u>Group III</u>							
Concrete Mixer Operator-Skip Type; Disk Operator - (under 20 tons wt.); Drive-plate Paver; Slurry Seal Machine, and similar type equipment; Motor Crane Driver; Power Scraper Operator-Self-propelled; Box Carrier or Fork Lift Operator; Skip Loader Operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor Operator (Ford, Ferguson, or similar type) with attachments such as Fresno, Push blade, post hole auger, mowr, etc., excluding competing equipment	8.75	.15	.50		.02		
<u>Group IV</u>							
A-Frame Boom Truck or Winch Truck Operator; Asphalt Plant Fixmen; Elevator Hoist Operator (including Turkey Hoist or similar types); Grade Checker (excluding Civil Engineers); Multiple Power Concrete Saw Operator; Pavement Breaker; Mechanical Compactor Operator power propelled; Roller Operator - all types except as otherwise classified; Scraper Operator; Self-Propelled Chip Spreader Machine Operator (including Slurry Seal Machine Operator) Stationary Pipestrapping and Cleaning Machine Operator; Tugger Operator	9.19	.15	.50		.02		
<u>Group V</u>							
Aggregate Plant Operator (including crushing, screening and sand plants, etc.); Asphalt Layouts Machine Operator; Asphalt Plant Mixer Operator; Concrete Machine Operator; Concrete Mechanical Tamping, spreading or finishing Machine (laval, Clary, Johnson or similar types); Concrete Pump Operator; Concrete Batch Plant Operator, all types & sizes; Conductor, Breaker, or Handcart; Elevating Gondola Operator - all types and sizes (except as otherwise classified); Field Equipment Serviceman; Highline Fabricator; Rollman; Rollman Belt Loader op. or similar type, w/belt with 48" or over; Locomotive Engineer (including Binky-20 tons weight and over); Moto-paver and similar type equipment Operator; Operating Engineer Sagger; Pneumatic-tired Scraper Op.; Tarpaulin, Euclid, Cat, B-W, Biscock & similar equipment) up to 5 cu. incl. 12 cu. yds. 1 Power Jumbo Form Scatter Operator; Pressure Grout Hatching Op. (as used in heavy engineering construction); Road Oil Mixing Machine Operator; Rollar Operator-on all types asphalt pavement; Self-Propelled Compactor, with blade; Skip Loader Operator-all types with rated capacity over 1-1/2, but less than 4 cu. yds.; Skip Form Operator (power driven lifting device for concrete forms); Soil Mixing; Road Mixing Machine Operator - single pass type; Stationary Central Generating Plant Operator - rated 300 k.w. or more; surface Heater and Planer Operator; Traveling Pipestrapping Machine Operator	\$9.63				.15	.50	
<u>Group V-A</u>							
Heavy Duty Mechanic and/or Welder; Pneumatic tired scraper, all sizes & types over 12 cu. yds. up to 5 incl. 45 cu. yds. 1000 (Tumarhill, Pacific, Cat B-W, Biscock, and similar equipment); Tractor Operator (Fisher, Goldscoar, Surveyer) up to 400 net horsepower rating; Trenching Machine Op.	9.89				.15	.50	

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POWER EQUIPMENT OPERATORS: (Cont'd)						Fringe Benefits Payments					
Basic Hourly Rates	H.L.W.	Position	Vacation	App. To.	Other	Basic Hourly Rates	H.L.W.	Position	Vacation	App. To.	Other
Group VI											
Auto-Grade Machine (Coi and similar equipment); Boring Machine Operator (including Mole, Bucker and similar type); Concrete Mixer Operator-Paving type, and Mobile Mixer; Concrete Pump Operator with boom attachment (Truck Mounted); Crane Operator-Crawler and Pneumatic type, under 100 ton capacity M/C; Crawler type tractor Operator - with boom attachment; Derrick Operator; Forklift op. for hoisting personnel; Grade-all operator; Helicopter Hoist; Highline Cableway Op. (less than 20 tons rated capacity); Hoist Excavator Op. (150 Bucyrus Erie & similar types); Mechanical Hoist Operator (two or more drums); Motor Grade Operator - any type power blade; Motor Grader Operator with elevating Grader Attachment; Working Machine Operator; Operating Engineer Electricians - including Lineman, tower erector, cable splicers, etc.; Overhead Crane Operator; Piledriver Engineers (portable, stationary or skid rig); Pneumatic-tired Scraper Op. - all sizes and types (Forsmull, Euclid, Cat, D-9, Hancock and similar equipment over 45 cu. yds. HSC); Power Driven Ditch Lining or Ditch Trimming Machine Operators; Skip Loader Operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip Form Paving Machine Op. (including Gummart, Zimmermann 6 skidbar types); Specialized Power Digger Op. - attached to wheel-type tractor; Tower Crane (or similar type) Op.; Tractor Op. (pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger Op. (two or more); Universal Equipment Op. - Shovel, Backhoe, Dragline, Classhell, etc., up to 8 cu. yds. \$10.17											
Group VII											
Crane Operator - Pneumatic or Crawler (100 ton hoisting capacity and over HSC rating); Helicopter pilot - FAA qualified when used in construction work; Highline Cableway Op., over 20 ton rated capacity and using traveling											

POWER EQUIPMENT OPERATORS: (Cont'd)						Fringe Benefits Payments					
Basic Hourly Rates	H.L.W.	Position	Vacation	App. To.	Other	Basic Hourly Rates	H.L.W.	Position	Vacation	App. To.	Other
Earth Moving Equipment Operator; Skip Loader Operator - all types with rated capacity of 8 cu. yds. or more; Universal Equipment - Shovel, Backhoe, Dragline, Classhell, etc., 8 cu. yds. and over						\$10.69	.15				.02

MULTIPLE-UNIT EARTH MOVING EQUIPMENT:
 Tractor Operator-Pneumatic-tired or track type, two units - fifty cents (50c) per hour more than the base single-unit rate established in Group V, Group V-A, or Group VI, and one dollar (\$1.00) per hour for each additional unit.

All Operators, Oilers, Motor Crane Drivers on equipment with booms of 80 ft. or over, incl. Job shall receive .0075 (3/4 of a cent) per foot per hour premium pay additional to the regular rate of pay.

Oiler shall be required on all track or crawler-type cranes, backhoes, shovels, classhells, draglines, gradalls, etc.

Oiler drivers shall be required on all truck mounted or self-propelled excavating and/or hoisting equipment having the configuration for two men.

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Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates			Fringe Benefits Payments		
	H & W	Functions	Vacation	H & W	Functions	Vacation	H & W	Functions	Vacation
POWER EQUIPMENT OPERATORS: (Cont'd)									
Group I									
Air Compressor Operator; Field Equipment Serviceman Helper; Heavy Duty Repair Helper; Heavy Duty Welder Helper; Welder; Pump Operator	\$6.42	.15	.50						
Group II									
Conveyor Operator; Generator Operator; Portable; Power Grizzly Operator; Self-Propelled Chip Spreading Machine; Conveyor Operator; Watch Fireman; Welding Machine Operator - Gasoline and Diesel Power	6.73	.15	.50						
Group III									
Concrete Mixer Operator-Skip Type; Walk-Through - (under 20 tons wt.); Driver-Motor Power, Slurry Seal Machine, and similar type equipment; Motor Crane Driver; Power Sweeper Operator-Self-propelled; Road Carrier or Fork Lift Operator; Skip Loader Operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor Operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment	7.13	.15	.50						
Group IV									
A-Frame Boom Truck or Winch Truck Operator; Asphalt Plant Fireman; Elevator Hoist Operator (including Turkey Hoist or similar types); Grade Checker (excluding Civil Engineer); Multiple Power Concrete Saw Operator; Pavement Breaker; Mechanical Compactor Operator, power propelled; Roller Operator - all types except as otherwise classified; Scraper Operator; Self-propelled Chip Spreading Machine Operator (including Slurry Seal Machine Operator) Stationary; Pipewrapping and Cleaning Machine Operator; Tugger Operator	7.57	.15	.50						
Group V									
Aggregate Plant Operator (including crushing, screening and sand plants, etc.); Asphalt Laydown Machine Operator; Asphalt Plant; Baler Machine Operator; Concrete Mechanical Tamping, spreading or finishing Machine (incl. Clary, Johnson or similar types); Concrete Pump Operator; Concrete Batch Plant Operator, all types & sizes; Conductor, Brakeman, or Handler; Elevating Grader Operator - all types and sizes (except as otherwise classified); Field Equipment Serviceman; Highline Cableway Signaller; Kohlman Belt Lander Op. or similar type, w/belt width 48" or over; Locomotive Engineer (including Dinky-20 tons weight and over); Moto-paver and similar type equipment Operator; Operating Engineer Digger; Pneumatic-tired Scraper Op. (Tarmagull, Euclid, Cat, D-W, Hancock & similar equipment) up to 4 incl. 12 cu. yds.; Power Jumbo Form Setter Operator; Pressure Grout Machine Op. (as used in heavy engineering construction); Road Oil Mixing Machine Operator; Roller Operator-on all types asphalt pavement; Self-Propelled Contractor, with blade; Skip Loader Operator-on all types with rated capacity over 1-1/2 cu. yds. less than 4 cu. yds.; Skip Form Operator (Power driven lifting device for concrete forms); Soil Cement Road Mixing Machine Operator - single pass type; Stationary Central Generating Plant Operator - rated 300 k.w. or more; Surface Heater and Planer Operator; Traveling Pipewrapping Machine Operator				\$8.01	.15	.50			
Group VI									
Heavy Duty Mechanic and/or Welder; Pneumatic tired scraper, all sizes & types over 12 cu. yds. up to 6 incl. 45 cu. yds. HSC (Tarmagull, Euclid, Cat D-W, Hancock, and similar equipment); Tractor Operator (Pusher, Builder, Scraper) up to 400 net horsepower rating; Trenching Machine Op.									

NOTICES

Basic Hourly Rates	Fringe Benefits Payments			Grp.	Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Frances	Vacation			App. To.	H & W	Frances
POWER EQUIPMENT OPERATORS: (Cont'd)								
Group VI Auto-Grade Machine (CM) and similar equipment; Boring Machine Operator (including Nels, Badger and similar type); Concrete Mixer Operator-Paving type, and Mobile Miner; Concrete Pump Operator with boom attachment (Truck Mounted); Crane Operator-Crawler and Pneumatic type, under 100 ton capacity NBC; Crawler type tractor Operator - with boom attachment; Derrick Operator; Forklift op. for hoisting personnel; Grade-all operator; Helicopter Hoist; Highline Cabaway Op. (less than 20 tons rated capacity); Hoist Excavator Op. (150 Bucyrus Erie & similar types); Mechanical Hoist Operator (two or more drums); Motor Grade Operator - any type power blade; Motor Grader Operator with elevating Grader Attachment; Bucking Machine Operator; Overhead Crane Operator; Piledriver Engineer (portable, stationary or skid rig); Pneumatic-tilted Scraper Op. - all sizes and types (Termpall, Bucld, Cat, D-4, Hascok); and similar equipment over 45 cu. yds. HRC); Power Driven Ditch Lining or Ditch Trimming Machine Operator; Skip Loader Operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip Form Paving Machine Op. (passer, Bulldozer, Scraper) 400 net horsepower and over; Tugger Op. (two or more); Universal Equipment Op. - Shovel, Backhoe, Dragline, Classell, etc., up to 8 cu. yds.								
POWER EQUIPMENT OPERATORS: (Cont'd)								
Group VII (Cont'd) Earth Moving Equipment Operator; Skip Loader Operator - all types with rated capacity of 8 cu. yds. or more; Universal Equipment - Shovel, Backhoe, Dragline, Classell, etc., 8 cu. yds. and over								
MULTIPLE-UNIT EARTH MOVING EQUIPMENT:								
Tractor Operator-Pneumatic-tired or track type, two units - fifty cents (\$50c) per hour more than the base single-unit rate established in Group V, Grp. V-A, or Group VI, and one dollar (\$1.00) per hour for each additional unit.								
All Operators, Oiler, & Motor Crane Drivers on equipment with booms of 60 ft. over, incl. Jib shall receive .0075 (3/4 of a cent) per foot per hour premium pay additional to the regular rate of pay.								
Oiler shall be required on all track or crawler-type cranes, backhoes, shovels, classells, draglines, gradalls, etc.								
Oiler drivers shall be required on all track mounted or self-propelled excavating and/or hoisting equipment having the configuration for two men.								
Group VII								
Crane Operator - Pneumatic or Crawler (100 ton hoisting capacity and over NBC rating); Helicopter Pilot - FAA qualified when used in construction work; Highline Cableway Op., over 20 ton rated capacity and using traveling								

Northern Area		Fringe Benefits Payments			Fringe Benefits Payments						
TRUCK DRIVERS:		Basic Hourly Rates	H & V	Provision	Variation	App. To C.R.	Basic Hourly Rates	H & V	Provision	Variation	App. To C.R.
<u>GROUP I</u>											
PICKUP; STATION WAGON; TRUCKIES	\$7.295	.35	.60		.02						
<u>GROUP II</u>											
BUS/BOAT/SHR, 1 C.Y. OR LESS; Bulk Cement Spreader (2 or 3 Axle); Bus Driver; Pump (2 or 3 Axle); Flatrack (2 or 3 Axle); Water (under 2500 gal.)	7.405	.35	.60		.02						
<u>GROUP III</u>											
BULK CEMENT SPREADER (4 Axle); Dump (4 Axle); Dumper or Dumper, less than 7 c.y.; Flatrack (4 Axle); Water (2500 gal. but less than 4000 gal.)	7.505	.35	.60		.02						
<u>GROUP IV</u>											
BULK CEMENT SPREADER (5 Axle); Dump (5 Axle); Dumper or Dumper, 7 c.y. but less than 16 c.y.; Fishbony Spreader or similar type equipment or Leverman; Flatrack (5 Axle); Slurry-Type Equipment or Leverman; Transit Mix, 8 c.y. or less mixer capacity	7.605	.35	.60		.02						
<u>GROUP V</u>											
BULK CEMENT SPREADER (6 Axle); Dump (6 Axle); Flatrack (6 Axle); Rock Truck (Cart, Euclid and other similar type end dump, single unit) less than 16 c.y.	7.705	.35	.60		.02						
<u>GROUP V - A</u>											
QIL TANKER OR SPREADER TRUCK DRIVER and/or Bootman, Leverman	8.125	.35	.60		.02						
<u>GROUP VI</u>											
BULK CEMENT SPREADER (7 Axle); Concrete Pump Truck Driver, (when integral part of transit mix truck); Dump (7 Axle); Flatrack (7 Axle);											

TRUCK DRIVERS: (CONT'D)		TRUCK DRIVERS: (CONT'D)			TRUCK DRIVERS: (CONT'D)						
		Basic Hourly Rates	H & V	Provision	Variation	App. To C.R.	Basic Hourly Rates	H & V	Provision	Variation	App. To C.R.
<u>GROUP VII</u>											
Hydro Lift, Swedish Crane, Iowa 300 and similar types; Boss Carrier Fork Lift or Lift Truck; Transit Mix, over 10.5 c.y. but less than 14 c.y. mixer capacity	\$6.225	.35									.02
<u>GROUP VIII</u>											
BULK CEMENT SPREADER (6 Axle); Dump (8 Axle); Flatrack (8 Axle)	8.575	.35	.60		.02						
<u>OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4 wheel power unit, i.e. Cat 3W series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including piling, water tanks, fuel tanks, or other temporary classifications; Bulk Cement Spreader (9 Axle); Pump (9 Axle); Dumper or Dumper, 16 c.y. and over; Eject-all; Flattrack (9 Axle); Rock Truck (Cart, Euclid, or other similar end dump types) 16 c.y. and over)</u>	6.99	.35	.60		.02						
<u>HEAVY DUTY MECHANIC/FELDER</u>	9.86	.35	.60		.02						
<u>HEAVY DUTY MECHANIC/FELDER HELPER</u>	8.03	.35	.60		.02						
<u>FIELD EQUIPMENT SERVICEMAN or Fuel Truck Driver</u>	9.62	.35	.60		.02						
Combination Man - 30c over the highest rated work											
Multiple-unit equipment driver - two units 50c per hour more than the base single unit rate established in Group 8 above; and \$1.00 per hour for each additional unit											
<u>GROUP VI</u>											
BULK CEMENT SPREADER (7 Axle); Concrete Pump Truck Driver, (when integral part of transit mix truck); Dump (7 Axle); Flatrack (7 Axle);											

NOTICES

Central & Southern Area		Fringe Benefits Payments						Fringe Benefits Payments					
TRUCK DRIVERS:		Basic Hourly Rates	H & W	Pension	Vacation	App. To.	On	Basic Hourly Rates	H & W	Pension	Vacation	App. To.	On
GROUP I													
PICKUP; Station Wagon; Teamsters	\$5.67	.35	.60			.02							
GROUP II													
BUSYBODIES, 1 C. Y. OR LESS; Bulk cement spreader (2 or 3 axle); Bus drivers; Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 gal.)	5.78	.35	.60			.02							
GROUP III													
BULK CEMENT SPREADER (4 AXLE); Dump (4 axle); Dumper or dumper, less than 7 c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)	5.94	.35	.60			.02							
GROUP IV													
BULK CEMENT SPREADER (5 AXLE); Dump (5 axle); Dumper or dumper, 7 c.y. but less than 16 c.y.; Flaherty spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Transit mix, 8 c.y. or less mixer capacity	6.23	.35	.60			.02							
GROUP V													
BULK CEMENT SPREADER (6 AXLE); Dump (6 axle); Flatrack (6 axle); Rock truck (Hart, euclid and other similar type end dump, single unit) less than 16 c.y.	6.36	.35	.60			.02							
GROUP V - A													
OLL TAKER OR SPREADER TRUCK DRIVER and/or Bootman, Rectorman or Leverman	6.50	.35	.60			.02							
GROUP VI													
BULK CEMENT SPREADER (7 axle); Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle);													

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates
	H & W	Pensions	Vacation		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$8.00	.25	.72	.02	\$7.18	.30	.30	.07
BOTTLEMAKERS	8.25	.30	1.00		7.57	.30	.30	.05
BRICKLAYERS	7.23	.30	.50		5.93			
CARPENTERS	6.37	.45	.40	.03	8.00	.25	.40	
CEMENT WAGONS	6.25	.30	.50	.06				
ELECTRICIANS:								
Electricians	7.95	.32	134.25	1/10%				
Cable splicers	8.75	.32	134.25	1/10%				
Zone II (12-20 miles from Post Office)	8.35	.32	134.25	1/10%				
Electricians	9.15	.32	134.25	1/10%				
Cable splicers								
Zone III (20-40 miles from Post Office)	8.70	.32	134.25	1/10%				
Electricians	9.50	.32	134.25	1/10%				
Cable splicers								
Zone IV (Over 40 miles from Post Office)	9.45	.32	134.25	1/10%				
Electricians	10.25	.32	134.25	1/10%				
Cable splicers								
Electrical contracts less than \$5,000 in Zones III and IV	5.61	.32	134.25	1/10%				
ELEVATOR CONSTRUCTORS: HELPERS	7.26	.345	.23					
ELEVATOR CONSTRUCTORS: HELPERS (PHOB.)	7071R	.345	.23					
GLAZIERS	5.98							
IRONWORKERS: Structural and Ornamental IRONWORKERS: Reinforcing	7.25	.50	.60					
LABORERS:	7.25	.50	.50					
Laborers	4.50	.30	.35					
Air tool operators; Jackhammer operator	4.75	.30	.35					
Plasterers, tenders	5.10	.30	.35					
MARBLE & TILE SETTERS, Terrazzo Workers	7.23	.30	.50					
PAINTERS, Brush	5.08	.20	.20					
PAINTERS, Structural steel	5.58	.20	.20					
PAINTERS, Spray	6.08	.20	.20					
PIPELAYERS	5.97	.35	.35					
PLASTERERS	6.50							
PLUMBERS:								
Zone I (0-15 miles from Post Office)	8.08	.49	.49					
Zone II (15-20 miles from Post Office)	8.65	.49	.49					
Zone III (20-40 miles from Post Office)	8.83	.49	.49					
Zone IV (Over 40 miles from Post Office)	9.435	.49	.49					

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 3 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

NOTICES

Heavy and Highway Construction	Basic	CO-2-1-1-2-2-2			CO-2-1-1-2-2-2-2			CO-2-1-1-2-2-2-2-2		
		User	Basic	Fringes	Vacation	Basic	Fringes	Vacation	Basic	Fringes
Hours	Date	H.C.W.	Fringes	Vacation	H.C.W.	Fringes	Vacation	H.C.W.	Fringes	Vacation
LABORERS:										
GROUP I										
Highway laborer, including: cutters to 8'; carrying reinforcing rods; back on cross cutters; connecting C side struts in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dovel bars; Tie bars & chairs in concrete paving; Nursery sun incls, seedings, mulching & planting of trees, shrubs & flowers; Stabs; chaser; Gabions baskets & stone mattresses	\$4.30	.30	.35	.05						
GROUP II										
Check tenders; Rippers; core and diamond drill helpers; Powderman helpers	4.35	.30	.35	.05						
GROUP III										
Hot asphalt laborers; Bakers; Bituminous; Asphalt curb machines; Pot men (not mechanical)	4.43	.30	.35	.05						
GROUP IV										
Multi-plate culvert pipe; Air, gas & electric tool op's; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete bogies; Operators of concrete saws on pavement (other than gang saws); Timber & chain saws; Stresser or stretchers on post tension or prestressed concrete on or off jobsites; Tool room men & checkers; Cement finisher helpers; Sandblaster helpers; Concrete processing material monitor; Spotters; Signers; Dumpermen; Transverse concrete conveyor op's; mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machines; Jackhammers; Vibrators; Paving breakers; Frost-proofing	4.45	.30	.35	.05						
GROUP V										
Any laborers performing bridge work over 40' above the ground or above a floor & working from a boat's chair, swinging stage, life belt or block & tackle	4.47	.30	.35	.05						
GROUP VI										
Committing & shotcrete helpers; Caissons over 12'; Cofferdams; Timber setters; Underpinning & shoring; Formers; Highways, streets and airports on roads, distribution; Placing & hooking of landing nets; Ball float (quad operated) & center expansion machines; Sandblaster; Grade checkers if required by employer	4.58	.30	.35	.05						
GROUP VII										
Powdermen & blasters; Gunite workers; Shotcrete op's.	4.68	.30	.35	.05						
GROUP VIII										
Pipelaying on truck pipe lines in connection with highway work	4.75	.30	.35	.05						
GROUP IX										
Wagon drills & air trucks; Jackhammers op's; in caissons over 12'; Bellies & stemmen; Licensed powdermen; Diamond and core drills powered by air	4.88	.30	.35	.05						
GROUP X										
Any work, other than on bridges, performed by laborers working from a boat's chair, swinging stage, life belt, or block and tackle as a safety requirement	4.93	.30	.35	.05						

Col. 1 - FED - 1-2-3- c (1-2)

LACONICS (CONT'D): (PIPELINES)	POWER EQUIPMENT OPERATORS				Fringe Benefits Payments					
	Basic Hourly Rate	H. & W.	Fractures	Vacation	4-4-4-7- Fr. & B.	H. & W.	Fractures	Vacation	App. Tc.	Op.
All mainline severs; Water main; Gas, oil or any product pipeline; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.										
<u>GROUP I</u>										
Pipe plants and yards; Stringing of pipe or stids; Handling & signaling on line work	4.30	*30	*35	*05						
<u>GROUP II</u> (not mechanical); Pipecooper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers	4.35	*30	*35	*05						
Workers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric & hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.	4.52	*30	*35	*05						
<u>GROUP III</u>										
Workers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric & hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.	4.54	*30	*35	*05						
<u>GROUP IV</u>										
Sandblasters, powdermen & blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, planes and yards; Enamlers of pipe, inside and out	4.54	*30	*35	*05						
<u>GROUP V</u> (Felting Pipe)										
Relining pipe Mixer man	4.63 4.68	*30 *30	*35 *35	*05 *05						
<u>GROUP VI</u>										
Pipefitter	4.75	*30	*35	*05						

<u>GROUP I</u>	Asphalt Scraper; Brakeman; Drill Operators, smaller than William M. & similar; Helper to Heavy Duty Mechanic and/or Welder; Tractor Operator (Under 70 HP), with or without attachments; Oilier	\$5.20	*32	*35	*10	.03
<u>GROUP II</u>						
Air Compressor; Ditch Witch Trenching Machine and similar equipment; Lubricating & Service Equipment; Fork Lifts; Haulage Motorman (Brakeman); Operators of five or more light Plants, Welding Machines, Compressors 350 C.F.M. or less; Pumps, Generators 350 C.F.M. or less; Pugmill; Pump; Portable Screening Plant with or without a Spray Barr; Screening Plants;With Classifiers; Self-Propelled Rollers - 5 tons & under; Vacuum Well point system						
<u>GROUP III</u>						
Asphalt Plant; Backfillers; Bituminous Spreader or Laydown Machine; Cable-way Signalmen; Crisscross Drills; (William M. similar and larger); C. M. I. and similar Concrete Finishers; Concrete Ganging Saws on Concrete Sawing; Concrete Mixer (less than 1 yd.); Concrete Placement Pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drill Rigs (Rotary, churn or cable tool); Elevating Graders; Engineer, Fireman; Fireman or Tank Heater, Road; Grout Machines; Gummite Machines; Hoists (1 drum); Loader (up to 6 including 6 cu. yd.); Machine Doctor Mechanic; Motor Grader (blade); Road Stabilization Machine; Rollers; Self-Propelled-all types over 5 tons Sandblasting Machine; Scrapers -						

NOTICES

Colo. 1 - FEO-1-2-3-c						(2-2)					
Fringe Benefits Payments						Fringe Benefits Payments					
Basic Hourly Rates	H & V	Franchise Fees	vacation	Ann. Tu.	o	Basic Hourly Rates	H & V	Franchise Fees	vacation	Ann. Tu.	o
POWER EQUIPMENT OPERATORS (cont'd)											
GROUP III (cont'd)											
Single Bowl - under 40 cu. yds.; Single Unit Portable Crusher-with or without washer; Tile Turner, 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.); Concrete Paver 34" or similar; Concrete Placer; Pumps (8 in. & over); Crane (20 tons & under); Hoists (2 drums); Loader - over 6 cu. yd.; Mechanic - Welder (Heavy Duty); Motormobile; Multiple Unit; Portable Crusher - with or without washers Pile Driver; Firemen; Cable-operated crane, truck mounted, 25 tons & over; Cable-operated power shovels; Cradles; Clamshells; & backhoes (5 cu. yds. & under); Hydraulic backhoes (1/2 cu. yd. & over); Special utility Operators; Scooper; Scraper-all tandem hunks; Scraper - Single bowl including Propelled Hydrocrane; Tractor with Side Boom; Truck Mounted Hydrocrane	6.05	.32	.35	.10	.03						
GROUP V											
Crane Operator - over 50 tons; Bar- rick; Electric Rail Type Tower Crane; Hoist (3 drum or more); Cable- operated Power Shovels; Draglines; Clamshells & Backhoes (over 5 cu. yd.); Quad Nine 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						

Colo. 2 - FEO-1-2-3-c						(1-1)					
Basic Hourly Rates	H & V	Franchise Fees	vacation	Ann. Tu.	o	Basic Hourly Rates	H & V	Franchise Fees	vacation	Ann. Tu.	o
POWER EQUIPMENT OPERATORS (For Work in Tunnels, Shfts., & Rises)											
HEADMAN	\$5.35	.32	.35	.10	.03						
MOTORMAN	5.70	.32	.35	.10	.03						
COMPRESSOR (900 CFM & Over); Servicing tunnels, shafts & rises	5.80	.32	.35	.10	.03						
AIR TRACTORSI; Grout machine; Gunite machine; Jumbo form; Mechanic; Welder	6.05	.32	.35	.10	.03						
CONCRETE PLACEMENT PUMPS 8" & OVER											
DISCHARGE; Mechanic-Welder (Heavy Duty); Working Machine & Frontend Loaders Underground; Slusher	6.20	.32	.35	.10	.03						
HOLE	6.60	.32	.35	.10	.03						

Frigate Dieselins Paymaster Colo.-1-77-1-2-3-L (1-2)						
State Hourly Rate	H & W	Passenger	Yachtman	Ap. Yr.	Col.	
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dogmen	\$4.90	.30	.20	.10		
DUMP TRUCKS, TO 6 INCL. 6 CU. YDS.; Sweeper; Flatrack, single axle; Liquid & bulk tankers, single axle; Warehouses; Washers; Greasemen; Services; Ambulance drivers, if used	5.00	.30	.20	.10		
DUMP TRUCKS, OVER 6 CU. YDS. TO 6 INCL. 12 CU. YDS.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expe- ditors; Van haul shuttle truck or bus	5.10	.30	.20	.10		
STRADELL TRUCK; Lumber carriers; Liquid & bulk tankers, tandem axle	5.15	.30	.20	.10		
PORK LIFT; Fuel truck; Grease truck; Combination fuel & grease; Titrators	5.20	.30	.20	.10		
DUMP TRUCKS, OVER 12 CU. YDS., TO 6 INCL. 19 CU. YDS.; Distributors; Cement mixer; Agitator truck to 6 incl. 10 cu. yds.; Liquid & bulk tankers, semi or combination	5.25	.30	.20	.10		
MULTI-PURPOSE TRUCK - Specialty & Hoisting	5.30	.30	.20	.10		
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid & bulk tankers, euclid, electric or similar; Dumper, Youngbogey, Jumbo & similar type equipment	5.35	.30	.20	.10		
MECHANICS	5.40	.30	.20	.10		
DUMP TRUCKS, OVER 19 CU. YDS. TO 6 INCL. 29 CU. YDS.; Truck driver snow plow	5.45	.30	.20	.10		

Colo.-1-TR-1-2-3-1 (2-2)						
TRUCK DRIVERS (CONT'D)	Fringe Benefits Payments					
	Basic Hourly Rates	H.R.W.	Pensions	Vacation	App. T.R.	Other
CEMENT MIXER: Agitator over 10 cu. yds. to & incl. 15 cu. yds.	5.50	.30	.20	.10		
DUMP TRUCKS, OVER 29 CU. YDS. TO & INCL. 39 CU. YDS.: Heavy duty diesel mechanics; Body men; Holders or combination men	5.60	.30	.20	.10		
CEMENT MIXER, Agitator over 15 cu. yds. DUMP TRUCKS, OVER 39 CU. YDS. TO & INCL. 54 CU. YDS.	5.75	.30	.20	.10		
	5.80	.30	.20	.10		

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS					
	H.R.W.	PENSIONS	VACATION	APP. T.R.	OTH.	
Line Construction - Colorado						
Cable splicers	8.44	.25	11			
Lineman	7.87	.25	11			
Equipment operator	6.71	.25	11			
Line equipment maintenance man	6.72	.25	11			
Groundman	5.55	.25	11			

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Fringe Benefits Payments					
Basic Hourly Rates	H&W	Pensions	Vacation	App. To:	Others
Alameda, Alviso, Andador, Botta, Calveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Modoc, Marin, Marinosa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties, California					
Change:					
Bricklayers: Stonemasons:					
Alameda and Contra Costa Counties	\$9.25	.65			
Monterey and Santa Cruz Counties	7.71	.78	.75		
Marble Setters	8.23	.74	.51		
Stoners					
Marble and Solano Counties	6.88	.35	.55		
Tile Setters:					
Monterey and Santa Cruz Counties	7.25				
Add:					
Brick tenderer:					
Almond, Nevada, Placer, Sacramento, and Yolo Counties					
Plaster tenderer:					
Monterey and Santa Cruz Counties	6.175		.395		
Add:					
Brick tenderer:					
Alpine, Andador, Eldorado, Nevada, Placer, Sutter, Tuolumne, Sierra and Yolo Counties	6.175	.395	1.05		
Plaster tenderer:					
Monterey and Santa Cruz Counties	6.12	.71	.55		

(38 FR 8538 - April 6, 1973)

Fringe Benefits Payments					
Basic Hourly Rates	H&W	Pensions	Vacation	App. To:	Others
Alameda, Andador, Contra Costa, Fresno, Marin, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Yolo and Yuba Counties, California					
Change:					
Bricklayers: Stonemasons:					
Alameda and Contra Costa Counties	\$9.25				
Monterey and Santa Cruz Counties	7.71				
Marble Setters					
Napa and Solano Counties	6.88				
Tile Setters:					
Monterey and Santa Cruz Counties	7.25				
Add:					
Brick tenderer:					
Almond, Nevada, Placer, Sacramento, and Yolo Counties					
Plaster tenderer:					
Monterey and Santa Cruz Counties	6.175		.395		
Add:					
Brick tenderer:					
Alpine, Andador, Eldorado, Nevada, Placer, Sutter, Tuolumne, Sierra and Yolo Counties	6.175	.395	1.05		
Plaster tenderer:					
Monterey and Santa Cruz Counties	6.12	.71	.55		

DECISION #AP-129 (cont'd)		Fringe Benefits Payments			
Basic Hourly Rate/s	H. & W	Pensions	Vacation	App. Tr.	Other
ABs:					
Building Construction Laborers: Plasterers' Tenders	\$6.73	.45	.30	.01	
DECISION #AP-131 - Mod. #1 (38 PB 28362 - December 22, 1972) Dade County, Florida					
Changes:					
Building Construction Electricians Lathers Sheet Metal Workers	7.63 5.91 5.75	.30 .21 .30	.16 .10 .25	.16 .10 .70	.025 .025 .025
DECISION #AP-172 - Mod. #1 (38 PB 7701 - March 23, 1973) Hillsborough County, Florida					
Changes:					
Building Construction Electricians: Cable Splicers	8.10 8.15	.36 .36	.36 .36	.12 .12	
DECISION #AP-180 - Mod. #1 (38 PB 5083 - February 23, 1973) Ware County Georgia					
Changes:					
Carpenters' helpers Electricians' helpers Plumbers' helpers Sheet Metal Workers' helpers Tile Setters' helpers	\$2.75 2.75 2.50 2.00 2.00				
DECISION #AP-634 - Mod. #2 (38 PB 4147 - February 9, 1973) St. Joseph County, Indiana					
Changes:					
Electricians	\$8.20	2.8%	5%	.4%	.2%

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Modifications, P. 5

Fringe Benefits Payments					
Basic Hourly Rates	H & W	Frations	Vacation	Apf. Tr.	Others
DECISION DAP-456 - Mod. #5 (38 FR 2051 - January 19, 1973) Barnstable County, Massachusetts					
Charger: Truck drivers' schedule (Heavy & Highway)					
TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION					
Asbestos workers: Barnstable, Bourne, Falmouth, Mashpee, & Sandwich Truck drivers' schedule (Heavy and Highway)	\$8.80	.505	.45	.005	
HEAVY AND HIGHWAY CONSTRUCTION					
Station wagons, panel trucks and pick-up trucks Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift operators, Three axle equipment and tiremen Four and five axle equipment under 35 tons Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vchaul, mechanics, paving restoration equipment, Mechanics Four and five axle equipment over 35 tons Trailers for earth moving equipment, (double hookup)	\$5.91	.35	.50	.45	
Station wagons, panel trucks and pick-up trucks Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift operators, Three axle equipment and tiremen Four and five axle equipment under 35 tons other than conventional type trucks, low bed, vchaul, mechanics, paving restoration equipment, Mechanics Specialized earth moving equipment over 35 tons Trailers for earth moving equipment, (double hookup)	6.26	.35	.50	.45	
Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.	6.51	.35	.50	.45	
Trailers for earth moving equipment, (double hookup)	6.76	.35	.50	.45	
Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 6 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 6 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

DECISION DAP-458 - Mod. #5
(38 FR 2058 - January 19, 1973)
Barnstable County, Massachusetts

Charger:

Truck drivers' schedule
(Heavy & Highway)

TRUCK DRIVERS:

HEAVY AND HIGHWAY CONSTRUCTION

Fringe Benefits Payments					
Basic Hourly Rates	H & W	Frations	Vacation	Apf. Tr.	Others
Station wagons, panel trucks and pick-up trucks Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift operators, Three axle equipment and tiremen Four and five axle equipment over 35 tons Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vchaul, mechanics, paving restoration equipment, Mechanics Four and five axle equipment over 35 tons Trailers for earth moving equipment, (double hookup)	\$5.91	.35	.50	.45	
Station wagons, panel trucks and pick-up trucks Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift operators, Three axle equipment and tiremen Four and five axle equipment over 35 tons Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vchaul, mechanics, paving restoration equipment, Mechanics Four and five axle equipment over 35 tons Trailers for earth moving equipment, (double hookup)	6.01	.35	.50	.45	
Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.	6.06	.35	.50	.45	
Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.	6.16	.35	.50	.45	

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DECISION #AP-440 - Mod. #1
(38 FR 2066 - January 19, 1973)
Suffolk County, Massachusetts

DECISION #A.P.-439 - Med. #3
(38 PR 2062 - January 19, 1973)
Middlesex County, Massachusetts

range: truck drivers' Schedule (Heavy & Highway)

Change: truck drivers' schedule (heavy & highway)

TECHNICAL DIVISIONS: ROAD AND BRIDGE CONSTRUCTION

TRUCK DRIVERS!
HEAVY AND HIGHWAY CONSTRUCTION

Basic Health Rates	Frisco Benefits Payments			
	H & W	Partners	Veteran	App. Tr.
\$5.91	.35	.50	a+b	
6.01	.35	.50	a+b	
6.06	.35	.50	a+b	
6.16	.35	.50	a+b	
6.26	.35	.50	a+b	
6.51	.35	.50	a+b	
6.76	.35	.50	a+b	

SAVETON GEWS

- A-New Year's Day; B-Memorial Day;
- C-Independence Day; D-Labor Day;
- E-Thanksgiving Day; F-Christmas Day

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One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

Basic Hourly Rate*	Fringe Benefits Payments				
	H&W	Pension	Vacation	Adv. Tu.	Other
\$5.91	.35	.50	a+b		
6.01	.35	.50	a+b		
6.06	.35	.50	a+b		
6.16	.35	.50	a+b		
6.26	.35	.50	a+b		
6.51	.35	.50	a+b		
6.76	.35	.50	a+b		

SAINTS OF THE

A-New Years Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington Birthday, Columbus Day and Veterans Day after 20 days employment provided an employee works two days of the calendar week in which the

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DECISION #AP-461 - Mod. #6
(38 FR 2070 - January 19, 1973)
Worcester County, Massachusetts

Charges:
Truck drivers' schedule
(Heavy & Highway)

TRUCK DRIVERS:
HEAVY AND HIGHWAY CONSTRUCTION

DECISION #AP-700 - Mod. #6
(38 FR 4162 - February 9, 1973)
Statewide, New Mexico

Basic Hourly Rate\$	Fringe Benefits Payments				
	H & W	Painters	Veterans	App. To:	Other
Change:					
General Building and Heavy Engineering Construction					
Glaziers (Dona Ana, Luna, Otero, and Quay Counties)					\$4.87
Electricians (Floyd and Lea Counties):					*.24
The following zones shall be designated from the main post office of Artesia, Carlsbad, Robbs, and Lovington:					
Zone (a) 0 to 12 miles from main P.O.					
Electricians	6.85				*.01
Cable splicers	7.20				*.01
Zone (b) 12 to 22 miles from main P.O.					
Electricians	7.20				*.01
Cable splicers	7.55				*.01
Zone (c) 22 to 40 miles beyond main P.O.					
Electricians	7.35				*.01
Cable splicers	7.70				*.01
Zone (d) 40 miles and beyond main P.O.					
Electricians	7.60				*.01
Cable splicers	7.95				*.01
Add:					
Painters (Luna, Otero, and Dona Ana Counties)	5.25				
Brush					
Spray, swing stage, sand water blasting, spray and blasting on stage	5.645				
Axes tool	5.385				
Tapers	5.25				
Steel brush	5.385				
Stripping machine	5.645				
Radio towers, water tanks, smoke stacks:					
Over 100 feet	6.05				
200 to 300 feet - 25% above scale					
300 to 400 feet - 50% above scale					
400 feet and over - 75% above scale					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in
which an employee has worked 15
days provided he has been employed
for 4 months.

b. Holidays: A through F, Washington's
Birthday, Columbus Day and Veteran's
Day after 30 days employment pro-
vided an employee works two days
of the calendar week in which the
holiday falls.

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacations	Apn. To.		H & W	Pensions	Vacations	Apn. To.
DECISION #AP-46 - Mod. # 3 (37 FR 24618 - November 17, 1972) Summit County, Ohio									
<u>Change:</u>									
Power Equipment Operators Heavy & Highway Construction	\$8.12	+\$3	+\$3	+\$9					
Class I	8.02	+\$3	+\$3	+\$9					
Class II	7.55	+\$3	+\$3	+\$9					
Class III	7.15	+\$3	+\$3	+\$9					
Class IV	6.73	+\$3	+\$3	+\$9					
Class V									
DECISION #AP-454 - Mod. #5 (37 FR 21259 - October 6, 1972) Lehigh County, Pennsylvania									
<u>Change:</u>									
Mod. #4 - 38 FR 9399 - April 13, 1973 to read: See Schedule, Modifications Page 23									
DECISION #AP-454 - Mod. #5 (38 FR 943 - January 5, 1973) Armstrong, Blair, Crawford, Indiana, McKean, Venango and Warren Counties Pennsylvania									
<u>Change:</u>									
Mod. #3 - 38 FR 9399 - April 13, 1973 to read: See Schedule, Modifications Page 25									
DECISION #AP-464 - Mod. #5 (38 FR 21609 - January 26, 1973) Butler, Cambria, Fayette and Somerset Counties, Pennsylvania									
<u>Change:</u>									
Mod. #3 - 38 FR 9399 - April 13, 1973 to read: See Schedule, Modifications Page 25									

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Modifications P. 16

Basic Hourly Rates	Fringe Benefits Payments					Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Franchise	Vacation	Age- Ti.	Others		H & W	Franchise	Vacation	Age- Ti.	Others
<u>DECISION #AP-465 - Mod. #3</u> (38 FR 2612 - January 26, 1973) Bedford, Cameron, Clinton, Elk, Forest, Fulton, Huntingdon, Mifflin and Potter Counties, Pennsylvania						<u>DECISION #AP-467 - Mod. #1</u> (38 FR 7757 - March 23, 1973) Washington County, Pennsylvania					
<u>Change:</u> Mod. #4 - 38 FR 9399 - April 13, 1973 to read: See Schedule, Modifications Page 24						<u>Change:</u> Building Construction: Ironworkers: Structural Reinforcing	\$8.515 8.515	*675 *675	*695 *695	*675 *675	*015 *015
<u>DECISION #AP-466 - Mod. #3</u> (38 FR 2615 - January 26, 1973) Centre, Clearfield, Jefferson and Greene Counties, Pennsylvania						<u>DECISION #AP-482 - Mod. #1</u> (38 FR 7764 - March 23, Westmoreland County, Pennsylvania					
<u>Change:</u> Mod. #2 - 38 FR 9399 - April 13, 1973 to read: See Schedule, Modifications Page 25						<u>Change:</u> Building Construction: Ironworkers: Structural Reinforcing	\$8.515 8.515	*675 *675	*695 *695	*675 *675	*015 *015
<u>DECISION #AP-467 - Mod. #3</u> (38 FR 2618 - January 26, 1973) Beaver County, Pennsylvania						<u>DECISION #AP-490 - Mod. #2</u> (38 FR 4624 - March 9, 1973) Northampton County, Pennsylvania					
<u>Change:</u> Mod. #2 - 38 FR 9399 - April 13, 1973 to read: See Schedule, Modifications Page 25						<u>Change:</u> Mod. #2 - 38 FR 9399 - April 13, 1973 to read: See Schedule, Modifications Page 25					
<u>DECISION #AP-460 - Mod. #3</u> (38 FR 5771 - March 2, 1973) Franklin County, Pennsylvania						<u>DECISION #AP-495 - Mod. #1</u> (38 FR 7771 - March 23, 1973) Allegheny County, Pennsylvania					
<u>Change:</u> Mod. #2 - 38 FR 9399 - April 13, 1973 to read: See Schedule, Modifications Page 25						<u>Change:</u> Building Construction: Ironworkers: Structural Reinforcing	\$8.515 8.515	*675 *675	*695 *695	*675 *675	*015 *015

DECISION AAF-353 - Nod. #6
(37 FR 23559 - November 3, 1972)
Jefferson & Orange Counties, Texas

Charge:

Roofers:
Kettleson
Helpers

DECISION #AF-354 - Nod. #6
(37 FR 23521 - November 3, 1972)
Jefferson & Orange Counties, Texas

Charge:

Roofers:
Kettleson
Helpers

Basic Hourly Rate	Fringe Benefits Payable			
	H & W	Pension	Vacation	App. To:
\$8.29	*10	*10	*15	*00
5.25	*10	*10	*15	*00
4.13	*10	*10	*15	*00

Basic Hourly Rate	Fringe Benefits Payable			
	H & W	Pension	Vacation	App. To:
6.29	*10	*10	*15	*00
5.25	*10	*10	*15	*00
4.13	*10	*10	*15	*00

SUPERSEDAS DECISIONS

STATES: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Rhode Island.

DECISION NUMBER: AP-803

DATE: Date of Publication

Supersedes Decision No. AM-3,322, dated May 26, 1972, in 37 FR 10693.

DESCRIPTION OF WORK: All dredging on the Atlantic Coast from the Canadian Border to the Southerly border of the State of Maryland and tributary waters emptying into the C and D Canal, Baltimore City and Baltimore County, Maryland, but excluding Boston Harbor and the Chesapeake Bay.

Basic Hourly Rates		Fringe Benefits Payments			
	H & W	Position	Vacation	App. Tax.	Others
<u>Dipper and Clamshell Dredges</u>					
Operators	\$7.23	.25	.15	.15	
Engineer	7.16	.25	.15	.15	
Crane men	6.95	.25	.15	.15	
Maintenance engineers	6.80	.25	.15	.15	
Welders	6.65	.25	.15	.15	
Tug engineer	6.24	.25	.15	.15	
Mates	6.17	.25	.15	.15	
Firemen; oilers; welders' helpers	5.44	.25	.15	.15	
Deckhands; tug deckhand	5.22	.25	.15	.15	
Rodmen; scowmen	5.13	.25	.15	.15	
<u>Hydraulic Dredges</u>					
Levermen	7.05	.25	.15	.15	
Engineer; derrick operators	6.95	.25	.15	.15	
Maintenance engineer	6.80	.25	.15	.15	
Dredge carpenters; electricians; dredge blacksmith; dredge welders; boilermen	6.65	.25	.15	.15	
Tug engineer	6.24	.25	.15	.15	
Mates	6.17	.25	.15	.15	
Blacksmith helper; carpenter's helper; firemen; oilers and welder's helper	5.44	.25	.15	.15	
Tug deckhand	5.22	.25	.15	.15	
Deckhands; rodmen; shorers	5.13	.25	.15	.15	
<u>Drill Boats</u>					
Blaster	7.2575	.25	.15	b	
Driller; Machinist; welder	7.1587	.25	.15	b	
Engineer	7.1575	.25	.15	b	
Firemen	6.88	.25	.15	b	
Drill helper	6.7387	.25	.15	b	
Oiler	6.7387	.25	.15	b	
<u>PAID HOLIDAYS</u>					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation will pay for each full 24 days of service in one calendar year.

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1-Florida-1-5 (2-2)

STATE: Florida
 CITIZEN NUMBER: AF-175
 Supercedes Decision No. AF-121
 DESCRIPTION OR WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

Building Construction		Building Construction		Fringe Benefits Payments	
Basic Monthly Rates	H & W	Basic Monthly Rates	H & W	Vacation	Other
Asbestos Workers	\$5.68	Asbestos Workers	\$5.68	.15	
Boilermakers	7.13	Boilermakers	7.13	.15	
Bricklayers	6.75	Bricklayers	6.75	.02	
Carpenters	6.40	Carpenters	6.40	.02	
Acoustical Workers					
Millwrights	6.40	Millwrights	6.40	.02	
Piledrivers					
Cement Masons	6.15	Cement Masons	6.15	.02	
Electricians					
Wiresmen					
Cable Splicers					
Elevator Constructors					
Elevator Constructors' Helpers (Prob.)					
Glassiers					
Ironworkers, structural & ornamental					
Ironworkers, reinforcing					
Laborers:					
Unskilled					
Air Tool Operator					
Mortar Mixers					
Pipefitters (Concrete & Clay)					
Lathers					
Painters:					
Scrub					
Paperhangers					
Structural Steel					
Spray					
Sandblasting					
Boiler					
Swing Stage					
Boatman's Chair					
Plasterers					
Plumbers					
Lead Burners					
Lime Construction:					
Linemen					
Cable Splicers					
Cable Splicers Assistant					
Winch Truck Operator					
Heavy Equipment Operator					
Flat Bed Pick-up Driver					
Groundsman, 1st Class					
Groundsman, 2nd Class					
Marble Setters					

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 1% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Nine paid holidays, A through F plus Christmas Eve, Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

PAID HOLIDAYS (Where Applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS					BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
	H & R	PENSIONS	VACATION	APP. TR.	OTHER		H & R	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS: (cont'd)											
Building Construction											
POWER EQUIPMENT OPERATORS:											
Cranes, derricks, clam shells, drag-lines, pile-driver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat caontain (150 h.p. or more), multi-bowl open (similar to R.G. LaTourneau Model L-60-2 or 3 tonners), (over 1 yd scrapers), front end loaders, (over 1/2 cu yd cap.), side boom cranes, multi-arm hoist (for rigging), mechanic (heavy equip.), tower crane (stationary, climbing, traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher) Locomotive engineer (jobs not covered by railroad unions)	\$7.03	.20	.25	.05							
Excavators, bridge cranes (20 tons & under), highlift or fork lift (up to 2nd floor), straddle buggies, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cu yd up to 4 incl., 1/2 cu yd cap.), trenching machine (ladder & wheel type) over 6 cu ft over 20" width, concrete never & scrapers	5.59	.30	.25	.05							
Concrete pump, front end loader (2cy or less not used as hoist), mobile winch trucks, self-propelled sub-Grader, asphalt paving machine, concrete mixer, tractors, air compressor, elast (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers, street sweeping machines	5.18	.30	.25	.05							

	FRINGE BENEFITS PAYMENTS				
	Basic Hourly Rates	H. & W.	Pensions	Vacation	App. Th.
HEAVY AND HIGHWAY CONSTRUCTION					
Bricklayers	\$1.75				
Carpenters	2.25				
Carpenters, helpers	1.60				
Concrete finisher	2.00				
Concrete finisher helper	1.60				
Laborers:					
Unskilled	1.60				
Pipelayers	2.00				
Truck Driver	1.60				
Welder	1.75				
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	1.75				
Asphalt mixer	1.75				
Asphalt paving machine	1.80				
Asphalt plant	1.75				
Asphalt plant drier	1.75				
Bulldozer	2.75				
Cranes, derricks and draglines	2.495				
Earthmover, heavy rubber tired	1.75				
Finishing machine	1.82				
Frost end loader	1.75				
Mechanic	1.75				
Motor grader	2.00				
Oiler	2.025				
Pavement striping machine	1.75				
Boiler	1.75				
Scraper	1.75				
Shovels, backhoe	2.825				
Tractor	1.75				
Trenching machines	2.38				

STATE: Mississippi
 INSURANCE NUMBER: AB-17%
 Supercedes Decision No. AB-8597 dated March 17, 1972, in 37 FR 5666
 DESCRIPTION OF WORK: Residential Construction consisting of single family
 homes and garden type apartments up to and including 4 stories.

247-Mississippi - C

COUNTRIES:	Harrison, Pearl River, Stone, George, Jackson and Hancock	Fringe Benefits Payments				
		Basic Hourly Rate	H & W	Pensions	Vacation	App. To Other
RESIDENTIAL CONSTRUCTION:						
Air conditioning mechanic		\$3.75				
Bricklayers		6.30				
Carpenters		4.15				
Carpet layers		4.10				
Cement masons		4.50				
Electricians		4.00				
Insulation mechanic		4.15				
Ironworkers		6.83				
Labourers:						
Unskilled		2.60				
Semi-skilled		3.50				
Mason tenders		3.00				
Mortar tenders		3.50				
Power nail operator		3.00				
Power tool operator		3.00				
Painters		4.88				
Plumbers		4.70				
Roofers		3.50				
Soft floor layers-resilient		4.10				
Sweet metal workers		4.63				
Sheetrock (hanging and finishing)		3.50				
Tile setters		4.00				
Truck drivers		2.60				
POWER EQUIPMENT OPERATORS:						
Bulldozers		4.55				

STATE: Texas COUNTY: Bexar
ELECTION NO.: AF-711 DATE: Date of Publication
Superiority No. AF-393, dated January 1, 1973, in 38 FR 2637.
SPECIALTY OF WORK: Building Construction, (excluding single family
homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION

Date of publication

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

MULTI-LEVEL COSTS

Basic Hourly Rates*	Fringe Benefits Payments				
	H & W	Position	Vacation	App. Fr.	Delivery
BUILDING CONSTRUCTION					
ASBESTOS WORKERS	\$7.36	*29	*20	*05	
BOILERMAKERS	6.80	*30	*50	*02	
BRICKLAYERS	6.92	*25	*20	*05	
CARPENTERS	6.17	*28	*30	*02	
CEMENT MASON'S:					
Cement masons	6.52	*25			
Machine operators	6.77	*25			
ELECTRICIANS:					
Electricians	7.18	*25	15	1/2%	
Cable splicers	7.43	*25	15	1/2%	
ELEVATOR CONSTRUCTORS	6.06	*175	*20	27.4atb	
ELEVATOR CONSTRUCTORS	707.18	*175	*20	27.4atb	
ELEVATOR CONSTRUCTORS	HELPERS (FIRB)	507.18			
GLAZIERS	5.20		*20		
IRONWORKERS:					
Structural; Ornamental; Reinforcing	6.35	*40	*45	*05	
LABORERS:					
Common laborers	3.87	*25	*10	*02	
Air tool operator (Jackhammer, vibrator)	3.96	*25	*10	*02	
Bell hole man	3.98	*25	*10	*02	
Mason tenders	3.98	*25	*10	*02	
Mortar mixers	4.24	*25	*10	*02	
Plasterers' tenders	4.24	*25	*10	*02	
Pipelayers, concrete & clay (non- metallic)	3.87	*25	*10	*02	
LATHERS	6.595				
MARBLE MASON'S	5.99	*25	*20	*01	
MARBLE MASON'S	HELPERS				
MILLWRIGHTS	6.47	*28	*30	*02	
PAINTERS:					
Brush	5.20		*20		
Spray	5.45		*20		
Structural steel	5.45		*20		
Spray on structural steel; sand- blaster	5.70		*20		
PLASTERERS - PIPEFITTERS	6.98				
PLUMBERS - PIPEFITTERS	7.13		*35	*10	
ROOFERS:					
Roofers	4.50				
Kettlemen	3.95				
Waterproofer	4.20				
Deckman	4.50				

BUILDING CONSTRUCTION

Name: Date of publication

220 WORKERS

Fringe Benefits: Physicians					
Basic Hourly Rate	H & W	Franchise	Vacation	Adm. Tr.	College
\$7.05	*.25	*.25		*.05	
5.62		*.10		*.03	
8.35	*.30	*.50		*.05	
6.92	*.25	*.20		*.05	
5.99	*.25	*.20			
4.02					
4.22					
4.37					
5.99					
4.02					
1.60					

BUILDING CONSTRUCTION

Date of publication
January 26, 1993 16-38 80-2627

220 WORKERS

Fringe Benefits: Physicians					
Basic Hourly Rate	H & W	Franchise	Vacation	Adm. Tr.	College
\$7.05	*.25	*.25		*.05	
5.62		*.10		*.03	
8.35	*.30	*.50		*.05	
6.92	*.25	*.20		*.05	
5.99	*.25	*.20			
4.02					
4.22					
4.37					
5.99					
4.02					
1.60					

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Basic Hourly Rates		Fringe Benefits Payments			Other	
W & W	Pensions	Vacation	App. T.			
\$6.205	*28	12		1/2%		
4.67	*28	12		1/2%		
3.45	*28	12		1/2%		

LINE CONSTRUCTION:	Lineman	Groundman	Groundman, last 6 mos.
*.02			
*.01			
*.01			
*.01			
*.01			
*.01			

NOTICES

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

ALL FOUNDATION drilling rigs; All rollers (5 tons or over); Backfillers; Backhoes; Blade Graders (self-propelled); Bull clam; Bulldozers; Cableways; Clam shell operator; Crane (power operated, all types); Derricks (power operated, all types); Draglines; Hi-10 caterpillars and similar tractors; Elevating graders (self-propelled); Euclid; Fork lift used on construction; Gasoline or diesel-driven welding machines (7 to 12); Graders; Heavy duty mechanics; High lifts; Hoist (two drums or more); Locomotives; Mixer (14 cu. ft. or over); Motorcycles; Paving mixers (all sizes); Pneumatic; Pneumatic machine operator; Rock crusher operator on job; Scoopmobiles; Scrapers; Shovel (power operated); Tunnelpulls; Trenching machines (all sizes); Winch truck; All other equipment of similar nature, coning within the heavy equipment class, when power operated

45.52

.20

AIR COMPRESSOR (any time there are three or more attachments operating on a 125 cu. ft. air compressor or less, a light equipment operator shall be employed. Any compressor over 125 cu. ft. shall have a light equipment operator); Blade Graders (towed); Building elevator used on construction; Flex planes; Form grader; Hoist (single drum); Haul (less than 16 cu. ft.); Pneumatic roller; Pulsometers; Pump (2½ or larger shall require a light equipment operator); Three to six welding machines or any three pieces of equipment of equal or similar nature, coning within the light equipment class when power operated; Roller (under 5 tons); Truck crane drivers

5.86

.20

FIREMAN

4.96

.20

OLIER

4.78

.20

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Frances	Varian		H & W	Frances	Varian
INCIDENTAL PAVING & UTILITIES							
AIR Tool Man				\$2.40			
Asphalt Scatterman				2.75			
Asphalt Sweeper				2.75			
Batching Plant Scalerman				3.35			
Batticboard Setter				2.65			
Carpenter				3.35			
Carpenter Helper				2.25			
Concrete Finisher (Paving)				3.40			
Concrete Finisher Helper (Paving)				2.50			
Concrete Finisher (Structures)				3.00			
Concrete Finisher Helper (Structures)				2.50			
Concrete Rubber				2.65			
Electrician				5.10			
Firman				2.85			
Form Builder (Structures)				3.50			
Form Builder Helper (Structures)				2.50			
Form Setter (Paving and Curb)				3.20			
Form Setter (Structures)				3.00			
Form Setter Helper (Structures)				2.50			
Laborer, Common				2.00			
Laborer, Utility Man				2.15			
Mechanic				3.15			
Mechanic Helper				2.75			
Oilier				2.40			
Services				2.75			
Pipelay				2.60			
Pipelay Helper				2.15			
Powerman				2.85			
Powerman Helper				2.00			
Reinforcing Steel Setter (Paving)				2.75			
Reinforcing Steel Setter (Structures)				3.00			
Reinforcing Steel Setter Helper				2.25			
Spreader Box Man				2.55			
Swinger				2.50			

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Frances	Varian		H & W	Frances	Varian
INCIDENTAL PAVING & UTILITIES							
Air Tool Man				\$2.40			
Asphalt Scatterman				2.75			
Asphalt Sweeper				2.75			
Batching Plant Scalerman				3.35			
Batticboard Setter				2.65			
Carpenter				3.35			
Carpenter Helper				2.25			
Concrete Finisher (Paving)				3.40			
Concrete Finisher Helper (Paving)				2.50			
Concrete Finisher (Structures)				3.00			
Concrete Finisher Helper (Structures)				2.50			
Concrete Rubber				2.65			
Electrician				5.10			
Firman				2.85			
Form Builder (Structures)				3.50			
Form Builder Helper (Structures)				2.50			
Form Setter (Paving and Curb)				3.20			
Form Setter (Structures)				3.00			
Form Setter Helper (Structures)				2.50			
Laborer, Common				2.00			
Laborer, Utility Man				2.15			
Mechanic				3.15			
Mechanic Helper				2.75			
Oilier				2.40			
Services				2.75			
Pipelay				2.60			
Pipelay Helper				2.15			
Powerman				2.85			
Powerman Helper				2.00			
Reinforcing Steel Setter (Paving)				2.75			
Reinforcing Steel Setter (Structures)				3.00			
Reinforcing Steel Setter Helper				2.25			
Spreader Box Man				2.55			
Swinger				2.50			

	Basic Hourly Rate\$	Fringe Benefits Payments			Appl. To: (2 - 2)
		H & W	Pensions	Vacation	
INCIDENTAL RAVING & UTILITIES					
Power Equipment Operators:					
Asphalt Distributor	\$2.85				
Asphalt Paving Machine	2.75				
Bulldozer, 150 HP and Less	3.00				
Bulldozer, over 150 HP	3.25				
Crane, Clamshell, Backhoe, Derrick					
Dragline, Shovel (less than 15 CY)	3.25				
Crane, Clamshell, Backhoe, Derrick					
Dragline, Shovel (15 CY and Over)	3.50				
Crusher or Screening Plant Operator	3.00				
Elevating Grader					
Foundation Drill Operator (Crawler Mounted)	3.85				
Foundation Drill Operator (Truck Mounted)	4.80				
Foundation Drill Operator Helper	3.60				
Front End Loader (2 1/2 CY and Less)	2.75				
Front End Loader (over 2 1/2 CY)	3.25				
Motor Grader Operator, Fine Grade	3.75				
Motor Grader Operator	3.25				
Roller, Steel Wheel (Plant-Mix Pavements)	2.25				
Roller, Steel Wheel (Other-71st Wheel or Tamping)	2.25				
Scrapers (17 CY and Less)	2.25				
Scrapers (over 17 CY)	3.15				
Tractor (Crawler Type) 150 HP and Less					
Tractor (Crawler Type) over 150 HP	2.30				
Tractor (Pneumatic) 80 HP and Less	2.50				
Tractor (Pneumatic) over 80 HP	2.50				
Traveling Mixer	2.50				
Trenching Machine	3.00				
Wagon Tiller, Boring Machine or Port Hole Tiller Operator	2.75				
Truck Drivers:					
Single Axle, Light	2.00				
Single Axle, Heavy	2.00				
Tridem Axle or Semitrailer	2.25				
Loosey-Floot	2.50				
Winch	2.75				
Welder	4.00				
Welder Helper	2.65				

NOTICES

STATE: Texas
SECTION NO.: AP-722
Supersedes Revision No. AP-395, dated January 26, 1973, in 38 FR 2643.
DESCRIPTION OF WORK: Building Construction, (excluding single family
houses and garden type apartments up to and including 4 stories).

14 - Texas - 1 u (1 - 2)

BUILDING CONSTRUCTION	BUILDING CONSTRUCTION				Fringe Benefits Payments
	Basic Hourly Rate	H & W	Frances	Vacation	
PIPEFITTERS					
PLASTERERS	\$7.425	*.375	*.55		*.045
PLUMBERS	7.03	*.27	*.30		*.02
ROOFERS:	7.08	*.32	*.42		*.06
Roofers					
Kettleman	6.29	*.20	*.10		*.03
Helpers	5.35	*.20	*.15		*.03
SHEET METAL WORKERS	4.13	*.20	*.10		*.03
SOFT FLOOR LAYERS	7.285	*.225	*.375		*.025
SPRINKLER FITTERS	6.25	*.25	*.10		*.03
TILE SETTERS, MARBLE MASONs, MOSAIC	8.35	*.30	*.50		*.05
& TERRAZZO WORKERS	5.00				
DRIVE UNITS:					
Under 1½ tons: wash, grease, tires, etc., fuel pump operation when used on construction jobs					5.05
1½ thru 2½ tons; dump truck less than 7 yds.					5.34
Over 2½ tons: farm tractors; fork lifts, floats					5.50
Euclids (not self-loading)					5.60
WAREHOUSEMEN					
MATERIAL CHECKERS; PICK-UP DRIVERS					5.24
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					6.01
FOOTNOTES:					
a-Jul 6 mos. - none; 6 mos. to 5 yrs. - 2½ over 5 yrs. - 4½ of basic hourly rates.					
b-Paid Holidays - A through F					
PAID HOLIDAYS:					
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					
PAINTERS:					
East Harris County:					
All brush painting, hand roller waterblasting	7.08				
All spray painting, sandblasting					
Steeple Jack work, hot materials	7.455				
Remainder of County:	7.305				
Brush					
Roller, steam cleaning, pneumatic tools	6.285	*.275	*.30	*.40	*.03
Spray	6.50	*.275	*.30	*.40	*.03
Sandblasting - waterblasting	6.50	*.275	*.30	*.40	*.03
Steeple Jack work, hot materials	6.91	*.275	*.30	*.40	*.03

BUILDING CONSTRUCTION	BUILDING CONSTRUCTION				Fringe Benefits Payments
	Basic Hourly Rate	H & W	Frances	Vacation	
PIPEFITTERS					
PLASTERERS	\$7.425	*.375	*.55		*.045
PLUMBERS	7.03	*.27	*.30		*.02
ROOFERS:	7.08	*.32	*.42		*.06
Roofers					
Kettleman	6.29	*.20	*.10		*.03
Helpers	5.35	*.20	*.15		*.03
SHEET METAL WORKERS	4.13	*.20	*.10		*.03
SOFT FLOOR LAYERS	7.285	*.225	*.375		*.025
SPRINKLER FITTERS	6.25	*.25	*.10		*.03
TILE SETTERS, MARBLE MASONs, MOSAIC	8.35	*.30	*.50		*.05
& TERRAZZO WORKERS	5.00				
DRIVE UNITS:					
Under 1½ tons: wash, grease, tires, etc., fuel pump operation when used on construction jobs					5.05
1½ thru 2½ tons; dump truck less than 7 yds.					5.34
Over 2½ tons: farm tractors; fork lifts, floats					5.50
Euclids (not self-loading)					5.60
WAREHOUSEMEN					
MATERIAL CHECKERS; PICK-UP DRIVERS					5.24
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					6.01
FOOTNOTES:					
a-Jul 6 mos. - none; 6 mos. to 5 yrs. - 2½ over 5 yrs. - 4½ of basic hourly rates.					
b-Paid Holidays - A through F					
PAID HOLIDAYS:					
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					
PAINTERS:					
East Harris County:					
All brush painting, hand roller waterblasting	7.08				
All spray painting, sandblasting					
Steeple Jack work, hot materials	7.455				
Remainder of County:	7.305				
Brush					
Roller, steam cleaning, pneumatic tools	6.285	*.275	*.30	*.40	*.03
Spray	6.50	*.275	*.30	*.40	*.03
Sandblasting - waterblasting	6.50	*.275	*.30	*.40	*.03
Steeple Jack work, hot materials	6.91	*.275	*.30	*.40	*.03

NOTICES

INCIDENTAL PAVING & UTILITIES		Fringe Benefits Payments		INCIDENTAL PAVING & UTILITIES	
Basic Hourly Rates	H & W	Pensions	Vacation	App. Fr.	Other
Air Tool Man	\$2.90				
Asphalt Taker	3.10				
Asphalt Shovel	2.50				
Batching Plant Scaleman	3.15				
Carpenter	4.00				
Carpenter Helper	3.00				
Concrete Finisher (Paving)	4.00				
Concrete Finisher Helper (Paving)	3.25				
Concrete Finisher Helper (Structures)	3.00				
Concrete Shucker	3.15				
Electrician	5.70				
Form Builder (Structures)	3.75				
Form Builder Helper (Structures)	2.75				
Form Liner (Paving and Curb)	3.85				
Form Setter (Paving and Curb)	3.50				
Form Setter Helper (Paving and Curb)	2.75				
Form Setter (Structures)	3.75				
Form Setter Helper (Structures)	3.00				
Laborer, Common	2.25				
Laborer, Utility Man	2.75				
Manhole Builder, Brick	6.00				
Mechanic	4.00				
Mechanic Helper	3.25				
Painter	3.15				
Painter (Structures)	4.50				
Painter Helper (Structures)	3.00				
Platederman	4.00				
Pilelayer	3.50				
Pilelayer Helper	3.00				
Reinforcing Steel Setter (Paving)	3.50				
Reinforcing Steel Setter (Structures)	3.50				
Reinforcing Steel Setter Helper	2.50				
Steel Worker (Structural)	2.50				
Steel Worker Helper (Structural)	3.45				
Sign Erector	3.00				

INCIDENTAL PAVING & UTILITIES		Fringe Benefits Payments		INCIDENTAL PAVING & UTILITIES	
Basic Hourly Rates	H & W	Pensions	Vacation	App. Fr.	Other
Power Equipment Operators:					
Asphalt Distributor	53.25				
Asphalt Paving Machine	3.50				
Bulldozer, 150 HP and Less	3.25				
Bulldozer, over 150 HP	3.70				
Concrete Paving Cutting Machine	3.35				
Concrete Paving Finishing Machine	3.50				
Concrete Paving Form Grader	3.25				
Concrete Paving Joint Machine	3.25				
Concrete Paving Mixer	4.00				
Concrete Paving Saw	3.25				
Concrete Paving Spreader	3.90				
Crane, Clamshell, Backhoe, Derricks, Dragline, Shovel (less than 1½ CY)	3.75				
Crane, Clamshell, Backhoe, Derricks, Dragline, Shovel (1½ CY and Over)	4.00				
Crusher or Screening Plant Operator	3.25				
Foundation Drill Operator (Crawler Mounted)	4.25				
Front End Loader (1½ CY and Less)	4.00				
Front End Loader (Over 2½ CY)	3.25				
Mixer (1½ CY and Less)	3.65				
Motor Grader Operator, Fine Grade	4.00				
Motor Grader Operator	3.50				
Roller, Steel Wheel (Plant-Mix Pavements)	3.00				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	2.75				
Scraper (1½ CY and Less)	3.00				
Scraper (Over 1½ CY)	3.25				
Self-Propelled Hammer	3.25				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.45				
Tractor (Pneumatic) over 80 HP	2.75				
Trenching Machine, Light	3.50				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	2.75				
Tandem Axle or Semitrailer	2.50				
Winch	3.15				
Vibrator Man (Hand Type)	2.50				
Weighman (Track Scales)	4.50				
Welder	2.75				
Welder Helper					

INCIDENTAL PAVING & UTILITIES		Fringe Benefits Payments		INCIDENTAL PAVING & UTILITIES	
Basic Hourly Rates	H & W	Pensions	Vacation	App. Fr.	Other
Power Equipment Operators:					
Asphalt Distributor	53.25				
Asphalt Paving Machine	3.50				
Bulldozer, 150 HP and Less	3.25				
Bulldozer, over 150 HP	3.70				
Concrete Paving Cutting Machine	3.35				
Concrete Paving Finishing Machine	3.50				
Concrete Paving Form Grader	3.25				
Concrete Paving Joint Machine	3.25				
Concrete Paving Mixer	4.00				
Concrete Paving Saw	3.25				
Concrete Paving Spreader	3.90				
Crane, Clamshell, Backhoe, Derricks, Dragline, Shovel (less than 1½ CY)	3.75				
Crane, Clamshell, Backhoe, Derricks, Dragline, Shovel (1½ CY and Over)	4.00				
Crusher or Screening Plant Operator (Crawler Mounted)	4.25				
Front End Loader (1½ CY and Less)	4.00				
Front End Loader (Over 2½ CY)	3.25				
Mixer (1½ CY and Less)	3.65				
Motor Grader Operator, Fine Grade	4.00				
Motor Grader Operator	3.50				
Roller, Steel Wheel (Plant-Mix Pavements)	3.00				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	2.75				
Scraper (1½ CY and Less)	3.00				
Scraper (Over 1½ CY)	3.25				
Self-Propelled Hammer	3.25				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.45				
Tractor (Pneumatic) over 80 HP	2.75				
Trenching Machine, Light	3.50				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	2.75				
Tandem Axle or Semitrailer	2.50				
Winch	3.15				
Vibrator Man (Hand Type)	2.50				
Weighman (Track Scales)	4.50				
Welder	2.75				
Welder Helper	2.75				

INCIDENTAL PAVING & UTILITIES		Fringe Benefits Payments		INCIDENTAL PAVING & UTILITIES	
Basic Hourly Rates	H & W	Pensions	Vacation	App. Fr.	Other
Power Equipment Operators:					
Asphalt Distributor	53.25				
Asphalt Paving Machine	3.50				
Bulldozer, 150 HP and Less	3.25				
Bulldozer, over 150 HP	3.70				
Concrete Paving Cutting Machine	3.35				
Concrete Paving Finishing Machine	3.50				
Concrete Paving Form Grader	3.25				
Concrete Paving Joint Machine	3.25				
Concrete Paving Mixer	4.00				
Concrete Paving Saw	3.25				
Concrete Paving Spreader	3.90				
Crane, Clamshell, Backhoe, Derricks, Dragline, Shovel (less than 1½ CY)	3.75				
Crane, Clamshell, Backhoe, Derricks, Dragline, Shovel (1½ CY and Over)	4.00				
Crusher or Screening Plant Operator (Crawler Mounted)	4.25				
Front End Loader (1½ CY and Less)	4.00				
Front End Loader (Over 2½ CY)	3.25				
Mixer (1½ CY and Less)	3.65				
Motor Grader Operator, Fine Grade	4.00				
Motor Grader Operator	3.50				
Roller, Steel Wheel (Plant-Mix Pavements)	3.00				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	2.75				
Scraper (1½ CY and Less)	3.00				
Scraper (Over 1½ CY)	3.25				
Self-Propelled Hammer	3.25				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.45				
Tractor (Pneumatic) over 80 HP	2.75				
Trenching Machine, Light	3.50				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	2.75				
Tandem Axle or Semitrailer	2.50				
Winch	3.15				
Vibrator Man (Hand Type)	2.50				
Weighman (Track Scales)	4.50				
Welder	2.75				
Welder Helper	2.75				

INCIDENTAL PAVING & UTILITIES		Fringe Benefits Payments		INCIDENTAL PAVING & UTILITIES	
Basic Hourly Rates	H & W	Pensions	Vacation	App. Fr.	Other
Power Equipment Operators:					
Asphalt Distributor	53.25				
Asphalt Paving Machine	3.50				
Bulldozer, 150 HP and Less	3.25				
Bulldozer, over 150 HP	3.70				
Concrete Paving Cutting Machine	3.35				
Concrete Paving Finishing Machine	3.50				
Concrete Paving Form Grader	3.25				
Concrete Paving Joint Machine	3.25				
Concrete Paving Mixer	4.00				
Concrete Paving Saw	3.25				
Concrete Paving Spreader	3.90				
Crane, Clamshell, Backhoe, Derricks, Dragline, Shovel (less than 1½ CY)	3.75				
Crane, Clamshell, Backhoe, Derricks, Dragline, Shovel (1½ CY and Over)	4.00				
Crusher or Screening Plant Operator (Crawler Mounted)	4.25				
Front End Loader (1½ CY and Less)	4.00				
Front End Loader (Over 2½ CY)	3.25				
Mixer (1½ CY and Less)	3.65				
Motor Grader Operator, Fine Grade	4.00				
Motor Grader Operator	3.50				
Roller, Steel Wheel (Plant-Mix Pavements)	3.00				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	2.75				
Scraper (1½ CY and Less)	3.00				
Scraper (Over 1½ CY)	3.25				
Self-Propelled Hammer	3.25				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.45				
Tractor (Pneumatic) over 80 HP	2.75				
Trenching Machine, Light	3.50				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	2.75				
Tandem Axle or Semitrailer	2.50				
Winch	3.15				
Vibrator Man (Hand Type)	2.50				
Weighman (Track Scales)	4.50				
Welder	2.75				
Welder Helper	2.75				

INCIDENTAL PAVING & UTILITIES		Fringe Benefits Payments		INCIDENTAL PAVING & UTILITIES	
Basic Hourly Rates	H & W	Pensions	Vacation	App. Fr.	Other
Power Equipment Operators:					
Asphalt Distributor	53.25				
Asphalt Paving Machine	3.50				
Bulldozer, 150 HP and Less	3.25				
Bulldozer, over 150 HP	3.70				
Concrete Paving Cutting Machine	3.35				
Concrete Paving Finishing Machine	3.50				
Concrete Paving Form Grader	3.25				
Concrete Paving Joint Machine	3.25				
Concrete Paving Mixer	4.00				
Concrete Paving Saw	3.25				
Concrete Paving Spreader	3.90				
Crane, Clamshell, Backhoe, Derricks, Dragline, Shovel (less than 1½ CY)	3.75				
Crane, Clamshell, Backhoe, Derricks, Dragline, Shovel (1½ CY and Over)	4.00				
Crusher or Screening Plant Operator (Crawler Mounted)	4.25				
Front End Loader (1½ CY and Less)	4.00				
Front End Loader (Over 2½ CY)	3.25				
Mixer (1½ CY and Less)	3.65				
Motor Grader Operator, Fine Grade	4.00				
Motor Grader Operator	3.50				
Roller, Steel Wheel (Plant-Mix Pavements)	3.00				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)					

STATE: Texas
DECISION NO.: AP-723
Superseded Decision No. AP-391, dated January 26, 1973, is 38 FR 2631.

COUNTY: Travis
DATE: Date of Publication
Superseded Decision No. AP-391, dated January 26, 1973, is 38 FR 2631.
DESCRIPTION OF WORK: Building Construction, (excluding single family
homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION		BUILDING CONSTRUCTION		Fringe Benefits Payments	
Basic Hourly Rate	H & W	Basic Hourly Rate	H & W	Fringe Benefits	Vacation Pay
ROOFERS:					
Roofers				\$5.23	
Kettleman				5.08	*.01
SHEET METAL WORKERS				7.05	*.05
SOFT, FLOOR, LAVES				6.25	*.03
SPRINKLER FITTERS				8.15	*.05
STEAMFITTERS				7.25	*.03
TERRAZZO WORKERS				6.50	
TERRAZZO WORKERS' HELPERS:					
Terrazzo helpers					4.02
Floor machine operators					4.22
Base machine operators					4.37
TILE SETTERS					6.50
TILE SETTERS' HELPERS					4.02
TRUCK DRIVERS					1.60
TRUCK DRIVERS' WIVES					1.60
WELDERS: - receive rate prescribed for craft performing operation to which welding is incidental					
GLAZIERS					
IRONWORKERS:					
Structural; Ornamental; Reinforcing LABORERS:					
Laborers, unskilled					
Air tool operator (Jackhammer, vibrator); mason tenders; pipe- layers (concrete & clay)					
Mortar mixers; plasterers; LATHERS					
MARBLE SETTERS					
MARBLE SETTERS' HELPERS					
PAINTERS:					
Painters, brush					
Taping & floating of sheetrock					
Paperhangers					
Spray					
Steam cleaning, sand blast & other Powered equipment					
Chipper, Burner, torch					
Skeleton steelwork erected					
Swingstage, bosun chairs, window Jack or scaffolding (above 2nd floor) 25¢ per hour above all base rates					
PLASTERERS					
PLUMBERS					

15 + Texas + 1 = (1 + 2)

NOTICES

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Basic Hourly Rates	Fringe Benefits Payable				Basic Hourly Rates	Fringe Benefits Payable			
	H & W	Frances	Vacation	App. Tax		H & W	Frances	Vacation	App. Tax
BUILDING CONSTRUCTION									
POWER EQUIPMENT OPERATORS									
Backfiller; Backhoe; Blade grader - self-propelled; Bull class; Bulldozer and all types of cat tractors; Cableway; Clamshell operators; Crane - power operated, all types; Derricks - power operated, all types; Draglines; Elevating grader - self-propelled; Excavator operators; Foundation boring machine; Graders; Heavy duty mechanic; High lifts and loader, over 1/3 cu. yd. capacity; Hoist - motor driven, two drums or more; Locomotive; Mixer, 14 cu. ft. or over; Monoblock paving mixer - all types; Pneumatic machine; Push cat operator; Rock crusher operated on job; Scoopshovel; Scraper; Shovel - power operated; Trenching machine - all types; Two 125 cu. ft. compressors; Welding machines - 6 to 12; Wheel truck; Wall points, including installations	\$6.675	•30							
Air compressor, anytime there are two or more attachments operating on a 125 cu. ft. air compressor, or less, a light equipment operator shall be employed, any compressor over 125 cu. ft. shall have a light equipment operator; Blade grader - towed; Flex plane; Fork lift, 1500 lbs. capacity or less; Hoist, single drum, pump 2½ inches or larger; Pneumatic roller; Mixer - less than 14 cu. ft.; Pulsometer; Truck crane driver & oiler combination man; Form grader, gasoline or diesel driven; welding machine, 3 to 6; High-lifts & ladders, 1/3 cu. yd. or less	5.805								
Fireman	4.83				•30				
Oiler	4.73				•30				

Basic Hourly Rates	Fringe Benefits Payable				Basic Hourly Rates	Fringe Benefits Payable			
	H & W	Frances	Vacation	App. Tax		H & W	Frances	Vacation	App. Tax
INCIDENTAL PAYING & UTILITIES									
Air Tool Man									
Asphalt Baker	\$2.310								
Batching Plant Scaleman	2.45								
Carpenter	3.45								
Carpenter Helper	2.25								
Concrete Finisher (Structures)	3.15								
Concrete Finisher Helper (Structures)	2.50								
Electrician	5.75								
Form Builder (Structures)	3.50								
Form Builder Helper (Structures)	2.00								
Form Setter (Structures)	3.50								
Form Setter Helper (Structures)	2.30								
Laborer, Common	2.00								
Laborer, Utility Man	2.25								
Mechanic	3.20								
Mechanic Helper	2.40								
Oilier	2.25								
Serviceeman	2.45								
Pipelayer	3.15								
Powderman	3.45								
Powderman Helper	2.00								
Reinforcing Steel Setter (Paving)	2.75								
Reinforcing Steel Setter (Structures)	3.55								
Reinforcing Steel Setter Helper	2.75								
Power Equipment Operators:									
Asphalt Distributor	3.00								
Asphalt Paving Machine	3.05								
Bulldozer, 150 cu. yd. and less	3.00								
Bulldozer, over 150 cu. yd.	3.25								
Crane, Glassbell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.25								
Crane, Glassbell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.50								
Cruiser or Screening Plant Operator	3.00								
Elevating Grader	3.00								
Foundation Drill Operator (Graveler Mounted)	2.25								
Foundation Drill Operator (Rock Mounted)	4.35								

INCIDENTAL PAVING & UTILITIES

	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	App. To Others
Power Equipment Operators (Cont'd):					
Front End Loader (2½ CY and Less)	\$3.00				
Front End Loader (Over 2½ CY)	3.50				
Motor Grader Operator, Pine Grade	3.75				
Motor Grader Operator	3.25				
Roller, Steel Wheel (Plant-Mix Pavement)	2.95				
Roller, Steel Wheel (Other-Flat wheel or Tamping)	2.50				
Roller, Pneumatic (Self-Propelled)	2.25				
Scrapers (1½ CY and Less)	3.00				
Scrapers (Over 1½ CY)	3.25				
Tractor (Crawler Type) over 150 HP	2.75				
Tractor (Pneumatic) 80 HP and Less	2.20				
Tractor (Pneumatic) over 80 HP	2.55				
Wagon Drill, Boring Machine or Post Hole Drill Operator	2.75				
Truck Drivers:					
Single Axle, Light	2.00				
Single Axle, Heavy	2.25				
Tandem Axle or Semitrailer	2.50				
Welder	3.65				

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	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	App. To Others
LINE CONSTRUCTION:					
Linemen	\$7.23	.28	1.5		1/25
Ground Mechanics	6.19	.28	1.5		1/25
Groundmen	5.20	.28	1.5		1/25
Groundmen (lat 6 mos.)	4.21	.28	1.5		1/25

STATE: Texas
TITLE: General
DATE: Date of publication
Superseded Revision 59, APR-24,
RECLASSIFICATION OF 1973: Building Construction, (excluding single family
houses and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION		53 - Texas - 1		53 - Texas - 2	
		Fringe Benefits Payoffs		Fringe Benefits Payoffs	
Basic Hourly Rate	W & E Rate	Payoffs	Variables	Basic Hourly Rate	W & E Rate
ASBESTOS WORKERS	\$7.02	•50	•405	•03	
BOLTLINEERS	6.50	•20	•20	•02	
BRICKLAYSERS	7.45	•20	•20	•03	
CONCRETE:					
Carpenters	6.49	•60	•20	•05	
Millwrights	6.92	•60	•20	•05	
Plasterers	6.66	•60	•20	•05	
REEDER WORKERS	6.23	•60	•37	•03	
STRUCTURAL:					
CONCRETE:					
CONCRETE CONTRACTORS: EXPENSE	7.05	•3.85	•2.23	•03	
CONCRETE CONTRACTORS: EXPENSE (IRON)	7.01R	•3.53	•2.23	•015	
GLAZIERS	6.15	•225	•20	•01	
IRONWORKERS:					
Structural: Ornamental; Reinforcing Lathers:	6.925	•60	•40	•05	
Common	4.70	•25	•15	•02	
Air tool operator (Jackhammers - vibrators)	4.875	•25	•15	•02	
Wason tenders	4.875	•25	•15	•02	
Plasterers (concrete & clay)	4.875	•25	•15	•02	
Sandblasters	4.875	•25	•15	•02	
Power buggy operators	4.875	•25	•15	•02	
Lather tenders	4.975	•25	•15	•02	
Marble masons	4.975	•25	•15	•02	
Rebar welders	5.25	•25	•15	•02	
Well drillers' helpers	4.825	•25	•15	•02	
Lathers, plastermen	5.125	•25	•15	•02	
Plasterer tender & hod carrier	4.975	•25	•15	•02	
WALLS & ROOFS:	6.50				
PAINTERS:					
Painters on swinging stage work of using materials injurious to the skin	5.675	•55	•45	•655	•02
PAINTERS:					
Painters on swinging stage work of using materials injurious to the skin	5.925	•55	•45	•655	•02

BUILDING CONSTRUCTION

EXPENSES:

Zoofers

Kattlemen

Helpers

SHIRT SELLER WORKERS

SOFT FLOOR LAYERS

SPRINKLER FITTERS

STONEMasons

TRENCHERS WORKERS

TILE SETTERS

TRUCK DRIVERS:

Under 1½ tons: wash, spray, tilt-

min, fuel, pump, operation when used

construction jobs

1½ thru 2½ tons: dump truck less

than 7 yds.

Over 2½ tons: farm tractors fork

lifts, floats

Excav. (not self-loading)

Warehousemen

Material checkers; pick-up drivers

Welders - receive rate prescribed for

craft performing operation to which

welding is incidental.

PORTERS:

- 1st 6 mos. - none; 6 mos. to 5

yrs. - 25% over 3 yrs. - 4% of

Basic hourly rate.

b - Paid Holidays - A through Y

PAID HOLIDAYS:

A-New Years' Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

PAINTERS:

Painters on swinging stage work of
using materials injurious to the
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Painters on swinging stage work of
using materials injurious to the
skin

Ap-724, 2, 3, 14 - Texas - FCO - 1 L (1 - 2)

Ap-724, 2, 3, 14 - Texas - FCO - 1 L (2 - 2)

BUILDING CONSTRUCTION				POWER EQUIPMENT OPERATORS				BUILDING CONSTRUCTION			
Basic Hourly Rates		Fringe Benefits Payments		Basic Hourly Rates		Fringe Benefits Payments		Basic Hourly Rates		Fringe Benefits Payments	
H & W	Pensions	Vacation	Acc. To	H & W	Pensions	Vacation	Acc. To	H & W	Pensions	Vacation	Acc. To
Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clash Back Filler; Permitt-power operated (all types); Clam shell; Draglines; Push Cat Operator; Pull Borer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader; Self-propelled; Hoist, Motor-driven, Two Drums or more; Mix Mobiles; Water Well Drilling Machines, Used on Construction Building Elevator, used on Construction; Tug Boat Operator, Assisted to Construction; Wheel Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Gondola; Self-Loader; Foundation Boring, Jackline; Gasoline or Diesel-Driven Welding Machines, 7 or more; Suspended Machine Operator; S-18 Euclid and Similar Tractors; Asphalt Plant Mixer Operator on Job; Crusher Operator on Job; Scourers; Forklift uses on construction (not including warehousing); Wall Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-propelled; All other equipment of similar nature costing under the Heavy Equipment Class, when power operated	\$6.65	.30									

BUILDING CONSTRUCTION				POWER EQUIPMENT OPERATORS (CONT'D)				BUILDING CONSTRUCTION			
Basic Hourly Rates		Fringe Benefits Payments		Basic Hourly Rates		Fringe Benefits Payments		Basic Hourly Rates		Fringe Benefits Payments	
H & W	Pensions	Vacation	Acc. To	H & W	Pensions	Vacation	Acc. To	H & W	Pensions	Vacation	Acc. To
Air Compressors; Blade Grader, Towed; Side Planer; Pneumatic Concrete Mixer, less than 14 cu. ft.; Pumps; Pulrometer; Truck crane; Driver; Gasoline or Diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Simple Tensi; Scraper, 3 cu. yds. or less; Wagon; Trill Operator; Conveyor; Generator, Gasoline or Diesel-driven, over 1500 watts; Rubber Tired Farm Tractor, with attachments; A light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature costing under the Light Equipment Class, when power operated	\$6.04	.30									
PIRDAN	5.59	.30									
OLIVE	5.46	.30									

4 - Texas - LC			
Basic Hourly Rates			

LINE CONSTRUCTION:			
Linemen	\$7.765	.28	
Groundmen	5.32	.28	
Groundmen (lat 6 mos.)	3.87	.28	

INCIDENTAL PAVING & UTILITIES (EXCLUDING GALVESTON ISLAND)				14 - Texas - 3 - 4 (1 - 2)			
Basic Hourly Rate				Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. To.	App. To.	Other	
Air Tool Man	\$2.90						
Asphalt Baker	3.10						
Asphalt Shovel	2.50						
Batching Plant Scaleman	3.15						
Carpenter	4.00						
Carpenter Helper	3.00						
Concrete Finisher (Paving)	4.00						
Concrete Finisher Helper (Paving)	3.25						
Concrete Finisher (Structure)	3.65						
Concrete Finisher Helper (Structure)	3.00						
Concrete Barber	3.15						
Electrician	5.70						
Form Builder (Structures)	3.75						
Form Builder Helper (Structures)	2.75						
Form Liner (Paving and Curb)	3.85						
Form Setter (Paving and Curb)	3.50						
Form Setter Helper (Paving and Curb)	2.75						
Form Setter (Structures)	3.75						
Form Setter Helper (Structures)	2.25						
Laborer, Common	2.75						
Laborer, Utility Man	4.00						
Manhole Builder, Brick	4.00						
Mechanic Helper	4.00						
Painter	3.35						
Serviceman	3.15						
Painter (Structures)	3.30						
Painter Helper (Structures)	4.70						
Pile Driverman	4.00						
Pipe Layer	3.50						
Pipe Layer Helper	3.00						
Reinforcing Steel Setter (Paving)	3.50						
Reinforcing Steel Setter (Structures)	3.60						
Reinforcing Steel Setter Helper	2.45						
Steel Worker (Structural)	3.50						
Steel Worker Helper (Structural)	3.45						
Sign Erector	3.00						

INCIDENTAL PAVING & UTILITIES (EXCLUDING GALVESTON ISLAND)				14 - Texas - 3 - 4 (2 - 2)			
				Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. To.	App. To.	Other	
Power Equipment Operators:							
Asphalt Distributor	\$3.75						
Asphalt Paving Machine	3.50						
Bulldozer, 150 HP and Less	3.25						
Bulldozer, over 150 HP	3.70						
Concrete Paving Curving Machine	3.75						
Concrete Paving Finishing Machine	3.60						
Concrete Paving Form Grader	3.25						
Concrete Paving Joint Machine	3.25						
Concrete Paving Other	4.00						
Concrete Paving Saw	3.25						
Concrete Paving Spreader	3.70						
Crane, Classroom, Backhoe, Derrick, Dragline, Shovel (less than 1/2 CY)	3.75						
Crane, Classroom, Backhoe, Derrick, Dragline, Shovel (1/2 CY and Over)	4.00						
Crusher or Screening Plant Operator	3.25						
Foundation Drill Operator (Crusher Mounted)	4.25						
Foundation Drill Operator (Truck Mounted)	4.25						
Front End Loader (2 1/2 CY and Less)	4.20						
Front End Loader (Over 2 1/2 CY)	3.55						
Mixer (0.6 CY and Less)	3.25						
Motor Grader Operator, Fine Grade	4.00						
Motor Grader Operator	3.50						
Roller, Steel Wheel (Plant-Mix Pavements)	3.00						
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.70						
Roller, Pneumatic (Self-Propelled)	2.75						
Scraper (1/2 CY and Less)	3.00						
Scraper (Over 1/2 CY)	3.25						
Self-Propelled Bagger	3.25						
Tractor (Crawler Type) 150 HP and Less	3.00						
Tractor (Crawler Type) over 150 HP	3.45						
Tractor (Pneumatic) over 80 HP	2.75						
Tractor Drivers:							
Single Axle, Light	2.50						
Single Axle, Heavy	2.75						
Tandem Axle or Semitrailer	2.75						
Transit-Mix	2.50						
Winch	3.15						
Vibrator Van (Hand Type)	2.50						
Weighman (Truck Scales)	2.50						
Welder	4.50						
Welder Helper	2.75						

NOTICES

AP-725 P. 4

(3 - 3)

BUILDING CONSTRUCTION		Fringe Benefits Payments		BUILDING CONSTRUCTION		Fringe Benefits Payments					
Basic Hourly Rate	H. & W.	Franchise	Vacation	Appl. Tr.	Other	H. & W.	Franchise	Vacation	Appl. Tr.	Other	
PAINTERS:											
Brush & roller; paperhangers; perfomers;	\$5.50	.05	.05								
tapers											
Structural steel painters; springing stage or chair below 50 ft.	5.625	.05	.05								
6.15	.05	.05									
Painters & sandblasters	5.75	.05	.05								
Perf.-tage, machine operator	6.175	.05	.05								
PLASTERERS:											
FIBERS & PIPEFITTERS:											
ZONE 1 - shall extend a distance of 25 road miles beyond the police station in Amarillo & Berger	6.60	.25	.20	.35							
ZONE 2 - shall extend a distance of 25 road miles beyond the outer perimeter of Zone 1	6.85	.25	.20	.35							
ZONE 3 - shall apply to all areas not within Zones 1 or 2	7.10	.25	.20	.35							
SHEET METAL WORKERS	7.32	.30	.25	.40							
SPRINKLER FITTERS	8.35	.30	.25	.40							
TELESCOPIO WORKERS	4.60										
TILE SETTERS	4.60										
TRUCK DRIVERS:											
1/2 ton to 3 tons	2.48										
3 to 5 tons	3.13										
5 tons and over	3.48										
Ready mix concrete to 3 yds.	2.88										
Ready mix concrete over 3 yds.	3.13										
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.											
WELDERS:											
NOTE: <i>a</i> - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.											
<i>b</i> - Paid Holidays - 6 through 7.											
POINTERES:											
<i>a</i> - New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.											
<i>b</i> - Paid Holidays - 6 through 7.											
PAID HOLIDAYS:											
<i>a</i> - New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.											
<i>b</i> - Paid Holidays - 6 through 7.											

NOTES:

a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.

b - Paid Holidays - 6 through 7.

AP-725 P. 3
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

A.R.-725 T. 5

DRAFTED U.S.W.

19 - Texas - 3

4 (1 - 2)

(2 - 2)

INCIDENTAL PAVING & UTILITIES					
Basic Hourly Rates			Fringe Benefits Payments		
H & W	Pensions	Vacation	App. Yr.	Others	
\$3.20					
3.50					
3.90					
3.50					
3.00					
4.00					
3.40					
3.40					
3.60					
2.25					
3.60					
4.20					
2.25					
3.45					
4.25					
3.25					
2.25					
2.80					
3.75					
3.20					
3.60					
3.10					
4.25					
2.70					
3.45					
3.45					
3.25					
2.55					
3.20					
2.60					
3.20					
2.25					
Power Equipment Operator					
Asphalt Distributor					
Asphalt Paving Machine					
Broom or Sweeper Operator					
Bulldozer, 150 HP and Less					
Concrete Paving Longitudinal Float					
Paving Sub Grader					

INCIDENTAL PAVING & UTILITIES					
Basic Hourly Rates			Fringe Benefits Payments		
H & W	Pensions	Vacation	App. Yr.	Others	
\$3.20					
3.50					
3.90					
3.50					
3.00					
4.00					
3.40					
3.40					
3.60					
2.25					
3.60					
4.20					
2.25					
3.45					
4.25					
3.25					
2.25					
Power Equipment Operator					
Asphalt Distributor					
Asphalt Paving Machine					
Broom or Sweeper Operator					
Bulldozer, 150 HP and Less					
Concrete Paving Longitudinal Float					
Paving Sub Grader					

INCIDENTAL PAVING & UTILITIES					
Basic Hourly Rates			Fringe Benefits Payments		
H & W	Pensions	Vacation	App. Yr.	Others	
\$3.20					
3.50					
3.90					
3.50					
3.00					
4.00					
3.40					
3.40					
3.60					
2.25					
3.60					
4.20					
2.25					
3.45					
4.25					
3.25					
2.25					
Power Equipment Operator					
Asphalt Distributor					
Asphalt Paving Machine					
Broom or Sweeper Operator					
Bulldozer, 150 HP and Less					
Concrete Paving Longitudinal Float					
Paving Sub Grader					

INCIDENTAL PAVING & UTILITIES					
Basic Hourly Rates			Fringe Benefits Payments		
H & W	Pensions	Vacation	App. Yr.	Others	
\$3.20					
3.50					
3.90					
3.50					
3.00					
4.00					
3.40					
3.40					
3.60					
2.25					
3.60					
4.20					
2.25					
3.45					
4.25					
3.25					
2.25					
Power Equipment Operator					
Asphalt Distributor					
Asphalt Paving Machine					
Broom or Sweeper Operator					
Bulldozer, 150 HP and Less					
Concrete Paving Longitudinal Float					
Paving Sub Grader					

INCIDENTAL PAVING & UTILITIES					
Basic Hourly Rates			Fringe Benefits Payments		
H & W	Pensions	Vacation	App. Yr.	Others	
\$3.20					
3.50					
3.90					
3.50					
3.00					
4.00					
3.40					
3.40					
3.60					
2.25					
3.60					
4.20					
2.25					
3.45					
4.25					
3.25					
2.25					
Power Equipment Operator					
Asphalt Distributor					
Asphalt Paving Machine					
Broom or Sweeper Operator					
Bulldozer, 150 HP and Less					
Concrete Paving Longitudinal Float					
Paving Sub Grader					

AP-726 V. 4

AP-726 P. 3

BUILDING CONSTRUCTION		Fringe Benefits Payments				
Basic Hourly Rates	H & W	Portions	Vacation	App. To	Other	
POWER EQUIPMENT OPERATORS						
HEAVY EQUIPMENT OPERATORS						
Drilling machine (all types); Scoopmowers; Hoists, two drums or more; Winch truck; six wheel truck, when used continuously for 5 days; Motorcycles; Locomotives; Mowers, 16 cubic feet or over; Blade graders, self-propelled; Cableways; Cranes - power operated to 100 feet; Fordson type backhoe; Derricks, power operated (all types); Gradall; By-hoist; Hop-to; Paving mixers (all types); Piledrivers; Mobile concrete mixers, over 14 cubic feet; Bulldozers, Loaders, Tractovators; Scrapers and pallet; Welders; Trenching machines; Rollers, ten tons or over; Air compressors, three; Air compressor & one pump; Pump, three or more; Air compressor & air tuggers; Rollers, two or more fired by one man; Heavy duty mechanic	\$6.00	.30	*10			
LIGHT EQUIPMENT OPERATORS						
Air compressor (1); Pump (1); Pulsometer; Conveyors; Throttle valves; Wagon drill; Elevators; Building; Form grader; Hoist, single drum; Mixers, less than 14 cubic feet; Screening plants; Welding machines, gas & diesel (2 or more); Crushing plants; Fork lifts (short, under 25 feet); Concrete pumps (all types); Bobcat type equipment; Ford tractor or like with any attachment (except backhoe)	5.60	.30	.50	*10		
OILERS (ALL TYPES)						
	4.70	.30	.50	*10		

AP-726 V. 4

INCIDENTAL PAVING & UTILITIES		Fringe Benefits Payments			
Basic Hourly Rates	H & W	Portions	Vacation	App. To	Other
Asphalt Heaterman					
Asphalt Shovel					
Asphalt; Plant Salesman					
Carpenter					
Carpenter Helper					
Concrete Finisher (Paving)					
Concrete Finisher (Structures)					
Concrete Finisher Helper (Structures)					
Form Builder (Structures)					
Form Setter (Structures)					
Form Setter Helper (Structures)					
Laborer, Common					
Laborer, Utility Man					
Mechanic					
Mechanic Helper					
Oilier					
Serviceeman					
Powerman					
Powerman Helper					
Sign Erector					
Sign Erector Helper					
Spreader Box Man					
Swampers					
Power Equipment Operators:					
Asphalt Distributor					
Asphalt Paving Machine					
Broom or Scraper Operator					
Bulldozer, 150 HP and Less					
Bulldozer, over 150 HP					
Crane, Classbell, Backhoe, Derrick, Dragline, Shovel (less than 15 CT)					
Crane, Classbell, Backhoe, Derrick, Dragline, Shovel (15 CT and Over)					
Crusher or Screening Plant Operator					
Foundation Drill Operator (Truck Mounted)					
Front End Loader (2 1/2 CT and Less)					
Front End Loader (Over 2 1/2 CT)					

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CONTINENTAL PAVING & UTILITIES					
25 - Texas - 3 4 (2 - 2)					
Basic Hourly Rate	H & W	Fringe Benefits	Vacation	App. To.	Other
Power Equipment Operators (Cont'd):					
Motor Grader Operator, Fine Grade	\$4.10				
Motor Grader Operator	3.50				
Roller, Steel Wheel (Plant-Mix Pavements)	2.60				
Roller, Steel Wheel (Other-Flat Wheel or "Moving")	2.55				
Roller, Pneumatic (Self-Propelled)	2.45				
Scrapers (13 CY and Less)	3.00				
Scrapers (Over 17 CY)	3.50				
Tractor (Grader Type) 150 HP and Less	2.50				
Tractor (Crawler Type) over 150 HP	3.00				
Tractor (Pneumatic) 80 HP and Less	2.50				
Tractor (Pneumatic) over 80 HP	3.00				
Travelling Miner	3.15				
Wagon - Trill, Boring Machine or Pest Hole Diller Operator	3.00				
Truck Drivers:					
Single Axle, Light	2.25				
Single Axle, Heavy	2.25				
Tandem Axle or Semitrailer	2.25				
Transit-Mix	3.10				
Welding (Track Scales)	2.25				
Welder	3.20				

6 - Texas - LC 4					
Basic Hourly Rate	H & W	Fringe Benefits	Vacation	App. To.	Other
LINE CONSTRUCTION:					
Linenman	\$6.50	.25	12		
Operators	5.60	.25	12		
Groundmen (more than 1 year experience)	5.35	.25	12		
Groundmen (less than 1 year experience)	4.85	.25	12		
Flat bed truck operator	4.60	.25	12		

STATE: TEXAS
COUNTRY: El Paso
DATE: Date of Publication
DECISION NO.: AP-727
Supersedes Decision No. AP-390, dated January 26, 1973, in 38 FR 2628.
DESCRIPTION OF WORK: Building Construction, (excluding single family
homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION						BUILDING CONSTRUCTION					
12 - Texas - 1 L (1 - 2)						12 - Texas - 1 L (1 - 2)					
Basic Hourly Rates		Fringe Benefits Payments		Basic Hourly Rates		Fringe Benefits Payments		Basic Hourly Rates		Fringe Benefits Payments	
H & W	Business	Vacation	Ref. Tu.	H & W	Business	Vacation	Ref. Tu.	H & W	Business	Vacation	Ref. Tu.
ASBESTOS WORKERS	\$5.93	•50	•72 (c)	•50	•02			•50	•75	•24	
BOILERMAKERS	6.50	•20	•50	•08				6.76	•24		
BUTTGLAZERS	5.60	•25						5.61	•24		
CARPENTERS	5.50	•20		•02							
Millwrights	•5.75	•30		•02							
Stationary radial arm power saw operator	5.625	•30		•02							
Floor layers	5.50	•30		•02							
CEMENT MASONS	4.475	•25									
ELECTRICIANS											
Electricians	6.70	•25	•15		1.02			4.00			
Cable splicers	6.95	•25	•15		1.25			4.00			
ELEVATOR CONSTRUCTORS: HELPERS	5.41	•175	•20	25+etc				4.00			
ELEVATOR CONSTRUCTORS: HELPERS (PROB)	702.38	•175	•20	25+etc				7.19	•29		
GLAZIERS	502.38							4.56	•24		
GLAZIERS:	4.57	•24						8.35	•30	•50	
Ironworkers (El Paso County)	6.00	•50	•40		•05			5.60	•26		
Ironworkers (all areas outside El Paso County)	7.00	•50	•40		•05			6.40	•26		
LABORERS:								5.60	•26		
Powderman or blaster	4.06	•25	•10					3.40	•26		
Outside wagon drill wagon drill tenders; water	3.83	•25	•10								
Cement gun or gunite; mortar tender; mortar mixer; machine man; track man; chuck tender	3.58	•25	•10								
Pipe layers, main sewer and drainage	3.455	•25	•10								
Jackhammer operator, asphalt rakers; tiretender; asphalt or pot man	3.33	•25	•10								
Common	3.18	•25	•10								
LATHEES	5.69	•20									
MARBLE MASONS	5.60	•25									
PAINTERS:											
Brush, paperhangers, chipping and hand tools used for cleaning											
rollers	4.75	•24									
Steel after erection, stem clean- ing, buffing with power driven tools and torches											
	5.14	•24									

NOTICES

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PAINTERS (CONT'D):

Spray, sandblasting, waterblasting,
soot, stageTapers, bidders, roller 9" in
width

Ans tools

Stripping machine

All commercial buildings, water
tanks, ratio covers and smoke
stacks:

Up to 100 ft.

75 to 100 feet

100 to 200 feet

200 to 300 feet

300 to 400 feet

PILEDRIVERS

PLASTERERS

PLUMBERS

POOTERS:

Reo tars

Waterproofers

Pipewrappers

SEED METAL WORKERS

SOFT FLOOR LAINERS

SPARKLERS, STIRRERS

STOPPERS

STRAIGHTERS

TERAZZO WORKERS

TILE SETTERS

TITLE SETTERS, TELTERS

TRUCK DRIVERS:

Up to and including 2 tons

flat bed dump trucks, mechanically

Tank trucks, up to 2500 gallons

Standard dump truck, up to and

including 4 cu. yds.

Dump trucks, over 4 cu.yds.

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NOTICES

BUILDING CONSTRUCTION

12 - Texas - FPO - 1 h (1 - 2)

BUILDING CONSTRUCTION

12 - Texas - FPO - 1 h (2 - 2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates			Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation	App. To	H & W	Pensions	Vacation	App. To	Other	
Fireman, Oilers; Mechanics, Oceane Truck and Welder's Helper; Screechman, Pneumatic roller towed by farm-type tractor or truck; Scale Operator and such as bin-a-batch; Rubber-tired farm-type tractors and tractors under 35 h.p. without attachments	\$4.46	*20	*10	*03						
Air Compressors, Power Plants, pumps and welding machines (an operating engineer will not be required for an air compressor under 315 c.f.m., a pump under three inches or a light plant generating fifteen kilowatts or less, or one welding machine, if and when there is another operating engineer employed on the job who services the unit(s); Concrete mixers, under 1 yard, and Concrete batch plants, under 1 yard, granite and concrete machines, mechanical ball floats, spreading and finishing machines, Screening Plants, Drilling machines, Diamond, rotary, core and cable drilling; well under 6 inches, Hoppers, scampobiles, A frame Air tugs; building hoist, 1 drum hydro-lift, Hydrocranes, winch truck, Loaders; Elevators, belt type loader, front end loader (under 2 yards) and over head loaders; forklift and lumber staker on construction job site, Gravel truck operator, (Head Oilier), Mortar and Industrial Locomotive, Tractors under 35 h.p. with attachments and farm type tractors with back, or shovel type attachments	5.04	*20	*10	*03						
Concrete mixers 1 yard and over, and batch plants 1 yard and over, single drum paving machines, Crushing plants, Drilling Machines, 6 inches and over, Front end loaders, 2 yards and over, Paving Asphalt plants, boiler or rotary heater, distributor, lay down machine, pug mill, breakdown and tandem rollers, Steam Engineer, Trenching Machines, Patrol, roofer, not required to blue top or finish	5.13	*20	*10	*03						

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates			Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation	App. To	H & W	Pensions	Vacation	App. To	Other	
Tractor Equipment: Athey and Barber Green Loaders, Bulldozer, D10, D120, D921, Dozer, Elevating grader; Euclid, Highlander, Scraper, Tractor, Tarnspall, Tunnarocker and Tractors 25 h.p. and up	\$5.18	*20	*10	*03						
Concrete Paving machines, double drum, Catteras, Hyster, Cherry Picker, Attachment cranes, side and swing boom tractors, Building hoist, 2 drum and up. Mechanic, Welder, Patrol, Finish	5.26	*20	*10	*03						
Shovel, Backhoe, clam and dragline 3/4 yards and under; Cranes 25 tons and under	5.50	*20	*10	*03						
Guy and stiff leg derrick, Piledrivers, Crawler or skid rig. Shovel, Backhoe, clam and dragline over 3/4 yards; Cranes over 25 tons	5.66	*20	*10	*03						
SHAFT AND TUNNEL OPERATIONS:										
Refrigeration, slusher, Jumbo form operators	5.13	*20	*10	*03						
Mucking machines	5.36	*20	*10	*03						
Mine Hoists	5.66	*20	*10	*03						

BUILDING CONSTRUCTION	Basic Hourly Rates			Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation	App. To	H & W	Pensions	Vacation	App. To	Other	
LIME CONSTRUCTION:										
Lime man - Technician	\$6.70	*25	12		6.95	*25	12		1/2%	
Cable splicers	6.70	*25	12		6.70	*25	12		1/2%	
Equipment operators	750/JL				600/JR				1/2%	
Groundman									1/2%	
Groundman (less than 6 months)									1/2%	

STATEMENT OF DECISION

STATE: Texas
 DECISION NO.: AP-728
 Superseded Decision No. AP-392, dated January 26, 1973, in 38 FR 2634.
 DESCRIPTION OF WORK: Building Construction, (excluding single family houses and garden type apartments up to and including 4 stories).

15 - Texas - 1 q (1 - 2)				15 - Texas - 1 q (2 - 2)			
BUILDING CONSTRUCTION				BUILDING CONSTRUCTION			
Basic Hourly Rate*	H & W	Position	Location	Basic Hourly Rate*	H & W	Position	Location
ASBESTOS WORKERS	\$6.555	*30	*295				
BOILERMAKERS	6.80	*30	*50				
BRICKLAYERS	6.45	*15					
CARPENTERS:							
Carpenters	5.70	*21	*07				
Millwrights	6.33						
Pipedrivers	4.50						
CEMENT MASONS	6.00	*15					
ELECTRICIANS:							
Electricians	7.15	*35	*15				
Cable Splicers	7.275	*35	*15				
ELEVATOR CONSTRUCTORS	3.58	*175	*20	25+hrs			
ELEVATOR CONSTRUCTORS' HELPERS	707.88	*175	*20	25+hrs			
GLAZIERS	507.82						
IRONWORKERS:							
Structural: Ornamental	5.325	*40	*30				
Reinforcing	5.20	*40	*30				
LANDSCERS:							
Common	3.50	*15					
MASON TENDERS, PLASTERERS, TENDERS, CONCRETE & MORTAR MIXERS, PIPELAYERS, Lathers tenders, finish carpenters, slip form operators, scaffolding waterspousers, cement finishers	3.60	*15					
PAVING BUSTERS, JACKHAMMERS, CHIPPING GUNS, AIR TAMPER, HARTIC TAMPERS, electric vibrators, air or gasoline driven vibrators or drills, sump pumps and any and all power driven equipment operated by laborers							
Concreite notifiers							
Pipe wrappers & dopers							
POWDERMEN OR BLASTERS							
LATHERS	4.10	*15					
MARBLE SETTERS	5.70	*20	*10	1.00			
MARBLE SETTERS' HELPERS	5.70						
PAINTERS:							
Stucco	5.45	*25	*25				
Spray	5.85	*25	*25				
Slate	5.70	*25	*25				
Plasterers	6.50						
PLASTERERS - STEAMLITERS	6.15	*15	*25				

ROOFERS:

Roofers	\$4.825		
Kettlemen	4.70		
Waterproofers	4.825		
Deckmen	4.825		
SHEET METAL WORKERS	6.15		
SOFT FLOOR LAYERS	5.70		
SPRINKLER FITTERS	6.35		
TERRAZZO WORKERS	5.70		
TERRAZZO WORKERS' HELPERS:			
Terrazzo helpers			
Floor machine operators			
Base machine operators			
TILE SETTERS			
TILE SETTERS' HELPERS			
TRUCK DRIVERS			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.			

POWDERTERS:

a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through P

Paid Holidays:
 A-New Years' Day; B-Memorial Day;
 C-Independence Day; D-Labor Day;
 E-Thanksgiving Day; F-Christmas Day.

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INCIDENTAL PAVING & UTILITIES

		Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	Adp. Tr.	Others
POWER EQUIPMENT OPERATORS (Cont'd.):						
Front End Loader (2½ CF and Less)	\$2.50					
Front End Loader (Over 2½ CF)	3.15					
Motor Grader Operator, "Fine Grade"	3.75					
Motor Grader Operator	3.00					
Boller, Steel Wheel (Plant-Mix Pavement)	2.65					
Boller, Steel Wheel (Other-Flat Wheel or Dumping)	2.05					
Roller, Pneumatic (Self-Propelled)	2.00					
Scrapers (17 CF and Less)	2.75					
Scrapers (Over 17 CF)	2.90					
Tractor (Crawler Type) over 150 HP	2.85					
Tractor (Pneumatic) 80 HP and Less	2.00					
Tractor (Pneumatic) over 80 HP	2.45					
Traveling Mixer	2.50					
Wagon Drill, Boring Machine or Post Hole Digger Operator	3.25					
Truck Driver:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.25					
Tandem Axle or Semitrailer Vibrator Bin (Load Type)	2.50					
Welder	3.00					

LINE CONSTRUCTION:

		Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	Adp. Tr.	Others
LINEMAN						
Cable splicer	\$7.22	*28	12	12	1/22	
Groundman	7.245	*28	12	12	1/22	
	4.74	*28	12	12	1/22	

NOTICES

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AP-729, F-2

STATE: Texas
 COUNTY: Collin, Dallas, Denton,
 Ellis, Grayson, Hood, Hunt, Johnson,
 Kaufman, Palo Pinto, Parker, Rockwall,
 Tarrant and Wise
 DIVISION NO.: AP-729
 Separated Decision No. AP-379, dated February 2, 1973, in 38 FR 3260,
 DESCRIPTION OF VOTE: Publishing Construction, (excluding single family
 houses and garden type apartments up to and including 4 stories) and
 also excluding Dallas-Fort Worth Airport.

BUILDING CONSTRUCTION		Fringe Benefits Payments			
Basic Hourly Rates	H & W	Permits	Vacation	App. To- Wages	Others
ASBESTOS WORKERS BONDED RAKERS	\$7.14 6.00	.30 .30	.51 .50	.025 .02	
BIGGLES-STRONGMASTERS; Collin, Dallas, Ellis, Hunt, Kauf- man & Rockwall Counties	7.385	.25	.40	.03	
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.35	.25	.40	.015	
CARPENTER'S; Carpenters; Grayson County	6.20				
Collin, Dallas, Ellis, Hunt, Kauf- man, Rockwall, Johnson, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	6.70			.025	
Collin, Dallas, Ellis, Hunt, Kauf- man, Rockwall, Johnson, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.02	.25	.30	.02	
Collin, Dallas, Ellis, Hunt, Kauf- man, Rockwall, Johnson, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.145	.25	.30	.02	
Collin, Dallas, Ellis, Hunt, Kauf- man, Rockwall, Johnson, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.10			.025	
Collin, Dallas, Ellis, Hunt, Kauf- man, Rockwall, Johnson, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.90			.02	
Collin, Dallas, Ellis, Hunt, Kauf- man, Rockwall, Johnson, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.20			.005	
Collin, Dallas, Ellis, Hunt, Kauf- man, Rockwall, Johnson, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	6.16				
Collin, Dallas, Ellis, Hunt, Kauf- man, Rockwall, Johnson, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	6.705	.25	.45		
Collin, Dallas, Ellis, Hunt, Kauf- man, Rockwall, Johnson, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	6.895	.25	.25		
COLLINS; Electricians;					
Collin, Dallas, Ellis, Hunt, Kauf- man, Rockwall, Johnson, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.145		.15	.03	
Collin, Dallas, Ellis, Hunt, Kauf- man, Rockwall, Johnson, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.60	.45	.15	.01	

BUILDING CONSTRUCTION

ELECTRICIANS (CONT'D);

Electricians (Cont'd);
 Collin, Dallas, Ellis, Hunt, Kauf-
man & Rockwall Counties;
 ZONE A - All work performed in
 Dallas County

7/1/74.

BUILDING CONSTRUCTION

ELEVATOR CONSTRUCTORS;

Collin, Dallas, Ellis, Hunt, Kauf-
man, Rockwall Counties;
 ZONE A - All work performed out-
 side of Dallas County up to a
 radius of 40 road miles from
 the City Hall in the City of
 Dallas

7/1/74.

Cable Splicers;
 Denton, Hood, Johnson, Palo Pinto,
 Parker, Tarrant & Wise Counties;
 Collin, Dallas, Ellis, Hunt, Kauf-
man & Rockwall Counties;

7/1/74.

ZONE A - All work performed in
 Dallas County up to a
 radius of 40 road miles from
 the City Hall in the City of
 Dallas

7/1/74.

ZONE B - All work performed out-
 side of Zone A and Zone B
 of Dallas County up to a
 radius of 40 road miles from
 the City Hall in the City of
 Dallas

7/1/74.

ZONE C - All work performed out-
 side of Zone A and Zone B
 of Dallas County up to a
 radius of 40 road miles from
 the City Hall in the City of
 Dallas

7/1/74.

ELEVATOR CONSTRUCTORS; HELLES;
 ELEVATOR CONSTRUCTORS' HELLES' (PDSB);
 GLAZIERS

7/1/74.

IRONWORKERS;
 LABORERS;

7/1/74.

Grayson County
 Unskilled Laborers
 Air tool operator (Jachamser, vib-
 rator), mason tenders & mortar
 mixers, pipelayers

7/1/74.

Collin, Dallas, Ellis, Hunt, Kauf-
man, Rockwall, Denton, Hood, John-
son, Palo Pinto, Parker, Tarrant &
Wise Counties;

7/1/74.

General laborer, excavator, con-
 crete work, carpenter tender, re-
 inforcing, shoring, digging, lead-
 ing, unloading, ship form Jack
 operator, wrecking buildings,
 scaffold builder, asphalt ironer,
 asphalt raker, waterproofing, tan-
 der, tool room tender, dumper,
 spotters, concrete pumpcrete pipe
 (hanging & laying).

7/1/74.

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Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Ag. T.		H & W	Pensions	Vacation	Ag. T.
BUILDING CONSTRUCTION									
LAUNDRY (CONT'D): Collin, Dallas, Ellis, Hunt, Kauf- man, Rockwall, Denton, Hood, John- son, Palo Pinto, Parker, Tarrant & Wise Counties (Cont'd):									
Power tool operator, vibrator, cutting torch man, concrete grader, power buggy operator, wagon drill operator, soil driller, wall driller tender, drilling rig tender, cement finisher tender, metal pan & steel form men	\$4.35	.725	.20	.02					
Concrete pipe (handling & laying), tile & marble, terrazzo helper, mason handler, scaffold builder, mason tender, hod carrier, mow- tar mixer, lather tender, plaster tender, pier hole and ditch man Sand blaster, blaster, powderman, gunite mason and terrazzo grinder worker	5.03	.225	.20	.02					
LUMBER:									
Graverson, Collin, Dallas, Denton, Ellis, Hunt, Kaufman & Rockwall Counties	7.19	.20	.50	.04					
Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.72	.20		.04					
PAINTS & STAINS:									
Collin, Dallas, Ellis, Hunt, Kauf- man & Rockwall Counties	7.20								
PAINTERS:									
Graverson, Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties:	6.735	.30	.20	.06					
Brush									
All wall covering work; paper, fabric, sheeting, flemwood, etc. Axes tools operator	6.86 6.65	.30 .30	.20 .20	.06 .06					
Structural steel, stage work, bosun chair, spray gun, sand- blasting and window jacks, fire escapes	7.11	.30	.20	.06					
DENTON COUNTY:									
Brush, hand roller	6.00								
All wall covering work Structural steel; stage & bosun chair work, window jack, spraying, sandblasting & power tool work	6.125								
6.25									

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BRIEFING

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PROGRESS:
2 - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2% over 5 yrs. - 4% of basic hourly rates.

W. H. HARRIS: July 3 Memorial Day:

BUILDING CONSTRUCTION						Fringe Benefits Payments					
Basic Hourly Rates	H&W	Franchise	Vacation	Adm. Fr.	Other	Basic Hourly Rates	H&W	Franchise	Vacation	Adm. Fr.	Other
POWER EQUIPMENT OPERATORS (CONT'D):											
Newton, Wood, Johnson, Palo Pinto, Tarrant, Tarrant & Wise Counties:											
Oilers (all types)	\$5.425	.30	.50	.10							
Air compressor (1); Pump (1); Full- suspension; Conveyor; Throttle valves; Hagon drill; Elevators; buildings; Barn graders; Hoists; single drums; Mixers, less than 14 cu. ft.; Screening plants; Welding machine; Gas & diesel (2 or more); Crushing plants; Rock lifts (short, under 25 feet); Concrete pumps (all types); Bobcat (all types); Backhoe type equipment Ford tractor or like with any attachments (except backhoe); Drilling machines (all types); Scrapers; Hoist, two drums or more; Forklifts (over 25 feet); Winch truck; Six wheel truck, when used continuously for 5 days; Mixertrucks; Locomotives; Mixers, 14 cu. ft. or over; Blade graders; self-propelled; Cableways; Cranes; power operated to 100 feet; Ford- son type backhoe; Derricks; power operated (all types); Graders; By-Vis; Hop-Vis; Paving mixers (all types); Pile drivers; Mobile con- crete mixers, over 14 cu. ft.; Bulldozers; loaders, tractors; Scrapers and pallets; Walkers; Trenching machines; Roller, ton tons or over; Air compressors, three; Air compressors 6-1 pump; Pump, three or more; Air com- pressor & air tongs; Boilers, two or more fired by one man; Heavy duty mechanic	6.21	.30	.50	.10							
Grayson, Cooke, Y.											
Oilers (all types)											
Air compressors (1); Pump (1); Pulsonator; Conveyor; Throttle valves; Hagon drill; Elevators; buildings; Farm graders; Hoist, single drum; Mixers, less than 14 cubic feet; Screening plants; Welding machine gas & diesel (2 or more); Crushing plants; Rock lifts (short, under 25 feet); Concrete pumps (all types); Bobcat type equipment;	55.425	.30	.50	.10							
Ford tractor or like with any attachments (except backhoe); Drilling machines (all types); Scrapers; Hoist, two drum or more; Forklifts (over 25 feet); Winch truck; Six wheel truck, when used continuously for 5 days; Mixertrucks; Locomotives; Mixers, 14 cubic feet or over; Blade graders, self-propelled; Cableways; Cranes - power operated to 100 feet; Fordson type backhoe; Derricks, power operated (all types); Graders; By-Vis; Hop-Vis; Pile drivers; Mobile concrete mixers over 14 cubic feet; Bulldozers; loaders, tractors; Scrapers and pallets; Walkers; Trenching machines; Roller, ton tons or over; Air compressors, three; Air compressors 6-1 pump; Pump, three or more; Air com- pressor & air tongs; Boilers, two or more fired by one man; Heavy duty mechanic	6.21	.30	.50	.10							
BUILDING CONTRACTORS											
POWER EQUIPMENT OPERATORS (CONT'D):											
Oilers (all types)											
Air compressors (1); Pump (1); Pulsonator; Conveyor; Throttle valves; Hagon drill; Elevators; buildings; Farm graders; Hoist, single drum; Mixers, less than 14 cubic feet; Screening plants; Welding machine gas & diesel (2 or more); Crushing plants; Rock lifts (short, under 25 feet); Concrete pumps (all types); Bobcat type equipment;	55.425	.30	.50	.10							
Ford tractor or like with any attachments (except backhoe); Drilling machines (all types); Scrapers; Hoist, two drum or more; Forklifts (over 25 feet); Winch truck; Six wheel truck, when used continuously for 5 days; Mixertrucks; Locomotives; Mixers, 14 cubic feet or over; Blade graders, self-propelled; Cableways; Cranes - power operated to 100 feet; Fordson type backhoe; Derricks, power operated (all types); Graders; By-Vis; Hop-Vis; Pile drivers; Mobile concrete mixers over 14 cubic feet; Bulldozers; loaders, tractors; Scrapers and pallets; Walkers; Trenching machines; Roller, ton tons or over; Air compressors, three; Air compressors 6-1 pump; Pump, three or more; Air com- pressor & air tongs; Boilers, two or more fired by one man; Heavy duty mechanic	6.21	.30	.50	.10							

Fringe Benefits Payments					
Basic Hourly Rate	H & W	Per Diem	Vacation	App. To:	Others
INCIDENTAL PAVING (PARKER COUNTY)					
INCIDENTAL PAVING & UTILITIES (COLLIN, DALLAS, DENTON, ELLIS, GRANBURY, HODD, KENT, JOHNSON, KUHNMAN, PALO PINTO, PARKER, TARRANT, WELL & WISE COUNTIES)					
Air Tool Man	\$2.60				
Asphalt Baker	3.25				
Asphalt Shoveler	2.50				
Batching Plant Salesman	3.00				
Carpenter	3.50				
Carpenter Helper (Paving)	2.70				
Concrete Finisher Helper (Paving)	3.50				
Concrete Finisher (Structures)	2.95				
Concrete Finisher Helper (Structures)	3.50				
Concrete Packer	2.85				
Electrician	5.00				
Form Builder (Structures)	3.65				
Form Builder Helper (Structures)	2.50				
Form Layer (Paving and Curb)	3.50				
Form Setter (Paving and Curb)	3.25				
Form Setter (Structures)	2.75				
Form Setter Helper (Structures)	3.60				
Laborer, Common	2.25				
Laborer, Utility Man	2.50				
Mechanic	3.65				
Painter	2.85				
Service Center	2.65				
Pipelaying	3.25				
Powerman	3.25				
Reinforcing Steel Setter (Footing)	2.40				
Reinforcing Steel Setter (Structures)	3.50				
Sign Erector	4.00				
Sign Erector Helper	2.75				
Spreader Box Man	3.25				
Power Equipment Operator:					
Asphalt Distributor	3.00				
Asphalt Paving Machine	3.50				
Ball Doctor, 150 HP and Less	3.40				
Ball Doctor, over 150 HP	3.50				
Concrete Paving Finishing Machine	3.50				
Concrete Paving Joint Sealer	3.50				

Fringe Benefits Payments					
Basic Hourly Rate	H & W	Per Diem	Vacation	App. To:	Others
INCIDENTAL PAVING (WELL & WISE COUNTIES)					
INCIDENTAL PAVING & UTILITIES (COLLIN, DALLAS, DEWITT, ELLIS, GRANBURY, HODD, HUNT, JONES, KENT, KUHNMAN, PALO PINTO, PARKER, TARRANT, WELL & WISE COUNTIES)					
Air Tool Equipment Operator (Cook's):					
Concrete Sawing	\$3.50				
Crane, Classenall, Backhoe, Derrick, Dredging, Shovel (less than 1½ CT)	3.50				
Crane, Classenall, Backhoe, Derrick, Dredging, Shovel (1½ CT and over)	3.75				
Crusher or Screening Plant Operator	2.85				
Foundation Drill Operator (Track Mounted)	4.10				
Front End Loader (2½ CT and less)	3.25				
Front End Loader (Over 2½ CT)	3.50				
Motor Grader Operator, Fine Grade	3.65				
Motor Grader Operator, Heavy Grade	3.50				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Fix Wheel or Tamping)	2.50				
Roller, Pneumatic (Self-Propelled)	2.50				
Scrapers (1½ CT and less)	3.25				
Scrapers (Over 1½ CT)	3.50				
Tractor (Crawler Type) 150 HP and less	2.75				
Tractor (Crawler Type) over 150 HP	3.00				
Tractor (Pneumatic) 80 HP and less	2.75				
Tractor (Pneumatic) over 80 HP	3.25				
Uteon Settler, Scraper Machine or Post Hole Digger Operator	3.00				
Truck Driver:					
Single Axle, Light	2.50				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer Welder	2.50				

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